Multiculturalism, Compassion, and the Law

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Introduction – a specific issue for multiculturalism

The most visible and heavily reported problems of different cultures living together, unsurprisingly perhaps, centre on housing and accommodation. The principal areas of tension appear to be two-fold. First, recent immigrants being housed in already-deprived areas.[1] Second, Romany Travellers, with their own form of desperation, trying to settle en masse against the wishes of locals and often in breach of planning laws. This problem has grown in recent times as their nomadic lifestyle has been increasingly outlawed, beginning most notably in recent times with section 39 of the Public Order Act 1986, expressed to prevent New Age Travellers from converging on or around festival sites, such as Stonehenge, but used from day one against Romany Travellers on the waysides of England.[2]

These facts alone are enough to explain the tensions between different cultures. But a slightly deeper look reveals a rather more contradictory picture. It involves the politicians, who pass equality laws to protect such people, yet with their public comments, provoke animosity towards the same people. The matter is aggravated by some more subtle, but equally populist, judicial comments.

These comments, alongside some of saddest events in recent British social history, are considered below. It is suggested that Britain's equality laws cannot achieve their potential to facilitate multiculturalism whilst being undermined by the lawmakers.

Words and events

In the late 1990's, Tony Blair's government operated a 'dispersal' policy for asylum seekers. The thinking behind this was to avoid spreading refugees too thinly and leaving them without community support, and at the same time avoid ghettos and disproportionate burdens on the local authorities, such as those at the port of Dover or Heathrow airport.[3]

Accordingly, Glasgow City Council contracted with central Government to house refugees over 5 years for £110m.[4] The council placed them in its most deprived district, Sighthill. Many locals – whose area had been deprived of council spending – watched blocks of flats being refurbished and occupied by foreigners. The resentment grew. There were warnings that the council were not doing enough to educate the population about the plight of the

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[1] See e.g. problems encountered in Depford, a poor area of South East London, where Vietnamese 'boat people' were housed: 'Problem estate is 'picking on' its boat people'. *The Times* 12 Mar. 1982, p 5. Other episodes are detailed below.
[2] Civil Liberty Briefing No 5, Liberty, London, June 1987.
[3] See e.g. *The Independent*, November 25, 1998, p 7 (Queen's Speech), and April 5 1999, p 2 (Home Office comment).
[4] *The Sunday Herald* August 12, 2001; *The Herald* August 7, 2001, p 1.

refugees, and some of the terrible stories behind their arrival in Britain.[5] In April 2001, Glasgow police reported a steady increase in crime, including assaults, against refugees housed in the Sighthill district of Glasgow.[6] Local human rights lawyer, Aamer Anwar, observed that: 'The council has failed to produce even one leaflet explaining to people in Sighthill who these asylum seekers are, where they have come from and why they are here.'[7] This vacuum was filled with racist leafleting by ring-wing groups.[8]

And so, in the Spring of 2001, a time when political leaders should have been defusing the tensions, the Conservative Party (opposition) leader, William Hague, made a pre-election speech at the party's Harrogate conference, culminating with heavily trailed (and subsequently spun) line: 'Let me take you to a foreign land - Britain after a second term of Tony Blair'. This section of the speech actually focussed on EU monetary policy threatening Britain's economic independence. But the subtext was clear. The speech railed at Labour's asylum policy, promising to establish refugee camps and to 'lock up' all asylum seekers until their claims were processed, thus assimilating refugees with 'bogus asylum seekers' and 'criminals'.[9] That year, *The Daily Mail* featured the phrase 'bogus asylum seeker' in 66 articles.[10] The message was that asylum seekers – bogus or otherwise - are a 'problem', a threat to Britain as we know it, and one likely to be associated with crime.

None of this was directed at the cumulating problems in Sighthill, but of course, the best that can be said is that it did nothing to defuse the tensions there. In the early hours of August 5th, a 22 year old Kurd refugee, Firsat Dag, was stabbed to death. Even then, a tabloid newspaper proclaimed (incorrectly) on its front page that the victim had 'conned' his way into Britain as a bogus asylum seeker.[11] The attacks continued.[12]

Was Hague's speech a one-off? It seems not. A year later, the Home Secretary (David Blunket) - the minster responsible for asylum policy and a prominent member of the Labour Government - asserted that the children of asylum seekers were 'swamping' some schools.[13]

More recently, one his successors was at it again. Here are some extracts from Teresa May's speech to the Conservative Party conference in October 2011.[14] She stated: 'When a terrorist cannot be deported on human rights grounds, all our rights are threatened.'

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[5] See e.g. the considered appraisal in *The Sunday Herald*, August 12, 2001, p 8, and an undercover report, *The Daily Record* June 12, 2001 pp 14-15.
[6] *Sunday Mail* April 22, 2001, pp 6, 7.
[7] *Daily Record*, August 6, 2001, pp 4, 5.
[8] Ibid.
[9] *Sunday Times* March 4, 2001; *The Guardian* March 5, 2001, p 1; *The Daily Telegraph*, March 5, p 10.
[10] This includes *The Mail on Sunday*.
[11] *The Daily Record*, August 8, 2001, p 1. In fact, he changed his name and story to protect his politically persecuted family: *The Sunday Herald* August 12, 2001, p 8. See also, The Independent August 14, 2001, Tuesday, p 8. The murder trial is reported: *The Scotsman*, December 2, 2002, p 4.
[12] 'The cases were among more than 107 recorded incidents - 56 of those assault - involving asylum seekers since the beginning of the year. *The Scotsman* August 6, 2001, p 5; *Evening Times* August 7, 2001. See also, *Gezer v Secretary of State for the Home Department* [2004] EWHC Civ 1730.
[13] *The Times* April 25, 2002.

From this apparently isolated statement she goes on to say, *in the next sentence*, 'And as Conservatives, we understand too the need to reduce and control immigration', thus suggesting that terrorism is an 'immigration problem'. She then spent three minutes listing 'problems' of immigration (on housing, public services, and infrastructure), concluding with this inevitable attack on the Human Rights Act:

'...we need to make sure that we're not constrained from removing foreign nationals who, in all sanity, should have no right to be here.

We all know the stories about the Human Rights Act. The violent drug dealer who cannot be sent home because his daughter - for whom he pays no maintenance - lives here. The robber who cannot be removed because he has a girlfriend. The illegal immigrant who cannot be deported because - and I am not making this up - he had a pet cat.'

Within a space of four minutes, she put it in the air that the Human Rights Act prevents the deportation of terrorists and serious criminals, solely because they had acquired a pet.

Of course, the 'pet cat' story *was* made up.[15] The case in question involved a Bolivian student who had committed no crimes, and who was discovered living with his partner two years after his visa had expired.[16] He won his appeal against deportation because the Home Office had not followed its own rules on deporting persons with family ties in Britain. The cat was mentioned by the judge as part of the picture of the man's family life in Britain.[17] It was not decisive. Nevertheless, for Theresa May, this is why 'the Human Rights Act needs to go'. And so, a benign immigration case involving someone *not* a criminal was associated with terrorism.

This man's story has been aired now and again since the tribunal ruling, which actually was given back in 2008.[18] The story appeared under headlines such as: *The 'Rights' I Would Give These Scum*,[19] *Rights That Make a Mockery of Justice*,[20] *Fugitive Foreign Killers Use Your Money to Avoid Being Deported*,[21] *The Secret of Our Imported Crime Wave is Finally Out*,[22]

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[14] October 4, 2011. < http://www.conservatives.com/News/Speeches/2011/10/May_Conservative_values_to_fight_crime_and_cut_immigration.aspx > accessed December 23, 2011.

[15] But not be her. The speech was lifted from an even more extravagant misrepresentation of the case ('Peruvian convicted of manslaughter') by the leader of UKIP, Nigel Farange. *The Guardian*, October 8, 2011, p 5. *His* speech was recorded and covered in more detail by a local newspaper, the *Eastleigh News* October 4, 2011, < http://www.eastleighnews.org.uk/news/2011/10/04/farage-cat-tale-snares-may/ > accessed December 23, 2011.

[16] He was arrested, but not charged, for shoplifting. The arrest brought him to the attention of the authorities. *The Sunday Telegraph*, October 9, 2011, p 13.

[17] *The Times*, October 5, 2011, pp 14-15.

[18] *Sunday Telegraph*, October 9, 2011, p 13.

[19] *Sunday Express*, June 19, 2011, p 23.

[20] *Daily Mail*, June 20, 2011: 'In one instance, a Bolivian criminal was allowed to stay because he and his girlfriend owned a British cat.'

[21] *Mail on Sunday*, July 10, 2011 Sunday

[22] *The Express*, August 31, 2011.

102 Foreign Offenders We Can't Deport,[23] *Killer and rapist use 'right to family life' to stay in Britain.*[24]

The year 2011 also saw all politicians rounding on a group of Romany Travellers, sited at Dale Farm, in Essex, England. This lawful but overcrowded site expanded into an adjacent disused scrapyard, where many Romany Travellers settled without planning permission. After a ten year legal battle, they were due for eviction. When asked in Parliament to support the eviction, the Prime Minister, David Cameron stated:

> What I would say is that it is a basic issue of fairness: everyone in this country has to obey the law, including the law about planning permission and about building on green belt land. Where this has been done without permission it is an illegal development and so those people should move away.[25]

This typified the inflammatory language being poured over the issue. The Prime Minister made three misleading points that have been repeated ad infinitum by politicians and the media. First, the reference to an 'illegal development' suggests that the travellers were criminals from day one. In fact, the only criminal wrongdoing here was the resisting of the enforcement notice.[26] Establishing homes on the land (much of which was owned by the travellers) was not a crime, it was a breach of planning law, a civil matter. Anyone else, say, resisting a planning order (or indeed, most civil law orders), is not referred to as criminal.[27] People trying to keep a roof over their families' heads and maintaining stability for their children and elders, are thus associated with thugs and thieves. Second, it is a fundamental twin principle of discrimination law that those in similar situations should be treated the same, whilst those in different situations should be treated differently.[28] Romany Travellers are in a different situation to most, yet the politicians, and with them, the media,[29] harp on about obeying the *same* law, as if that alone exonerated anyone from discrimination. Third, although within the Green Belt, the site actually was on a disused scrapyard, which was not

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[23] *The Sunday Telegraph*, June 12, 2011 pp, 1, 6.
[24] *The Sunday Telegraph*, October 16, pp 4,5.
[25] Hansard HC vol 532 col 353 (7 September, 2011). See also Royce Turner, 'Gypsies and British Parliamentary language: an analysis', (2002) 12 Romani Studies, pp 1-34, who summarises that they are portrayed in Parliament as: 'dishonest, criminal, dirty'. For an account of the Coalition's 'offensive' on Gypsies and travellers, see J. Grayson, 'Playing the Gypsy 'race card'' (2010) Institute of Race Relations June 4, 2010, < http://www.irr.org.uk/2010/june/ha000020.html > accessed January 1, 2011.
[26] There was an inevitable ancillary offence of failing to remove the hard standing and reseed the ground: *R (Sheridan and McCarthy) v Basildon DC* [2011] EWHC 2938 (Admin) [17].
[27] See e.g. the coverage of Robert Fidler's clandestine 'castle' built without planning permission: http://news.bbc.co.uk/1/hi/england/surrey/8495412.stm.
[28] See e.g. *DH v Czech Republic* (2008) 47 E.H.R.R. 3 [175]: 'The Court has also accepted that a general policy or measure that has disproportionately prejudicial effects on a particular group may be considered discriminatory notwithstanding that it is not specifically aimed at that group...'; *Griggs v Duke Power* 401 US 424 (US Supreme Court), 431: 'The [Civil Rights] Act proscribes not only overt discrimination but also practices that are fair in form, but discriminatory in operation.'
[29] In 2001, the national newspapers used the terms 'Dale Farm' and 'illegal' in 406 stories. The BBC was just as culpable: a Google search of BBC news reveals 273 hits for these combined terms for the year 2011.

quite the image portrayed by the Prime Minister of criminal tinkers and travellers despoiling England's green and pleasant land.

Words and the law

It is not just the politicians who make the law. Judges interpret statutes and create common law, thus setting precedents. These decisions, and perhaps their accompanying comments, can also make a difference. Their record is mixed, with some dreadful low points.

Back in 1983, in *Mandla v Dowell Lee*,[30] the rules of a private school dictated that boys had to wear the school uniform (including a cap), and keep their hair cut 'so as not to touch the collar'. The school refused Gurinder Singh admission as a pupil because he would not comply with those rules. As an orthodox Sikh, he was obliged not to cut his hair, and to restrain it by wearing a turban; so he could not wear the school cap. The Court of Appeal held that as Sikhs could show no common biological characteristic, they did not form a racial group for the claim to proceed.[31] This scientific approach is completely at odds with multiculturalism. Further, the Court attacked the Commission for Racial Equality for supporting the case, whilst one appeal judge told Mandla (and no doubt 'foreigners' in general): 'If persons wish to insist on wearing bathing suits they cannot reasonably insist on admission to a nudist colony...'[32] The House of Lords reversed on all counts. Nonetheless, it shows senior judges deciding an accusation of discrimination by standards completely at odds with multiculturalism.

In the same year, a differently constituted Court of Appeal was again trying to restrict the law's potential to improve intercultural relations , this time successfully, with no reversal by the House of Lords. In *Perera v Civil Service Commission (no. 2)*,[33] an advertisement for a legal assistant stated that candidates with a good command of the English language, experience in the UK and with British nationality, would be at an 'advantage'. It was held that these 'mere preferences' did not amount to a *requirement or condition* within the meaning of the Race Relations Act 1976. To come within the Act, the Court stated, an employer should elevate the preference to a requirement or 'absolute bar' which *has* to be complied with, in order to qualify for the job. Stephenson, LJ justified the decision thus:

> '... a brilliant man whose personal qualities made him suitable as a legal assistant might well have been sent forward... in spite of being, perhaps, below standard on his knowledge of English...'[34]

Of course, a court willing to see the purpose of the statute fulfilled would have reasoned that it was a *requirement* to have any of those characteristics to achieve the 'advantage'. But Stephenson's LJ seemingly undramatic comment reveals a far more serious problem

[30] [1983] 2 AC 548 (HL).
[31] [1983] QB 1, at 10F (Lord Denning MR), 15H (Oliver, LJ,), 22D (Kerr, LJ,).
[32] [1983] 1 QB 1, at 21C (Kerr, LJ).
[33] [1983] ICR 428. The Federal Court of Western Australia refused to follow *Perera* in *Secretary of Department of Foreign Affairs and Trade and: Styles* (1989) 88 ALR 621, see also *Waters v Public Transport Corporation* (1991) 173 CLR 349, (High Court of Australia).
[34] Ibid, at 437H-438A

underlying British cultural relations. If a candidate has to be 'brilliant' to compensate for a nationality-based 'weakness' then he is at a disadvantage because of his nationality. A 'brilliant foreigner' will obtain a post otherwise suitable for an 'average Englishman'. The comment disguises this bigotry to outsiders by suggesting that Britain is a fair place where any 'brilliant' person can 'make it', no matter what their race.

A few years later, the Court of Appeal stuck to its guns, in *Meer v London Borough of Tower Hamlets.*[35] Here, the employer attached twelve 'selection criteria' to an advertised post. One of these was experience in the Tower Hamlets district. That put persons of Indian origin (including Mr Meer) at a disadvantage because a higher than average proportion of them were new to the area. The Court of Appeal rejected Meer's claim of indirect discrimination holding that the criterion was again a *mere preference.* Staughton, LJ justified this decision by considering the alternative: the law of indirect discrimination 'would have such an extraordinarily wide and capricious effect'. It did not occur to the judge that the law would only have that effect if indirect discrimination were *extraordinarily wide and capricious.* Of course, the sub-text is that discrimination like this is not the problem; the problem is discrimination *law*, which should not be allowed to get out of control. It took EU Directives effectively to reverse *Perera* and *Meer*, by replacing the statutory phrase *requirement or condition* with the more liberal *provision criterion or practice*.[36]

More openly expressed opinions followed. In *Khan v Chief Constable of West Yorkshire*,[37] Lord Woolf MR, (as he then was) stated: 'To regard a person as acting unlawfully when he had not been motivated either consciously or unconsciously by any discriminatory motive is hardly likely to assist the objective of promoting harmonious racial relations.' In *Nagarajan v London Regional Transport*,[38] Lord Browne-Wilkinson dissented: 'To introduce something akin to strict liability into the Acts which will lead to individuals being stamped as racially discriminatory... where these matters were not consciously in their minds when they acted is unlikely to recommend the legislation to the public as being fair and proper protection for the minorities that they are seeking to protect.'

These comments do not actually represent the law, which covers unintentional as well as intentional discrimination. But the message is that perceived public opinion should not be challenged. The law should go as far as challenging patent bigotry, but not 'innocent' or subconscious causes of disadvantage (where of course, most problems begin), for fear causing resentment by the general public. As well as the matter of presuming that all British people share this opinion, and that a judge considers himself to be in touch with public opinion, these comments undermine the ambition of equality law and policy.

In sum, the cases suggest that anti-discrimination law should provide equality by the standards of the 'white Englishman', do no more than provide for the 'brilliant foreigner', not venture into potentially 'wide and capricious' areas of inequality, nor the beyond general public's perception of inequality, which is confined to patent bigotry.

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[35] [1988] IRLR 399 (CA).

[36] See e.g. Framework Directive 2000/78/EC, art 2(2)(b); Race Directive 2000/43/EC, art 2(2)(b); Recast Directive 2006/54/EC, art 2(1)(b); Equality Act 2010, s 19.

[37] [2000] ICR 1169 (CA), [14], reversed, but not on this point, [2008] UKHL 48.

[38] [2000] 1 AC 501 (HL), at 510.

The judges' comments have a lot in common with the political and media comments highlighted above. First, they were factually incorrect, or misleading. Second, they were populist, suggesting that Britain is a fair country, and foreigners and minorities 'had nothing to complain about'. Third, they reinforce the suggestion that this 'fairness' is to be judged from the perspective of the 'white Englishman' Fourth, in suggesting that the law should require no more than avoiding patent bigotry, they do nothing to educate the legal world, and the broader population, about the subtleties of discrimination the law actually seeks to address.

Finally, there is the legal aspect of the Dale Farm eviction and the illegal/unlawful dichotomy.[39] In the last case confirming the eviction, the High Court referred to the criminal law 30 times. It was expressed as a major factor in its reasoning. By comparison, in a well-publicised planning case involving a large house built without permission by deceit (behind a screen of straw bales), the High Court, in confirming its demolition for breach of planning law, did not refer to the criminal law once.[40] The implication is that 'outsiders' and minorities who breach planning law are criminals, whilst white men simply run into a minor civil matter. They are regarded as 'cheeky', 'daring', and 'maverick'.

Where is the compassion?

Most of North America and Western Europe has assumed a policy of multiculturalism. Inherent in this a celebration of difference, and tolerance.[41] This suggests that the key is psychological, or emotional, rather than formal. Human rights law originates, partly at least, from human compassion, or the milk of human kindness. People generally have a sense of compassion, especially for the underdog. This appears at odds with the resistance by ordinary (so presumably decent) people to much discrimination law, especially positive action programmes[42] and the truism that anti-discrimination laws are enacted to combat prejudices in mainstream society. The comments highlighted above - all devoid of compassion, celebrations of difference, and tolerance - reveal that the general public's perception is important in defining, interpreting, and implementing, the law. But in complex societies where so much disadvantage is invisible to an uninformed public, relying on public perception is no more useful than asking for a jury's opinion after providing it with newspapers instead of the evidence. It becomes obvious that there is a *duty* on politicians and judges to educate the public in the hard truths behind a asylum seeker's plight and the real disadvantages that exist in society, so triggering their innate human compassion. The neglect

[39] See e.g. the coverage of Robert Fidler's clandestine 'castle' built without planning permission: http://news.bbc.co.uk/1/hi/england/surrey/8495412.stm. See now, [2011] EWCA Civ 1159.

[40] [2010] EWCH 143 (Admin); for the refusal of leave to appeal, see [2011] EWCA Civ 1159.

[41] See R. Wasserstrom,, 'Racism, sexism and preferential treatment: an approach to the topics' (1977) 24 UCLA L Rev 581, pp 585–589.

[42] In the 2004 general election, in a core Labour constituency, Peter Law resigned from the Labour Party in protest at the selection of a candidate from an all-women short-list. He stood as an independent and overturned the Labour majority of 19,000 votes, winning with a majority of 9,000 (*The Times* April 6, 2004). In 2006, the Labour Party issued an apology to the electorate 'for getting it wrong'. (*The Independent* May 8, 2006).

of this duty breeds cynicism rather than compassion, which in turn feeds into the political, media, and legal statements and decisions.

The judiciary can take a particular lead. For the law to be structured around human compassion is not as fanciful as it first seems. The Canadian Supreme Court has developed its human rights jurisprudence around the theme of 'human dignity'.[43] Indeed, this principle can be detected in most human rights discourses and even is expressed in Britain's Equality Acts and the equality directives.[44] There is no doubt it can resolve issues in discrimination law,[45] even if it is not the single guiding principle.[46]

With a similar flavour, the US Supreme Court fixes the level of scrutiny of allegedly discriminatory state and federal actions according to the suffering of the group question; it looks for a history of purposeful and invidious discrimination, based on prejudice or inaccurate stereotypes, against a class without political power.[47] These observations about the state of groups in society are as loaded with compassion as they are with intellectual rigour. They show that positive human emotions can be identified and realised in law.

Conclusion

Human rights and equality laws are rooted in compassion. Politicians and judges create equality laws, yet their public pronouncements often undermine these same laws. Left alone, at best, our equality law can only manage to *enforce* a celebration of difference and tolerance, which of course, is a miserable and mean-spirited way of going about things. Given active support, our equality law could *facilitate* such achievements, a far more worthwhile goal.

REFERENCES

The Times

[43] *Law v Canada* [1999] 1 S.C.R. 497 (SCC). For a discussion of dignity in English law, see D. Feldman, "Human dignity as a legal value", Part I [1999] PL 682, Part II [2000] PL 61. For a discussion on the role that dignity can play in discrimination law, see G. Moon and R. Allen, 'Dignity discourse in discrimination law: a better route to equality?' (2006) 6 E.H.R.L.R. 610.

[44] By Equality Act 2006, s 3(c). the Commission for Equality and Human Rights is charged to carry out its duties, inter alia, 'with a view to encouraging and supporting the development of a society in which there is respect for the dignity and worth of each individual.' By the Equality Directives (2006/54/EC, 2000/78/EC, 2000/43/EC) and the Equality Act 2010, s 26(1)(b), harassment can occur when conduct has the purpose or effect of 'violating' the victim's 'dignity'. See also *English v Thomas Sanderson Blinds* [2009] ICR 543 (CA), especially [37].

[45] Eight specific issues are considered by G. Moon and R. Allen, "Dignity discourse in discrimination law: a better route to equality? (2006) 6 E.H.R.L.R. 610.

[46] *R. v Kapp* [2008] 2 S.C.R. 483 (SCC) [19]-[24]. See also, Rory O'Connell, 'The role of dignity in equality law: lessons from Canada and South Africa': I.J.C.L. 2008, 6(2), 267-286.

[47] Accordingly, racial groups are afforded more protection than age groups. The Supreme Court has not refined the matter much further though, as, somewhat perversely, whites are afforded the same equal protection as other racial groups: *Adarand Constructors v Pena* 515 US 200 (1995).

Civil Liberty Briefing No 5, Liberty, London, June 1987.
The Independent
The Sunday Herald
The Herald August
The Daily Record
Sunday Mail
Sunday Times
The Guardian
The Daily Telegraph
The Mail on Sunday.
The Scotsman
Evening Times
Gezer v Secretary of State for the Home Department [2004] EWHC Civ 1730.
http://www.conservatives.com/News/Speeches/2011/10/May_Conservative_values_to_fight_crime_and_cut_immigration.aspx > accessed December 23, 2011.
Eastleigh News
The Sunday Telegraph
Sunday Express
The Express
Hansard HC vol 532 col 353 (7 September, 2011)
Royce Turner, 'Gypsies and British Parliamentary language: an analysis', (2002) 12 Romani Studies, pp 1-34
J. Grayson, 'Playing the Gypsy 'race card'' (2010) Institute of Race Relations June 4, 2010, < http://www.irr.org.uk/2010/june/ha000020.html > accessed January 1, 2011.
R (Sheridan and McCarthy) v Basildon DC [2011] EWHC 2938 (Admin) [17].
http://news.bbc.co.uk/1/hi/england/surrey/8495412.stm.
DH v Czech Republic (2008) 47 E.H.R.R. 3
Griggs v Duke Power 401 US 424 (US Supreme Court)
Secretary of Department of Foreign Affairs and Trade and: Styles (1989) 88 ALR 621
Waters v Public Transport Corporation (1991) 173 CLR 349, (High Court of Australia).
Framework Directive 2000/78/EC
Race Directive 2000/43/EC
Recast Directive 2006/54/EC
R. Wasserstrom,, 'Racism, sexism and preferential treatment: an approach to the topics' (1977) 24 UCLA L Rev 581.
Law v Canada [1999] 1 S.C.R. 497 (SCC)
D. Feldman, "Human dignity as a legal value", Part I [1999] PL 682, Part II [2000] PL 61.
G. Moon and R. Allen, 'Dignity discourse in discrimination law: a better route to equality?' (2006) 6 E.H.R.L.R. 610.
Equality Act 2006
English v Thomas Sanderson Blinds [2009] ICR 543 (CA).
R. v Kapp [2008] 2 S.C.R. 483 (SCC) [19]-[24].
Rory O'Connell, 'The role of dignity in equality law: lessons from Canada and South Africa': I.J.C.L. 2008, 6(2), 267-286.
Adarand Constructors v Pena 515 US 200 (1995).
Mandla v Dowell Lee [1983] 2 AC 548 (HL).
Perera v CSC [1983] ICR 428.
Meer v Tower Hamlets LB [1988] IRLR 399 (CA).
Khan v Chief Constable West Yorkshire [2000] ICR 1169 (CA), [14], reversed, [2008] UKHL 48.
Nagarajan v LRT [2000] 1 AC 501 (HL).