Discrimination: The Limits of Law

Edited by

BOB HEPPLE AND ERIKA M. SZYSZCZAK

MANSELL
CONTENTS

The Contributors vii
Preface ix

I. CIVIL RIGHTS MODELS

Chapter 1 An Allegorical Critique of the United States Civil Rights Model Derrick Bell 3
Chapter 2 Have Twenty-five Years of the Race Relations Acts in Britain Been a Failure? Bob Hepple 19
Chapter 3 The Effectiveness of Strategic Enforcement of the Race Relations Act 1976 Mary Coussey 35
Chapter 4 Proof and Evidence of Discrimination Geoffrey Bindman 50
Chapter 5 The Effectiveness of Equality Law Remedies: A European Community Law Perspective Barry Fitzpatrick 67
Chapter 6 Fair Employment Legislation in Northern Ireland Jim Knox and Joe O'Hara 86

II. THEORIES AND INTERACTIONS

Chapter 7 From Individual to Group? Nicola Lacey 99
Chapter 8 Race Discrimination: The Limits of Market Equality? Erika Szyszczak 125
Chapter 9 Private Activities and Personal Autonomy: At the Margins of Anti-discrimination Law John Gardner 148
Chapter 10 The Limits of Legal, Cultural and Religious Pluralism Sebastian Poulter 172
Contents

Chapter 11 Legislating for a Multi-faith Society: Some Problems of Special Treatment Jonathan Montgomery 193

Chapter 12 The Interaction of Race and Gender Sandra Fredman and Erika Szyszczak 214

Chapter 13 Cultural Diversity and Racial Discrimination in Employment Selection Tariq Modood 227

Chapter 14 Ageism and Legal Control Trevor Buck 240

III. POSITIVE DISCRIMINATION AND AFFIRMATIVE ACTION

Chapter 15 A Case for Positive Discrimination Bhikhu Parekh 261

Chapter 16 Can Reverse Discrimination Be Justified? Gwyneth Pitt 281

Chapter 17 The Indian Experience and Its Lessons for Britain Werner F. Menski 300

Chapter 18 Positive Discrimination in Malaysia: A Cautionary Tale for the United Kingdom Edward Phillips 344

Chapter 19 Tackling Discrimination Positively in Britain Vera Sacks 357

Chapter 20 Positive Action for Women in Germany: The Use of Legally Binding Quota Systems Josephine Shaw 386


IV. LOOKING AHEAD

Chapter 22 Teaching and Research: Where Should We Be Going? Susan Atkins 435

Chapter 23 Racial Inequality, Public Policy and the Law: Where Are We Going? Laurence Lustgarten 455

Index 473