

Law, recognition and difference

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II Jornadas: Migración y diversidad:
Europa ante los retos globales de la diversidad y la movilidad
8 de marzo de 2016

Introducción

- **Inclusión, la ley y identidad**
- **Representaciones**
- *Mandla*
- *Begum*

Mandla

- *Mandla*, 1978 – 1983
- Gurinder Singh Mandla (Birmingham, England)
- Race Relations Act 1976
- ‘an orthodox Sikh ... who therefore wore long hair under a turban’
- ‘a separate community’



- ‘the main question in this appeal is whether Sikhs are a “racial group” for the purposes of the Race Relations Act 1976. For reasons that will appear, the answer to this question depends on whether they are a group defined by reference to “ethnic origins”.’ (Lord Fraser)
- ‘Sikhs and Sikhism do not as such fall within the Race Relations Act 1976 at all, any more than members of the Church of England, Catholics, Muslims, Quakers, or Jehovah Witnesses; or any other groups which are only distinctive because they adhere to distinct religious, political or social beliefs or customs.’ (Justice Kerr)
- ““racial group” means a group of persons defined by reference to **colour, race, nationality or ethnic or national origins**, and references to a person’s racial group refer to any racial group into which he falls.’ (Race Relations Act 1976)

- ‘it is common ground that some definitions constitute the Sikhs [as] a relevant group of ethnic origin whereas other definitions would exclude them. The true construction of “ethnic origins” must be deducted from the 1976 Act.’ (Lord Templeman)
- ‘that Sikhs are a group defined by a reference to ethnic origins for the purpose of the 1976 Act, even though they are not biologically distinguishable from the other peoples living in the Punjab’ (Lord Fraser)
- ‘an orthodox Sikh ... who *therefore* wore long hair under a turban’

- Inclusión (igualdad) depende de las representaciones de las identidades → la política de inclusión/igualdad es una política de las representaciones

Begum

- Luton/Denbigh High School
- Shalwar kameeze
- Jilbab

2004: High Court

2005: Court of Appeal

2006: House of Lords



HIGH SCHOOL
Denbigh
A SPECIALIST SPORTS COLLEGE



Begum

Shabina Begum



Lasse Thomassen, '(Not) Just a Piece of Cloth: *Begum*, Recognition and the Politics of Representation', *Political Theory* 39:3 (2011), 325-51.

Representational Authority

- Representaciones
- Autoridad/legitimidad de las representaciones

‘All that can be said now is that there appears to be a difference of opinion between no doubt learned gentlemen as to the proper interpretation of the Islamic dress code. The school is not required to become involved in any such learned discussion.’ (Denbigh High School)

- *What Islam? Whose Islam?*

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