Gli stereotipi nel diritto: condizioni e limiti di legittimità

I due volti degli stereotipi nel diritto

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The Two Faces of Stereotypes within Law

Abstract: This text proposes criteria of relevance for the treatment of stereotypes in the legal domain. That is, criteria relating to the answer the legal system should give to cases in which there are norms or practices that express, albeit implicitly, stereotypes. For these purposes, a difference is introduced between descriptive and normative stereotypes and their functioning. Descriptive stereotypes, as generalizations about the traits of a group, can be classified as tenable, false, or untenable depending on whether they have statistical support. Normative stereotypes, as norms about the roles to be assumed by members of certain groups, can be classified as oppressive or of recognition, depending on whether they are the result of the exercise of personal autonomy.