

THE MAIN TYPES AND CAUSES OF DISCRIMINATION

(Memorandum submitted by the Secretary-General)

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(Memorandum submitted by the Secretary-General)

**United Nations — Commission on Human Rights
Sub-Commission on Prevention of Discrimination
and Protection of Minorities
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Chapter 1

Introduction

A. SCOPE OF THIS MEMORANDUM

1. The Economic and Social Council, at its sixth session, requested the Secretary-General (resolution 116 (VI) B):

“(i) To organize studies and prepare analyses designed to assist the Sub-Commission on Prevention of Discrimination and Protection of Minorities in determining the main types of discrimination which impede the equal enjoyment by all of human rights and fundamental freedoms and the causes of such discrimination, the results of such studies and analyses to be made available to the members of the Sub-Commission;

“(ii) To keep in mind, in connexion with any studies he may make in the fields of the prevention of discrimination and the protection of minorities, the desirability of formulating effective educational programmes in these fields and to report any findings that might assist the Sub-Commission in making appropriate recommendations to this end.”

2. The purpose of this study, which is based upon a broad interpretation of this request to the Secretary-General, is to put before the Sub-Commission data relating to the causes and main types of discrimination, and possible remedies. In preparing this memorandum numerous studies of discrimination, made by psychologists, sociologists, anthropologists, economists, historians, political scientists, jurists and statisticians, have been examined. Many of these are listed in the bibliography. This memorandum therefore represents a systematic organization of the findings of many of those who have conducted studies in this field, presented in such a way as to indicate the propositions on which a majority of students agree. It is therefore not to be considered in any way as an expression of any views of the Secretary-General on this subject, but rather as an attempt to place in systematic order the findings and suggestions of various scientists, bearing in mind the extremely complex nature of the subject.

3. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has already discussed the meaning of “prevention of discrimination” and “protection of minorities”. At its first session in Geneva, the Sub-Commission decided not to attempt any legal definition of the two terms, but to confine itself to indicating the considerations which, in its opinion, should be taken into account in framing provisions

to be included either in the Universal Declaration of Human Rights or in the International Covenant on Human Rights. The Sub-Commission suggested that the final drafting of articles on the prevention of discrimination and the protection of minorities might be facilitated by the following considerations (E/CN.4/52, chapter V):

"1. Prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish.

"2. Protection of minorities is the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population. The protection applies equally to individuals belonging to such groups and wishing the same protection. It follows that differential treatment of such groups or of individuals belonging to such groups is justified when it is exercised in the interest of their contentment and the welfare of the community as a whole. The characteristics meriting such protection are race, religion and language. In order to qualify for protection a minority must owe undivided allegiance to the Government of the State in which it lives. Its members must also be nationals of that State.

"If a minority wishes for assimilation and is debarred, the question is one of discrimination and should be treated as such."

4. The Commission on Human Rights, at its second session, approved the text on the prevention of discrimination submitted by the Sub-Commission, but postponed consideration of the text on the protection of minorities (E/600, paragraphs 39 and 40).

5. This memorandum deals only with the prevention of discrimination. It is not presented as a formal report on the subject, nor even as a complete and exhaustive study of all the psychological, sociological, legal and educational aspects of discrimination; it is rather a summary statement on the nature, causes and types of discrimination. It includes suggestions which may be of practical value in undertaking further studies and in making recommendations for the prevention of discrimination.

B. DIFFERENCES BETWEEN THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

6. The texts adopted by the Sub-Commission, referred to in paragraph 3, indicate the fundamental difference between the prevention of discrimination and the protection of minorities. From these texts, it would appear that discrimination implies any act or conduct which denies to certain individuals equality of treatment with other individuals because they belong to particular groups in society. To prevent discrimination,

therefore, some means must be found to suppress or eliminate inequality of treatment which may have harmful results, aiming at the prevention of any act or conduct which implies that an unfavourable distinction is made between individuals solely because they belong to certain categories or groups of society. The aim is to prevent any act which might imply inequality of treatment on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Thus the prevention of discrimination means the suppression or prevention of any conduct which denies or restricts a person's right to equality.

7. The protection of minorities, on the other hand, although similarly inspired by the principle of equality of treatment of all peoples, requires positive action: concrete service is rendered to the minority group, such as the establishment of schools in which education is given in the native tongue of the members of the group. Such measures are of course also inspired by the principle of equality: for example, if a child receives its education in a language which is not its mother tongue, this might imply that the child is not treated on an equal basis with those children who do receive their education in their mother tongue. The protection of minorities therefore requires positive action to safeguard the rights of the minority group, provided of course that the people concerned (or their parents in case of children) wish to maintain their differences of language and culture.

8. In applying the principle of the prevention of discrimination in the example given above, no child could be excluded from any school because his mother tongue or cultural background differed from that of the majority of the children attending the school.

9. As the ultimate goal of the protection of minorities differs from that of the prevention of discrimination, the two questions must be dealt with in different ways. No contradiction exists, of course, in aiming simultaneously at the prevention of discrimination and the protection of minorities. In each case it is desired to obtain and effectively to maintain equality of treatment of all peoples. The difference arises from the wishes of the people concerned. Those affected by any plan designed to protect minorities are free to choose whether they wish to share the cultural and educational life of the majority without any distinction (no discrimination being imposed), or whether they wish to maintain the culture of their national, linguistic or religious group. Thus it may be said that the prevention of discrimination and the protection of minorities represent different aspects of the same principle of equality of treatment for all.

10. The equal enjoyment of the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits, under articles 26 (2) and 27 (1) of the Universal Declaration of Human Rights, may under certain circumstances imply some kind of positive protection of minorities.

Chapter II

Preliminary Considerations

11. Any plan which is aimed at the prevention of discrimination must be based upon (A) certain guiding principles and (B) actual social conditions.

A. GUIDING PRINCIPLES

12. The guiding principles relating to the prevention of discrimination are laid down in the United Nations Charter¹ and in the Universal Declaration of Human Rights. Articles 2 and 7 of the Declaration not only proclaim the principle prohibiting discrimination; this principle permeates the whole of the Declaration. It is expressed in the preamble and in every article in such terms as: "all human beings", "everyone", "no one", "all" etc.

13. Although these guiding principles of the United Nations are clear, it might be well to look into the grounds upon which some of them are based. Human beings are alike in anatomy and physiology, in their psychological structure and processes, in the essential functions of life, and in their need for cultural expression. They differ in physical stature, colour, sex, talent, virtue etc.

14. Since human beings are both alike and different, the principle of equality must be based upon some criterion. That criterion is to be found in an ethical concept, namely, the idea of the dignity of the human person. Human dignity implies that human beings are to be treated as ends in themselves and not as mere means to an end.

15. On the basis of this ethical concept of the dignity of the human person, the following principles are founded:

- (a) The principle of individual freedom, and
- (b) The principle of equality of all human beings before the law.

¹ Preamble, and Articles 1 (paragraph 3), 13, 55, 56, 62, 68, 73 and 76; the Declaration of Philadelphia contained in the Constitution of the ILO; Constitution of UNESCO, preamble, article 1, paragraphs 1 and 2; World Health Organization, preamble of its Constitution. Among the antecedents: Inter-American Conference on Problems of War and Peace, resolutions 28, 41, and 52; first Declaration of the United Nations of 1 January 1942; and the Atlantic Charter.

B. KNOWLEDGE OF SOCIAL CONDITIONS

16. The second necessary fundamental to prevent discrimination is knowledge of actual social conditions. This knowledge must be based on sociological analyses of the facts involving discrimination, their causes, how they function, and their effects. From such analyses it should be possible to ascertain: (a) those discriminatory practices which may be directly prevented by legal action; (b) those practices which may be curtailed or restricted by administrative actions; and (c) those practices which, although harmful, cannot be effectively controlled except through long-term educational programmes.

TYPES OF MEASURES TO PREVENT DISCRIMINATION

17. There are several types of measures to prevent discriminatory practices:

(a) Some practices may be prevented or suppressed through direct legal action;

(b) Other practices cannot be directly controlled by penal or other laws, but might be fought indirectly by administrative measures put into effect by public agencies (for example: the creation of institutions for promoting better understanding between different social groups; regulations prohibiting segregation in all official bodies, such as the army; economic measures, such as construction projects, in which different social groups may be brought together; the establishment of public organs to assist and protect persons from becoming victims of such practices etc.).

(c) There are other practices which can be treated only indirectly by educational action. Indeed, the entire field of action in the prevention of discrimination requires a vast programme of education. This is true even with those practices which may be immediately suppressed by law, for the law may be ineffective unless it finds support in the attitudes of the people. Therefore any programme of education must take into consideration all existing manifestations of discriminatory behaviour, and must point out especially the psychological background which gives rise to such conduct. In order to initiate such a vast programme of education it may be necessary (i) to suggest educational programmes in all schools, and (ii) to organize and develop a systematic educational campaign outside the schools, over as wide a field as possible.

Chapter III

Sociological and Juridical Fundamentals for Defining Discrimination

A. INTER-INDIVIDUAL RELATIONS AND SOCIAL RELATIONS

18. Relations between human beings are not always peaceful and friendly; on the contrary, there is frequently suspicion, hostility, ill-faith, unfair competition, and even ruthless behaviour. Not all of these are necessarily manifestations of prejudice or discrimination, except when dislike or hatred between individuals is based on the fact that the person disliked belongs to a particular social circle, group or category.

19. Some contemporary sociologists are of the opinion that it is necessary to distinguish between inter-individual and social relations.

20. Inter-individual relations are established between two or more persons as such through the affinities of their peculiarly personal characteristics. In such a relationship each views the other as an individual. Ties of friendship, love and sympathy conform to this pattern. It is the special quality of the individual (as lover, friend, master or the like) that creates the bond. Antipathy, enmity and hatred, needless to say, also display similarly individualized forms.

21. Prejudice, hostility and conflict arising in inter-individual relations do not necessarily involve discrimination. Such relations may be of interest to the study of individual psychology, and especially to the study of morals and their educational application, but they are less pertinent to the study of discrimination.

22. A second type of human relations is "social" in the strict sense of the word: relations which are established between replaceable, interchangeable, exchangeable persons, such as colleagues, co-partisans, comrades, citizens, etc. These relations are established on account of social functions performed by the related persons, rather than on account of individual characteristics.

23. Such social relations, and their respective attitudes, are established not on account of the peculiar qualities of the real individuals involved, but on account of the particular social role which each plays in his capacity as a member of a special collective group (for example, as a national, an alien, a neighbour, a well-bred person, a believer in some

creed, a co-partisan, a wealthy man, a member of the Western culture, an Oriental, a professional, a manual worker, a white person, a Negro, a man, a woman, etc.). Those social relations are mainly based on the fact that an individual is, or is not, included in a certain social category.

B. PREJUDICE AND DISCRIMINATION AS SOCIAL BEHAVIOUR

24. It appears that practices characterized as discriminatory belong to the second type of human relations, namely, social relations in the strict sense of this word as explained above.

25. The idea of discrimination is not generally considered to include unjustified prejudice, hostile attitudes, or rejection solely because of likes or dislikes based on strictly individual qualities of behaviour, real or supposed. On the contrary, it deals with prejudice, dislike, enmity, or hatred of one person towards another because the latter belongs to a particular race or ethnic group; has a certain colour of skin; belongs to the male or female sex; speaks a certain language; professes a particular religion; stands for a political opinion; maintains a certain scientific opinion; prefers a certain artistic style; is a foreigner; is a wealthy or poor person; belongs to the nobility; is an illegitimate child; or is a soldier, a lawyer, etc.

26. The fact that discrimination arises from the existence of social categories does not mean that all social categories are unjustified or bad. On the contrary, it is obvious that such collective patterns are inherent in any society and that among them there are many which are fully justified. Other social categories may become harmful when they give rise to prejudice or acts of discrimination.

27. Once the field in which discrimination occurs has been established, it may be possible to find means of preventing discrimination. In doing so it is necessary to examine the causes, both psychological and social, which lead to discriminatory behaviour. Then, knowing the nature of the processes by which discriminatory forms of social behaviour are developed, one can work toward both the prevention and the suppression of discriminatory practices.

C. PREJUDICE AND DISCRIMINATION: ACQUIRED FORMS OF BEHAVIOUR

28. The psychological basis for, as well as the practical manifestations of, discriminatory practices are not inherent in human nature but are forms of behaviour acquired through casual association of certain emotions or impulses with certain mental representations. For example, an unpleasant experience with a person of a particular ethnic group, combined with impulses of self-assertion or considerations of economic interest, may produce a mental complex constituting prejudice, which,

as it crystallizes and generalizes, becomes a social pattern through contagion and imitation. If the origin of the complex is known, an attempt may be made to eradicate it by dissociating the various mental ingredients, the association of which has engendered the prejudice. If social prejudice were a necessary part of human nature, any attempt to suppress it would be useless, or at least would have little and limited success. But if social prejudice is only a form of social behaviour, then it can be suppressed, since its formation is accidental rather than necessary.

29. This does not mean that the suppression of prejudice is an easy task. Even knowing the fundamental causes of prejudice, and therefore the means to suppress it, the actual task of prevention and of suppression will always be very difficult. Nevertheless, it is certainly worthwhile to make an attempt in that direction; and it is generally agreed that the goal, although difficult, can be reached. It has been noted that no matter how harmful purely individual prejudices towards a fellow-man may be, these are outside the field of discrimination unless they are unduly generalized, become social prejudices, and cease to be purely individual.

D. MEANING AND EXTENT OF EQUALITY

30. Still another distinction must be made in order to define discrimination in the most precise terms possible. The ambiguity of the term "equality" is eliminated if we consider it to refer only to moral and juridical equality as proclaimed in the Universal Declaration of Human Rights; that is to say, it is equality in dignity, formal equality in rights, and equality of opportunity, but not necessarily material equality as to the extent and content of the rights of all individuals.

31. Such equality does not exclude two classes of differences, which are generally considered admissible and justified:

(a) Differentiation based on conduct imputable to the individual (examples: industriousness, idleness; carefulness, carelessness; decency, indecency; merit, demerit; delinquency, lawfulness; etc.);

(b) Differentiation based on individual qualities, which in spite of not being imputable to the individual, have a social value (examples: physical and mental capacities, talent, innate ability, etc.).

32. On the other hand, moral and juridical equality excludes any differentiation based on:

(a) Grounds which are not imputable to the individual and which should not be considered as having any social or legal meaning, such as colour, race, sex;

(b) Grounds of social generic categories, such as language, political or other opinions, national or social origin, property, birth or other status.

33. Thus the following delimitation of the meaning of the term discrimination may be suggested: discrimination includes any conduct based on a distinction made on grounds of natural or social categories, which have no relation either to individual capacities or merits, or to the concrete behaviour of the individual person.

34. The most harmful discrimination is that which denies the principles of equality established by the Charter of the United Nations, the Universal Declaration of Human Rights, and certain national laws.

35. Furthermore, there is another class of discrimination which consists in unfavourable treatment in social relations only, but not in denying legal rights to any persons.

36. It is clear that forms of discrimination which deny legal rights may and should be fought by legal measures, while those which comprise merely social treatment must chiefly be fought by education and by other social measures.

Chapter IV

Prejudice as a Source of Discrimination

A. PREJUDICE AND DISCRIMINATION

37. Discrimination might be described as unequal and unfavourable treatment, either by denying rights or social advantage to members of a particular social category; or by imposing special burdens on them; or by granting favours exclusively to the members of another category, creating in this way inequality between those who belong to the privileged category and the others.

38. Discrimination manifests itself in actual conduct which is harmful behaviour externally manifested, positively or negatively, towards persons belonging to a particular social category for the sole reason that they belong to that particular category. The categories which have been most frequently taken as grounds for discrimination include race, colour, sex, ethnic origin, cultural circle, language, religion, political or other opinion, national or social origin, property, birth, caste, social status, etc. These different pretexts for discrimination will be discussed in another part of this memorandum. The point which is emphasized now is that discrimination is not merely a subjective attitude but is conduct outwardly manifested.

39. However, discriminatory acts, which are conduct outwardly manifested, originate from within, namely from prejudice which creates an unfavourable attitude of mind. Such prejudice must be analysed and explained in order that it may be understood, and the means for preventing or decreasing it found. Generally speaking, it is much easier to attack discrimination directly than to attempt to suppress prejudice. Discrimination, at least in its external form, can be prevented or suppressed by legal measures. Prejudice, on the other hand, is not controllable in that sense. But since most forms and types of discrimination are based upon prejudice, and, moreover, since there are many forms of purely social discrimination (that is to say, discrimination which is not expressed in acts which deny legal rights) it is most important to study prejudice.

40. Most sociologists have stated that prejudice breeds discrimination, yet the reverse relationship is also to be found, for discriminatory practices may breed prejudice, since they act, in a way, as a medium of indoctrination.

41. Usually prejudice and discrimination are reciprocally related. Nevertheless, there are extreme cases in which only one exists. It is possible for inter-group prejudice to exist without specific discrimination; especially when it is only a mild form of prejudice which does not take the form of external behaviour or when there are legal restrictions which prevent its outward manifestations. Discrimination may also exist without prejudice when it is based only upon a calculated interest or desire for exploitation. However, generally there is a mutual inter-action between prejudice and discrimination.

42. Prejudice may exist in purely inter-individual relations, as well as in social relations in the strict meaning of this term indicated above. But prejudice which originates and develops among individuals as such, in so far as they merely feel and act as individuals, will not be dealt with in this memorandum, except when such prejudices are unduly generalized and cover entire social categories.

B. SOCIAL PREJUDICES

43. A social or group prejudice is a way of feeling, a bias of disposition, consisting of a commonly shared attitude of hostility, contempt, or mistrust, or of devaluation of the members of a particular social group, because they happen to belong to that group.

44. Prejudice is not a simple thing. It has been stated by scientists that there is no concrete type of prejudice which can be considered as naturally inherent or inborn in any individual. Infants and pre-school children do not exhibit prejudice towards any social group. The same scientists state that all types and forms of prejudice have been learned, or casually and artificially constituted.

45. The fixation of a prejudice depends upon a complex of factors, not the least important of which is the attitude of the adults and older children present in the environment. The adult attitude is especially important in determining whether the child builds up habits of friendliness or of antipathy. There appears to be an equal possibility of developing either of these attitudes.

46. We are told by social scientists that there is no concrete prejudice between different social groups which might be considered as universally prevalent. Yet we find prejudice everywhere. If prejudice is not instinctive, why is it prevalent?

C. FACTORS ENGENDERING PREJUDICES

47. There are three factors which regularly engender prejudice:

(a) Among the natural tendencies of man, there are some which tend to develop the capacity of hostility. Man is capable of both love and hatred. This capacity unconsciously or consciously seeks a con-

crete outlet in a certain person or persons, or in a certain type of individual person, or in a certain social type. It is when the tendency to dislike or to hate is directed concretely against a collective type that social prejudice is born.

(b) There are always conflicts in social life which, by their continuance, support attitudes of antipathy rather than of friendliness. When conflicts arise between individuals of different social groups, antipathy between them is sometimes projected against the group to which the disliked individual belongs. By the process of projection and by association of ideas, experiences, and emotions, which have been formed casually under the influence of otherwise meaningless incidents, prejudices become fixed.

(c) There is, finally, the social tendency known as ethnocentrism or group centrism. This involves the belief that the folk-ways, customs, culture, ideas, manners, feelings, and practical behaviour prevailing in the group to which an individual belongs are considerably superior to, or better, or truer than, those prevailing in any other group. This belief, explicit or implicit (usually implicit), manifests itself particularly in the case of ethnic or national groups. Their members sincerely feel that their own patterns of behaviour are superior to the patterns of other groups, and in many cases, they are shocked by the customs of other people. Such a situation occurs not only when cultured people come into contact with less cultured people; it also exists among people of a similar cultural level. The degree of prejudice is often greater when there is a difference in cultural level, but even when there is no such difference prejudice nevertheless occurs frequently.

D. RATIONAL AND IRRATIONAL COMPONENTS OF PREJUDICE

48. Many prejudices are rendered more complicated by the fact that they consist of two distinct components, one rational and the other irrational, reciprocally combined. For example, on the one hand, prejudice may result from the experience of an individual with some of the real defects of behaviour of individuals belonging to another social group; on the other hand, such dislike, which might or might not be justified on account of that real experience, is irrationally generalized towards all the people belonging to that social group. Another example: if job opportunities are opened to a group, say of foreigners, it is rational to fear that more will come and competition be increased. But such a fear, when irrationally generalized, can engender a prejudice against that group not only in labour relations but in other fields as well.

49. A distinction could be made between the formation of new prejudices and the prevalence of old ones. The latter problem is of more direct importance to the question discussed in this memorandum; yet measures

for preventing the formation of new prejudices obviously must not be disregarded, especially in view of the possibility that new prejudices may arise to replace old ones. Nevertheless, it should be borne in mind that the principal object of this memorandum is to suggest measures by which existing discrimination may be prevented or suppressed, or at least diminished, and by which existing prejudices may be diminished.

E. RECAPITULATION ON PREJUDICE

50. To sum up, it may be said that many people have acquired a habit of looking upon the members of other social categories, not as individuals, but as members of groups: as whites or blacks, as nationals or foreigners, as men or women, as members of the upper or lower class, as Protestants, Catholics, or Jews; as workers or employers. They are viewed in the light of the alleged attributes (real or supposed) of their groups with all the distortions inspired either by bias or self-interest. A social prejudice may arise as the result of an unwarranted generalization of an unpleasant experience with a member of a particular group, which leaves a feeling of aversion and hostility which is unjustly projected against all the members of that group. However the most important and harmful type of prejudice is that which, once constituted, acts upon the members of one social group against the members of another social group by indoctrination or habit. Such prejudices are accepted without examination or even serious thought, simply because they have become part of the environment of the group. Usually the members of a social group accept the prevailing prejudices in the same way as they accept the conventions, the opinions, the feelings, the labels, the gestures and in general all the folkways of their group. Therefore a major problem in the effort to suppress or to decrease prejudice is to find ways of eliminating harmful collective biases.

F. DEGREES OF INTENSITY OF PREJUDICE

51. The intensity of an individual's prejudice against a group is likely to vary according to the length and intimacy of his contact with that group. Usually—though not always—the longer and closer that contact, the stronger the prejudice will grow.

52. Social prejudice may be classified according to different degrees of intensity:

(a) Prejudice which is merely an opinion which is not given outward expression either in words or by positive conduct of hostility or contempt toward members of a particular group, but which consists rather in a negative attitude of avoiding contact with members of that group as much as possible without expressing such dislike. This mild form of prejudice cannot be fought by direct legal measures, but only by education on a long-term basis.

(b) Prejudice which consists of internal opinion but which is expressed outwardly in some relations with the members of a disliked group, such as showing a definitely cold attitude toward them. In this case, there is a mild expression of antipathy, dislike, or devaluation in social relations, in which no legal problem is involved and in which no discriminatory act occurs. Such a manifestation is generally considered incoercible and may only be treated by education.

(c) Prejudice which does not go so far as to deny legal rights to the members of a disliked group, but which leads to some form of social discrimination, as for example, intentionally and manifestly avoiding any social contact with members of the disliked group. This also cannot be restrained by legal measures, but may be lessened or abolished by education.

(d) Prejudice which leads to discriminatory acts, denying rights to individuals belonging to the group discriminated against. Such discriminatory behaviour may be suppressed by legal measures; however, the psychological attitude behind such behaviour can be dealt with only by education.

(e) Prejudice which leads not only to discriminatory behaviour, but goes further and gives rise to propaganda for further discrimination. This propaganda may be confined to certain private circles (for example, trying to convince friends), or it may develop into public manifestations, such as speeches or written incitement to acts of discrimination. It may be possible, without abridging the rights to freedom of speech and expression proclaimed in the Universal Declaration of Human Rights, to find some legal measures by which such acts of public propaganda for discrimination may be curtailed.

(f) Prejudice which leads to acts of violence against the members of a group, committed either by an individual or by a group of individuals, or committed or tolerated by public authorities. Such manifestations of prejudice can be repressed by penal law.

G. CAUSES ENGENDERING PREJUDICE

53. Although there are many different types of causes producing prejudice, three types are of particular importance: (a) irrational, emotional reactions which are engendered in certain conditions or situations; (b) cultural conflict; and (c) conflict of interest. These three motives are usually closely intermingled in most cases of prejudice, and cannot be separated one from another. However, it is possible to examine each cause separately. Such an analysis reveals the following results:

(a) *Irrational, emotional reactions.* Prejudices are often built up by irrational emotional reactions to such minor factors as smell, colour, legends which have inspired fear, habits originating from early childhood, etc. Among the irrational factors which create prejudice, special attention

should be given to resentment. This may arise from various causes: e.g. an individual's consciousness of his own inferiority. Such resentment usually produces a tendency either to hate a specific strange group or all strange groups, and to blame such group or groups for all the individual's misfortunes. The individual affected by such a complex usually identifies himself with the *élite* of his own group and hates the strange group because he imagines that the latter group is responsible for his failures and misfortunes. This happens most frequently when the disliked group enjoys success or prosperity. The prejudiced individual feels the need of a scapegoat to blame for his frustrations. He will not accept the responsibilities that are inherent in life in a free world. He tries to hide his own inadequacy in a world which, however, he cannot adequately explain to himself. He is a man who is afraid, not so much of members of other groups, but primarily of himself; of his conscience, his freedom, of solitude, and of change.

(b) *Conflict of interest.* Prejudice may arise from the consciousness of advantage or disadvantage, of power or prestige, of profit or the means thereto, or of the fear of competition. Hostility is a function of insecurity; the greater the insecurity, the more intense the hostility. Therefore inter-group prejudices and conflicts are more likely to occur when there is high tension in a given society as a result of economic depression, unemployment, or social disorganization.

(c) *Cultural conflict.* Almost every social or cultural group has its own sense of superiority and frequently tries to re-enforce that sense of superiority by sustaining prejudice. There was a time when members of different social groups who resided in different parts of the world, or in different social strata, lived differently, spoke different languages, and had little contact with one another. Modern methods of transportation, communications, and the increased "social permeability" of present-day life make it possible and even necessary for such groups to come closer together and to intermingle; but frequently their group prejudices tend to keep them apart, to foster tension and antagonism, grievances and frustrations.

H. PREJUDICE AND WAR

54. In this connexion, it should be noted that there is a close relationship between the prevention of discrimination and prejudice, and the prevention of war. Any of the three causes of prejudice enumerated above may result in an attitude favourable to warfare. Furthermore, both discrimination and war stem, to a large extent, from the same source of prejudice in inter-social relations. In the case of discrimination, such prejudice is generally directed against groups inside the State; in the case of war, it is directed against groups outside the State—in other words, against foreign nations. But to a large extent the two forms co-exist, as when prejudice is directed against members of a certain religious group who may constitute a minority within the State and a majority

within a neighbouring State. Furthermore, once a strong prejudice has been established in the minds of a people against a certain group, it often leads to prejudice against another group, or several other groups, or even to a more general concept of a "superior people" with all that this implies in the way of prejudice against all "inferior" people; and finally to wars of extermination against such peoples.

I. INDOCTRINATION

55. Regardless of what may be the origin of social prejudice, it is usually expanded and kept alive through indoctrination. Consequently, in any efforts to eradicate or decrease prejudice, special attention must be given to measures for combating harmful indoctrination.

J. THE "VICIOUS CIRCLE" AND DYNAMICS OF PREJUDICE

56. There is a distinct interrelation between practices giving rise to prejudice, and their effects. Without any justifiable reason, the members of one group begin to show dislike or contempt for the members of another group; the members of the latter group in turn react by showing resentment and mistrust. In this way they reinforce the prejudice of the former group against them. Thus prejudices are strengthened by the reaction which they produce. A vicious circle is thereby created. The same thing applies to discriminatory practices. In this respect also, a vicious circle frequently arises between fields of social activity: for example, discrimination causes one group to be less well-groomed than another one. The first effect of discrimination increases the prejudice and thus reinforces discrimination.

57. In such cases of reciprocal prejudice, the dislike may not be equally intense on both sides. For instance:

(a) Group A despises Group B without, however, caring very much about it; and Group B feels a reaction of hatred against Group A;

(b) Group A feels hostility against Group B, and Group B in turn feels resentment against Group A but would like to become more like Group A in order to acquire its characteristics.

Ordinarily, however, the discriminating group possesses some advantage. It may have greater power socially or politically, or it may have a superior economic position. For this reason, it is in a position to discriminate without itself experiencing any ill effects. By its prejudice or hostility and especially by its discrimination, it excludes the other group from many social or economic opportunities. This cutting-off process increases the subordination of the group discriminated against and thereby reinforces the discriminating group's consciousness of its assumed superiority. The effect of the assumed superiority is increased even further by the factual evidence of inferiority that accompanies the lack

of opportunity suffered by the group discriminated against. Thus, prejudice and discrimination create situations which favour their perpetuation.

K. PRETEXTS FOR PREJUDICE

58. The following are the most important pretexts for prejudice: race, colour, cultural circle, language, religion, national circle, social class (including caste, origin, educational and economic status, etc.) political or other opinion, and sex.

1. RACE

59. Contemporary science does not admit the concept of race as meaning a division of mankind into different parts, each of them characterized by a complex of special traits, both physical and mental. Anthropology has failed clearly to establish such a concept. There are, of course, differential characteristics of colour, of skin, form of head, nature and colour of hair, stature, etc. However, experience shows that such characteristics are not constantly correlated; on the contrary they are frequently intermingled. If all white men were dolichocephalic, blonde and tall, with blue eyes, wavy hair, and medium-sized noses; and all Negroes were brachicephalic and small, with black eyes and woolly hair; and all Indians were mesocephalic, medium-sized, with straight hair, hooked noses, etc., then it could be said that mankind, from a physical standpoint, is divided into distinct physical sectors. Indeed the contrary appears to be true; namely, that there is no necessary correlation among the various differential characteristics. As a matter of fact, the most extreme dolichocephalic and brachicephalic types are found among black-skinned men; among white people there are many with blue eyes, but still more with dark eyes; many have wavy hair but a great number have straight hair; dark-skinned people are among the tallest and the smallest human beings; and noses of all types appear in all colours of skin. Therefore, it is not possible to speak of races as distinct human groups, but only of differential characteristics as to the enumerated traits.

60. History, as well as anthropology, ethnology and genetics, shows that there have been mixtures of all racial types throughout the centuries.

61. History, as well as actual observations and experimental psychology, also shows that it is not possible to affirm that mental superiority of any kind can be ascribed to any particular racial characteristics. The differences as to cultural achievements do not depend on racial characteristics but on historical factors, conditions and environment.

62. Serious comparative studies have decisively proved that no definite correlation between race and crime can be established: that is to say, it is not possible to establish any connexion between race and the statistics of crime.

63. While the concept of race as a definite human group appears illegitimate from the scientific standpoint, the concept of people or nation expresses a historical and sociological reality. This concept, however, is not based on natural factors, but rather on culture. A nation includes a great variety of physical and mental types, but it usually presents a relative unity in cultural heritage.

64. The preceding statements are not offered as an explanation of prejudice, although they could, and might, be taken as a basis for enlightening people in an effort to suppress prejudice on grounds of race. They are included here because they explain the conclusion of most contemporary scientists, that ideas of race which promote prejudice are mere biases without any foundation in fact.

65. What are the factors which have most often served to engender racial prejudice?

66. Most students of the subject agree that racial prejudice is not inborn, but is acquired from the beliefs prevailing in a social group. The child does not appear to possess any definite natural attitude toward other persons solely because of their colour, the form of their noses, hair, etc. If he acquires a bias, it is usually the result of contact with the adult environment. The close and intimate relationship between the white-skinned infant and the dark-skinned nurse—common practice in some countries—is cordial on both sides; this indicates that there is no instinctive attitude of aversion. Besides, while in certain regions of the world white men are prejudiced against coloured people, in other regions there is no such prejudice. This further confirms the theory that racial prejudice is frequently acquired as a result of social patterns of behaviour.

67. Despite the vagueness of the concept of race, and the fact that science denies that any mental and moral superiority can be attached to the physical differentials enumerated above, many persons are imbued with strong prejudices due to certain ideas of race which they hold. In some cases the idea of race becomes the basis of fanaticism. In other cases, race prejudice is used as a pretext to disguise other interests or reasons for antagonism.

68. Once a racial prejudice has been formed, the individual holding it usually tries to rationalize it. The attempt at rationalization is usually, and predominantly, based on the allegedly lower quality of intelligence and morals of the group disliked. Since the moral beliefs and sentiments diffused through a society constitute the ultimate sanctions of the social organization, it is not surprising that the morals of the opposite race are emphasized. In this way, moral distinctions become the final attempt of rationalization of racial differentials, for through these collective representations the ideas of race are reduced to feelings and sentiments. Therefore, racial ideology arouses a false social consciousness, which

tends to distort everything that may fall within its sphere. The member of the disliked racial group must be repressed and made a nonentity, and the idea of assimilation made repulsive; therefore the out-group is portrayed as physically and morally unclean.

69. There are many different types of prejudice that have race as their pretext. Some of the differences between them stem from the causes or motives, conscious or sub-conscious, which have engendered the prejudice. Among these motives there are some which seem to belong to a psychological category of emotional character (such as: consciousness of belonging to a definite group, a resentment complex, interest in keeping the members of other racial groups under submission), while others belong more to the cognitional order (such as: irrational generalization of certain unpleasant experiences, survival of concepts originating in peculiar historical situations, racial prejudice intentionally created by propaganda, and racial stereotypes). Among all these motives engendering racial prejudice, the following should be particularly studied:

(a) *Consciousness of belonging to a definite group with certain characteristics, ways of life, manners, and customs.* This consciousness induces the members of the group to regard their group as something special. In this way a sense of solidarity and unity is established. They feel themselves to be exclusive, and tend to regard others as outsiders, with foreign manners. To be with one's own group adds to one's sense of security. When the boundary between two or more groups is centred around racial differences, racial prejudice may, and usually does, arise. The group which enjoys a higher status for any reason (economic, political, cultural, etc.) tends to consider itself superior to the other group. The latter develops a similar consciousness of forming a different group; but since it does not enjoy a high status, it usually develops, instead of a sense of superiority, a feeling of resentment against the more favoured group. On both sides a certain fear of the other group may arise; and since fear itself arouses other automatic emotional responses, prejudices are born and tend to become part of the reactions of each individual, within each group, to his own environment and to that of other individuals. If prejudice is manifested in behaviour which is outwardly expressed and directed against the members of the other group, an opposite reaction and hostile attitude may be aroused among the members of the other group. Such a reaction, on the one hand, strengthens the feeling of solidarity of the group which is considered inferior, and its members develop resentment and mistrust. On the other hand, these reactions on the part of members of the disfavoured group give a pretext to the members of the favoured group for strengthening their sense of superiority, and their contempt or hostility towards the disfavoured group. And so the vicious circle goes on.

(b) *A resentment complex, or the "scapegoat mechanism".* Racial prejudice thus engendered generally, although it resembles the type

described in the preceding paragraph, has its own peculiar characteristics. Many persons, driven either by an inferiority complex, or by a resentment complex, or both, develop peculiar emotional trends of anxiety, insecurity, weakness in the sense of vulnerability, damaged self-esteem, or other similar traits. To overcome these characteristics, certain defence mechanisms are employed, among which racial prejudice has been found to be one of the most important. Many such persons look for a simple cause of all their troubles, worries and sufferings. They do so for many reasons: mental laziness; the need to find a regular channel for hostile impulses; over-simplification of their problems; incapacity for perceiving all the ingredients of human realities; the desire to find a means to overcome grievances and troubles, etc. Hence the prevalence of the tendency to find a "scapegoat".

(c) Conscious or unconscious interests underlying the wish to keep the members of other racial groups under submission:

(1) Some manifestations or instances of racial prejudice, in its most virulent form, are of relatively recent origin. Originated in the expansion of Europe following the Age of Discovery, they reached their full development after the Industrial Revolution. Traders sought tropical products, cheap labour, and slaves to work in the mines and plantations of the newly-discovered countries. Arguments to justify these conditions were drawn from imagination. Among these was a belief in the racial superiority of the exploiters and the racial inferiority of the colonized or controlled peoples. When slavery or political submission was abolished, the interest in considering the peoples formerly subjugated as inferior did not disappear, but rather increased. If a man was a slave or a mere chattel, to be bought and sold, little attention was paid to the way he was treated. But when slavery was abolished, the desire remained to preserve, under another name, the humble condition of former servants, and to defend their inferior status on grounds other than those on which slavery had been based. Certain types of racial prejudices which were almost, if not entirely, unknown in antiquity, the middle ages and early modern ages, arose with the slave trade, and persisted after its abolition for economic reasons.

(2) In other cases, the conflict of interests takes a different form, usually combined with irrational reactions and mechanisms explained above. Resentment and envy towards certain individuals of another ethnic origin who have been successful, associated with the idea that their success is dependent on racial characteristics consisting in lack of scruples and a stronger sense of group solidarity, results in an effort to deprive those individuals of their wealth or influence.

(d) An irrational generalization of a certain unpleasant experience with a member, or a few members, of a different racial group is made, and converted into a negative judgment which tends to involve all persons

belonging to that group. The fact that a person of a particular ethnic group happens to be dirty, lazy, or mischievous, is attributed to the difference in race, and his defects are assumed to be common to other individuals of the same racial group. The tendency to criticize, which many persons acquire, is directed against those who are considered to be different on account of their racial characteristics. Violent misdeeds, no matter how remote, are converted into a stereotype, and all the descendants of those who committed such real or supposed acts are considered to have the characteristics of their ancestors.

(e) *Survival of concepts originating in peculiar historical situations.* Some ethnic groups have traditionally been relegated to a low social status or to menial services, because of various factors. The members of privileged groups become accustomed to looking upon the individuals of a group so disadvantaged as being naturally inferior. On the basis of such a stereotype, racial prejudice arises, develops, and is passed on to others.

(f) *Racial prejudice intentionally created by propaganda.* A person, or persons, infected by racial prejudice in any of the forms described above, may become fanatic about his beliefs, or seriously interested in spreading them, and may thus start malicious propaganda, using all possible means to convince others of the inferiority, or the wickedness, of the hated group. Usually, such propaganda combines all the factors which contribute to arouse racial prejudice. Sometimes, unfortunately, it succeeds in influencing masses of people who otherwise would not have had racial prejudice.

(g) *Racial stereotypes.* The following statement applies to all forms of racial prejudice: starting from the consciousness of some differences, more or less real or even supposed, stereotypes are formed in many minds. Those stereotypes are then interposed between the individual consciousness of the person who holds prejudices and the members of the group against whom prejudices develop. Thus experience is deformed, or even replaced, by such stereotypes.

2. COLOUR

70. In the great majority of cases, prejudice against colour is only a particular manifestation of racial prejudice, which is favoured and strengthened by the obvious fact of differences in colour of skin.

3. CULTURAL CIRCLE

71. While the alleged facts which are given as reasons for racial prejudice are not real but only imaginary, differences which originate from the existence of various cultural circles, or conceptions of values, are real. This does not mean that the resulting prejudice or discrimination is justified. Most prejudices which arise from the contrast between different

cultures, or conceptions of the world and of life, are simply manifestations of ethnocentrism. However, sometimes there is not only the consciousness of slight differences and contrasts between two cultural circles, but also a diametrical opposition with regard to conceptions of values. Such prejudice can normally be lessened only by education and the teaching of tolerance.

4. LANGUAGE

72. Language is usually the external manifestation of the existence of a cultural circle or sub-circle, therefore most of the observations made above on ethnic and cultural groups also apply to language as a ground of prejudice.

5. RELIGION

73. Many religions include tolerance and respect for other creeds in their teachings; and many adherents of religions, which have given rise to acts of intolerance, are tolerant of others. It is, nevertheless, a fact that some religious leaders and believers have fostered or stimulated fanaticism or intolerant attitudes. In certain cases, a rigid and narrow interpretation of a religion may give rise to fanaticism. To torture and to kill a fellow man is admitted to be a crime, but some fanatics believe that it is a virtue to kill devils (those who do not share the true faith). The treatment of such a prejudice is very difficult. Any interference with the right to freedom of thought, conscience and religious worship, the right to freedom of opinion and expression, or the right to freedom of peaceful assembly and association, must be avoided. However, it can be shown that tolerance cannot harm any religion.

74. Another serious problem arises here. A religion may be tolerant. But religious institutions, with tendencies of self-assertion, may foster intolerant attitudes. This does not imply criticism of any particular institution; it is merely a statement of the finding of sociologists.

75. It is also necessary to note that religious beliefs, and adherence to a particular religion, although they need not necessarily create prejudices which are projected into social, political and legal fields, have sometimes engendered such prejudices. It is most difficult to abolish such prejudices because it is not sufficient merely to teach tolerance; it is also necessary to secure the co-operation of the entire group and of the clergymen, and this must be done in such a way that it does not interfere with any human right or freedom, or hurt any one's feelings.

6. NATIONAL CIRCLE

76. Estimable and praiseworthy though it be, patriotism not infrequently becomes a cloak for discriminatory attitudes which are wholly alien to its nature. Thus hatred and contempt for other countries and peoples is surely an evil distortion of so noble a sentiment as love for

one's own! Xenophobia is often a manifestation of ethnocentrism. Loyalty to one's own national group is developed, perversely, into antagonism towards other groups. While libelling an individual is considered an offence, maligning a foreign group is sometimes deemed a patriotic service, even an act of heroism. This perversion is not considered selfish, because those who manifest it are not supposed to act to their own advantage. As Aldous Huxley writes: "Men, who in private life behave as reasonable and moral beings, become transformed, as soon as they are acting as representatives of a National Person, into the likeness of their stupid, hysterical and insanely touchy tribal divinity". (*Ends and Means*, page 45). Many people who as individuals suffer from an inferiority complex try to compensate for it by the joy derived from the aggressive self-assertion of the national group to which they belong.

77. Prejudice linked with the national circle may show itself in three different ways:

(a) Towards foreigners residing temporarily in the country;

(b) Towards foreigners permanently settled in the country; and

(c) Towards people of alien origin who are citizens of the country.

As regards the third type, a further distinction must be drawn between those who have been naturalized, and their descendants who have been born in the country but who retain some of the characteristics of their ancestors.

78. From another point of view, attitudes towards foreigners may be classified as follows:

(a) Prejudice directed against foreigners of all classes. This prejudice shows itself in different forms, from the greatest hostility to mild forms of distrust and fear, based upon fear of exploitation or fear that foreigners will endanger national institutions;

(b) Prejudice directed against a certain foreign group or groups only. It can be based on such reasons as resentment arising out of past grievances (wars, conquests, aggression), mere dislike, or fear of competition.

7. SOCIAL CLASS

(Caste, origin, educational and economic status, etc.)

79. Without attempting to summarize all the discussions regarding social classes and the criteria which determine them, it can be recalled that among these criteria the following are important: birth and origin (that is to say, the classification into noble or plebeian strata); economic status (wealth or property); official position; and educational level. Although there have been, and still are, historical cases in which the division into classes is determined solely or predominantly by only one of these criteria, several are generally involved.

80. This division into classes varies from the completely rigid (the caste system is generally considered most rigid because there the supremacy of the upper caste is conveyed through mystical-magical beliefs which pervade the whole system) to the more flexible and milder differentiations which are found among most modern democratic peoples. Between the two extremes lies the feudal system, under which the supremacy of the upper caste is assured by oligarchical institutions and economic and political powers are fused and vested in a social hierarchy. A considerably milder form exists in most of the democratic countries, where there are neither all-pervading myths nor institutions to sanction class division, but where economic advantage, social prestige and educational status are important factors. Still another form exists, in which the division is totally or mainly determined by official position in the public life of the State. Within these limits, prejudices vary in intensity and extent. The caste system, of course, engenders not only intense prejudice, but also rigid discrimination, both legally and socially.

81. Openly discriminatory institutions and acts which deny or considerably restrict legal rights may be fought by legal measures, which can repeal existing laws under which harmful distinctions are recognized, or which can prohibit and punish discriminatory institutions and acts. However, in democratic societies, class distinction alone does not usually engender discriminatory conduct denying or restricting human rights, but only causes prejudices which give rise to forms of social discrimination. The latter can normally be fought through education. In cases where such prejudices develop among public officials, causing them to treat individuals of unprivileged classes unfavourably, such abuses usually require specific legal measures for their suppression.

8. POLITICAL OR OTHER OPINION

82. Politics, like religion, may engender passionate and fanatical attitudes. When this occurs, people holding a particular political opinion, or members of a certain political party, regard their opponents with intense hostility. Everything is right about the political group or party to which they belong; and everything is evil and wrong on the opposite side. The world, or a nation, thus becomes divided into two separate and incompatible parts which are either completely white or completely black. On one side, heaven with all its angels, on the opposite side, hell with all its devils. Such fanaticism creates not only barriers but also all-pervading attitudes of hostility. The resulting prejudice is not only expressed by acts within the political sphere, but may pervade all other human activities and relations, and lead to many forms of discrimination. Thus an individual will not wish his servant, employee or colleague to be militant in, or even to belong to, a political party contrary to his own.

83. Opinion, other than political, may sometimes become the ground for prejudice and even for discrimination. Sometimes people who are

enthusiastic about a certain philosophy, a scientific theory, or a particular artistic style, wish their opinions to prevail and predominate over all others to the extent that they adopt an attitude of hostility towards everyone who does not share their views. This attitude is sometimes expressed in attempts to bar their opponents from opportunities, such as public posts, teaching positions, or other employment.

84. These prejudices, engendered by differences of opinion (political or other) can hardly be controlled by legal measures, since the manner in which they are expressed is usually disguised in such a way that it is very difficult to prove the existence of any unfair motive. Nevertheless, laws may be enacted which make illegal any decisions regarding appointments which take political or other opinions into account. The teaching of tolerance, however, is the best and surest means of overcoming these prejudices.

9. SEX

85. It is a well-known fact that for long periods of history prejudice based on sex has existed. This prejudice once functioned to the detriment of men (matriarchy). But in most cases and for the longest periods of time it has worked to the disadvantage of women. It has fortunately greatly diminished in recent time and is now disappearing in most parts of the world. As the principle of the fundamental dignity of the human being has gained acceptance, women have rightly demanded recognition of their right to be considered as equal with men. Science also has proved that, apart from the fundamental biological differences between men and women, there is no essential inequality. However, notwithstanding the progress which has been made in the achievement of equality between men and women, social prejudices on grounds of sex still persist, and are maintained through the survival of old traditions and customs. For example, many men who support the principle of equal rights for women do not like to work under a woman. This is apt to give rise to a degree of discrimination.

86. Legal measures may be taken to abolish restrictions on the political and civil rights of women, and to give women full opportunities for education and employment. But education can also help fight this prejudice.

Chapter V

Discrimination

A. DEFINITION

87. The word "discrimination" is used here in its pejorative sense, i.e., it is used to refer not to all differentiations, but only to distinctions which have been established to the detriment of individuals belonging to a particular group. The Sub-Commission on Prevention of Discrimination and Protection of Minorities has recognized this meaning of the word.

The following concepts may be useful in the attempt to formulate an accurate definition of those practices which should be included in the term "discrimination", and in determining what discriminatory acts should be prevented:

(a) Discriminatory practices are those detrimental distinctions which do not take account of the particular characteristics of an individual as such, but take into account only collective qualifications deriving from his membership in a certain social or other group;

(b) Certain distinctions, which do not constitute discrimination, are justified. These include: (1) differences of conduct imputable or attributable to an individual, that is to say, controlled by him (i.e. industriousness, idleness; carefulness, carelessness; decency, indecency; merit, demerit; lawfulness, delinquency); and (2) differences in individual qualities not imputable to the person, but having a social value (physical or mental capacity).

88. Thus, discrimination might be defined as a detrimental distinction based on grounds which may not be attributed to the individual and which have no justified consequences in social, political or legal relations (colour, race, sex, etc.), or on grounds of membership in social categories (cultural, language, religious, political or other opinion, national circle, social origin, social class, property, birth or other status).

89. Acts of discrimination assume three forms:

(a) Inequality in treatment which takes the form of imposing disabilities;

(b) Inequality in treatment which takes the form of granting privileges; and

(c) Inequality in treatment which takes the form of imposing odious obligations.

90. In studying discrimination, and especially measures for its prevention, a distinction must always be made between discriminatory conduct on the part of authorities, officials, and agents of the Government on the one hand, and by private people on the other. This point will be dealt with in detail later.

B. FACTS CONCERNING DISCRIMINATION

91. It might be said in general that there are as many forms of discrimination as there are forms of prejudice.

92. However, as has already been pointed out, there may exist cases in which prejudice is not expressed in acts of discrimination, the person concerned being restrained either by the legal or moral reasons.

93. On the other hand, there are some discriminatory acts which do not derive from prejudice but rather from the contrast between groups of different cultural levels and standards. Sometimes there are also discriminatory acts not inspired by prejudice but by economic interests. Although the latter forms of discrimination are not based on prejudice, they usually engender it in the long run.

94. Another type of discrimination which is devoid of prejudice may be mentioned. It is that into which the otherwise unprejudiced retreat under the pressure of group conformism. Though personally willing to open their family circle to the socially unacceptable, they yield, nevertheless, to the fear of the ostracism that might ensue.

95. Discriminatory customs considerably reinforce prejudice. Discrimination breeds prejudice just as prejudice breeds discrimination. Independently of the motives behind a particular prejudice, when this has been translated into acts of discrimination, future generations will acquire it mainly through the influence of prevailing customs. Prejudice is mainly sustained by social usages and sanctions. Therefore, if the materialization of such attitudes into custom could be wiped out, prejudice would be considerably lessened.

96. As indicated above, discrimination implies inequality in the treatment of individuals because of their membership in a particular social group. Ordinarily, the group discriminated against is a minority in comparison with the group which discriminates. However, there may be and actually are cases in which the group discriminated against is in the majority, dominated by a minority. This may occur, for example, in countries where colonial régimes, or colonial customs, prevail.

97. A distinction must be made on the basis of the nature of the group discriminated against: it can be either a community (that is to say, a collectivity which possesses an important and dynamic cultural patrimony and an active sense of solidarity); or it may be merely a

loosely-knit mass of people with certain common characteristics but which is not closely bound together socially and possesses no strong solidarity. There are, of course, many types of groups between these two extremes.

98. Finally, a vicious circle such as has already been described with respect to prejudice, also exists with respect to discrimination; indeed, the latter situation is even more serious. A group suffering from discrimination frequently becomes disaffected or rebellious, and the evidence of its disaffection in turn is used as a new ground for discrimination. Furthermore, there is also a "vicious circle" between discrimination and its objective effects: the effects of discriminatory practices, in so far as they lower the situation of the group discriminated against, increase the pretext for strengthening discrimination still more.

C. MAIN CLASSIFICATIONS OF DISCRIMINATION

99. As this memorandum attempts to indicate or outline preventive measures, legal and educational, a distinction should be made between discriminatory acts which may be contrary to or in conflict with the law, and those which present social aspects only. A further distinction must then be made, in both these categories, on the basis of the content of the acts of discrimination committed.

1. DISCRIMINATION DENYING RIGHTS

100. Discrimination has legal relevance when it consists of acts or omissions which violate legal rights. This class of discriminatory conduct may be sub-classified into two groups:

(a) *Discriminatory conduct by an official authority* (the central government; the member state, regional or provincial governments; the municipal government; or any other government), by any of their organs (legislative, administrative or executive, judicial); or by any of their agents;

(b) *Discriminatory conduct by private people.*

101. Discrimination committed by public organs or officials may be further classified as follows:

- (1) Unequal treatment in the form of disabilities;
- (2) Unequal treatment in the form of privileges; and
- (3) Unequal treatment in the form of odious obligations.

A still further classification may be made on the basis of different types of rights violated or restricted.

102. The main types of discriminatory conduct with legal effects, in violation of equality of human rights, committed by officials, are listed

below. With respect to all the types of discrimination by public authorities so listed, the following distinctions have been taken into consideration:

(a) Establishment of legal rules (statutes, regulations, etc.) which imply discrimination against one or more particular social groups;

(b) Enforcement of statutes or regulations by executive, administrative or judicial officials;

(c) Administrative acts or judicial decisions, taken arbitrarily by authorities or officials without any legal basis, or contrary to the law.

In the first case, discrimination is committed by the legislator or by an authority entitled to enact laws; in the second case, it is committed by executive, administrative or judicial officials in carrying out the law; in the third case, it is committed by administrative officials or judges, acting outside the law or contrary to the law.

2. DISCRIMINATION BY PUBLIC OFFICIALS

(a) *Public discrimination in the form of disabilities*

103. A. *Unequal recognition of the human person before the law:*

(a) Establishment or enforcement of any regulation which implies a denial or restriction of the full effects of the individual person before the law, on account of his membership in a particular social group;¹

(b) Any concrete measure, action, or omission contrary to, or outside the law, by a public official, which implies a denial or restriction of the legal personality of an individual because he belongs to a particular social group.

104. B. *Inequality in personal security:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the personal security of an individual because he belongs to a particular social group;

(b) Any administrative or executive action, contrary to, or outside the law, imposing arbitrary arrests, detention, or exile upon an individual because he belongs to a particular social group;

(c) Establishment or enforcement of any specific legal norm denying or restricting the rights of non-interference with the privacy, family, home and correspondence of individuals because they belong to a particular social group;

(d) Any interference contrary to or outside the law by any authority or its agents with the privacy, family, home or correspondence, or attack upon the honour and reputation, of an individual because he belongs to a particular social group;

¹ As used here, the expression "particular social group" refers to any group mentioned in article 2 of the Universal Declaration of Human Rights, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(e) Any legal measure or administrative action incompatible with a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized;

(f) Establishment or enforcement of rules implying any inequality in the administration of justice as regards individuals belonging to a particular social group, such as inequality in judicial guarantees of a public hearing, a fair trial by impartial judges, assumption of innocence, etc.;

(g) Any arbitrary judicial decision implying the denial or restriction of any of the rights mentioned in the preceding paragraph to an individual because he belongs to a particular social group;

(h) Establishment or enforcement of rules implying an increase in the penalties imposed on a convicted individual because of his membership in a particular social group;

(i) Any judicial decision contrary to or outside the law imposing a heavier penalty upon an individual because he belongs to a particular social group;

(j) Any arbitrary administrative measure taken by police or penitentiary officials, implying an actual aggravation of the penalty imposed upon a convicted individual, because of his membership in a particular social group;

(k) Establishment or enforcement of rules excluding the individuals of a particular social group from participating as members of juries, or restricting their participation on equal terms;

(l) Any arbitrary administrative or judicial action denying or restricting equality in the enjoyment of the rights mentioned in the preceding paragraph, by any individual because of his membership in a particular social group;

(m) Establishment or enforcement of rules prohibiting or restricting access to the legal profession by an individual because he belongs to a particular social group; and

(n) Any arbitrary administrative or judicial action prohibiting or restricting access to the legal profession to any individual on account of his membership in a particular social group.

105. C. *Inequality in freedom of movement and residence:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions on, the right of freedom of movement within the borders of a State of individuals because they belong to a particular social group;

(b) Any arbitrary administrative action denying an individual the right to freedom of movement within the borders of his State because he belongs to a particular social group;

(c) Establishment or enforcement of any law compelling individuals, because they belong to a particular social group, to reside in certain zones, ghettos, or reserved areas;

(d) Any arbitrary administrative action compelling an individual to reside in a certain area because he belongs to a particular social group;

(e) Establishment or enforcement of laws determining restricted areas which are "forbidden" to individuals because of a particular social group;

(f) Any arbitrary administrative measure creating a restricted area forbidden to individuals of a particular social group;

(g) Establishment or enforcement of any rule forbidding individuals (nationals or foreigners) to leave the country, because of their membership in a particular social group;

(h) Any arbitrary administrative action preventing any individual from leaving the country because of his membership in a particular social group;

(i) Establishment or enactment of any regulations forbidding individuals belonging to a particular social group to return to their home country;

(j) Any arbitrary administrative action preventing an individual from returning to his home country because he belongs to a particular social group;

(k) Any administrative measure violating the migration laws of a State, implying a denial of the rights granted by such laws; or an unequal application of such laws, to individuals because they belong to a particular social group;

(l) Establishment or enforcement of specific legal barriers to, or restrictions upon, transit through a State, imposed on individuals because they belong to a particular social group;

(m) Any arbitrary administrative measure prohibiting transit through a State to an individual on account of his membership in a particular social group;

(n) Establishment or enforcement of any regulation denying or restricting the right of an individual belonging to a particular social group to seek, and to enjoy, asylum from persecution;

(o) Any arbitrary administrative measure denying or restricting the right indicated in the preceding paragraph to an individual, because he belongs to a particular social group.

106. D. *Inequality in the recognition and protection of the right of freedom of thought, conscience and religion:*

(a) Establishment or enforcement of any law or regulation implying the denial or restriction of the right of freedom of thought, conscience and religion of individuals because they belong to a particular social group; and

(b) Any arbitrary administrative measure denying or restricting the right of the freedom of thought, conscience or religion of individuals because they belong to a particular social group.

107. E. *Inequality in the enjoyment of the right of freedom of opinion and expression and freedom to receive and impart information:*

(a) Establishment or enforcement of any regulation denying or restricting the freedom of individuals to hold and to express opinions, to seek or receive information and ideas, through any media regardless of frontiers, because they belong to a particular social group; and

(b) Any arbitrary administrative measure denying or restricting the right of individuals to the full enjoyment of any of the freedoms listed in the preceding paragraph because they belong to a particular social group.

108. F. *Inequality in the enjoyment of the right of freedom of peaceful association:*

(a) Establishment or enforcement of rules denying or restricting the right of individuals of a particular social group to freedom of peaceful assembly;

(b) Any arbitrary administrative action denying or restricting the right of any individual to freedom of peaceful assembly because of his membership in a particular social group;

(c) Establishment or enforcement of laws or regulations denying or restricting the right of individuals, belonging to a particular social group, to freedom of peaceful association or denying or restricting their right to enter into, or to leave an association; or compelling them to belong to an association; and

(d) Any arbitrary administrative action against any individual because he belongs to a particular social group, implying denial or restriction of the right of peaceful association, of entering into an association, of abandoning it, or compelling him to belong to an association.

109. G. *Inequality of treatment of those born out of wedlock:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the recognition, guarantee and effective realization of the human rights of individuals born out of wedlock; and

(b) Any arbitrary administrative or judicial measure denying or restricting any human rights of an individual born out of wedlock.

110. H. *Inequality in the enjoyment of the right to marry and to found a family:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions on, the right to marry a person of different ethnic origin, colour, religion, class, language, political opinion, or on the right to found a family, of individuals because they belong to a particular social group; and

(b) Any arbitrary administrative or judicial measure implying a denial or restriction of the rights mentioned in the preceding paragraph.

111. I. *Inequality in the enjoyment of the right of free choice of employment, and inequality in business and professional opportunities:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the eligibility for employment or promotion of individuals because they belong to a particular social group;

(b) Any arbitrary administrative action denying or restricting the rights of individuals mentioned in the preceding paragraph because they belong to a particular social group;

(c) Establishment or enforcement of distinctions in working conditions, rates of pay, days of rest, vacations, etc., applying solely or principally to individuals belonging to a particular social group;

(d) Any arbitrary administrative measure, along the lines of those enumerated in the preceding paragraph, against an individual because he belongs to a particular social group;

(e) Refusal to enforce accepted standards, particularly those regarding child labour and the protection of women, with respect to individuals belonging to a particular social group;

(f) Customary training, recruitment, and employment policies or procedures of State establishments or State-controlled labour unions, which prohibit the hiring of individuals belonging to a particular social group, limit the number which can be hired, restrict their assignment to certain types of work or to certain physical areas, limit their possibilities of on-the-job training (including apprenticeship) or promotion, or make them more liable to discharge; as well as customary arrangements or practices which prevent or discourage such individuals from training for, entering into, or engaging in particular professions or types of business (such as the arbitrary refusal to teach, to patronize, or to assist financially such individuals or groups of people in their efforts to enter or engage in such professions or types of business);

(g) Confinement, by law or practice, of the activities of individuals of a particular social group, engaged in a business or profession, to dealings with individuals or groups of the same or lower social standing only; as well as governmental licensing arrangements which have the effect of prohibiting or inhibiting the entry of such individuals into certain businesses or professions.

112. J. *Inequality in the regulation and treatment of ownership:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the ownership of property by individuals solely because they belong to a particular social group;

(b) Any arbitrary administrative or judicial measure implying such denial or restrictions as are mentioned in the preceding paragraph;

(c) Arbitrary confiscation, destruction, or alteration of any form of property legally owned by individuals of a particular social group;

(d) Failure actively to guarantee the prohibition of trespassing upon the property owned by the individuals of a particular social group;

(e) Establishment or enforcement, through licensing arrangements, of barriers to the ownership or use of certain goods (for example, automobiles, aeroplanes, radios, etc.) by members of a particular social group; and

(f) In the case of earnings, official recognition of the custom of regarding the pay of an unmarried person as the property of the head of the family, or the pay of a married woman as the property of her husband.

113. K. *Inequality in the protection of authorship:*

(a) Establishment or enforcement of specific rules denying or restricting the protection of the moral and material interests resulting from any scientific, literary or artistic production by an individual because he belongs to a particular social group; and

(b) Any arbitrary administrative or judicial action denying or restricting an individual in the protection referred to in the preceding paragraph because he belongs to a particular social group.

114. L. *Inequality of opportunity for education or the development of ability or talent:*

(a) Establishment or enforcement of rules denying or restricting the access of the individuals of a particular social group to public, private or religious schools, or to other opportunities for the development of ability or talent through education;

(b) Inadequate enforcement, or non-enforcement, of the compulsory features of educational systems, in so far as members of particular social groups are concerned;

(c) Establishment, in law or in practice, of inferior State or State-supported schools for members of particular social groups, with respect to:

(1) Curricula,

(2) Qualifications of teachers, pay and opportunities for promotion,

or

(3) Libraries, playgrounds, athletic fields, school lunches, school medical care and treatment, special classes and arrangements for the physically defective, etc.;

(d) Establishment or enforcement, by law or in practice, of quota or percentage systems, limiting the number of members of particular social groups who can attend State or State-supported schools or receive certain types of instruction therein; and

(e) Any arbitrary administrative action implying any denial or restriction of those rights referred to in the preceding paragraphs (a) to

(d), to individuals solely because they are members of a particular social group.

115. M. *Inequality of opportunity for sharing the benefits of culture:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the free participation in the cultural life of the community, enjoyment of the arts, and a share in scientific advancement and its benefits, by individuals belonging to a particular social group; and

(b) Any arbitrary administrative action denying or restricting the rights mentioned in the preceding paragraph to an individual solely because he belongs to a particular social group.

116. N. *Inequality in services rendered:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the access of individuals belonging to a particular social group to:

- (1) Publicly-distributed or rationed commodities,
- (2) Public assistance and social security programmes,
- (3) Public housing programmes,
- (4) Public health and hospitalization programmes,
- (5) Public services, including post-offices, transportation systems, banking and loan facilities, etc.
- (6) Public recreational facilities, including parks, playgrounds, public libraries, etc.;

(b) Establishment by law or practice of inferior public services for members of particular social groups; and

(c) Any arbitrary administrative action or judicial decision denying or restricting the enjoyment of benefits of the services mentioned in the two preceding paragraphs to individuals belonging to a particular social group.

117. O. *Inequality in the enjoyment of the right to a nationality:*

(a) Establishment or enforcement of specific legal barriers or restrictions implying the denial to individuals of a particular social group of the right to a nationality, or of the right to change their nationality;

(b) Any arbitrary administrative act or omission denying or restricting the rights mentioned in the preceding paragraph to individuals belonging to a particular social group.

118. P. *Inequality in the enjoyment of the democratic right to participate in government:*

(a) Establishment or enforcement of specific legal barriers to, or restrictions upon, the right of individuals to vote or to be elected because they belong to a particular social group;

(b) Extension of the definition of legal incompetence to include all members of a particular social group solely because they are members of that group;

(c) Establishment of property, literacy, education, local citizenship, or other qualifications having no necessary connexion with the process of selecting candidates or casting votes, which in practice have the effect of limiting or restricting opportunities open to members of a particular social group;

(d) Accordance, by law, of a lesser weight to the votes of members of particular social groups;

(e) Adoption of voting systems which are inconvenient for members of particular social groups;

(f) Adoption of systems of taxation, in connexion with voting procedures, which in practice have the effect of limiting or restricting the right to vote of members of particular social groups;

(g) Division of the population for electoral purposes in such a manner that the votes of members of particular social groups are widely diffused and therefore play a less important part in the voting procedure;

(h) Permitting members of particular social groups to vote only in the less important elections or for the less important posts; and

(i) Refusal to acknowledge the legally established rights of members of particular social groups.

119. Q. *Inequality in access to public office:*

(a) Establishment or enforcement of rules denying or restricting the right of individuals to be appointed to a non-political, non-confidential public office because of their membership in such a group;

(b) Any arbitrary administrative action or omission, or judicial decision, denying or restricting the right of any individual, because he belongs to a particular social group, to appointment to a non-political, non-confidential public office for which he qualifies as the most suitable candidate.

120. R. *Inequality on the ground of political, jurisdictional and international status:*

Any measures implying distinction on the ground of political, jurisdictional or international status of the country or territory to which a person belongs.

(Note: In connexion with the question of distinctions "on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs", it should be borne in mind that the Charter of the United Nations recognizes, in Article 73, the existence of territories whose peoples have not yet attained a full measure of self-government. The members of the United Nations which have

responsibility for the administration of such territories have agreed, *inter alia*,

“ . . . (b) To develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions according to the particular circumstances of each territory and its peoples and their varying stages of advancement . . . ”)

121. S. *Inequality of treatment in specific cases:*

Inequalities established by so-called “racial” laws fall into the categories mentioned above. However, since they have constituted an especially effective method of discrimination against members of particular social groups, they may be repeated and listed as follows:

(a) Legislation establishing special courts for the trial of cases involving individuals belonging to particular social groups;

(b) Legislation subjecting such individuals to police, instead of court jurisdiction;

(c) Legislation compelling such individuals:

1. To register, declare, or sell their real or personal property;
2. To move from their homes to other areas;
3. To give up their means of earning a livelihood, or
4. To observe curfew restrictions;

(d) Legislation restricting such individuals to trading on certain days, at certain hours, or in certain places, etc.

(b) *Public discrimination manifested by the granting of privileges*

122. Privileges may be justified in particular cases, provided that they do not result in (a) a denial or restriction of the human rights of any individual belonging to a non-privileged social group; or (b) illegitimate transference of social groups into recognized legal categories.

123. By (a) is meant that privileges ought not to consist of measures the effect of which is to create inequality in the exercise of human rights. By (b) is meant that the categories of people to whom privileges are granted must be established by the law and not be merely a legal recognition of existing social groups, unless the purpose is to protect minorities. For example, it would be inadmissible to grant a certain legal privilege to white or to coloured people, or to Catholics or to Protestants, because by such action the law would recognize social differences which did not previously have any legal effect. But it might be admissible to grant exemption from taxation to the promoters of a new industry, to give allowances to owners undertaking to provide sanitation in unhealthy regions, or to grant scholarships to outstanding but poor students, etc. Nor should the privilege result in a burden on the non-

privileged; for example, if too large a category of people, or if too many categories, are exempted from taxation, the burden of taxes would then fall unduly upon those liable for them.

124. The following privileges may be considered as acts of discrimination:

(a) Special opportunities for public service, open only to individuals belonging to particular social groups;

(b) Special weight given to votes of members of particular social groups;

(c) Special exemption from the law for members of particular social groups;

(d) Special limitations on the right of members of particular social groups to own property or certain kinds of property;

(e) Special provisions with respect to transportation facilities applying to members of particular social groups;

(f) Special employment, business or professional opportunities for members of particular social groups;

(g) Special facilities for the education of members of particular social groups, or for the development of their abilities or talents;

(h) Special privileges for information media operated by, or intended for the use of, members of particular social groups;

(i) Special public and private services for members of particular social groups;

(j) Special legal exemptions for members of particular social groups (such as exemption from taxation, military services, etc.), with the exception of lawful privileges and immunities such as those accorded diplomats, members of legislatures, etc.

(c) Public discrimination imposing odious duties

125. The imposition of duties which are considered base or odious upon individuals, solely because they belong to particular social groups, constitutes a third major category of discriminatory practices. Methods by which these obligations are imposed include the following:

(a) Imposition of forced or compulsory labour, or slavery, upon members of particular social groups;

(b) Imposition of special taxes upon members of particular social groups;

(c) Enforcement of laws or customs compelling members of particular social groups:

(1) To wear or otherwise display special distinguishing marks;

(2) To carry special identification papers;

(3) To obtain special passports, visas, or other forms of permission for movement either within, or outside, their own country or territory, in addition to those normally required of all individuals; or

(4) To undertake tasks which are considered to be beneath the dignity of members of other social groups.

3. LEGITIMATE DISTINCTIONS WHICH DO NOT CONSTITUTE DISCRIMINATION

126. Many distinctions, established by law, do not constitute discrimination because they are established on just grounds and apply to all alike, not merely to members of certain particular social groups. Examples of these include:

(a) Legal incompetence due to minority, to criminality, to insanity, or to absence from the country;

(b) Restriction of liberty in virtue of lawful arrest or conviction;

(c) Denial of political rights to foreigners;

(d) Lawful expropriation with fair indemnity;

(e) Diplomatic immunities;

(f) Inviolability and immunities of members of Parliament, etc.

The above list is not intended to be exhaustive.

4. DISCRIMINATION BY PRIVATE PERSONS

127. The most serious forms of discrimination are those embodied in laws and regulations, legally establishing or permitting acts of discrimination; those practised by authorities and public officials in enforcing the law, and the arbitrary discriminatory measures taken by such authorities and public officials. But discriminatory behaviour by private persons must also be taken into account. Conduct which explicitly constitutes discrimination by private persons may be either:

(a) Acts or omissions by private persons the effect of which is to deny or limit the legal rights of individuals belonging to particular social groups; and

(b) Other acts which do not involve any legal infraction, but actually result in discriminatory treatment in social relations.

128. Before analysing and listing these forms of discrimination, some examples may be described. One form is the denial of equal access to opportunities: opportunities for employment may be denied to individuals belonging to a particular social group, or members of such a group are given employment only in menial tasks; or if they obtain better jobs, these jobs are restricted to a very small number; or they have to meet insurmountable difficulties in obtaining promotions; or the salaries paid to them are lower; or they are compelled to work under less favourable labour conditions; or vacations, as well as other advantages, are denied them or restricted.

129. Another form of discrimination by private persons is manifested in the refusal to admit members of particular social groups to housing areas occupied by privileged groups, which results in segregation. The groups discriminated against are in practice reduced to living in areas for members of their own groups only. Such areas or ghettos are usually characterized by poor sanitation, congestion, and scant facilities for recreation.

130. A third form of discrimination by private persons consists in denying individuals of the group discriminated against entry into, or use of, hotels, cafes, restaurants, theatres, or other places of entertainment or recreation; or the use of certain means of transportation, or other services or facilities, when these establishments or institutions are operated by private individuals or companies. The two latter forms of discrimination produce segregation in social relations, and lead to the opening of special hotels, cafes, restaurants, theatres, or other places of entertainment, vehicles, etc., for the groups discriminated against.

131. A fourth form of discrimination by private persons is the refusal to enter into social relations with an individual, solely because he belongs to a particular social group.

132. Finally, there is a fifth form of discrimination which involves disguised and sometimes explicit libelling of particular social groups. This ranges from insidious and malicious misrepresentation of facts and the presentation of distorted types or caricatures, to open libel against such groups and explicit demands for both social and legal discrimination. Such libel may take many forms. When a misdeed is committed by an individual belonging to the group discriminated against, his membership in that group is emphasized in newspapers or other media of communication: "Negro robs woman"; "Jew exploits poor workers"; "Alien breaks the law"; "Woman barred from faculty"; "Radical runs away with the funds of the Union", etc. This procedure may also be reversed and the news concerning the heroic and noble acts of members of the groups discriminated against suppressed or toned down. Caricatures of members of such groups are also propagated. Many plays, sketches, and motion-pictures in which characters representing particular social groups appear show such characters in stereotypes: The Negro as a happy clown or a criminal; the Jew as a ruthless moneylender; the alien who has been unable to adapt himself to the customs of his new home; the lower-class man living outside the law, etc.

133. No one, of course, can be forced to sympathize. Sentiments — as well as ideas — are incoercible. It is impossible to compel anyone to think or feel in a particular way. Even by resorting to torture, it is not possible to create or change ideas and sympathies. Moreover, freedom of thought and opinion is one of the fundamental freedoms proclaimed by the Universal Declaration of Human Rights, and any attempt

to influence ideas or sentiments by coercive measures would constitute a violation of this fundamental right.

134. The problem is different as regards external behaviour. There are, of course, many acts which should not be repressed by compulsion, since they are only the external expression of ideas, of sentiments and opinions, of likes and dislikes, the freedom of which is recognized. On the other hand, there are external forms of behaviour which imply an unjustified denial or restriction of the rights of others; such forms of behaviour may be restrained by legal means without interfering with the rights of individual freedom.

135. Applying these principles to discrimination, one must differentiate between discrimination which cannot be compulsorily restrained by the law, and discrimination which may be eradicated by legal measures.

136. Conduct with a discriminatory background or intention, but not amenable to enforced correction, includes such things as: not sending children to a school because it is attended by too many children belonging to a particular social group, and preferring another in which the director and a majority of the teachers and children belong to the parents' own group; not buying in certain stores because they are owned by members of a given race, class or church, or, on the contrary, patronizing various establishments because the owners are in the patron's own social set. Such conduct implies discrimination, and may produce very harmful effects; but it cannot be abolished or restrained directly by measures of coercion; it may only be counteracted in the long run through education.

137. Following are a few examples of types of discriminatory acts by private people which may be directly suppressed by law:

(a) Any obvious and unequivocally intentional libel against a particular social group in general, expressed directly or indirectly (through attributing the cause of the misdeed of an individual to the characteristic of the particular social group to which he belongs);

(b) Any deliberate act clearly intended to arouse public opinion to restrict individuals of particular social groups in the free exercise of their legal rights, participation in educational or cultural opportunities, sharing in the benefits of public services, access to public office, or in voting procedures;

(c) Any act which makes it physically difficult, hazardous or impossible for individuals of a particular social group freely to exercise their rights or take part in the activities enumerated in paragraph (b);

(d) Any act tending to incite people to acts of violence against individuals of a particular social group or against that group as a whole;

(e) Any covenant denying or restricting the right of individuals of a particular social group to acquire property of any kind (by legal means), or to use or transfer it according to general laws;

(f) Any concrete act committed by proprietors, managers, or employees of stores, implying explicit or implicit denial to sell goods offered for public purchase to individuals belonging to a particular social group;

(g) Any act by proprietors, managers or employees of a banking or credit institution denying or restricting the enjoyment by members of a particular social group of the facilities generally offered to the public;

(h) The denial or restriction of the right to buy property, the sale of which has been publicly offered to the highest bidder;

(i) Any act committed by proprietors, managers, employees or agents, of restaurants, cafes, theatres, moving picture houses, and other places of entertainment, open to the public, implying either prohibition of entry or segregation of members of any particular social group, on the grounds of their membership in that group, and not for legitimate reasons relating to the individual (such as drunkenness, uncleanness, or indecent behaviour);

(j) Any act committed by proprietors, managers, employees or agents of transportation enterprises denying or limiting access of, or imposing segregation on, individuals of a particular social group;

(k) Any act committed by proprietors, managers, or employees of an industrial, commercial or cultural enterprise which imposes employment restrictions on individuals belonging to a particular social group, or hinders their production;

(l) Any act committed by proprietors, managers or employees of industrial, commercial, or cultural institutions establishing or enforcing detrimental distinctions in working conditions, rates of pay, days of rest, vacations, which apply only or principally to individuals belonging to a particular social group;

(m) Any refusal by proprietors, managers or employees of industrial, commercial or cultural enterprises to enforce labour standards, particularly those relating to child labour and the protection of women, for individuals belonging to a particular social group;

(n) Any act or omission by proprietors, trustees, directors, supervisors and teachers of private schools which establishes or enforces barriers to or restrictions on the access of individuals belonging to a particular social group to classes or recreation, or which segregates them, or imposes quota systems or special educational systems;

(o) Any teaching of discrimination of any kind in private schools; and

(p) Any act committed by proprietors, managers or employees of news or information enterprises which bars or restricts the use of any media of information by individuals belonging to a particular social group, either by general, particular, or other measures.

Chapter VI

Legal Measures for Preventing Discrimination

A. THE EFFECTIVE POWER OF THE LAW AND ITS LIMITS

138. Although it may not be possible completely to eradicate discrimination by law, many forms of discriminatory conduct may be suppressed or greatly lessened by legal measures.

139. Although law affords a powerful instrument for changing social conditions, those conditions themselves set certain limits to the scope of practicable legislation and adequate enforcement. Attempts to overstep these limits may defeat themselves and even kick back upon their authors. But there is ample scope, even with these limits, for promoting social advance through legislation.

140. The most important ways in which the law acts as a factor in preventing discrimination are:

(a) It fosters the conviction that discrimination is wrong by fixing standards which are respected by the great majority of people.

(b) People who have little respect for the law are nevertheless afraid of the consequences of unlawful conduct; they therefore obey the law in order to avoid its penalties.

(c) In both cases and whatever the motive, the resulting daily behaviour tends to create social customs which are in harmony with the law; these customs constitute a powerful collective force.

(d) The law can also help repair the harm produced by unlawful conduct, in so far as it can provide indemnities and reparation for the person wronged.

141. Social conditions in many parts of the world have developed to a point where it is possible to enact new legislation prohibiting many discriminatory practices. The very fact that the United Nations has adopted the Universal Declaration of Human Rights, and established the Sub-Commission on Prevention of Discrimination and Protection of Minorities, indicates that the eradication of discrimination is considered to be possible.

142. Some forms of discrimination cannot be abolished by law because they are beyond the reach of legal action; but law can and should suppress all discriminatory acts which imply a denial or violation of legal equality.

143. The law, however, can control prejudice only indirectly because it is a matter of the mind which is and should be outside the action of the legal rules. Nor can discrimination be eradicated by law alone. There are also many subtle forms of discrimination against which coercion is of little use.

144. On the other hand, there are other forms of purely social discrimination which, even though they cannot be suppressed by legal coercion, may be lessened by certain administrative measures which do not imply compulsion, but which rather tend to bring about a change in these conditions, such as, for example, rendering positive services to the groups discriminated against.

145. The law should not, however, be used to interfere unduly with individual freedom. Important as is the prevention of discrimination, individual freedom is at least equally important. Individual freedom does not of course include the right to commit acts which are clearly and unequivocally defined as offences. But in the case of freedom of speech and all the other forms of expression of opinion, there are zones in which it is both very difficult and dangerous to draw the line between legitimate and illegitimate exercise of liberty. The legal-judicial mechanism is particularly ill-equipped to draw a line between proper comment or legitimate criticism on the one hand, and malicious libel of a group on the other hand. To widen the field of legal intervention too greatly would unduly restrict liberty of thought and speech. "When we outlaw any doctrine, no matter how detestable we think it, we give to the prosecutor and the judge a discretionary power that can easily become the wedge of tyranny cutting into the first of all liberties".¹ Only in the clearest cases of insult or outright libel, and then only with the greatest discretion, if at all, and in cases of definite incitement to violence, should the intervention of the law be sought. Moreover, even as regards malicious utterances against particular social groups, there is a field which cannot be controlled by law, namely, the surreptitious spreading of rumours and insidious remarks.

146. Finally, there is another consideration which points toward restraint in recourse to certain forms of legal action, namely, the danger of producing effects contrary to those desired. This may happen in two ways:

(1) The fact that legal action is taken may cause resentment, which accentuates the prejudice against which the law is directed;

(2) The fact that legal action is taken, by the publicity associated with it, gives undue importance and notoriety to the scandal-monger and rabble-rouser. In this age of mass communications, the prosecution of persons who have uttered malicious statements fostering discrimination multiplies a thousand-fold the attention paid to their

¹ R. McIver, "More Perfect Union".

utterances. It has aptly been said: "Never repeat a rumour, even to deny it; when you repeat a rumour, you are spreading the rumour".

147. The limitations on effective legal action in preventing discrimination which have been indicated are not intended to minimize the force of such action. In spite of these limitations, the law is very powerful and can prevent many forms of discrimination. Wherever there are rules which prohibit and penalize acts of discrimination, experience proves that these rules are effective, and there are still many more possibilities of using legal measures to eradicate many forms of discrimination. The limitations indicated are merely intended to show that legal action is not omnipotent. Legal rules are powerful and will probably be still more effective in the future, but their limitations must be kept in mind. It may be recalled that there are encouraging precedents for fighting discrimination by legal measures, particularly by penal laws, in international treaties and legislation, and in the constitutions of some Member States of the United Nations.

B. POSSIBLE LEGAL MEASURES TO PREVENT DISCRIMINATION

148. The enjoyment of human rights without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status can be guaranteed to all persons within the jurisdiction of a particular State by the enactment and enforcement of legislation which (a) abrogates all laws which permit or entail any discrimination, and (b) prohibits and penalizes discrimination by both official and private persons. In countries where a distinction is made between constitutional and ordinary law, these provisions could be made part of the constitution, which could also prohibit the enactment, either by the central or local legislative organs, of any ordinary law which entails discrimination. In countries which do not recognize this distinction, recourse would have to be had to ordinary law.

C. NON-PENAL LEGAL MEASURES

149. Although the measures here outlined are already implicit in those outlined in the previous section, the attention of the Sub-Commission is drawn to the possibility of suggesting laws for the following purposes:

(a) To abrogate any existing laws or regulations implying inequality in the treatment of members of different social groups;

(b) To abrogate any existing laws or regulations implying inequality in the rights to personal security of members of a particular social group;

(c) To abrogate any laws or regulations forbidding or restricting marriage between persons of different race, colour, religion, class, language, or political opinion;

(d) To abrogate any laws or regulations implying inequality in the right of freedom of movement and residence of members of particular social groups;

(e) To abrogate any laws or regulations implying inequality in the exercise of the right to freedom of thought, conscience and religion, of opinion and expression, the right to receive and impart information through any media, and in the guarantees of such rights, as between members of particular social groups;

(f) To abrogate any laws or regulations implying inequality in the right to freedom of peaceful assembly and association as between members of different social groups;

(g) To abrogate any laws or regulations restricting the rights of individuals born out of wedlock;

(h) To abrogate any laws or regulations implying inequality in the exercise of the right to free choice of employment, or inequality of treatment in business or professional opportunities or in labour conditions, as between members of different social groups;

(i) To abrogate any laws or regulations establishing specific legal barriers to, or restrictions upon, the free participation in the cultural life of the community, and the sharing in scientific advancement and its benefits, by any individual because he belongs to a particular social group;

(j) To abrogate any laws or regulations implying specific legal barriers to, or restrictions upon, the access of any individual to public services such as the public distribution of commodities, public assistance, social security, medical treatment or hospitalization, recreational facilities, because he belongs to a particular social group; and to abrogate any laws or regulations implying segregation as regards these services;

(k) To abrogate any laws or regulations denying, restricting, or rendering difficult the exercise of the right to vote of members of a particular social group;

(l) To abrogate any laws or regulations denying, restricting or making difficult the election to public office of individuals belonging to a particular social group;

(m) To abrogate any laws or regulations denying, restricting or making difficult the appointment to public office of any individual because he belongs to a particular group;

(n) To abrogate any laws or regulations establishing special conditions for the trial of cases involving individuals belonging to particular social groups; or subjecting such individuals to police instead of court jurisdiction; or compelling such individuals or groups to register, declare, or sell real or personal property, or to move from their homes to other

areas, or to give up their means of earning a livelihood, or to observe curfew restrictions, to trade on certain days, on certain hours, or in certain places;

(o) To declare null and void and without any legal effect all covenants denying or restricting the acquisition, lease, full use, enjoyment, or transfer of property of any kind by individuals because they belong to a particular social group;

(p) To grant a right of indemnity to individual members of particular social groups whose interests (material or moral) have suffered damage as a result of the application of any covenants referred to in the preceding paragraph, irrespective of any penalty which may be imposed in connexion with the establishment or observance of such covenants;

(q) To declare null and void all regulations and contracts of any kind concerning labour relations, which imply discrimination;

(r) To grant the right of indemnity to individuals discriminated against in labour relations, irrespective of any penalty which may be imposed in connexion with the establishment or observance of such regulations and contracts;

(s) To declare null and void all laws and regulations implying either discrimination or segregation in schools and cultural institutions;

(t) To declare null and void all private regulations and arrangements implying discrimination or segregation in private schools, except religious schools when such segregation is applied solely for the purpose of religious teaching;

(u) To abrogate any law or regulation establishing any distinction between citizens by birth and citizens by nationalization, except as regards their capacity for appointment to the highest political posts; and

(v) To abrogate restrictions on women as regards their eligibility to public office and the exercise of political and civil rights.

D. PENAL MEASURES AND THEIR POSSIBLE SCOPE

150. There are certain discriminatory practices which may be discouraged by penal law. Any discriminatory act or omission committed contrary to or outside the law by administrative or executive officials, or by private individuals, could be made a criminal offence; but it is more difficult to penalize legislators who have enacted laws which imply discrimination, or who have failed or refused to enact such regulations as are necessary to prevent discrimination. The Sub-Commission may nevertheless wish to consider such a possibility.

151. The prevention of such discrimination as is implied in legislation may be indirectly achieved by various means. The first is, in those States in which this is possible, to establish legal procedures, for ex-

ample, by way of recourse against constitutionality of laws implying discrimination. The second is to establish legal means for stopping any act by a public official who puts into effect a law, whether general or local, which is in conflict with constitutional provisions which prohibit discrimination, and to deny the official the possibility of objecting on the grounds that he acted in accordance with the law.

152. The Sub-Commission may consider that some forms of discrimination practised by public officials and private people should constitute penal offences. The list of discriminatory practices given above (chapter V of this memorandum) might be used in determining which acts of discrimination should be declared penal offences.

153. The Sub-Commission may wish to recommend that any act of discrimination committed by a public official, which is outside or contrary to the law, should constitute a penal offence.

154. A great number of discriminatory acts are already implicitly or explicitly defined as criminal in most legal systems, since many forms of discrimination implying denial, restriction or violation of human rights constitute offences, irrespective of the social group to which the victim belongs. For example, the violation of the sanctity of the home or of correspondence, illegal arrest, the unlawful restriction of freedom, etc., constitute offences in most penal systems. In regard to special cases of such offences, which are determined or inspired by discriminatory attitudes, new solutions might be found. Thus the fact that the victim belongs to a particular social group might be considered as an aggravating circumstance. This solution could be adopted not only in countries where a particular crime is already defined, but also in those where a new crime would have to be defined. Many legal systems already consider it to be an aggravating circumstance if the victim of a crime is at a disadvantage compared to the perpetrator of the crime. Since membership in a social group which suffers discrimination is a disadvantage, the suggested solution would be a concrete application of that criterion.

E. PUBLIC ADMINISTRATIVE MEASURES

155. Further opportunities for discouraging discrimination can be found in another field of government activity — that of the organized public services of various kinds. For example, irrespective of the legal measures which prohibit and punish the imposition of housing restrictions, governments can build houses which can be rented or sold without discrimination. It is also possible to set up administrative bodies with a view to decreasing tensions between different groups. Another suggestion (made by Dr. Gunnar Myrdal) is the setting up of independent and objective legal aid services, which, manned by highly-qualified professional lawyers, would be instructed to assist individuals of the group discriminated against to enforce their rights under existing laws in civil

and criminal cases. "They should be instructed to work not only upon application of clients, but also to take initiative particularly in following the procedure in police courts and prisons." Also in line with Dr. Myrdal's suggestions, special care should be given, if and when necessary, to improve the attitude of judges and the police, in order to avoid discriminatory practices on the part of organs or agents of the State.

156. Studies might be made of the results of co-operation between individuals belonging to different groups, in economic, cultural and recreational enterprises and opportunities, etc. Finally, governments can encourage and promote the mingling of individuals of different social groups in its own institutions; for example, in military units in which all ethnic, religious, and social groups are adequately represented.

Chapter VII

Educational Measures¹

A. AIMS

157. Much can be accomplished in the prevention of discrimination through education. The principal goals of education to this end should be:

(a) To disseminate correct information and to counteract false beliefs on which prejudices and discrimination are founded, rationally or as rationalizations. Scientific truth is a scourging power which may contribute considerably to the wiping out of discrimination;

(b) To abolish, or at least diminish, such prejudices and attitudes as may engender acts of discrimination which should be suppressed by law. The law should, of course, act immediately to prevent certain forms of discrimination; it does not have to wait for changes slowly effected by education. It is possible to prevent discrimination without removing its cause. However, it is equally true that the law will be more effective if prejudices and attitudes from which discrimination originate are lessened or eradicated;

(c) To abolish, or at least to diminish, all forms of social discrimination which cannot be attacked by law.

B. FIELDS OF EDUCATION

158. In considering education we must not focus attention too exclusively on the element of schooling. This, admittedly, plays a fundamental part, but all the factors of the social environment which influence behaviour are relevant to the subject under review.

159. Education given to children in school is frequently frustrated by the contrary influences prevailing in the home and in other social institutions or circles. It is therefore necessary to harmonize school training and all other educational factors. It may be easier, however, to obtain positive results more promptly in the school than in other social spheres. The influence of the school upon children is definite and immediate, while the convictions and attitudes of adults, which are predominant in forming the social environment, can be changed only slowly. It is for this reason that the widest possible programme of adult education must be planned and developed.

C. EDUCATIONAL PRINCIPLES FOR THE PREVENTION OF DISCRIMINATION

160. Educational principles for the prevention of discrimination include:

(1) Presentation and correct explanation of facts, showing that general images including the totality or the majority of the individuals who form a social group are distorted and unfair, do not correspond to actual facts, and that every culture is made up of contributions of many different ethnic and social groups (to this end, a great many concrete examples may be given);

(2) Ethical and legal principles, with regard to human dignity, individual freedom, equality of men, fraternity and justice;

(3) Emphasis on the fact that the prevention of discrimination is not a requirement of justice only, but that discrimination is also detrimental to the development of community and national life; no community can live in peace until it becomes a place in which differences may exist without creating friction.

Educational programmes to prevent discrimination should comprise both rational and emotional appeals, closely connected. Practical experience and the findings of social research within the field of education indicate that correct information alone may not be sufficient to eradicate prejudice. A purely rational appeal may in some cases serve to increase the prejudiced person's inner conflicts and cause him to use more devious methods of discriminating. On the other hand, educational programmes which are based solely on emotion may arouse uncontrolled sentiments that result in discriminatory practices. In order to avoid these failures both elements, rational and emotional, must be combined, aiming toward the building up of adequate self-control in individuals before they become prejudiced, or toward the relief of frustration or anxiety in those who have adopted discriminatory practices as a means of solving some of their own difficulties.

D. EDUCATION IN SCHOOLS

161. Considering education in itself, and putting aside for the moment the frustrating effects of an unfavourable social atmosphere, one finds that it offers a wide field of positive results. Many educationalists have stated that education directed towards achieving justice for all, based on the recognition of equality in rights, and inspired by a true feeling of fraternity and solidarity, succeeds in the primary schools without encountering serious obstacles because the child starts his life without prejudice and seems almost incapable of hostility against any group as

¹ Under resolution 116 (VI) B of the Economic and Social Council, UNESCO has been invited to take certain steps in this field.

such. On the other hand, in elementary and secondary schools certain obstacles will need to be eliminated or overcome, since most attitudes of prejudice originate in the years of late childhood and adolescence. Even when there is no discrimination in a school, pupils are sometimes affected by the prejudices of, and active indoctrination by, persons outside the school.

162. Any school programme to prevent discrimination might well take the following suggestions into account:

(a) Since practice is always more telling than precept, the first obvious measure to be undertaken is to eliminate any act of discrimination in the school, such as segregation of different social categories of pupils in different classes and playgrounds (for segregation encourages hatred, suspicion and disrespect); or permitting pupils to voice expressions of dislike towards particular social groups; or evidence of preference for or dislike of particular groups by teachers, inspectors, etc. It would also help if, as far as feasible, each school could include in its enrolment and teaching staff representatives of all social groups. Mere routine teaching in accordance with an assigned programme is not enough. Even more important perhaps is the teacher's whole approach, the spirit that animates his teaching, his attitude toward his students, and the incidental comments he may make. For the same reason, organizations such as summer camps, scouting groups, etc. which stimulate inter-group contacts, may become very effective in carrying out education against prejudice and discrimination.

(b) A programme based on ethical principles, the cultural contributions of different social groups, and the creation of a real sense of solidarity for the good of the country as a whole could be intensively developed. This three fold programme should, of course, be suitably adapted to each stage of education.

(c) The principles mentioned in the preceding paragraph could also be developed through text-books. This implies a careful review of text-books now in use, since many of them are prejudiced.

E. EDUCATION OUTSIDE THE SCHOOLS

163. An educational programme for the prevention of discrimination, outside the schools, would have to be a very broad one if it is to succeed. A general campaign of enlightenment might be undertaken. Such a campaign would make use of all the available means of mass communication, including the Press, pamphlets, posters, lectures, radio, moving pictures, exhibitions, etc. Such a campaign could be developed along several lines. An official campaign could be undertaken, organized and carried out by the official educational authorities and their agencies. These officials might also provide private institutions, willing to cooperate, with necessary materials. Private institutions could be encouraged

to undertake similar campaigns. The official campaign would have to be developed constantly on a permanent spiritual diet, for if it were confined to certain specified periods (for example, establishing a week for the campaign against discrimination), it might only serve to draw unfavourable attention to discrimination. Special campaigns will have to be developed to cope adequately with the many different kinds of discrimination.

164. Discrimination may and does develop in all ambits of society, but it can be more serious in certain spheres than others. Special attention must be given to such spheres. These include parents' organizations, labour relations, trade unions, and sports and recreational groups.

165. Where parents' associations exist, an educational programme might be developed especially for them. If the parents could be persuaded, the teachers would be more successful in combating prejudice and discrimination in the schools.

166. Discriminatory practices frequently occur in labour relations. They take two principal forms:

(a) Discrimination by employers in their relations with employees and workers; and

(b) Discrimination among the workers.

167. Discrimination by employers varies in intensity. Some discriminatory acts of employers can be suppressed by law, but other forms, manifested in intangible or imponderable decisions and behaviour, cannot be controlled by legal measures (as, for example, discrimination in the selection of employees for confidential posts for which the employer has the decision over the appointment; or preference shown towards members of a certain social group over others whose qualifications are equal, in giving promotions). An effort must therefore be made to educate employers.

168. In so far as employees are concerned, discrimination sometimes manifests itself as a cold or hostile attitude of one group to another. In trade unions, the dominant group sometimes reduces the chances of employment or promotion available to individuals belonging to another group by this method.

169. For all these reasons a special campaign, designed to enlighten employers, workers and trade union leaders, might be developed. Employers might be taught to regard each employee as an individual, with potentialities and limitations, who takes his or her place in the enterprise on the basis of merit as a worker alone, and not because he or she belongs to a particular social group; and to open supervisory jobs to members of all social groups.

170. Among the workers, the ultimate goal is to prevent or at least to decrease the friction which may develop between groups. A programme

of education might be developed to teach the workers to accept the principle that employment and promotion should be based on skill and efficiency.

171. Trade unions might be encouraged to teach their members to regard their fellow workers as equals, without any distinction based on the social group to which they belong. Unions might also be encouraged to carry on a constant, vigorous educational programme for the promotion of better understanding among their members.

172. Great success may be achieved with good educational programmes connected with sports and recreational activities, especially sports activities in which individual skill more easily obtains recognition. Co-operation without discrimination in sports can have beneficial consequences in other relationships.

173. In cultural institutions (scientific, philosophic, artistic, etc.) emphasis should be laid on the fact that culture has no frontiers, either in its origin or in the enjoyment of its benefits.

F. ORIENTATION AND PRINCIPAL CONTENT OF EDUCATIONAL PROGRAMMES

174. Modern pedagogics emphasize the fact that all educational programmes for the prevention of discrimination, both in and out of school, should aim at enlightenment and stress facts, and at the same time influence sentiment in favour of harmonious and fair social relationships. False generalizations should be refuted. It may be necessary to substitute symbols that express the truth for symbols based on ignorance and narrow interests. Education can set itself to no higher task than to teach people the lesson that prejudice blurs the vision of human reality.

175. Education should aim at showing that the consciousness of the "we" which is possessed by the members of most social groups, should not imply any condemnation of the "they" who constitute other groups.

176. The following principles might well be taken into account in any programme of education:

(A) *Ethical principles*

There are certain principles of civilization which have been generally accepted and which have, amongst other things, inspired the Universal Declaration of Human Rights. They are:

- (a) The essential dignity of the individual human being;
- (b) Individual freedom;
- (c) Equality;
- (d) Justice; and
- (e) The brotherhood of man.

(B) *Correct explanation of facts*

Certain facts should be stated and emphasized. Taking racial discrimination as an example (as it is the easiest to illustrate), the following facts might be presented:

(1) *Anthropological*

(a) The essential equality of all human beings biologically, psychologically, and in the essential functions of human life;

(b) The fact that science has proved that there is no such thing as "race" applied to human types. All peoples are ethnically mixed, and none of them is completely separated by isolating mechanisms or geographical distributions. It is a fallacy to speak of races as pure and definite types, for during the whole history of humanity there have constantly been so many ethnic intermixtures that no individual can claim to be the descendant of any one pure ethnic type;

(c) The fact that science has proved that there is no demonstrable correlation between racial types and intelligence, so that there is no natural and necessary mental superiority of certain ethnic types, or inferiority of others;

(d) The fact that peoples and nations are not formed by racial boundaries or factors, but by historical developments and cultural achievements;

(e) The fact that differences in cultural level depend on historical factors and conditions, which are the result of human action, and not of nature;

(f) The fact that none of the theories concerning the biological evils of miscegenation or mixture of races have been proved: on the contrary modern science teaches that interbreeding between different ethnic groups is sometimes biologically advantageous, increased vigour following hybridization having long been recognized by biologists. (As a matter of fact, inbreeding is now said to tend to stabilize the type and, in the long run, to diminish in vigour, while outbreeding increases the variability of the type and gives evolutionary processes a greater opportunity to work. Increases in stature and fertility are among the most important characteristics of hybridization.)

(2) *Sociological*

(a) Facts which show that all the great civilizations have been the result of contributions of men and women belonging to different social groups, from the point of view of ethnic origin, class status, religion, etc.;

(b) Facts which show that a nation is not biologically uniform but a complex integration of many different people who have contributed, and are contributing to its development;

(c) The fact that humanity is indebted to all peoples and all social groups that have acted throughout human history.

(C) National welfare and international peace

Not only would the abolition of prejudice and discrimination encourage national unity and welfare, it would also increase the universal solidarity of mankind and help bring about world peace.

G. DANGERS TO BE AVOIDED

177. Any educational campaign against prejudice and discrimination should be planned and executed with the greatest care if results contrary to those desired are to be avoided. Forcing a prejudiced person to read or hear exhortations on tolerance may only increase his prejudice. Over-enthusiastic appraisals of the contributions of a minority may create a reaction of distaste for members of that minority; and programmes improperly presented, even with the best intentions, may create an awareness of group differences which did not previously exist.

H. INTER-GROUP CONTACTS

178. Another means which may be used to break down barriers between different social groups is the stimulation of contacts between members of such groups. These contacts may be made in dealing with common tasks, common problems, or common dangers, which require members of one group to deal realistically with members of another.

179. The effective use of spontaneous inter-group contacts for this purpose involves the stimulation of common life experiences. This can be accomplished in many ways, such as:

(a) The promotion of inter-group discussions, meetings, and social activities which provide an opportunity for face-to-face contacts;

(b) The integration of members of the minority into jobs, schools, public positions, etc., where they are in daily contact with members of the majority; and

(c) The formation of committees and other official or semi-official groups to which members of the majority and minority groups are appointed on an equal footing.

I. RESEARCH WORK RELATING TO EDUCATIONAL PROGRAMMES FOR THE PREVENTION OF DISCRIMINATION

180. This memorandum has dealt only with the general principles which might inspire education for the purpose of preventing discrimination. On the basis of these general principles, concrete programmes might be established by experts in every branch of education. But still another task might be accomplished. Research work might be undertaken in order to determine the best means to be applied in education to this end. Such research work might have many aspects, and cover several fields.

181. One of those fields might consist in research by means of interviews, tests, surveys, etc., on the different types of prejudice and the most fitting means of eradicating the various types. Another field of research might be covered by psychiatrists. Many hostile attitudes, prejudices, dislikes, etc., which at first glance seem to be relatively simple behaviour, have a very dark and complicated origin in the zones of subconsciousness. In order to bring these origins to light, and to find the proper therapeutic means of combating them, work by psychiatrists and psychoanalysts may be necessary. Research work in sociology might also be undertaken; this is particularly important since discrimination is after all a social fact and should therefore be analysed from a sociological point of view.

182. The results of such research work, as well as the goals at which the prevention of discrimination aims, should be taken into account in drawing up educational procedures. This task might best be entrusted to experts in education, for they are best qualified to draw up practical plans.

183. Research might also be undertaken for the purpose of:

(a) Discovering areas where educational programmes in these fields have proved successful, and studying the techniques which provide the best results;

(b) Discovering areas where educational programmes in these fields have not proved successful, and seeking to determine the reasons for their failure, in order to correct and improve such programmes.

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