

The concept of discrimination nowadays

Foreword

Present summary provides a comprehensive presentation on a concept that nowadays appears with a more dynamic and diversified content; not only in disciplines but also in professional documents, politics, public life and in our everyday life as well. Discrimination is a terminology used regularly these days with always newer content and is interpreted differently due to the society becoming more open (Karl Popper), due to the different social values and behaviours, to the inequalities in societies and territories as well as due to the changes in societies. There is no doubt that the concept plays an emphasised role in every area of our life.

The concepts in various literature highlight not only the differences but very often the change in the content, thus enabling the researchers to apply these contents according to the given era and intellectuality. It becomes really challenging when the contexts are taken into consideration too.

The study aims to examine the concept of discrimination from the sociologist's point of view; that does not mean that the legal and economic aspects are excluded but when examining the concept it focuses first of all on the social science and on its wider or narrower elements.

The conceptual framework of discrimination

When interpreting discrimination we can start with the definition of Smith and Mackie (2002). According to the authors *„The terminology of discrimination refers to the positive or negative behaviour towards a social group and its members. Naturally people think generally of negative behaviour –, however a discrimination against one certain group means positive discrimination for others.“*

On the path of discrimination prejudice, stereotype and social categorization always appear. *„Prejudice is the most effective means of non rational cognition and knowledge both at social and psychological level“* (Csepeli 1997).

People's beliefs about other groups of people's positive or negative characteristics formulate important grounds of prejudice.

The grouping is two-folded; on the one hand members can direct the prejudice of people, i.e. develop the feeling of being superior; on the other hand the desire will come true by oppressing others deriving from this situation (Smith and Mackie 2002).

The foreshown judgements of persons with prejudice are based very often not on direct experiences but are only prejudice heard from others. In most cases prejudice is founded on stereotypes that are relatively rigid assumptions about a person, group or their social status.

These stereotypes are based generally either on superficial characteristics or on over-generalized characteristics observed at certain members of the group (Bujdosó and Kemeny 2009).

The concept dates back a long time, it was introduced in the book of Walter Lippmann published in 1922 with the title of *„Public Opinion“*. Its title refers to the beforehand recorded picture in our mind that is generally hard to be changed (Marshall 1998).

Some stereotypes contain certain elements of the truth; while others serve simply as a so-called shifting mechanism (Giddens 2008).

The definition of discrimination can be set from the aspects of sociology, psychology or politics. Social science analyses the content obviously from the aspect of the society that is neither less nor more important than the economical or social aspects; the difference is rather in the human approach containing often both the principles of rationality and liberalism.

According to Sociological Encyclopaedia, discrimination in social life is an act of distinction that happens by offending the social norms and the principle of equality in the eye of law against certain groups of people, which is considered unacceptable by the majority and is approved by some sub-groups of the population.

Practitioners in social science argue for the rigid definition of discrimination, which relies on the norms, values and principles based on the consensus achieved in the society.

However, the definition of discrimination used and applied by the National Rehabilitation and Social Office corresponds to the norms of the 21st century.

According to that the definition includes every type of discrimination, exclusion or favoritism that is abolishing or worsening equal opportunities or offending the principle of equal treatment.

Among the forms of discrimination both the direct and the indirect forms are to be found.

Direct discrimination is an act causing an unfavourable treatment to a person or group based on its real or assumed situation, character or feature in comparison with a non-discriminated person or group in similar situation.

Indirect discrimination is an act that is not considered as a direct unfavourable discrimination; at first sight it corresponds to the requirements of equal treatment, however places certain persons or groups into a significantly worse position in comparison with other persons or groups in a similar situation.

Early sociologists correlate discrimination with ethnocentrism that can prove the cultural phenomenon of opposition against deviation. This interpretation is also in line with the researches made about the stereotypes showing that the impression about each other within their own community has an influence on the relations among the racial and ethnic groups.

The majority of the sociological analyses deal with the ways of domination and oppression as an exhibition of the struggle for the power and privileges (Gordon 1998). Considering Gordon's interpretation of discrimination – from the point of view of the present study – the analysis of the content of the group stereotype must be taken into account. According to Mackie and Hamilton the personality features appearing in the group stereotypes reflect very often the feelings that the group members evoke in others. One can look at the first group with the feeling of hate and antipathy, at the second with fear and terror and at the third with honour and adoration. Thus, the first group can be considered as „antipathetic”, the second as „hostile”, and the third as „adorable” (Smith and Mackie 2002).

The stereotypes can contain both positive and negative characteristics, the explanation of which is of course not obvious for everybody. Perhaps, it is a more important conclusion that stereotypes may be accurate or inaccurate. What does that mean? The characteristic of a certain group can not be generalized, it is rather subjective. Like the statement that women are not good managers. The generalization is based on exaggeration and on wrong experience where the stereotype aims at the female gender and it may also be an explanation for a dogmatic society based on set social norms, where the female gender had no positive value. The definition of discrimination in the language of psychology is closely or fully related to the previous definitions. According to psychology discrimination equals damaging, degradation. Psychology's definition is based on sociology's definition, whereas discrimination is forcing groups of the population (mainly minorities) into a disadvantageous situation on the basis of race, religion, language, belief, origin or gender. Generally it is justified by prejudice, which virtually legitimates the discriminative behaviour. Prejudice became stronger especially in economic and political crises. Accordingly, the function of discrimination is to ensure its

own ruling situation, to cover the social inequality and to eliminate the competitiveness of the minority (Psychological Encyclopaedia 2002).

Giddens (2008) presents the content of discrimination from the social science point of view. In his opinion prejudice includes behaviours and opinions, while discrimination is the actual behaviour towards another group or person. Discrimination manifests itself in activities that deprive a person or a group of possibilities being open for others.

Csepeli (1997) considers prejudice as the tool of non-rational social and psychological learning and knowledge. He lists in his work the theories that explain rather thoroughly and professionally „when actually – the preliminary judgements become prejudice”, if the newly revealed knowledge is unable to change them – as it had been stated also by Allport in 1977.

Contrary to this, Wolf differentiates two types of prejudice, one aspect is the false picture about a situation, group or object, while the other aspect is when the reliable knowledge about a situation or group is not taken into consideration and the falsely believed information is unconditionally accepted. On the basis of the above it can be stated that the core elements of discrimination are the non-rational recognition and action.

Peter Szalai (2004) approaches the definition of discrimination from the legal point of view. The expert thinks that in order to reveal the content and legal nature of discrimination another legal category is to be determined, namely the principle of equality in the eye of law. Today equality in the eye of law is a formal equality meaning that everybody is equal in the eye of the executive power (power of the state). From the law's point of view, equality and prohibition of discrimination represents both sides of a coin; the right to equality is the individual's right, while the respect of the prohibition of discrimination is the obligation of the others (Szalai 2004). The expert believes that according to the everyday, generally known and accepted definition of discrimination, it is a disadvantageous treatment that offends the principle of equality in the eye of law.

The widespread definitions of the content of discrimination – connecting of course to each other partly or fully – present obviously only the true or presumed elements of the content. However, in practice it is more difficult to grab the contra content of the definition. In modern societies discrimination is mostly a problematic activity that is necessary to handle.

In his PhD work Sandor Szemesi (2008) thoroughly discusses the linguistic and legal interpretation of discrimination, from which it is worth emphasizing the social-linguistic thoughts. It gives an adequate, but not a full explanation why the definition and the content behind that are to be considered to be such problems.

„It is not easy to define the exact concept of the prohibition of discrimination as it is typically a definition used very often in the everyday language, however almost everybody interpretes it differently – not only in the everyday life but also in the world of science. A contradiction could be seen right at the grammatical approach, examining the content of the meaning of discrimination in the English language, two diametrically opposed results could be found. According to the everyday meaning (which is disappearing nowadays) discrimination includes all kinds of discrimination and not only the negative ones that are proven also by the fact that in the English language this word is used also with the preposition „between”. It is also used when wishing to differentiate in a neutral way between two things or concepts. Nowadays it is more widespread to use the word of discrimination with the „against” preposition that refers unequivocally to the pejorative discrimination that always happens against somebody, at somebody's disadvantage. Looking at other languages it can be found that the word of discrimination has exclusively negative content, like the German „Diskriminierung” or the French „discrimination” words (Szemesi 2008).

Outlook: What do people think about discrimination in the European Union?

The theoretical approach of discrimination necessarily includes the examples, patterns, and true dilemmas of the society. The Survey of Eurobarometer (2009) „Discrimination in the European Union” and the Hullam (2010) database of Group ESS European Social Survey 5 about the demographic composition of the Hungarian society, its ethnic, cultural, political structure and value orientations help to understand that. My summary focuses primarily on the data, analyses published by ESS in order to highlight the tendency of discrimination in certain areas. During the ESS data processing two questions arose; whereas my basic question is if the data give information about whether the members of the society have experienced any discrimination during their life or in the past year. If yes, how can we trace them and what the indicators would be? On the other hand it is also a question, what people in the Hungarian society think about fighting against discrimination and eliminating it.

The analysis of certain areas were made on the basis of the answers of 1561 persons, through the evaluation of a scale consisting of 6 units reflecting the opinion and attitudes of the Hungarian society concerning discrimination. The first question of ESS 5 Hullam asked whether the surveyed persons suffered from any discrimination because of their religious conviction. 88% of them responded that they had never experienced any discrimination because of their religious conviction and there were only a few saying „often” (1.6%) and „very often” (0.2%). The percentages of the replies of „sometimes” (1.5%) and „often” (1.6%) are very low, thus the conclusion is that the people answering do not think that discrimination against them happens because of their religious conviction. The negative responds about gender discrimination were also non-typical among the people answering. 86% of the surveyed people answered that they had never experienced gender discrimination, 7.5% answered „very rarely but it occurred” and 4% thought that „very rarely but had also met with this form of discrimination”. The percentages of the answers of „often” and „very often” were insignificant in this case (1.6-0.2%). Though gender discrimination is one of the most frequent forms of discrimination in the EU27, the surveyed people did not feel that there had been a significant discrimination against them in this respect. It should be noted that the topic of equality of genders has been on the agenda of the European Union since 1957. Until the middle of the 1970-es the equality of genders was restricted to achieve the principle of „equal work equal wages”. The directives born after the Social Action Program (1974) extended the principle of equal opportunities to the areas of employment and social security.

From the 1990-es the Union expects the member states to ensure the equal treatment in all areas of life. This will be achieved not only by accepting newer and newer directives but by action programs, by positive measures taken by the member states and by forcing national law applying positive discrimination (Gyulavari-Konczei 2000). In this respect the quick survey of „Inequalities between genders in the European Union” made in 27 member states of the Union among 25 539 citizens in January 2012 may give interesting data. In the present study some elements of the survey may be important, all of which reflects a dimension of the problem of inequalities. 60% of the Europeans think that the inequalities between the genders show a decreasing tendency in the past ten years, at the same time 24% have the opinion that they increased and 12% think that (as spontaneously interviewed) there has been no change. According to the interviewed citizens the most serious form of the inequalities between genders is the violence against women. 48% of the respondents from the EU think that, which is closely followed by the differences in earnings with 43%. The third place is shared by prostitution and trafficking with slight differences. 76% of women and 62% of men consider the differences in earnings between women and men a rather „grave” problem. Out of 27 member states this is the opinion of the majority in 25 member states (Eurobarometer 2012). In the survey made by ESS 5 Hullam the answers to the questions concerning discrimination

based on nationality, ethnic and race are the ones people are most interested in. In 2009, 91.6% of the surveyed felt that they had never suffered from racial discrimination and 93.7% answered that no discrimination could happen because of the colour of their skin. 3%-1.2% of the respondents suffered very rarely, 2.5% rarely and 1.4%-1.6% occasionally from racial discrimination or discrimination due to their colour of skin.

In this respect the cases of the Authority of Equal Treatment (Authority of Equal Treatment, 2011) gave important information about the Hungarian procedures, where cases of racial discrimination and discrimination due to the colour of skin could be found as well.

Between 2005 and 2011 there were in total four procedures exclusively because of discrimination due to the colour of skin and there were no similar procedures until August 2012. However, until now there were 6 reports complaining about ethnic, nationality and minority discrimination; three of them were related to the Roma origin.

In this respect the survey made by Eurobarometer in the EU27 and a targeted survey in Hungary in 2009 contain exciting results. 61% of the surveyed persons (on the basis of the analyses of 26 756 surveys) in the EU27 answered that discrimination was a widely spread phenomena, while 79% of the Hungarian respondents (1,000 persons) answered that in Hungary the ethnical discrimination was more common than any other types (age, disability, sexual attitude, gender or religion) of discrimination. In Hungary age discrimination seems to be more prevalent than in the other EU27 countries. 79.4% of the surveyed by 5 Hullam said that they had never experienced any age discrimination, 10.1% answered they suffered of that „very rarely” and 5.7% responded that they „rarely” suffered. The categories of „sometimes” (3.2%) and „often” (1.3%) were mentioned only in small percentages. In spite of the fact that the data suggest that the majority of the surveyed persons have never experienced age discrimination, it can be observed that this is rather different in the European and Hungarian tendencies. The validity of the data is questioned by the discrimination of maternity or paternity. The evaluation of responds suggests a rather positive than negative situation. However, looking at the practice, it can be seen that in „several member states the discrimination against pregnant women causes headache to the legislators. (In some languages the expression of „childbearing” should be avoided nowadays, instead the words of „expecting” or „pregnant” should be used).

It is to be listed in the category of „jurisdictional delicacies” that in the Irish practice of law the discrimination against pregnant women is considered as an indirect discrimination with the logical reasoning that no man can suffer any disadvantages due to pregnancy – it could be valid for only to the small portion of women who do not want to have a child” (Gyulavari-Konczei 2000).

Equally important topics are the questions concerning the family. In case of the discrimination due to marital status 90.2% of the surveyed never felt any discrimination, 4.6% felt it very rarely and 3% felt it rarely. The answers of „sometimes”, „often” and „very often” appeared only in very small percentages among the surveyed persons – 1.29%, 0.8% and 0.2% respectively.

Based on the above data it can be stated the majority of people do not experience discrimination because of their marital status, in spite of the fact that in the member states of the European Union – among others also in Hungary – there are several cases in this field, dominantly related to work.

Summary

The study aimed to introduce the different aspects of social discrimination and some elements of that by processing and publishing the data with social aspects of the ESS European Social Survey 5 Hullam. After understanding the various definitions of discrimination (which de-

finitions could be diverse, thus overstating the content) by reviewing some data and opinions, a concept has been developed concerning the discriminative behaviour on different areas.

The newest surveys of the EU are contradicting to the ESS survey or they seem to be mostly as a supplement of them, therefore one can get an unmatched view about the opinions of the surveyed persons. Thus every data is to be looked at with reservation.

The answers of the population asked during the ESS European Social Survey 5 Hullam draw a positive picture about the situation of discrimination in spite of the fact that the EU Survey about „Discrimination in the European Union” made in 2009 practically contradicts it.

„The types of ethnic, age, disability and gender discrimination are more widely spread in Hungary than in the other member states of the European Union” (Discrimination in the EU, 2009).

Two areas should be mentioned from the group of analyses where significant discrimination could be noticed. In the answers given to the questions about age and race – not too strong – the sensibility of the society in respect of discrimination could be still felt and through political decisions it seems to get more emphasize. The significance of age is important on the labour market and in the active participation in the society, the race in certain areas and positions only.

On the whole it seems that the discriminative behaviour of the people in the society is very diverse, their decisions – whether advantageous or disadvantageous – are not always made according to logical arguments. Efficient politics may help in certain cases but it is only one mean among others. There is a need of the society’s participation, the social consensus, tolerance, development of social values and of individual and collective decisions that are not restraining but helping the procedures to eliminate the discriminative behaviours and tendencies.

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