

서양 역사로 배우는 기초 인문학

이강룡

<http://readme.kr>

THUCYDIDES(BC. 460~400)

Pericles' Funeral Oration from

The History of the Peloponnesian War

translated by Richard Crawley

Our constitution does not copy the laws of neighbouring states; we are rather a pattern to others than imitators ourselves. Its administration favours the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to all in their private differences; if no social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the obscurity of his condition.

The freedom which we enjoy in our government extends also to our ordinary life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbour for doing what he likes, or even to indulge in those injurious looks which cannot fail to be offensive, although they inflict no positive penalty. But all this ease in our private relations does not make us lawless as citizens. Against this fear is our

chief safeguard, teaching us to obey the magistrates and the laws, particularly such as regard the protection of the injured, whether they are actually on the statute book, or belong to that code which, although unwritten, yet cannot be broken without acknowledged disgrace.

If we turn to our military policy, there also we differ from our antagonists. We throw open our city to the world, and never by alien acts exclude foreigners from any opportunity of learning or observing, although the eyes of an enemy may occasionally profit by our liberality; trusting less in system and policy than to the native spirit of our citizens; while in education, where our rivals from their very cradles by a painful discipline seek after manliness, at Athens we live exactly as we please, and yet are just as ready to encounter every legitimate danger. In proof of this it may be noticed that the Lacedaemonians do not invade our country alone, but bring with them all their confederates; while we Athenians advance unsupported into the territory of a neighbour, and fighting upon a foreign soil usually vanquish with ease men who are defending their homes.

Nor are these the only points in which our city is worthy of admiration. We cultivate refinement without extravagance and knowledge without effeminacy; wealth we employ more for use than for show, and place the real disgrace of poverty not in owning to the fact but in declining the struggle against it. ... In short, I say that as a city we are the school of Hellas...

Magna Carta (1215)

The English translation of Magna Carta is first published in 1534

(12) No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.

(13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.

(41) All merchants may enter or leave England unharmed and without fear, and may stay or travel within it, by land or water, for purposes of trade, free from all illegal exactions, in accordance with ancient and lawful customs. This, however, does not apply in time of war to

merchants from a country that is at war with us. Any such merchants found in our country at the outbreak of war shall be detained without injury to their persons or property, until we or our chief justice have discovered how our own merchants are being treated in the country at war with us. If our own merchants are safe they shall be safe too.

(63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fullness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

THOMAS MORE (1477~1535)

UTOPIA (1516)

translated by Paul Turner

(The first English translation was done by Ralph Robynson in 1551)

But I do not think that this necessity of stealing arises only from hence; there is another cause of it more peculiar to England.'

""What is that?" said the cardinal.

""The increase of pasture,' said I, 'by which your sheep, which are naturally mild, and easily kept in order, may be said now to devour men, and unpeople, not only villages, but towns; for wherever it is found that the sheep of any soil yield a softer and richer wool than ordinary, there the nobility and gentry, and even those holy men the abbots, not contented with the old rents which their farms yielded, nor thinking it enough that they, living at their ease, do no good to the public, resolve to do it hurt instead of good. They stop the course of agriculture, destroying houses and towns, reserving only the churches, and enclose grounds that they may lodge their sheep in them.

As if forests and parks had swallowed up too little of the land, those worthy countrymen turn the best inhabited places in solitudes, for when an insatiable wretch, who is a plague to his country, resolves to enclose many thousand acres

of ground, the owners as well as tenants are turned out of their possessions, by tricks, or by main force, or being wearied out with ill-usage, they are forced to sell them. By which means those miserable people, both men and women, married and unmarried, old and young, with their poor but numerous families (since country business requires many hands), are all forced to change their seats, not knowing whither to go; and they must sell almost for nothing their household stuff, which could not bring them much money, even though they might stay for a buyer.

When that little money is at an end, for it will be soon spent, what is left for them to do, but either to steal and so to be hanged (God knows how justly), or to go about and beg? And if they do this, they are put in prison as idle vagabonds; while they would willingly work, but can find none that will hire them; for there is no more occasion for country labor, to which they have been bred, when there is no arable ground left. One shepherd can look after a flock which will stock an extent of ground that would require many hands if it were to be ploughed and reaped. This likewise in many places raises the price of corn."

"The price of wool is also so risen that the poor people who were wont to make cloth are no more able to buy it; and this likewise makes many of them idle. For since the increase of pasture, God has punished the avarice of the owners by a rot among the sheep, which has destroyed vast numbers of them; to us it might have seemed more just had it fell on the owners themselves ...

MARTIN LUTHER (1483~1546)

**Disputatio pro declaratione virtutis
indulgentiarum**

**Disputation on the Power and Efficacy
of Indulgences (1517. 10. 31.)**

translated by Adolph Spaeth, L.D. Reed,
Henry Eyster Jacobs

Out of love for the truth and the desire to bring it to light, the following propositions will be discussed at Wittenberg, under the presidency of the Reverend Father Martin Luther, Master of Arts and of Sacred Theology, and Lecturer in Ordinary on the same at that place. Wherefore he requests that those who are unable to be present and debate orally with us, may do so by letter. In the Name our Lord Jesus Christ. Amen.

1. Our Lord and Master Jesus Christ, when He said Poenitentiam agite, willed that the whole life of believers should be repentance.

2. This word cannot be understood to mean sacramental penance, i.e., confession and satisfaction, which is administered by the priests.

3. Yet it means not inward repentance only; nay, there is no inward repentance which does not outwardly work divers mortifications of the flesh.

5. The pope does not intend to remit, and cannot remit any penalties other than those which he has imposed either by his own authority or by that of the Canons.

6. The pope cannot remit any guilt, except by declaring that it has been remitted by God and by assenting to God's remission; though, to be sure, he may grant remission in cases reserved to his judgment. If his right to grant remission in such cases were despised, the guilt would remain entirely unforgiven.

20. Therefore by "full remission of all penalties" the pope means not actually "of all," but only of those imposed by himself.

21. Therefore those preachers of indulgences are in error, who say that by the pope's indulgences a man is freed from every penalty, and saved;

24. It must needs be, therefore, that the greater part of the people are deceived by that indiscriminate and high-sounding promise of release from penalty.

27. They preach men who say that so soon as the penny jingles into the money-box, the soul flies out [of purgatory].

28. It is certain that when the penny jingles into the money-box, gain and avarice can be increased, but the result of the intercession of the Church is in the power of God alone.

32. They will be condemned eternally, together with their teachers, who believe themselves sure of their salvation because they have letters of pardon.

36. Every truly repentant Christian has a right to full remission of penalty and guilt, even without letters of pardon.

40. True contrition seeks and loves penalties, but liberal pardons only relax penalties and cause them to be hated, or

at least, furnish an occasion [for hating them].

43. Christians are to be taught that he who gives to the poor or lends to the needy does a better work than buying pardons;

44. Because love grows by works of love, and man becomes better; but by pardons man does not grow better, only more free from penalty.

45. Christians are to be taught that he who sees a man in need, and passes him by, and gives [his money] for pardons, purchases not the indulgences of the pope, but the indignation of God.

53. They are enemies of Christ and of the pope, who bid the Word of God be altogether silent in some Churches, in order that pardons may be preached in others.

72. But he who guards against the lust and license of the pardon-preachers, let him be blessed!

95. And thus be confident of entering into heaven rather through many tribulations, than through the assurance of peace.

BARTOLOMÉ DE LAS CASAS

A Short Account of the Destruction of the Indies(1552)

edited and translated by Nigel Griffin

The Americas were discovered in 1492, and the first Christian settlements established by the Spanish the following year. It is accordingly forty-nine years now since Spaniards began arriving in numbers in this part of the world. They first settled the large and fertile island of Hispaniola, which boasts six hundred leagues of coastline and is surrounded by a great many other large islands, all of them, as I saw for myself, with as high a native population as anywhere on earth. Of the coast of the mainland, which, at its nearest point, is a little over two hundred and fifty leagues from Hispaniola, more than ten thousand leagues had been explored by 1541, and more are being discovered every day. This coastline, too, was swarming with people and it would seem, if we are to judge by those areas so far explored, that the Almighty selected this part of the world as home to the greater part of the human race.

HISPANIOLA

As we have said, the island of Hispaniola was the first to witness the arrival of Europeans and the first to suffer the wholesale slaughter of its people and the devastation and depopulation of the land. (...) They forced their way into native settlements, slaughtering everyone they found there, including small children, old men, pregnant women, and even women who had just given birth. They hacked them to pieces, slicing open their bellies with their swords as though they were so many sheep herded into a pen. They even laid wagers on whether they could manage to slice a man in two at a stroke, or cut an individual's head from his body, or disembowel him with a single blow of their axes. They grabbed suckling infants by the feet and, ripping them from their mothers' breasts, dashed them headlong against the rocks. Others, laughing and joking all the while, threw them over their shoulders into a river, shouting: 'Wriggle, you little perisher.' They slaughtered anyone and everyone in their path, on occasion running through a mother and her baby with a single thrust of their swords. They spared no one, erecting especially wide gibbets on which they could string their victims up with their feet just off the ground and then burn them alive thirteen at a time, in honour of our Saviour and the twelve Apostles, or tie dry straw to their bodies and set fire to it. Some they chose to keep alive and simply cut their wrists, leaving their hands

dangling, saying to them: 'Take this letter' – meaning that their sorry condition would act as a warning to those hiding in the hills.

JOHN LOCKE

The Second Treatise of Government (1689)

3. I take political power to be a right to make laws—with the death penalty and consequently all lesser penalties—for regulating and preserving property, and to employ the force of the community in enforcing such laws and defending the commonwealth from external attack; all this being only for the public good.

6. But though this is a state of liberty, it isn't a state of licence in which there are no constraints on how people behave. A man in that state is absolutely free to dispose of himself or his possessions, but he isn't at liberty to destroy himself, or even to destroy any created thing in his possession unless something nobler than its mere preservation is at stake. The state of nature is governed by a law that creates obligations for everyone. And reason, which is that law, teaches anyone who takes the trouble to consult it, that because we are all equal and independent, no-one ought to harm anyone else in his life, health, liberty, or possessions.

26. God, who has given the world to men in common, has also given them reason to make use of it to the best advantage of life and convenience. The earth and everything in it is given to men for the support and comfort of their existence. All

the fruits it naturally produces and animals that it feeds, as produced by the spontaneous hand of nature, belong to mankind in common; nobody has a basic right—a private right that excludes the rest of mankind—over any of them as they are in their natural state. But they were given for the use of men; and before they can be useful or beneficial to any particular man there must be some way for a particular man to appropriate them.

The wild Indians in north America don't have fences or boundaries, and are still joint tenants of their territory; but if any one of them is to get any benefit from fruit or venison, the food in question must be his—and his (i.e. a part of him) in such a way that no-one else retains any right to it.

27. The labour of his body and the work of his hands, we may say, are strictly his. So when he takes something from the state that nature has provided and left it in, he mixes his labour with it, thus joining to it something that is his own; and in that way he makes it his property. He has removed the item from the common state that nature has placed it in, and through this labour the item has had annexed to it something that excludes the common right of other men: for this labour is unquestionably the property of the labourer, so no other man can have a right to anything the labour is joined to—at least where there is enough, and as good, left in common for others.

243. But if they have set limits to the duration of their legislature, and given this supreme power to some person or assembly only temporarily, or if it is forfeited through the misbehaviour of those in authority, at the set time or at the time of the forfeiture the power does revert to the society, and then the people have a right to act as supreme and to continue the legislature in themselves; or

to set up a new form of government, or retain the old form while placing it in new hands, as they see fit.

The Tragedy of the Commons

edited by Garrett Hardin, 1968.

Picture a pasture open to all. It is to be expected that each shepherd will try to keep as many sheep as possible on the common land. Such arrangement may work satisfactorily for centuries until the number of shepherds and sheep have been kept below the carrying capacity of the land. Finally, however, comes the day when the land reaches the limit of its carrying capacity. As a rational being, each shepherd seeks to maximize his gain. The shepherd receives all the benefits of adding one more sheep on the common land. Meanwhile, adding one more sheep leads to overgrazing and its negative effect is shared by his fellow shepherds. Then, he asks, "What should I do in this situation?"

EDMUND BURKE

Reflections on The Revolution in France (1790)

But one of the first and most leading principles on which the commonwealth and the laws are consecrated is, lest the temporary possessors and life-renters in it, unmindful of what they have received from their ancestors or of what is due to their posterity, should act as if they were the entire masters, that they should not think it among their rights to cut off the entail or commit waste on the inheritance by destroying at their pleasure the whole original fabric of their society, hazarding to leave to those who come after them a ruin instead of an habitation—and teaching these successors as little to respect their contrivances as they had themselves respected the institutions of their forefathers.

By this unprincipled facility of changing the state as often, and as much, and in as many ways as there are floating fancies or fashions, the whole chain and continuity of the commonwealth would be broken. No one generation could link with the other. Men would become little better than the flies of a summer.

And first of all, the science of jurisprudence, the pride of the human intellect, which with all its defects, redundancies, and errors is the collected

reason of ages, combining the principles of original justice with the infinite variety of human concerns, as a heap of old exploded errors, would be no longer studied. Personal self-sufficiency and arrogance (the certain attendants upon all those who have never experienced a wisdom greater than their own) would usurp the tribunal.

Of course, no certain laws, establishing invariable grounds of hope and fear, would keep the actions of men in a certain course or direct them to a certain end. Nothing stable in the modes of holding property or exercising function could form a solid ground on which any parent could speculate in the education of his offspring or in a choice for their future establishment in the world.

No principles would be early worked into the habits. As soon as the most able instructor had completed his laborious course of institution, instead of sending forth his pupil, accomplished in a virtuous discipline, fitted to procure him attention and respect in his place in society, he would find everything altered, and that he had turned out a poor creature to the contempt and derision of the world, ignorant of the true grounds of estimation.

Who would insure a tender and delicate sense of honor to beat almost with the first pulses of the heart when no man could know what would be the test of honor in a nation continually varying the standard of its coin? No part of life would retain its acquisitions. Barbarism with regard to science and literature, unskilfulness with regard to arts and manufactures, would infallibly succeed to the want of a steady education and settled principle; and thus the commonwealth itself would, in a few generations, crumble

away, be disconnected into the dust and powder of individuality, and at length dispersed to all the winds of heaven.

KARL MARX · FRIEDRICH ENGELS

Manifesto of the Communist Party (1848)

based on the New English Version

A specter is haunting Europe – the specter of Communism. (1)

The history of all society up to now has been the history of class struggles. (7)

The modern bourgeois society that arose out of the downfall of feudal society has not abolished class antagonism. It has only put new classes, new conditions of oppression, new forms of struggle in place of the old ones. (10)

The modern state power is only committee that manages the common affairs of the whole bourgeois class. (18)

Where the bourgeoisie has come to power, it has destroyed all feudal, patriarchal, idyllic relations. It has relentlessly burst the feudal ties that bind a person to his natural superiors, and left no bond between people other than naked self-interest, than callous “cash payment”. It has dissolved personal dignity into exchange value. (20)

The bourgeoisie has stripped the halo from all occupations hitherto considered respectable and regarded with pious awe. It has converted the physician, the lawyer,

the priest, the poet, the man of learning into its paid wage-laborers. (21)

The bourgeois relations of production is like the sorcerer who is no longer able to control the subterranean powers that he has called up. (33)

But the bourgeoisie has not only forged the weapons that deal death to it; it has also brought into existence the men who will wield these weapons – the modern workers, the proletarians. (35)

These workers, who must sell themselves piecemeal are a commodity like every other article of commerce and are consequently equally exposed to all vicissitudes of competition and to all fluctuations of the market. (36)

What distinguishes Communism is not the abolition of property in general, but the abolition of bourgeois property. (72)

The Communists can summarize their theory in this one phrase : abolition of private property. (74)

Capital is not a personal Power, it is a social power. (80)

The Communists are further taxed with wanting to abolish the fatherland, to abolish nationality. (112) The workers have no fatherland, One cannot take from them what they do not have. (113)

Where did the money come from?
from **MAN'S WORLDLY GOODS**
by Leo Huberman

The Church taught that there was a right and wrong in all man's activities. The standard of right and wrong for man's religious activities was no different from the standard for his social activities or, more important still, from the standard for his economic activities. The Church rules for right and wrong went for all of these in the same way. Nowadays a person might do something to a stranger in a business deal which he would not do to a friend or neighbour. We have different standards for business from what we have for our other activities.

Thus a manufacturer will do everything in his power to squeeze out his competitor. He will undersell, engage in a trade war, get special rebates for his concern, try every way possible to force his rivals into a tight corner. These activities will ruin the other fellow. The manufacturer knows that, but goes ahead nevertheless, because "business is business." Yet this same person would not for a minute allow a friend or neighbour to starve. This having one standard for economic actions and another for non-economic actions was contrary to Church teaching in the Middle Ages.

... Two men wait in line for tickets to the show. Each pays \$9.90 for three \$3.30 orchestra seats. As one of them leaves the box-office window he is joined by two of his friends. They enter the theatre, sit down, and wait for the curtain to rise. The other one leaves the box-office window, walks to the pavement in front of the

theatre, and, holding the tickets in his hand* approaches the passers-by. "Wanna buy three in the centre for tonight?" he asks. Maybe eventually he succeeds in selling them (for \$4.40 each), maybe he doesn't. It doesn't matter.

Is there any difference between his \$9.90 and the first man's? Yes. Mr. Speculator's money is capital, Mr. Theatre-goer's money is not. Wherein lies the difference? Money becomes capital only when it is used to purchase goods or labour in order to sell again at a profit. Mr. Speculator didn't want to see the show. He paid out \$9.90 with the hope of getting it back—plus some more. Therefore his money was acting as capital. Mr. Theatre-goer, on the other hand, paid out his \$9.90 with never a thought of getting it back—he simply wanted to see the show. His money was not acting as capital.

Similarly, when the shepherd sold his wool for money in order to buy bread to eat, he wasn't using that money as capital. But when the merchant paid out the money for the wool hoping to sell the wool again at a higher price, he was using his money as capital.

ABRAHAM LINCOLN

The Gettysburg Address (1863. 11. 19.)

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate — we can not consecrate—we can not hallow— this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced.

It is rather for us to be here dedicated to the great task remaining before us— that from these honored dead we take increased devotion to that cause for which

they gave the last full measure of devotion — that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

MARTIN LUTHER KING JR.

I Have a Dream (1963. 8. 28.)

at the Lincoln Memorial, Washington D.C.

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation. Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity. But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. ...

Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children. ...

Let us not wallow in the valley of despair, I say to you today, my friends. And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal." I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood. I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. ... From every mountainside, let freedom ring! ... And so let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snow-capped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. Let freedom ring from Stone Mountain of Georgia. Let freedom ring from Lookout Mountain of Tennessee. Let freedom ring from every hill and molehill of Mississippi.

From every mountainside, let freedom ring. And when this happens, and when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: Free at last! Free at last! Thank God Almighty, we are free at last!

TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

PART I: DEFINITION AND OBJECTIVES OF THE UNION

PART II: THE CHARTER OF FUNDAMENTAL RIGHTS OF THE UNION

PART III: THE POLICIES AND FUNCTIONING OF THE UNION

PART IV: GENERAL AND FINAL PROVISIONS

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. ...

Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.
2. In the fields of medicine and biology, the following must be respected in particular:
 - (a) the free and informed consent of the person concerned, according to the procedures laid down by law;
 - (b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;
 - (c) the prohibition on making the human body and its parts as such a source of financial gain;
 - (d) the prohibition of the reproductive cloning of human beings.

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority

Right to property

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law insofar as is necessary for the general interest.
2. Intellectual property shall be protected.

Equality before the law

Everyone is equal before the law.

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national

minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

Privacy Basics: The OECD Guidelines

In late 1980, the Organization for Economic Cooperation and Development issued a set of Guidelines concerning the privacy of personal records. Although broad, the OECD guidelines set up important standards for future governmental privacy rules. These guidelines underpin most current international agreements, national laws, and self-regulatory policies. Although the guidelines were voluntary, roughly half of OECD member-nations had already passed or proposed privacy-protecting legislation by 1980. By 1983, 182 American companies claimed to have adopted the guidelines, although very few have ever implemented practices that directly matched the standards.

The OECD Guidelines are as follows:

1. Collection Limitation Principle

There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

2. Data Quality Principle

Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.

3. Purpose Specification Principle

The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfillment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.

4. Use Limitation Principle

Personal data should not be disclosed, made available or otherwise used for purposes except:

- a) with the consent of the data subject
- b) by the authority of law.

5. Security Safeguards Principle

Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.

6. Openness Principle

There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available of establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.