

FROM MEASURING INTEGRATION TO FIGHTING DISCRIMINATION

The Illusion of “Ethnic Statistics”¹

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The debate in France over the development of statistics relating to the origins of immigrant populations or citizens from immigrant backgrounds, not available in the census, is a long-standing one. But the terms of this debate have changed. About a decade ago, the goal of describing and measuring the integration of populations from immigrant backgrounds required the collection of some specific information about these populations, in addition to the place of birth. This additional information included the place of birth of the parents of the person under consideration, as well as their nationality.

A Long-Standing Debate

The debate garnered public attention in the 1990s with the publication of research by the INSEE (Institut national de la statistique et des études économiques) and INED (Institut national d'études démographiques) that drew upon a survey of immigrant populations.² This survey introduced categories identified as ethnic based on a combination of information such as place of birth, parents' place of birth, and mother tongue. The controversy that followed the publication of this study was mostly about the validity of these categories, their meaning, and the relevance of such an approach.³ One problem was that the categories were heterogeneous: they mixed criteria of nationality

or citizenship—for groups such as “Spaniards” or “Italians”—with linguistic or straightforwardly ethnic categories—for groups like Fulani, Mandes, Berbers, Kabylis or Arabs.⁴ Also, a category “of French extraction” was created to identify persons born in France of parents also born in France. In short, some of these categories were constructed along ethnic lines (for Africans in general, but also Turks, since the Kurds of Turkey were considered to be a specific group), whereas other categories were based on nationality (Spanish, Portuguese, French) without any other distinction. For example, Castilians were not distinguished from Catalans, nor were Bretons differentiated from Alsations. Moreover, the category “of French extraction” amounted to a legal status being tied into a remarkably vague modifier with a quasi-ethnic flavor that was meant to evoke a rootedness of some kind in the French territory.

During preparation for the 1999 census, this controversy resurfaced. Under the pretext of measuring the extent of integration of immigrants and, beyond that, of counting populations from immigrant backgrounds living in France, several well-known politicians and researchers⁵ put pressure on the INSEE to introduce questions to that effect. They sought to establish in the census questionnaire a way to document the relatively recent immigrant background of French people born in France. A public debate took hold, but the INSEE refused to collect information relating to the birthplace of parents in the census.

Today, the terms of the debate have changed. The main, increasingly urgent motivation to collect statistics on origins—i.e., purported ethnic or ethnoracial ones—is not the measurement of integration anymore. Rather, it reflects the willingness to implement measures against discrimination related to geographic origins. The impetus for advancing the objective of equal treatment for all citizens, regardless of origin, came primarily from political stakeholders and has been picked up by researchers. Those researchers have suggested setting up ethnic categories in public statistics to assess the extent of discrimination related to the visibility of origins—and its evolution.

In their perspective, the absence of such statistics is the result of a political correctness constraint imposed by the proponents of an illusory kind of republicanism. As a consequence, the diversity of the French population has been kept from public view, in contrast with Anglo-Saxon countries (the United States, Canada, and the United Kingdom) that do collect such data. Conversely, for those who oppose this data collection, the construction of purportedly ethnic statistical categories does not have any scientific basis. This is so because, on one hand, an ethnic group is not an objective entity; and on the other hand, even if such statistics were collected they would be of no help for measuring discrimination, since the latter is a complex process that cannot be reduced simply to the victim’s appearance. We will develop these arguments in greater detail below.

The debate has gained ground progressively in the political and media arenas as a result of different factors: the existence of purportedly “experimental”

surveys featuring questions on ancestry, ethnicity, and even skin color,⁶ the creation of a national black umbrella organization (the CRAN, or Conseil représentatif des associations noires), and the saliency of affirmative action and selective immigration as issues in the 2007 presidential campaign. Moreover, the antidiscrimination theme has strengthened the position of researchers who were more comfortable with that as a motivation, as it was more in line with their political commitment than the idea of using statistics to help promote integration. It has also broadened the field of academic disciplines involved in this debate. In addition, recent discussions among historians have focused on the issue of colonialism and the opportunity to legislate against the denial of the crimes of slavery. This has contributed to merging the debate over ethnic statistics into a much wider one on the relationship between immigration, colonialization, and decolonialization. In the past, within a controversy primarily centered on immigration as a whole, only demographers and other statisticians dared to take a stand. Today, sociologists, historians, and scholars trained in the study of societies ranging from Anglo-Saxon countries to the former Soviet Union are participating in this debate. If one compares the articles published in 1998 in *Population*⁷ to those drawn from the conference organized by the Centre d'analyse stratégique in 2006,⁸ one gets a clear picture of how far the debate has evolved between these two dates.

Moreover, the implementation of antidiscrimination measures and the creation of the HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité) by state authorities through the law of 30 December 2004 has contributed to the visibility of this debate. This institution has important prerogatives. It helps people who consider themselves victims of discrimination with legal procedures. It informs the public prosecutor of violations of antidiscrimination legislation. And, most importantly, it can file cases with judicial authorities and submit its observations to courts of law. All types of legally prohibited discrimination—as specified in the Criminal Code (*Code Pénal*) or the Labor Code—come within its purview. They include discrimination based on sex, origins, family status, sexual orientation, mores, genetic characteristics, genuine or supposed membership in an ethnic group, nation, or race, physical appearance, disability, health condition, pregnancy, surname, political opinions, religious convictions, or union activity. On several occasions, the HALDE, through its President, Louis Schweitzer, publicly took a stand against the collection of statistics on race and ethnicity.

The legal framework for antidiscrimination initiatives was consolidated by a parliamentary vote on the *loi pour l'égalité des chances*, which occurred at about the same time. This law authorizes audit studies conducted for the purpose of measuring discrimination (more commonly called “testing” in France), which consist in experimental simulations designed to demonstrate discrimination by providing evidence of unequal treatment, all other factors being equal.⁹ This method has been used broadly by antiracist associations in

various settings of daily life—on the job and housing markets, for instance. One strategy will thus consist in sending to several companies identical resumes that differ only in the name of the applicant, in order to ascertain whether some unequal treatment based on the forbidden ground for discrimination obtains. A ruling by the Cour de Cassation held that practice to be legally valid on 11 June 2000. Since then, this has been confirmed by the “law for equality of opportunity” of 31 March 2006, whose Article 45 added to the *Code Pénal* an article under which “offenses [of discrimination] are constituted even if they are committed against one or several persons having solicited a piece of property, documents, services or contracts mentioned in article 225-2 with the intention of showing the existence of this discriminatory behavior, so long as the proof of such behavior has been established.”¹⁰ Those audit studies thus stand as a legal means to fight discrimination of the disparate treatment variety.

Recent reflections by the French Data Protection Authority (Commission nationale de l’informatique et des libertés, or CNIL) regarding the introduction in surveys of variables allowing for a measurement of ethnicity-related characteristics also fall within the framework of this debate. Those reflections were undertaken under pressure from polling organizations and researchers seeking to obtain population samples defined on an ethnic basis, or to introduce an ethnoracial nomenclature in public surveys.¹¹ For example, a Jewish organization, the CRIF (Conseil représentatif des institutions juives de France) requested that the CNIL create a sample of supposedly Jewish names in order to perform a telephone opinion poll meant to “gain reliable quantitative data on the state of opinion of Jewish populations in France.”¹² The argument put forward was one of efficiency: the goal was simply to obtain a statistical sample at the lowest cost. The CNIL refused because “the objectives of the survey could be reached by using other methods for constituting the sample.”¹³ On the other hand, when the INED asked for the CNIL’s authorization to build a sample made of Moroccan—and Turkish—sounding first and last names in order to do a survey on the integration of Turks and Moroccans, the agency assented “because of the public interest involved in studying the integration in France of the descendents of Turkish and Moroccan immigrants.”¹⁴ The difference in the CNIL’s assessment was mainly due to the nature of the entity applying for such an authorization: in one case, a public research institute, in the other, the representative council of a particular community. It also reflected a certain awkwardness with regard to such demands, which then led the agency to publicize its deliberative process. As a result, in early 2007, sixty or so experts, researchers, association leaders and social stakeholders were heard by a commission made up of CNIL members. They were asked for their opinion as to the relevance of collecting statistics on ethnicity for antidiscrimination purposes.

Along with this publicizing, politicizing, and institutionalizing of the debate, controversies in the academic sphere have been rekindled. Numerous colloquia and roundtables on this issue have been organized,¹⁵ and many anti-

cles, op-eds and petitions have been published. In July 2006, for instance, the daily *Le Monde* published an article on an experimental survey by the INED¹⁶ on ethnoracial affiliation and how the respondents themselves felt about that information being collected. Shortly thereafter, the results of an audit study¹⁷ again triggered numerous responses in the French daily press.

Then, a group of researchers¹⁸ wrote a petition eventually signed by the leaders of several antiracist associations¹⁹ and published in the daily *Libération*. This petition called for a “Republican commitment” to fighting discrimination without creating statistics on ethnicity. While acknowledging that “in order to assess discrimination based on origins and to measure the progress made, statistical data is necessary,” it asserted that the information already available in surveys, especially that on parents’ nationality and geographic origins, was sufficient to study the unequal treatment of people from immigrant backgrounds. “Going a step further by requesting that individuals declare their ethnic group, their ‘race,’ their religion, or even their sexual orientation, is of no use for combating discrimination and promoting equality of opportunity,” the petition said. And “in addition to being pointless, ethnic statistics are dangerous. Far from reflecting diversity, such statistics would oversimplify it. Classification along a single line is bound to be reductive and inappropriate. It would invent groups that do not exist, create divisions where there is proximity, suggest uniformity where there is diversity, and erect boundaries where there is continuity. Ethnic statistics would have the effect of bringing in the notion of ‘race’—whose non-scientific character and danger are well known by all—and to foster intercommunity conflicts.”

A response to this document—initiated by a group made up mostly of sociologists—was then published denouncing what it characterized as an infringement upon the freedom required by intellectual inquiry, including the freedom to carry out ethnic enumerations.²⁰ These researchers noted that “after years of silence and invisibility, discrimination has become a key public issue.” They asserted that “statistics played a definite role” in this process. “Awareness of discrimination would never have reached its current level without the facts established by those researchers whose work was outside of the intellectual mainstream.” To their mind, statistics had “done a lot to increase that awareness. As a matter of fact, with equivalent educational credentials and social origins, persons defined as being of ‘North African extraction’ have two and a half times less chances of getting a job than persons of allegedly ‘French’ origin. This measurement of the ‘impact of origins’ on social integration seems obvious enough. Yet, in order to make that statement, it has proven necessary to construct categories of persons of ‘North African’ and ‘French’ origins and to collect information on their employment situations, their degrees, and the socio-professional category of their parents. Analyzing discrimination requires making comparisons. The issue is what to compare.”

A study carried out in 2007 by the Conseil représentatif des associations noires (CRAN),²¹ which had been founded in 2005, put this question in a

different light. The study's stated objective was to quantify perceptions of discrimination by black populations in various contexts of daily life. As a matter of fact, however, emphasis was mostly drawn on its assessment of the numeric size of the black population in France, in accordance with the CRAN's motto: "Counting ourselves in order to count." This media-savvy organization has been calling for the elaboration of statistics that its president calls "diversity statistics," yet are practically indistinguishable from "ethnic statistics." And while the struggle against discrimination is the CRAN's main institutional commitment, it should be pointed out that other associations most active in combating racism, anti-Semitism, and discrimination have come out against "ethnic statistics," SOS Racism being one of them.

Quantifying Ethnicity: A Futile Endeavor

The goal of statistics is to create categories for observation, which inevitably simplify reality in order to be usable, but which enable grasping facts, measuring them and analyzing them. In the debate over "ethnic statistics," qualitative descriptions of discrimination gave way to a desire to describe situations numerically in the hope of facilitating action.²² This transformation is illustrative of a broader impulse toward quantification also found, in the early twentieth century, in the move from reflecting upon the nature of intelligence to developing a measure of it—the IQ—and setting up of studies specifically designed to assess the extent of illiteracy in different countries.²³ Yet, in all fields, there are two sets of issues that quantification must successively face. The first one has to do with the technical feasibility of a measurement—in this case, that whose object is ethnic discrimination—while the second one pertains to its political and social feasibility. In other words, a distinction is to be made between what is possible technically and what is socially acceptable.²⁴ However, in current French debates, scientific discussions over the ability to construct statistical categories allowing for a measurement of "ethnic" discrimination have been utterly marginalized and supplanted by normative considerations as to why one should or shouldn't create such categories, in the absence of any clear definition of what such categories might be by their proponents.

For critics of "ethnic statistics," the creation of purportedly ethnic categories to help combat discrimination reduces discrimination to just one of its visible components, i.e., phenotype. But discrimination is a complex process in which various visual features constitutive of a person's appearance (body, skin color, facial traits, behavior, language, accent, clothing, etc.) come into play, which may prompt a positive or negative response from the beholder, who engages in a projection based on his or her own representations, life experience and convictions. When this response is based on physical characteristics or on an external attribute that may be interpreted as an indicator of

origin or of religion (skin color, phenotype, or the fact of displaying religious signs), and triggers a different treatment of people with the said characteristic, one talks of “ethnic”²⁵ discrimination. Pinpointing discrimination related to origins assumes that it is possible to isolate the specific effect of this “ethnic” factor. Yet, discrimination works as an inseparable whole whose elements are in constant interaction.

Moreover, all factors must be evaluated in the context in which the discrimination occurs: a face-to-face meeting, a perusal of the applicant’s résumé, a telephone conversation, etc. In a face-to-face interaction, all cognitive processes are active. In contrast, only a few elements will be interpreted when reading a resume in the absence of the actual applicant—the place of birth, the place of residency, and above all, the first and last names. With a phone conversation, language mastery is clearly the most salient feature. As a result, the elements that might trigger discrimination are extraordinarily diverse. In addition, in face-to-face interactions, the specific individual features of the possible perpetrator of discrimination also enter into the often unconscious assessment of those factors.

Those objections being made, how exactly are these purportedly ethnic or ethnoracial categories to be constructed by their proponents? As a matter of fact, there is no single, precise definition of an ethnic group. One usually identifies as such a group of individuals with shared traits, especially as regards history, language, culture and, more often than not, past or present occupancy of a given territory. An ethnic group is constituted by a feeling of shared belonging based on language, tradition, territory, culture, or some combination of these dimensions. It is not defined by external characteristics; what matters is the individual’s feeling of membership in the group. Yet, those “ethnic” groups that are constructed to describe populations from immigrant backgrounds are usually defined and named exclusively based on presumed territorial origins. Groups such as Berbers, North Africans or West Indians are in fact a heterogeneous mix of individuals born in France and others born abroad, regardless of their trajectory and of the intensity of their bond with—of their emotional or material investment in—their presumed country of origin. In fact, no truly ethnic characteristic constitutes such groups; they are defined mainly by their embodying France’s colonial legacy.

To avoid this pitfall, sometimes the term “ethnic” is used as a euphemism for “racial.” Alternatively, some prefer to use the even vaguer expression “ethnoracial.” In the INED survey “on the measurement of the diversity of the French,” the categories used thus rely on criteria that are phenotypical and ancestry-based: “white,” “black,” “Arab or Berber,” “Asian,” and “mixed” (*métis*).²⁶ The reductive and simplistic character of these categories is allegedly justified by the fact that they are those that the authors of discrimination themselves use. Yet, should one follow this line of reasoning, one would need to introduce other categories such as “Beurs,”²⁷ “Pakis,” or even “Catholics,” “Protestants,” “Jews,” or “Muslims,” all the more so as one of the main

conclusions of the experiments conducted in the INED survey was that “immigrants and their direct descendents are twice as reticent as the average [respondent] to place themselves in an ‘ethno-racial’ category,” a fact that may lead one to be doubtful about the relevance of such categories.

Nonetheless, it is obvious that there is nothing genuinely ethnic about these statistical categories. As for the “diversity statistics” label that is now being put forward, it is even less adequate. At best, the above-mentioned categories bear witness to a purely racial vision of society, as reflected in the absence of subdivisions within these categories. Thus, whites make up a single group, regardless of their geographic origins, and the individuals who call themselves “black,” or “Arab”, or “Berber” no doubt would define themselves in a very different way should the question be asked in an open-ended manner. Focusing on physical appearance conceived as skin color does not take into account the many modalities of subjective self-definition and categories of affiliation that may be the basis on which discrimination operates.

The Limits and Dangers of Ethnic Categories

The creation of ethnic categories raises problems beyond those inherent in developing any classification of representations. For the justification put forward in favor of using them is also ambiguous. Proponents of such categories attempt to legitimize them by emphasizing that they would not be immediately ascribed to respondents based on physical appearance. Interviewees would have a choice in how they describe themselves; they could freely decide which categories they identify with. Yet, however numerous, such categories are still the product of the researcher’s representations, as opposed to individual self-perceptions. A genuine self-identification process would require that people self-define according to their own representations of themselves, without being geared and constrained by pre-established categories.

Also, there is a contradiction between this kind of statistical protocol and the goal of measuring discrimination. Discrimination is the result of an interaction between two persons, one of whom ascribes positive or negative features to the other based on criteria that are projections of some kind. These projections, in turn, are based on visible characteristics or some other information that may well be more often than not unrelated to the way the person being discriminated against perceives himself. In other words, an individual may feel French but not be considered as such by others because of a particular accent or physical feature. One may be discriminated against in hiring because one’s name carries negative connotations from the recruiter’s point of view. Or a person may be discriminated against in the housing market if a landlord perceives a potential renter’s appearance as denoting an origin that triggers rejection. It is difficult, if not impossible to consider measuring discrimination only through individual self-perceptions, especially if visible

characteristics are at play.²⁸ It would be wiser to take the opposite approach, namely, having the investigator or a third party ascribe a category to the respondent. However, this procedure would be difficult to implement, and would, moreover, be influenced by the distinctive features of the person making this assessment.

There is yet another unsettled question, and a very important one: assuming it is possible to collect such ethnoracial statistics, would those serve as an effective tool for antidiscrimination purposes? The potential uses of such data are never discussed in concreto by proponents of “ethnic statistics.” Yet, the debate over data collection cannot be isolated from that over the kind of antidiscrimination measures that would then follow, in particular, affirmative action and quotas in public policies and/or the recruitment practices of private actors. In the United States, while discrimination has long been perceived as a major political problem, that problem remains largely unresolved, even though data collection has helped raise government awareness. “Affirmative action did not have only positive consequences ... It has also contributed to the racialization of all issues throughout the whole social hierarchy”²⁹ by concealing the magnitude of inter-individual economic differences within groups. Moreover, describing populations as ancestry-based groups risks locking them into communities and may well buttress divisions between them instead of reducing such divisions. The implementation of policies that favor statistically identified populations requires that those who wish to benefit from them affiliate themselves with the corresponding categories. In turn, this reinforces the reification of such categories. In this respect, the Russian and Soviet examples are most illuminating.³⁰

Finally, when such categories are introduced into the public statistical apparatus, they come to be used in many surveys and become categories of reference and of public policy that researchers cannot control. Therefore, researchers cannot ignore the consequences of classifying a population into groups, even if those are defined on an experimental basis.

The more “politically correct” term of “diversity”—compared to the terminology of “race”—is frequently employed to refer to such statistics. Yet, in addition to not having any connection with ethnicity strictly conceived, the categories involved surely do not reflect the actual diversity of origins of the population living in France. This “ethnoracial” nomenclature is a caricature with no relation to what is known about the diversity of existing modes of self-definition. In contrast, the 2004 INSEE survey *Histoire de Vie (Life History)*³¹ on the construction of identities, for example, allows for a fine-grained analysis of the ways in which individuals define themselves in terms of their personal trajectory and their multiple belongings (familial, professional, geographic, religious, political, etc.). It also allows one to grasp the weight of those other-ascribed identifications based on more or less immediately perceptible characteristics (place of residence, physical appearance, accent, etc.).³²

The Complexity of "Subjective Origins"

As the INSEE *Histoire de Vie* survey has confirmed, the development of a feeling of belonging is a complex process of which one's individual trajectory and the set of places where one has lived at some point are all components. That feeling cannot be reduced to a single geographical origin or to nationality. Its object may be local, national, or even supranational entities. The only way to study how people subjectively relate to their "origins" is by taking into account their whole personal trajectory and their choice of places that will work as focal points for self-identification. Even when the information is collected through open-ended questions ("If I ask you, 'where are you from?,' what would you say?"), one notices that people, especially those with complex life stories, have difficulties situating themselves with respect to a single origin, as shown by the frequency of answers such as "I am from here and from there," "from nowhere," "from everywhere," "I am a citizen of the world," etc. Also, respondents often mention diverse kinds of geographic origins: "from the countryside," "from the suburbs or suburbanite," "from the mountains," etc.³³ The more the content of their trajectory is diversified, the less frequently they refer to a common origin. For example, 15% of people who have lived most of their life abroad mention a town as their place of origin versus 78% who have never moved from their original town. The children born to (an) immigrant(s) parent(s) identify themselves more in reference to intra-departmental units such as *communes* than other respondents, for whom the region also stands as a locus of identification. For a migrant, the place of residency is first perceived as being restricted to a specific neighborhood; the region enters the picture only as a result of a process by which the migrant progressively appropriates her surroundings and the culture that goes with such a territorial implantation. Thus, migration, whether it takes place within a single national territory or across nation-states, is the key factor that accounts for what the relevant scale of identification will be. How people relate to their place of origin is the product of specific migratory patterns irreducible to the exceedingly simple immigrant/non-immigrant dichotomy. The reference to a geographic origin abroad is also contingent upon the position occupied by the individual in the migration process involved. Thus, for second-generation immigrants born in France, the most relevant scale of reference is already the local one.³⁴ Those who live in housing projects often identify with their *cit  * more than with their parents' geographical origin. The *Histoire de Vie* survey confirms the centrality of the local as a factor of group affiliation and identity construction—an identity that, insofar as it is the product of common practices and bonds of recognition, may properly be called ethnic. While a majority of those first-generation immigrants who have retained their nationality say they are from their country of origin (59%), this is true of only one third of those who have become French citizens, and of only 5% of those born of one immigrant parent. As a general matter, the answers to survey questions about identity and

origins are quite diverse: some reflect difficulties in locating oneself along those lines ("I am a person without roots, I am neither Portuguese nor French"), while others mention a more or less balanced "double affiliation" ("I am 70% Moroccan, 30% French," "from France and Beijing," "half from France, half from Portugal..."); some refer to a nationality without more ("I am a French citizen"), while others complement this with indications as to national or geographic origin ("French from North Africa," "French born in Spain," "French of Algerian origin"), and others still use categories such as "pied noir"³⁵ or "multi-racial." The complexity of the feelings of belonging and origin localization reflected in these answers shows just how difficult it is for people with complex geographical trajectories and/or whose ascendants have migrated to declare a single membership.

The Competition of Appearances in the Study of Discrimination

Another result of the *Histoire de Vie* survey is that the factors accounting for the existence of a "feeling of discrimination" are diverse and not limited to the perception of geographic origin as determined by physical appearance.³⁶ This survey's goal was not to provide a measure of discrimination but to grasp the multiple features on the basis of which such discrimination may have been experienced and the positive and negative consequences that followed. The study shows that people born in France of two immigrant parents are the subgroup most likely to declare having felt they were being treated differently, for whatever reason (48% of them do). Thirty-two percent of those immigrants who have retained their original citizenship feel the same, as well as 30% of people born of French parents. The factor most often identified by respondents as being the source of this difference is their first or last name, even though it was felt to trigger mockery and insults rather than unequal treatment strictly speaking. Then comes the country of origin, which is perceived as triggering in equal measure mockery and unfair treatment. Physical appearance, be it defined in terms of size and weight or "skin color," appears in third position, more often than not as a factor of mockery for the former and unfair treatment for the latter. In short, a variety of factors are at play, and skin color is a less potent factor of discrimination than how one's region of origin is perceived by others. To a lesser extent, second-generation immigrants also feel that they are treated differently more often, whereas immigrants do not differ from persons born French to French parents in this respect, whether or not they have acquired French citizenship. For the latter, however, the situations experienced are more about jeers or insults than injustice, and the grounds mostly concern appearance as defined by weight or size, whereas immigrants subjectively experience discrimination based on physical criteria related to their origins (country of birth, skin color, and accent).

Such a detailed study of the factors of discrimination perceived by the children of immigrants—the group that most often feels that it is being treated unfairly, or at least treated differently—paints an extremely complex picture. Because they are French citizens born in France, they can hardly stand being constantly pegged to the origins of their parents. The last name is the main factor of perceived discrimination as far as they are concerned; it was mentioned twice as often as “skin color.” This is one more illustration of how inadequate ethnoracial categories are for understanding discriminatory behaviors. Categories based on the place of birth of the person involved and that of her parents would serve well enough in this respect. Those variables are increasingly used in national surveys (the Employment Survey, the FQP [Training and Professional Background Survey], and the Family Survey, for example) and pave the way for numerous studies. And in other research on the trajectories of generations of persons who have been born in France or who have immigrated (based on INSEE’s permanent demographic sample derived from combining data from the census and the *état civil* [public registries]), discrimination and its evolution were studied using a variety of fluid categories.³⁷

Similarly, some original survey designs that draw inspiration from audit studies and consist in sending out résumés identical but for the first and last names (for example), make it possible to identify discriminatory practices and track their evolution without introducing predefined categories. Other techniques may be used as well.³⁸ For instance, considering the first names of a set of job applicants and of the subset of those eventually hired, one can compare the success rate of people whose names make them vulnerable to discrimination with that of the whole applicant group. These first names can be grouped according to their likely connection to a geographic origin or a continent, without designating anything as “ethnic” or “racial.” This approach has the advantage of providing an incontrovertible measure of discrimination without resorting to a classification of individuals into a system of ethnic or racial categories—whether those are other-ascribed or chosen by the individuals themselves. The possibility of being discriminated against is then conceived as an attribute of the first and last names, without reinscribing those into immutable categories and without defining them in ethnic terms *a priori*.

These alternative approaches are in keeping with the opinion handed down by the CNIL after the hearings held in May 2007 as summarized by the following recommendations:

- It is necessary to use existing sources of information more broadly and to allow researchers to have easier access to personnel and administrative records and to public statistical databases, in compliance with the principle of data protection.
- To measure the reality of the discrimination experienced, surveys collecting the answers of targeted populations to questionnaires should be developed. Since these surveys are optional and the

answers are confidential and based on self-declaration, it must be possible to ask questions about the nationality and place of birth of the respondents, but also those of their parents. It is also important that persons who feel discriminated against indicate the criteria—physical appearance, language, name, etc.—on which they believe this discrimination is based.

- In addition, the analysis of first and last names under certain conditions—i.e., when this analysis does not result in classifying them into a set of “ethnoracial” categories—may be useful to detect potential discriminatory practices.
- Lastly, the law on information technology and freedom (*loi informatique et libertés*) should be amended to ensure better protection of people and of sensitive data about them. The law should ensure that the research being conducted is indeed of a scientific nature by reinforcing CNIL oversight of these files, the permissibility of which should not be determined only by the consent of the persons involved.³⁹

This position is a balanced one that opens up many avenues for research. At the same time, the CNIL voices “major reservations” as to the creation of a national nomenclature of “ethnoracial” categories.

Conclusion

The “ethnic” categories whose introduction is being advocated actually have nothing to do with ethnicity; they reflect little more than a caricature of race conceived as appearance. These categories do not provide an adequate response to the complexities of discrimination. Other means of observation and action must be devised and perfected to combat it effectively. It is pointless to burden statistics with the responsibility of reducing or eradicating inequalities that they cannot properly assess. In addition, these statistics are not risk-free. It is well-known that the categories discussed here may be manipulated to the detriment of the people they are supposed to help. The latest event in the current French debate illustrates this. At the end of 2007, two parliamentary representatives from the current majority party (the UMP) introduced an amendment to an immigration bill which, “in the name of fighting against discrimination,” would authorize “the collection of this type of data under certain conditions.” The day after parliamentary discussion of this amendment, the president of the Republic defended the idea of immigrant quotas, to be defined according to skills, occupation, and country of origin. As it happens, political leaders clearly associate “ethnic statistics” with immigration control rather than with antidiscrimination.⁴⁰ Parliament passed the amendment but the Constitutional Council⁴¹ ruled it unconstitutional

because it was attached to a law on immigration. It was therefore rejected.⁴² In this context, the introduction of ethnoracial categories in large-scale public statistical surveys is both ineffective and far from neutral. The risk is great that these experimental categories will become categories of reference for state or private practices far removed from the fight against discrimination. Researchers cannot pretend to ignore this.

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Notes

1. A portion of this essay is taken from Alain Blum and France-Guérin Pace, "À propos du débat sur les statistiques ethniques," *Idées* 147 (2007): 24-35. We thank the editors of this journal for letting us republish part of this article.
2. *Mobilité géographique et insertion sociale* (INSEE-INED, 1992).
3. Alain Blum, "Comment décrire les immigrés—à propos de quelques recherches sur l'immigration," *Population* 3 (1998): 569-88. Hervé Le Bras, *Le Démon des origines: Démographie et Extrême-Droite* (Paris: Éditions de l'Aube, 1998).
4. Michèle Tribalat, *Faire France* (Paris: La Découverte, 1995).
5. Blum, "Comment décrire les immigrés."
6. Patrick Simon et Martin Clément, "Comment décrire la diversité des origines en France?" *Population et sociétés* 425 (2006).

7. *Population* 3, dossier "La variable ethnie comme catégorie statistique" (1998).
8. Centre d'analyse stratégique, *Actes du Colloque Statistiques "ethniques" du 19 Octobre 2006 à la Maison de la Chimie*, <http://www.strategie.gouv.fr/IMG/pdf/ActesStatistiquesethniquesvers13-11.pdf>.
9. *Horizons stratégiques* 5, symposium "La discrimination saisie sur le vif: le testing" (2007) (<http://www.strategie.gouv.fr/revue/>).
10. Law no. 2006-396 pour l'égalité des chances, *Journal Officiel*, 2 April 2006, 4950 (<http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=SOCX0500298L>). See also ministerial directives regarding the presentation of provisions of law no. 2006-396 of 31 March 2006 for equality of opportunity relating to the fight against discrimination (*Bulletin officiel du ministère de la Justice*, 1 April 2006, http://www.textes.justice.gouv.fr/art_pix/102-CRIM-j.pdf).
11. One of the missions of the CNIL is to issue an opinion on public survey questionnaires.
12. <http://www.cnil.fr/index.php?id=1993>.
13. CNIL, Deliberation no. 2006-078 of March 21, 2006.
14. CNIL, <http://www.cnil.fr/index.php?id=2061>. Meeting of 24 July 2006.
15. Centre d'analyse stratégique, *Actes du Colloque Statistiques "ethniques"; Horizons stratégiques* 5, symposium "La discrimination saisie sur le vif."
16. Jean-Baptiste de Montvalon and Laetitia Van Eeckhout, "La France résiste au comptage ethnique," *Le Monde*, 2 July 2006. See also Laetitia Van Eeckhout, "Recensement 'ethnique': Le débat français," *Le Monde*, 10 November 2006. For a response to the first of these two articles, see Alain Blum, "Les limites de la statistique," *Le Monde*, 1 August 2006.
17. Jean-François Amadieu, "Baromètre Adia-Observatoire des discriminations," November 2006, <http://cergors.univ-paris1.fr/docsatelecharger/Barometre2006resultats.pdf>.
18. The authors of this article belong to it.
19. The petition appeared on 23 February 2007: see <http://www.engagement-republicain.org/>.
20. "Statistiques contre discriminations: pour combattre les inégalités 'ethniques', les chercheurs ont besoin d'instruments de mesure fiables," *Le Monde*, 13 March 2007.
21. The creation of that association, which has been trying to establish itself as one of the state's key interlocutors on such matters, is a new development. The name implicitly makes reference to the *Conseil représentatif des institutions juives de France* (CRIF), which is officially considered as the spokesman for the French Jewish community in its relations with state authorities. The *Conseil français du culte musulman* (CFCM) has a similar status, acting as the spokesman for the Muslim community. The main innovation of the CRAN, which has not yet obtained official spokesman status, is to base its existence on a unifying feature related to physical appearance rather than religion.
22. Alain Desrosières, "De Cournot à l'évaluation des politiques publiques. Paradoxes et controverses à propos de la quantification," *Prisme* 7 (2006).
23. Alain Blum et France Guérin-Pace, *Des lettres et des chiffres: Des tests d'intelligence à l'évaluation du "savoir lire," un siècle de polémiques* (Paris: Fayard, 2000).
24. Desrosières, "De Cournot à l'évaluation des politiques publiques."
25. As we will see, using the "ethnic" label in this way does not make any sense.
26. Simon et Clément, "Comment décrire la diversité des origines en France?" The use of quotation marks does not change the nature of the underlying assumptions.
27. *Beur* has been a self-describing term frequently used by people born in France of North African immigrant parents.

28. Christopher Ford, "Administering Identity: The Determination of 'Race' in Race-Conscious Law," *California Law Review* 82, 5 (1994): 1231-85.
29. Patrick Weil, *La République et sa diversité* (Paris: Seuil, 2005).
30. Juliette Cadot, *Le Laboratoire impérial: Russie-URSS (1860-1940)* (Paris: CNRS éditions, 2007). Alain Blum, Catherine Gousseff et Jean Radvanyi, "Mutations identitaires en Russie," *Revue d'études comparatives Est-Ouest* 1 (2004).
31. Isabelle Ville et France Guérin-Pace, "Identity in Question: The Development of a Survey in France," *Population-E* 60, 3 (2005): 231-58. The Histoire de Vie survey was conducted in 2003 and 2004. The representative sample included 8,403 individuals from the over-eighteen population (from ordinary households) living in metropolitan France. Immigrants and second-generation immigrants were overrepresented. The goal of the survey was to observe the way respondents articulate their diverse affiliations, emphasizing some and deemphasizing others, depending on the context of interaction and on life circumstances. The self-descriptions aggregated into a coherent and meaningful self-image that may be considered as the respondent's "identity" at the time of the survey. A large portion of the questionnaire was devoted to collecting information on individual, familial, geographic and professional trajectories.
32. Marilyne Beque, "Le vécu des attitudes intolérantes ou discriminatoires par les personnes immigrées et issues de l'immigration," *Études et Résultats* 424 (Ministère de l'emploi, de la cohésion sociale et du logement, Ministère de la santé et des solidarités, Drees, septembre 2005).
33. France Guérin-Pace, "Sentiments d'appartenance et territoires identitaires," *L'Espace Géographique* 36, 4 (2006): 298-309.
34. France Guérin-Pace, "Lieux habités, lieux investis: le lien au territoire, une composante identitaire?" *Economie et Statistique* 393-394, symposium on the « Histoires de vie » survey (November 2006).
35. French settlers in North Africa and particularly Algeria.
36. The following question was asked: "Has anyone ever made fun of you, excluded you, treated you unfairly or denied you a right because...?"
37. Jean-Luc Richard, "Jeunes adultes fils et filles d'immigré(s), niveaux de formation et fréquence différente du chômage selon les origines nationales parentales: présomptions de discriminations à l'encontre des enfants d'immigré(s) africain(s)," *Migrations société* 105-106 (2006).
38. Amadiou, "Baromètre Adia."
39. Measurement of Diversity, Ethnic Statistics, Equality of Opportunity: The 10 Recommendations of the CNIL to Better Fight Against Discrimination (<http://www.cnil.fr/index.php?id=2219>).
40. See, for example, "Un amendement au projet de loi sur l'immigration autorise la statistique ethnique," *Le Monde*, 13 September 2007.
41. After the law was initially passed, a group of deputies referred it to the Constitutional Council, which verifies conformity between articles of law and the Constitution.
42. The Constitutional Council's decision of 15 November 2007 on this matter, n° 2007-557 DC, was worded as follows: "Given that, while treatments necessary to the conduct of studies on the measure of people's diversity of origins, of discrimination, and of integration may rely on objective data, they cannot rely on race or ethnic origin without infringing upon the principle stated in Article 1 of the Constitution; and that anyway the amendment from which Article 63 of the law challenged stems is devoid of any connection with the provisions included in the original bill..." ("Considérant que, si les traitements nécessaires à la conduite d'études sur la mesure de la diversité des origines des personnes, de la discrimination et de l'intégration peuvent porter sur des données objectives, ils ne sauraient, sans

méconnaître le principe énoncé par l'article 1^{er} de la Constitution, reposer sur l'origine ethnique ou la race; qu'en tout état de cause, l'amendement dont est issu l'article 63 de la loi déferée était dépourvu de tout lien avec les dispositions qui figuraient dans le projet dont celle-ci est issue.")

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