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Ethnic Data: Some Lessons From Jewish Experience

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The author would like to thank Professor Dan Wilkes for his comments on the development of American anti-discrimination law.

Statistics have played a central role in modern attempts to victimise the Jews of Europe – and in living memory, being marked as Jewish has meant loss of employment, enforced emigration, and worse. Small wonder, then, that Jews in Eastern Europe are still commonly reluctant to register as Jewish, with the result that many observers assert that census and survey data under-represents the Jewish population of some countries by as much as one half. [1] At the same time, Jewish communities have often used statistics to combat discriminatory policies, sometimes with great success.

While not always recognised as an 'ethnic group' or 'minority,' and frequently not wishing to be defined in these ways, Jewish bodies have sought time and again to attract protection as a minority – with the collation of ethnic data an inevitable corollary. Up until the 1940s, this made for an interesting history – information set to work in a variety of ways within the vagaries of the systems set up for protecting minority rights. The new Europe after 1989 in some respects seemed to be moving towards a comparable framework for minority policy – making lessons from interwar Europe relevant in new ways.

Today, Jewish representatives are frequently, but not always, among the interested parties seeking more 'multicultural' paths beyond the paradoxes of old-style minority-majority politics. [2] Below, the implications this holds for the collection of data on ethnic identity, currently an object of heated debate amongst Jewish scholars and community representatives worldwide, are drawn out against the background of some more historical successes and problems faced in collating data on Jews.

In 1954, the American Jewish Committee (AJC) scored one of the most impressive triumphs in the history of the use of data against discrimination – in a case not involving anti-Semitic discrimination, but the segregation of blacks from whites. An AJC study submitted to the Supreme Court in amicus curiae, based on academic surveys across the United States, made the case that educational segregation was both legally injurious and psychologically damaging to its victims. [3] The final judgment of the Court in the case (Brown v. Board of Education of Topeka, Kansas), quoting from the 200-page document, affirmed that racial segregation in schools was unlawful. Much celebrated in its time, the judgement also very effectively gave birth to the enforced desegregation of American schools, and to the legal imposition of 'bussing' children across school districts. Were it not for the statistical work done to prove the effect of segregation on individual children, the judgement might well have collapsed in the face of subsequent legal challenges, challenges which continued for decades afterwards. Needless to say, the intervention of the AJC and other non-governmental organisations could not have taken place without the ability to collect and publish detailed statistics, and the credibility of that evidence in turn depended upon conventions about the use of social science commissioned by non-governmental actors in the pursuit of American justice. The model need not transfer precisely to a European legal framework to be of self-evident value for other reasons. The experience of American blacks and Jews was in many respects also very distant, though this was still a time when Jews were unable to buy property or gain employment (or club memberships) in extensive parts of the country and economy. Finally, it was no accident that a leading Jewish organisation commanded the resources to sponsor and follow-through on a study on the psychological dimension of discrimination – the American Jewish Committee and American Jewish Congress had active research and publication programmes in this area by the end of the 1940s, and drew on the academic expertise of scholars pioneering the analysis of cultural pluralism and racial discrimination, such as Horace M. Kallen. The psychology of hatred is still one of the most obvious areas for cooperation between otherwise potentially dissonant minority groups – the Jewish-Muslim cooperation at the heart of the Runnymede Trust's reports on Islamophobia has shown this well. [4]

In the past, one key to the successful use of statistical evidence on behalf of persecuted Jewish minorities has clearly been the level of international attention given to their plight. The pogroms in the 'Pale of Settlement' under the Tsars and during the aftermath of the First World War were followed by international commissions of enquiry of variable quality. [5] By the early 1920s, Jewish organisations concentrating on minority rights protection in Eastern Europe were publishing studies on the effects of the pogroms on Jewish communities, giving detailed evidence of the relationship between government action (or inaction) and the commission of atrocities against Jews. [6] Of course, detail is no safeguard against partiality, and no guarantee of convincing local authorities of the need for action. With the League of Nations seeking to implement minority protection regimes across Central Europe, however, the extent

and nature of discrimination against minorities easily became affairs of high international politics, forcing governments onto the defensive to an extent which only defeat had been able to secure in the decades leading up to the Paris Congress. [7]

Whatever the privations of interwar European Jewry, their legal situation had improved immeasurably and the willingness of Jews to cooperate with Governments collecting statistics naturally grew as well. Where once, under the Tsars, to give the extreme example, registration meant a punitive conscription regime, this was no longer the case. In other parts of nineteenth-century Europe, it had meant punitive taxation and other forms of economic discrimination. [8] Immediately after the First World War, this was no longer the case. The Jews of Romania, another extreme example with respect to economic discrimination, had once had to rely on the occasional interventions of individual statesmen and of Jewish grandees such the Rothschilds. [9] Now, their chief sources of defense were more organised human rights bodies abroad and political parties at home, capable of showing in detail the discrimination they faced, with some alleviation of their situation resulting. At census time, Jews in Romania and Polish Galicia had once, under Austrian rule, sought to demonstrate their solidarity with their compatriots by registering their mother tongues as Polish, German or Hungarian. [10] Now, under newly-independent democratic states, large numbers of Jews registered as Yiddish speakers and voted for Jewish parties, which would sometimes choose to affiliate with other minorities, sometimes with the moderate coalitions in government. They also did so in the Czech Republic and in Lithuania, without evident repercussions. [11] Naturally, in the Soviet Union, Jews were for most purposes not a recognised national minority, though Jews still had a 'J' stamped in their identity cards and passports – the campaign against religious institutions was directed with force against the Jews, and soon the proponents of a socialist Yiddish culture also fell victim of the purges. [12] As the buoyant early 1920s slipped into the recession and political crisis of the 1930s, the trend in other states towards more benevolent forms of minority-majority relations also disappeared. By 1945, the minority rights system of the interwar years was believed by many in Europe to have been as much part of the problem as part of a solution, giving justification for diplomatic and military aggression between states. If this was an inaccurate summation of the Jewish experience between the wars, after the decimation of European Jewry during the war it bore no relation to the realities of life for Jewish minorities in Europe whatsoever. The nascent United Nations were ill-disposed to reestablish minority rights protection along the lines sketched out after the First World War, and Jews for the most part were understandably reluctant to press for protection as a minority in the countries of the East in the wake of the Holocaust and the Communist takeover. To be sure, they were as reluctant to do so in the West of Europe, too, countries where they had long represented tiny minorities and in which the post-war mood prescribed identification with a self-consciously democratic majority rather than a retreat into old divisions. It took until the late 1960s for a new generation of European Jews to begin to demand public recognition as Jews, the most radical, in the East, registering as 'Refuseniks' by applying for permission to emigrate to Israel. [13] Once again, their situation rested on the success of international pressure, and that pressure was tied to the ability of NGOs and other campaigners to provide governments with data on the extent and precise nature of the ‘Refusenik’ problem.

The difficulties presented by the use of ethnic data in today's post-Communist Europe are in many respects very different from those of yesteryear. While many Jews in the former Eastern Bloc still fear state identification and registration, a new phase in Jewish life across the region has developed with the re-emergence of sizeable, voluntary communities based on public identification as Jews. In many states, governments can showcase their clear support for the small and highly-acculturated Jewish populations left there. A few of the more easterly states have such grave levels of anti-Semitic violence and discrimination that public Jewish life still appears heavily affected by them, and this is likely to remain a strong feature in patterns of Jewish identification for some time after anti-Semitism is no longer so evident. But debate over ethnic data collection across East-Central Europe is now also having to shift focus to account for changes in Jewish identities created by the new conditions which have prevailed there since 1989/1991. Representative bodies are divided over the definition of Jewish identity in this more open society, traditional definitions and markers of religious and ethnic identification being challenged by the rebirth of public identification with Jewish heritage amongst a wider section of the population. [14] A substantial proportion of those who may respond positively to academic or 'in-group' inquiry may privately identify with Jewish culture or with the Judaism of their parents or grandparents, but will not mark this as their primary identity in public documentation, some of whom would be scorned by some of the more traditionalist formal Jewish institutions. Some of the most recent scholarship has suggested that this part of the population is often one of the most dynamic elements of a Jewish community; they occupy an equally dynamic place in a multicultural society. [15]

Currently, however, stakeholders in the gathering of statistics on minorities are frequently ill-equipped or ill-disposed to do justice to this group – a problem now shared in multi-cultural policy-making across the world. The answer may lie partly in the stimulation of NGO attention to the issue. However, the absence of representatives of such sections of a multicultural society within the institutions responsible for guiding discussion on issues relating to ethnic data collection and policy-making calls for something more than this. That traditional stakeholders may be won over to the benefits of deliberately extending the dialogue to this group is not without precedent – witness the 1998 intervention on the subject at the UN Sub-Commission on Minority Rights (now known as the Sub-Commission on Human Rights) from the Consultative Council of Jewish Organisations, a largely European body with no relationship with religious radicals or reformers.

The practical implications for ethnic data monitoring begin with the development of open procedures where consultation can take place in an ongoing fashion. Yesterday's minority-majority conflicts may have prompted the creation of interstate committees and courts; today's more multicultural climate, as the UN Sub-Commission on Human Rights has been arguing, calls more for a concentration on those independent national institutions which have been given a mandate to foster dialogue over multicultural relations and human rights.

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Footnotes

[1] See, for example, D. MacIsaac, 'Ukraine's Jews Say Fear Led to Low Numbers in Recent Census', Jewish Telegraphic Agency, 6 February 2003.

[2] This has led, *inter alia*, to active support for the creation of organisations linking Jewish and non-Jewish groups across Europe and in some thirty countries worldwide, some, like the American National Conference on Community and Justice (formerly the National Conference of Christians and Jews), focused on anti-racist work, others on human rights or on dialogue between Jews and other religious or ethnic minority associations. For more information, see e.g.: here: http://jcrelations.net .

[3] *Brown v. Board of Education of Topeka*, Kansas, final judgement in *Supreme Court Reporter*, 74, 1954, pp. 686-693 (reproduced in full on a number of internet sites). The AJC study was revised and published as K. Clark, *Prejudice and Your Child*, Boston, Beacon Press, 1955.

[4] Runnymede Trust, *Islamophobia*, 1997. For more information, see here: http://www.runnymedetrust.org/meb/islamophobia .

[5] See commentary in J. D. Klier, S. Lambroza, eds, *Pogroms: Anti-Jewish Violence in Modern Russian History*, Cambridge UP, 1992, *passim*, and Committee of Jewish Delegations, *The Pogroms in the Ukraine under the Ukrainian Governments (1917-1920): Historical Survey with Documents and Photographs*, London: John Bale, 1927.

[6] E.g. Committee of Jewish Delegations, *The Pogroms in the Ukraine under the Ukrainian Governments (1917-1920): Historical Survey with Documents and Photographs*, London: John Bale, 1927.

[7] See further, for example, in O. Jankowsky, *Jews and Minority Rights*, New York: Columbia University Press, 1933, and A. Macartney, 'League of Nations Protection of Minority Rights', in E. Luard, ed., *The International Protection of Human Rights*, London: Thames & Hudson, 1967, pp. 22-37.

[8] This was true of Europe under Napoleon, in spite of the rhetoric of emancipation inspired by the first acts of the French Revolution. For one of the more recent overviews, see D. Vital, *A People Apart: The Jews in Europe*, 1789-1939, Oxford: Clarendon Press, 1999.

[9] See e.g. I. Carol, *Les Juifs en Rumanie*, 2 Vols, 1978/1996.

[10] See e.g. E. Mendelsohn, *The Jews in East Central Europe Between the Wars*, 1983.

[11] Ibid.

[12] E.g. Z. Gitelman, *A Century of Ambivalence: The Jews of Russia and the Soviet Union, 1881 to the Present*, 2nd ed., Bloomington: Indiana University Press, 2001.

[13] L. Rapoport, 'The Refuseniks', *Encyclopedia Judaica Year Book, 1988/89*, pp. 76-83.

[14] Discussed in R. Gruber, *Virtually Jewish: Reinventing Jewish Culture in Europe*, Berkeley: University of California Press, 2002, and D. Pinto, *A New Jewish Identity for Post-1989 Europe*, Institute for Jewish Policy Review, London, 1996.

[15] D. Mushkat, *Rethinking Jewish Vitality: Exploring Sources of Significance, Affection and Change in Traditional Jewish Ritual Observance*, University of Toronto, PhD, 2001.

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