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Chasing “Statistical Roma”: Ethnic Data Collection in Czech Primary Schools

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Abstract

This article deals with the collection of ethnic statistics focused on the number of Roma pupils in various types of Czech elementary schools that has been undertaken since 2009. Since then, this collection has grown into a large annual monitoring process that is conducted in every elementary school in the country. Simultaneously, this development is attracting growing attention from opponents of such ethnic monitoring. The most provocative element is the method of the counting, which employs for the first time in the Czech democratic era attribution of ethnicity from the outside instead of the usual method of self-identification. I argue that this method is both legal and legitimate considering, on the one hand, the inadequacy of the national census and, on the other hand, the objective to lift discriminatory barriers to the inclusion of the Roma pupils into mainstream education. However, I insist that the main shortcoming of this kind of ethnic monitoring is the lack of an appropriate terminology. Thus, it is difficult to “place” the Roma in “their” statistics as there are no unambiguous definitions and criteria for how to identify them. Together with the important (and often negatively perceived) role that ethnicity plays in Central and Eastern Europe, this is the major factor generating criticism for the counting of Roma pupils.

Keywords: ethnic statistics; census; Roma; Czech Republic; ethnicity; race

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Ethnic statistics is a highly-debated phenomenon in Central and Eastern Europe, especially when it comes to the Roma minority. Is it legal to collect ethnic data? How and for what purpose should it be collected? And most importantly for this article, how should one name and define the person whose data is collected? These are some of the persistent questions accompanying the debates first and foremost related to the Roma. This article will look closely at a recent shift in the praxis of ethnic data collecting with regard to Roma in the Czech Republic—from strictly subjective self-identifying of an individual to ascribing “Romaness” from the outside. Although it is rather a continuous change (being significant for the first time some decade ago) and limited so far to a single area (education), it is nonetheless an unprecedented step among the group of post-Communist EU member states,¹ perceived by many as a contradiction to democratic constitutional liberties and a reversal back to the ways of a totalitarian regime in which ethnic identity was coercively imposed on individuals and abused by authorities.

In this article, I will not concentrate on the results of the statistical surveys, but just on the process, i.e. methods, terminology, and objectives. I will argue that while there should not be any doubts about securing protection of the personal data, the new praxis challenges the right to freely choose one’s ethnic identity if the current legal terminology is maintained. To be more specific, the currently used terms “ethnicity” or “ethnic identity” (*národnost, národní identita, etnicita*) are all referring to social phenomena that arise from group interactions (Eriksen, 2001: 46) and thus are by no means anything into which a person is born and or which is genetically ingrained in a person’s mind. It means that these terms are not suitable for labelling someone from the outside according to alleged “objective” criteria. However, the more external and “objective” terms like “race” are not accepted since they are perceived as highly inappropriate and incompatible with a wider terminological tradition of the Czech Republic or wider Central and Eastern Europe. However, I will argue that the external “ethnic labelling” from outside is inevitable in order to effectively address discrimination in Czech schools as the traditional methods of self-identification (used in general census) actually cement the unequal position of the Roma minority in the Czech society. Thus, the above-mentioned shift in ethnic data collection could be understood as a reflection of a gradual improvement of attitudes of the state authorities to the Roma minority.

I will also present arguments showing that criticism of this type of ethnic data collection is inevitable given the historically and culturally grounded role of ethnic identity in Central and Eastern Europe. Finally, I will insist that the organizers of such ethnic statistics cannot profess “political neutrality” and should rather accept more openly their responsibility in contributing

to creating the social reality. Whereas ethnic statistics were traditionally seen as a neutral administrative procedure to which Roma should be submitted and adjusted, ethnic monitoring in schools as the new praxis is a rather active tool of a positive change in the direction of Roma integration.

Roma have survived and escaped coercive policies in Europe both in distant and recent history when they were often physically “chased” to be punished and expelled. One may say that they continue escaping the effort to “catch” them symbolically (in statistical categories and scientific terminology) in these *bona fide* state policies.

1. Counting of Roma pupils

When, in September 2013, the Czech School Inspectorate sent a letter to directors of all “special schools”² in the Czech Republic, it caused a real shock. It demanded that all directors fill in a form asking how many Roma pupils they have in every class. If the director refused to do that, a school inspector would be sent to the school to count the Roma. The method of data collection was to assess who was Roma from outside rather than to ask the pupils directly. The assessment would be primarily derived from ‘the opinion of the significant part of their surrounding on the basis of real or perceived anthropological, cultural or social indicators’ (Tematická zpráva, 2015: 4). Quick reaction came from the Association of Special Pedagogues, which includes most of the above-mentioned directors of the special schools.

Although it was probably the most debated and visible ethnic data collection beyond the national census, it was not the first. In 2006, the Ministry of Labour and Social Security undertook such a narrowly focused statistical measure, driven clearly by the integration objection, in which the Roma “excluded locations” (commonly called ghettos) were counted and the number of their inhabitants was estimated. In this research the “blended” definition of Roma, based both on self-definition and on “opinion of the majority”, was first used. According to this definition, a Roma is ‘such an individual who defines himself as Roma, no matter whether he claims this ethnicity on every opportunity (e.g. in a census form), or who is regarded to be Roma by a significant part of his surrounding which is based on real or perceived (anthropological, cultural or social) indicators’ (Gabal, 2006: 10).

The next important step triggering the need for a specialized ethnic data collection was a judgment of the European Court for Human Rights in the case of *D.H. and others vs. the Czech Republic*. The case proved that a group of Roma pupils were unjustly sent to special schools,

which irrevocably harmed their future career prospects. As a sanction, the Czech Republic had to pay compensation and was asked to replace discriminatory treatment of the Roma in education. In order to measure the impact of (future) inclusive measures, the Czech Republic decided to introduce ethnic monitoring. Two such surveys were carried out by Ministry of Education as early as 2009. However, it was focused on a small sample mostly of “special schools” only (50 and 31, respectively). The surveys were dependent on the willingness of their directors who were responsible for providing the ethnic data, so there was low return rate of the survey questionnaires. The same applies for another survey that took place in 2009. It was organized by the Office for Information in Education and addressed all primary schools in the country (4,189), but only 2,797 cooperated with the Office. In the following year, a sample of “special schools” (171) was visited by employees of the Czech School Inspectorate. The employees counted the Roma pupils directly in classrooms, so the results were not dependent on the willingness of the school directors. In the school year 2011/2012, the organization of ethnic statistics was taken over by the Czech Ombudsman Pavel Varvařovský. He was the first one that elaborated a detailed and well-argued methodology (see below). He used the sample from the Czech School Inspectorate, but considered only 67 of the schools, which he selected on a random-choice basis. In his monitoring, he employed two sources of data simultaneously. The teachers were asked for their estimates and ombudsman employees were sent to these schools to complete the counting at the same time (Popis metody, 2012: 9-10). In the year 2013 the initiative was returned to the Czech School Inspectorate, which again used its original sample with the above-mentioned letter to directors of all the schools informing them about their obligation to provide the Inspectorate with demanded data. The survey was repeated in the following 2014/2015 school year, but it was addressed to all schools that educated at least one pupil on the basis of lower standard curricula designed for pupils with “light mental handicap”, so the sample had risen to 1,325 schools. Thus many “normal” schools were included in the sample too. Another milestone in counting of Roma pupils was the school year 2015/2016 when again (as in 2009) all Czech primary schools (4,098) were addressed with the demand (obligatory, unlike in 2009) for ethnic data concerning Roma pupils (Tematická zpráva, 2015). The same was repeated in the latest school year (2016/2017), when responsibility for the monitoring was regained by the Ministry of Education. This was an important step as it increased the enforceability of the request for data since the school staff is directly subordinated to the Ministry.

Analysing the development of this kind of narrow focus ethnic statistics, it could be perceived that there is a clear (though not linear) tendency to broaden the sample and to secure

its validity (use of sanctions in response to ignoring the request and sending of own officials to count the pupils). Important incentive was given also through the Action Plan of Implementation of the “DH” Judgment, which was finally adopted in 2011. One of the measures included into the Action Plan was to carry out regular annual surveys on the number of Roma in special schools in order to find out whether they are overrepresented in them. If that was the case, it would indicate discriminatory treatment of the pupils. Since then, the Ministry of Education has been provided every year with more valid data concerning the share of Roma in the Czech educational system, which has significantly influenced public debate and policy actions aimed at replacing indirect discriminatory practices.³

2. Is it legal?

The criticism by Jiří Pilař, former chairman⁴ of the above-mentioned Association of Special Pedagogues and the author of the letter addressed to the Minister of Education (Pilař, 2013), could be divided into three main lines. First, he claims that the demand of the inspection breaches the right to freely choose one’s own ethnicity, which is a constitutional right anchored in the Charter on Basic Rights and Fundamental Freedoms. In this argument, he emphasizes that the primary method recommended by the inspectors is to ethnically “label” the pupils with no regards to their own will. Another argument is that this kind of personal data, which might be regarded as “sensitive data”, are not sufficiently protected from abuse. The last argument that is important from the perspective of this article is the lack of exact criteria according to which “Roma pupils” could be identified. As he put it, even if there are standard scientific criteria of what indicates the “Romaness” in any of the above-mentioned areas (anthropological, cultural, social), the school masters are not experts in this subject so ‘they lack information where to find such indicators’. He goes on saying that it is also not clear what is the sufficient extent of the ‘important part of pupil’s surrounding’ that should—according to the inspection’s methodology—be used to decide on “Romaness” of the pupil (Pilař, 2013). In his most recent reaction to the latest counting of Roma pupils, Pilař argues that it is unjust if, for instance, one child of mixed Roma and non-Roma parents is identified as Roma by a counting person, whereas his blond brother drops out of the statistics. He also brings an example of children of Hungarian descent who could be wrongfully labelled as Roma because they have darker skin, black hair, and “typically Roma” surnames.⁵

The most thorough “answer” to these arguments could be found in a report⁶ of the ombudsman for the Czech government from 2012 after he completed the first survey with the

elaborated methodology and process description in the school year 2011/2012, when only 67 randomly chosen “special schools” were approached. The ombudsman’s report dealt with similar problems, although not in a way of replies to someone’s else inquiry. The report—submitted as an internal document for the government—was not known to the Association of Special Pedagogues (or they pretended that they had not known it).

The least complicated issue is probably the protection of sensitive data. According to the Czech Data Protection Law from the year 2000, personal data are under a strict legal protection. Even stronger protection is granted to “sensitive data”, to which one’s ethnicity belongs. It is impossible to process sensitive data unless the explicit consent of the person whose data are processed is given or it is collected for health or security reasons. But there are specific exceptions.⁷ Among them is the processing of personal data for statistical and archival purposes that are regulated by specific laws. The ombudsman states that the aggregated anonymous way of data collection, which is the case of both of the surveys, fits exactly into this exception since no names or other personal identifiers are accompanied with the data on ethnicity (Výzkum, 2012: 7).⁸

To be more flexible and less conservative in a personal data protection is recommended also by the legal analyses of the Open Society Institute. In its book ‘No Data–No Progress’, the authors state that ‘the Council of Europe notes that statistical results are not personal data because they are not linked to an identifiable person’ (No Data–No Progress, 2010: 14). Based on their wide international comparison, they found out that the data protection laws are often overinterpreted and that ‘overbroad interpretation of data protection standards goes beyond the intent of those very standards’ (No Data–No Progress, 2010: 28, 16). They conclude that ‘it is simply a myth that the collection of ethnic data in countries is forbidden’ (No Data–No Progress, 2010: 28).⁹

When it comes to the right to freely choose one’s own ethnicity, it may be at the first issue that is regarded as breaching Article 3 point (2) of the Charter on Basic Rights and Fundamental Freedoms, which stipulates that ‘[e]verybody has the right freely to choose his nationality’.¹⁰ It is prohibited to influence this choice in any way, just as is ‘any form of pressure aimed at suppressing a person’s national identity’. The ombudsman uses the same argument. ‘Free choice of belonging to national minority [...] is not violated by anonymous data collection’ (Výzkum, 2012: 8). In my opinion, this is not a solid argumentation, however. The question is not what happens with the data after they are collected, but the very fact that the person (pupil) may be ascribed to another ethnicity than he/she freely wishes. But if we look closer at the

methods of the ombudsman's survey we find out that he simply did not ask the pupils at all. Even though he uses the definition of the Ministry of Labour and Social Affairs containing also self-assessment, he claims that he in fact used only 'observation (external assessment) by the third person' together with 'identification according to indirect criteria' (Popis metody, 2012: 14). Thus, no conflict in terms of someone's ethnicity happened since none of the pupils were asked, nor was anyone told the decision on their ethnicity by the counting persons. The conflict is thus only theoretical but can never happen in praxis.

Therefore, the above-described counting of Roma pupils conducted either by the Czech School Inspectorate or by the Ministry of Education, as a new type of the ethnic data collection, is quite different in this regard. Since there is no direct interaction with the pupils, no impact on their identity could be registered. Not only are the pupils not asked about their ethnicity and not informed about results of the survey, but they even did not know that they were counted.

3. Roma escape the national census

It is necessary to mention in this context that the method based on self-identification and thus complying with right to freely choose one's own ethnicity as is used in the nation-wide census would not bring the demanded data. The ombudsman explained it clearly in his report, where he states that when it comes to the planning of anti-discrimination measures it is important to find out who is perceived as a minority by the discriminating majority. Hence, self-definition of the individual does not play a decisive role. Another crucial fact is that the discriminated minority is often stigmatized in the wider society (including media, etc.) so that its members are not willing to confirm and reveal affiliation to such a minority (Popis metody, 2012: 6). He went further into the specific situation of the Czech Republic when pointing out to the fact that in the last general census in 2011 only 13,150 people claimed Roma ethnicity (filling in either "Roma" or dual "Roma and Czech" identity), whereas according to demographic estimates there are about 150-300 thousand Roma living in the Czech Republic. Therefore, it is presumable that the Roma pupils (more precisely their parents) would not claim Roma ethnicity in the school survey either (Popis metody, 2012: 13). Thus, the traditional hypocritical logic "no Roma (according to official data)—no problems to solve" of politicians and other decision-making actors may continue.

Moreover, what is no less important but is not mentioned by the ombudsman is the fact that the traditional ethnic data collection method based on subjective self-identification is, as a

consequence, even an active instrument of maintaining structural inequality and barriers of social inclusion. The problem concerns the majority population's attitude towards the Roma. A Czech social scientist Pavel Barša speaks about "integration paradox" with regard to the Roma. Czech society wants the Roma to assimilate culturally and, at the same time, does not allow them to identify with the Czech nation (assimilate to the Czech identity). As Barša put it, 'Czechs understand the Roma only in their own categories' (2005). According to Kateřina Klíčová, inspired by Barša's thoughts, the Czechs demand assimilation of the Roma into Czech society as well as into Czech way of collective existence at the same time (Klíčová, 2006: 252). Due to the results of the national censuses, Czech society thus has two reasons for dissatisfaction with the Roma: they neither assimilated into Czech culture, nor "reveal" their "true" Roma ethnicity.

But blaming the victim (the unadaptable Roma) is just one aspect of the problem. As Kateřina Klíčová states, Czech politicians, civil servants, NGO workers, Roma leaders and social scientists all came with their theories explaining the discrepancy between the census results and "real" numbers of the Roma. Klíčová identified the most frequently used theories: fear (the Roma were afraid of abuse of the data), misunderstanding (nobody properly explained to the Roma the difference between the country of origin and ethnicity), and nonexistence of ethnic identity among the Roma (so called "ethnic indifference") (2006: 233, 235-241).¹¹ Important in our context is the fact that all of the three reasons work with the "evolutionist" paradigm of the Roma insufficiency and immaturity. In other words, despite such a long time passing since the end of the totalitarian regime, the Roma were not able to get rid of their fear. They were not yet able to gain more information and they did not reach the stage of a matured national consciousness. Thus, the role of the majority population is to force them (or even punish them for their poor performance in their integration) or to help them. I argue that such a preconception expressed every ten years by that "discrepancy" in the national wide censuses maintains a paternalistic attitude towards the Roma and helps keeping the structural inequality of "us"—matured, wise, experienced Czechs—and "them"—underdeveloped, inferior, uninformed Roma. The national census with its principle of subjective self-identification thus indirectly accords with the way in which most of Czech society looks at Roma in their everyday interactions. And, most importantly, it accords with the method of paternalistic "special treatment" that they need from an early childhood and that would safely keep them where they are, including the segregated special school.

4. Neither ethnicity, nor race

In my opinion, the core of the problem which is not properly addressed by proponents of this kind of ethnic data collection in the Czech schools and which provides its opponents with arguments for criticism is an inappropriate terminology. As long as the notion “ethnicity” is used it will always be, at least at the theoretical level, difficult to reconcile it with the legal provisions (fundamental freedom), as well as with the scholarly understanding of ethnicity (see e.g. Eriksen, 2001). The definition of ethnicity provided in the ombudsman’s report is confusing. On one hand, it confirms the constructivist nature of this phenomenon, while on the other hand, it references assigning someone’s ethnicity according to perception of the out-group (Popis metody, 2012: 5). Primordialist considerations are apparent in statements about a ‘traditionally low willingness to self-identification of the Roma’, presuming that the Czech ethnicity to which they mostly affiliate in the census is not their “true” identity (Popis metody, 2012: 13).¹² As such, the ombudsman created grounds for a hypothetical conflicting situation when a person is “given” a certain ethnicity in contradiction with his/her own identity.

The fact that ethnicity is regarded as an inappropriate term also by the counting bodies themselves is quite visible in their reports. Whereas in the ombudsman’s report from 2012 formulations like “ethnicity”, “ethnic composition” or “ethnic data” are very frequent, in reports from the two latest ethnic data collections conducted by the Czech School Inspectorate (2015) and the Ministry of Education (2016) there is just a one single word derived from “ethnicity” in each report, not even directly linked to the counted persons (Tematická zpráva, 2015: 3; Zpráva, 2016: 4). The counted persons are called simply “Roma” or “Roma pupils” or reference is made to their “Romaness” (*romství*). Terms like ethnicity, ethnic group, nation, etc. are not substituted with anything else. In this way, the potential conflict with the right to freely choose ethnicity is avoided.

Another term I will pay attention to is “race”. This is not present in any of the official documents of the state authorities. However, it sometimes appears in the statements of opponents of the studied ethnic data collection, often in the context of allegedly “racist” methods and practices of the counting bodies. It addresses primarily the indicators of “Romaness” stipulated by the state authority. The nature of the problem is very similar to the previous one. In other words, if ethnic identity is to be assigned from outside, the same question on the criteria of such an assignment logically arises. The ombudsman, in his report, acknowledges that using any method other than self-identification is not ideal since ‘there are no scientific methods how to detect objectively ethnic identity of an individual’ (Popis metody,

2012: 13). Nevertheless, he prepared a set of particular indicators for class teachers, who were asked to conduct the “identification according to indirect criteria”. These are as follows: typical Roma surname, Roma origin openly declared by at least one parent, Roma culture in a broader sense (speaking Roma language, playing Roma music, maintaining some of the Roma traditions etc.), or living in a socially-excluded neighbourhood (Popis metody, 2012: 14-15).

When looking at this problem from terminological perspective, one may consider using the term “race” as a more suitable expression for what is being measured in this data collection. Despite thorough biological deconstruction of the concept of race, it cannot be simply omitted in social sciences. As Eriksen put it, the ‘concepts of race can nevertheless be relevant to the extent that they inform people’s actions: at this level, race exists as a cultural construct’ (2002: 5). According to Eriksen, there are authors who use the notion of “race” in their analyses in order to distinguish precisely between the “external” categorization and the “internal” self-identification of people. Referring to Michael Banton, he states that ‘ethnicity is generally more concerned with the identification of “us”, while racism is more oriented to the categorization of “them”’ (Eriksen, 2002: 5-6).

The responsible bodies did not engage the “racial” terminology, however. One has to take into account that, unlike in English speaking countries, the “racial” categorization is discredited in the legal context.¹³ Hence, using “racial” terms was out of question. Instead of using them, the organizers of the data collection clearly tend to water down the discrepancy between these criteria of “Roma ethnicity” and the lack of their foundation in scholarly terminology and theories.¹⁴ The indicators are introduced by the ombudsman as ‘factors that may [underlined in original] influence one’s ethnicity’ (Popis metody, 2012: 13). Except for “Roma” and “non-Roma”, the counting person could also use a category of ‘it is not clear whether the pupil is Roma or not’ (Popis metody, 2012: 14). The Roma ethnicity was always indicated by two persons independently in order to achieve higher confidence. It was assessed both by an employee of the ombudsman (not knowing the pupils) who ‘looked at the pupils in the eyes of the majority population’ and by a class teacher (knowing the pupils well) who used the above-mentioned indicators.

Typical for this and similar surveys using the external assessment based on indicators of Romaness is the utilization of the precedent for such an approach that is traced back to the analyses of the Roma “ghettoes” conducted by the Ministry of Labour and Social Affairs in 2006 (see above). In every report, there is a “pedigree” of the definition of Roma, which was already (successfully) applied in some previous survey so that the authors do not bear the main

responsibility for it. As stated in the report from the survey in 2015, which was done by the Czech School Inspectorate, ‘due to the nature of the research and the extent of subjectivity that influence it, the whole survey should be regarded not as statistics but as the evaluation of trends in development of numbers of the Roma pupils’ (Tematická zpráva, 2015: 4). Similar expressions underlying that the data are mere “estimations”, not statistics, appear also in the latest report from the survey in 2016. Hence, it could be partly understood as a reaction to the criticisms. No one is forced to follow rigorously those “racial” criteria as the aim of the survey is not to obtain “exact” numbers.

5. No ethnic statistics are politically neutral

Although claiming that these are not “statistics” but “estimations” is an elegant way to escape criticism related this type of ethnic data collection, it is not very sincere. Consider the fact that the school directors are asked to fill in an exact number of pupils whom they regard as Roma, not a range (e.g. 50-100 Roma pupils in the school). And, of course, the Ministry presents the data results in exact numbers too. Due to the persistent critical voices, it is clear that the opponents of this method of ethnic data collection did not fully accept such a bureaucratic terminology fog either. In my opinion, the organizers of the counting of Roma pupils could have gained more credibility had they accepted more responsibility for all pitfalls of ethnic statistics. First of all, the Ministry of Education could no longer present itself as a neutral observer of “reality” in Czech primary schools, but as an active stakeholder in shaping and even “creating” the social reality (see e.g. Kertzer and Arel, 2001). There is little doubt that every census is a form of performing state power, or “biopolitics” in Michel Foucault’s terms (Foucault, 2003). Naomi Mezey writes about creating “statistical people” by state census. In her understanding, the census ‘functions as a procedure of objectification and subjection’. She goes on saying that ‘the statistical person is not a person at all, but rather only a collection of risks’ (Mezey, 2003: 96).

Another related issue, especially when it comes to ethnicity in census, is the designing of the (ethnic) category. Benedict Anderson, for instance, described how people in Malaysia with multiple identities were forced to choose their ethnicity for the purpose of national statistics. He showed how particular ethnic categories changed many times in censuses over the last two centuries. The ethnic categories were constantly redefined and re-constellated (Anderson, 1991: 166, quote in Klíčová, 2006: 226).

Similar remarks were made also by a Czech social anthropologist Jakub Grygar, studying ethnic categorization in censuses of inhabitants of Teschen Silesia. As Grygar put it, statistical categories are signs, i.e. they are not the same as the content of the identity, but they only represent it. As representations, they are always historically determined and limited. They are more an instrument of state power and control, rather than an authentic reflection of understanding of one's self (Grygar, 2008: 74). Therefore, 'a list of statistical categories of ethnicity is rather a tool of methodological nationalism of state power and social scientists, who help to construct it' (Grygar, 2008: 73).

In case of Roma minority, examples are given by Kateřina Klíčová, who studied the aftermath of the Czech ethnic data collection in censuses on the local Roma. She analysed how the French "Gypsies" were de-ethnicized, being called in the French administrative terminology "*gens du voyage*", which is rather socio-cultural category. She also depicted how they were ethnicized, being called Tsiganes or Rom, in public discourse in certain contexts again (Klíčová, 2006: 228-230). When it comes to the Czech Roma, she described one of the affirmative programmes of the Ministry of Education running from the late 1990s. The aim of the programme was to give small scholarships to secondary school students of Roma origin. She states that it was often difficult to find out who is Roma and who is not. It was very difficult to specify "Romaness". In many cases, socially disadvantaged students had to identify as Roma in order to get the scholarship even though they would not do so in any other circumstances, so in effect their poverty was ethnicized (Klíčová, 2006: 225-226).

Of course, one may argue that in the studied case of counting Roma pupils the impact on the counted individual and their identity is not so dramatic. Due to the methodology of the Ministry of Education, the pupils do not know that they are being counted. One can hardly speak about any performance of the state authority when the persons in focus are not forced to adjust themselves into any category. Moreover, they "escape" from the category of "statistical Roma" because of the explicit denying by the Ministry that the procedure is ethnic statistics. Nevertheless, presenting the results in the form of a table displaying the number of "all pupils" and "Roma pupils" is quite a clear example of shaping social reality, at least by dividing the pupil's body into selective and arbitrary categories.

However, what makes this active role of a body of state power in shaping social reality legitimate is the purpose of it. Whereas in traditional general censuses the purpose is to provide "neutral" statistical material, which is then used for various reasons (and gives ground for theories of "immature" Roma hiding and denying of their ethnicity), the purpose of counting of

Roma pupils is strictly linked to the urgent need of social integration of the Roma minority. Unlike the sociological perspective of the counting of Roma pupils, the morality of the specific purpose of it is well reflected by the organizers of the data collection (Ombudsman, Czech School Inspectorate, and Ministry of Education) and becomes one of the fundamental pillars of their argumentation.

6. Burden of the “ethnic nation”

When analysing why the studied type of ethnic data collection is so revolutionary and why it also attracts so many critical voices, one has to look at a regional and historical context of Central and Eastern Europe. It is essential to emphasize that ethnicity is a very important layer of identity so that it is a sensitive issue to interfere in someone’s ethnicity in this part of Europe. First of all, it must be made clear that Central and Eastern European countries, including the Czech Republic, traditionally distinguish between nationality in terms of citizenship (*občanství*) and nationality in terms of ethnicity (*národnost*), which is not the case of states following the French model (in an ideal-typical version) of strictly civic-political nation (Brubaker, 1996). According to some authors (most notably Opalski, 2002), distinction between ethnicity and citizenship was deepened in post-Communist states due to the long-term influence of primordialist Soviet academic theories (such as by Yulian Bromley or Lev Gumilev), as well as to the underdevelopment of civil society that would foster civic-political identity. Rogers Brubaker draws attention also to the role of the Soviet policy of national “management” that became a role model for other states in the Soviet bloc. As he put it,

ethnic nationality (*natsional’nost’*) was not only a *statistical category*, a fundamental unit of social accounting, employed in censuses and other social surveys. It was, more distinctively, an obligatory and mainly ascribed *legal category*, a key element of an individual’s legal status. (Brubaker, 1996: 53, emphasis in original)

If we narrow down our focus to the case of ethnic statistics in Czech society, we would see that ethnicity was a stable element of censuses for a long time. What varied was the method of identifying ethnicity. Whereas in the Austro-Hungarian era the main category deciding about someone’s ethnicity was the used language (*die Umgangssprache*), in the independent Czechoslovak Republic the category of ethnicity proper (*národnost*) was established. The “objective” criteria were accompanied by subjective self-identification. However, in the interwar period other categories like religion or the used language were equally or even more important in certain administrative contexts (for instance, collective rights for the German

minority). Another example of ascribing ethnicity from outside at that time was a special “Gypsy card” (based on Act No. 117 from July 14, 1927), which was an obligatory identification card for all people who were perceived as “Gypsies” by the state authorities.

During the Second World War and right after, the worst abuse of ethnic data in Czechoslovak history took place. In particular, the fact that data on Jews (derived from a much more extensive religious community database than the national census) was used by Nazis during the Holocaust and data on Germans and Hungarians (based on census) was used by post-war Czechoslovak authorities in order to perform collective punishment should be mentioned. After the Second World War, a subjective understanding of ethnicity was officially maintained in the census questionnaires. Nevertheless, “third party” ethnic categorization of citizens reappeared again in a secret way. People of Jewish origin were ethnically labelled with no regards to their subjective identity. These data were kept secretly by the state security bodies for their own purposes (Krejčová, 2006). Most significant was the case of Roma, however. They were categorized as Roma directly by a counting official (writing down a letter A on the census form) without their consent in the last two nation-wide censuses in the Communist era in 1970 and 1980 (Klíčová, 2006: 234).

Returning back to Czechoslovak Roma, they suffered from two kinds of discrimination. First, their right to freely choose their ethnicity¹⁵ was not secured since they were counted directly by a state official according to his/her own decision. Second, they were among the officially non-recognized minorities that were not granted any minority rights. Their Roma identity was condemned as just a backward social-class identity that should be assimilated into the mainstream (higher) Czech social strata.

After 1989, two crucial changes when it comes to the ethnic statistics can be observed. Firstly, claiming ethnicity in census became unlimited. No options were predefined and none were excluded as “non-recognized”. Secondly, this freedom of self-definition was accompanied by an overall diminished interest of the state in ethnicity as a statistical category. The answer to the question in a census form has been non-obligatory (unlike most of other census questions) since the first post-1989 census. One can even claim two ethnic identities at the same time. Ethnicity was no longer a decisive factor of state authorities in any aspect of one’s life. It disappeared from identification cards. That has to be taken into account when the criticism of the ethnic data collection of the Roma in the Czech Republic is studied. There is certainly little support in the Czech society for returning both the administrative importance of ethnicity and interference of state into one’s own ethnic identity. Therefore, any attempts of state authorities

in these directions will inevitably be opposed so that there will always be people challenging the legitimacy and validity of the data collection results claiming that it is a “totalitarian” or “racist” procedure.¹⁶ It should be accepted that besides inevitable terminological difficulties that go hand in hand with “objective” ethnic identification from outside, one has to take into account high sensitivity of issues related to ethnicity in Central and Eastern Europe.

Conclusions

Changing perspective from self-definition to ascription of ethnicity from outside was a radical step in ethnic data collection that has been recently taken by the Czech Republic. It could be perceived as an unprecedented and even provocative milestone in national minority policy development in Central and Eastern Europe. However, despite all the controversy, it could be seen as a way towards equality. The ethnic statistics became an important tool not only for the measuring of effectiveness, but also for justifying concrete policies aiming at equal educational opportunities for Roma pupils. The methodological shift in ethnic data collection also brought a significant shift in public and political debate. For the first time the debate moved from the contours of national census into much more specified and focused statistics. And it moved from discussing how to “persuade” the Roma to claim “their” own ethnicity into the debate how to define the Roma at all. Yet the state is not able to find a proper terminology regarding the collected persons.

One may also conclude that the highly-contested term “race” has to be dealt with more openly. In situations in which there are persisting strong racial prejudices in the society, the term “race” cannot be considered taboo in an academic discourse. The issue of racial discrimination could hardly be solved unless “race” is directly addressed and new way of using the term in both academy and politics is sought. Instead of its biological connotation, its sociological implications should be studied.

After centuries when Roma were hunted and expelled from one country or region to another, now there are attempts to “catch” Roma in a symbolic and terminological meaning. In the first period of the post-Communist regime, a “national” category of Roma was prepared for them. But they were somehow not willing to get into it. Nowadays, the state counts the Roma (pupils) on its own, which makes it in a certain respect similar to the “external” identification that took place during ethnic data collection in the Communist regime. Unlike in non-democratic periods in the Czech history, the purpose of “chasing” the Roma is no longer their

eviction or forced assimilation but, at least officially, their inclusion into the society on an equal basis.

Notes

¹ Although there have been some other attempts at ethnic statistics related to the Roma in other post-Communist states, especially in the Balkans (No Data – No Progress, 2010: 29-32) and Hungary (Krizsán, 2001: 192-193), the Czech example exceeds these cases in many respects. Mainly, it is a regular (on a yearly basis) and relatively broad (since 2015 all pupils in all Czech primary schools are included) survey, not just a limited scale one.

² The term “special schools” refers in this context to schools which are formally the same as ordinary primary schools but which use curricula for pupils with “light mental handicap” (*LMP – lehké mentální postižení*). They were officially called “special schools” (*zvláštní škola*) before 2004, but since the amendment of the Law on Education they have been called either practical schools (*základní škola praktická*) or just primary schools without any special name. After the law amendment in 2004, the official term “special school” in Czech (*speciální škola*) is reserved for schools educating mainly pupils with more serious mental handicaps (such as autism or Down Syndrome). A lot of confusion stems from the fact that there are two synonymous expressions for “special” in the Czech language.

³ The issue of Roma discrimination in the Czech educational system and analysis of anti-discrimination measures are not in the primary focus of this article. However, it is clear that data from the counting of Roma pupils played a crucial role in pursuing the measures (see e.g. [http://zpravy.idnes.cz/pruzkum-skoly-segreguji-zaky-rom-rovna-se-mentalne-postizeny-pb5 /domaci.aspx?c=A090703_170709_studium_bar](http://zpravy.idnes.cz/pruzkum-skoly-segreguji-zaky-rom-rovna-se-mentalne-postizeny-pb5/domaci.aspx?c=A090703_170709_studium_bar)). On the contrary, if we look at the side of the opponents, clearly represented by the Association of Special Pedagogues gathering foremost masters of “special schools”, it is evident that they belong to the hardline opponents of inclusion of the Roma to the mainstream schooling (see e.g. <http://www.romea.cz/cz/publicistika/rozhovory/nadeje-na-spravedlivou-skolu-od-vizi-akademiku-a-blaznivych-hipisaku-k-novele-skolskeho-zakona>). One may even assume that their opposition to ethnic monitoring has economic grounds. If all Roma pupils with a “light mental handicap” diagnosis would be integrated into mainstream schooling, then “special schools” would be significantly reduced. This might discredit their argumentation against the ethnic data collection from the very beginning since they feel threatened by data which could prove discrimination and initiate remedial measures. However, one shall not forget that the Roma counting was criticized also by people who do their best to speed up Roma integration.

⁴ Nowadays, he is chairman of its Prague branch only. Most recently, a dubious organization (not registered anywhere with unclear membership), the Professional Union of Teachers has taken over the leading position among the opponents of the ethnic statistics. It is a logical shift as the latest surveys were carried out in all primary schools so the “advocate” representing only teachers from special schools plays a diminished role.

⁵ <http://www.aspcr.cz/asociace-specialnich-pedagogu-cr/2016-10-29-jiri-pilar-ke-scitani-romskych-zaku.html>.

⁶ The Report is available at:

http://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Vyzkum/Vyzkum_skoly-zprava.pdf.

The attachment is available at: http://cosiv.cz/files/materialy/cesky/Vyzkum_skoly-metoda.pdf.

⁷ Mr. Pilař often argues this using a statement of the Office for Personal Data Protection from September 2012. According to the Office, it is not possible to stipulate whether the data collection corresponds to any of the exceptions that would allow such activity. However, in the statement of the Office, a lot of uncertainty and conditionality could be felt. It seems that the Office simply lacked detailed information about the case. See e.g. <http://www.ucitelskenoviny.cz/?archiv&clanek=7530>.

⁸ The same applies for the Charter, which declares in Art. 10 the right to protection of one’s good reputation and prohibits unauthorized collection and misuse of personal data. In point (3) it stipulates that “[e]veryone has the right to be protected from the unauthorized gathering, public disclosure, or other misuse of his personal data”.

⁹ Similar conclusions can be drawn up from analysis of Patrick Simon (2007).

¹⁰ The Czech word for nationality (*národnost*) should be understood as “ethnicity” in English.

¹¹ Klíčová in her profound analysis points out to the fact that identity is not static, essentialized, and exclusivist entity, but a multi-layered, dynamic, and contextual process. Thus, one can create or select from a number of overlapping identity layers according to the reference frame. Therefore, the census served in many cases as an

opportunity to express Czech identity in civic-political meaning from a number of other identities. It means that, whereas the above-mentioned three reasons for “denying” Roma ethnicity certainly played important role (especially weak national consciousness due to the lack of nation-building past), sincere expression of the wish of “being Czech” was widely overlooked by non-Roma observers (Klíčová, 2006: 242-246). In addition to that, there are certainly some other reasons. The reply to the question on ethnicity was not compulsory so many Czech inhabitants had left it blank. Another important fact is that many Roma (especially in “urban ghettos”) live outside their permanent address so that they did not get the form and dropped out of the census completely.

¹² At this point the ombudsman participates in the above-mentioned popular explanations of the “unwillingness” of the Roma to “reveal” their identity.

¹³ It does not mean, however, that the term “race” is not used in other realms. On the contrary, elements of racial theory are a frequent topic of public and political debates.

¹⁴ Similar difficulties were faced also by countries where “racial” terminology is (at least to some extent) acceptable in official (administrative, legal) use. Even such an experienced country in ethnic data collection as the United Kingdom has been struggling with the same problem since the 1960s. In every census, different categories for identification were prepared as they often did not reflect the ways in which the minority groups identified themselves. For different statistics, different methods (self-assessment or external “observation”) were applied. Moreover, the British authorities were not certain whether to use “ethnic” or “racial” terminology. When using the latter, they became a target of anti-racist criticism (“all humans belong to one race”) which reminds of the rhetoric of some of the Czech critiques a few decades later. Finally, the British authorities decided to use “ethnic” terminology (“ethnic groups”) while using rather confusing mix of racial (“white”, “black”), macro-regional (e.g. Caribbean, African) and ethnic (e.g. Chinese, Irish) categories and definitions of the groups (Banton, 2001).

¹⁵ In every census in Communist Czechoslovakia the question on ethnicity was defined as a subjective self-identification. In 1980, it was furthermore emphasized that ethnicity is based on “one’s own conviction” (see Klíčová, 2006: 234).

¹⁶ No matter what were the actual arguments and motivations of the particular opponents mentioned in this paper.

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