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San Francisco Chronicle

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**Color-blind equality?
 A U.S. solution to what ails France --
 affirmative action**

David B. Oppenheimer
 Friday, November 18, 2005

Ward Connerly, Linda Chavez and Abigail Thernstrom want to make America "color-blind." They think the best response to racial inequality is to ban all race-conscious affirmative action and act as if race doesn't exist. Their model society must be France.

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The French government insists that racial identity is an affront to the French ideal of citizenship. A French person's identity is, above all else, to be a citizen of the French Republic. France thus rejects all race-conscious, ethnicity-conscious or religion-conscious affirmative action, and forbids Muslim schoolgirls from wearing head scarves, because it violates their constitutional guarantee of equality.

But the burning of thousands of cars in African-French ghettos throughout France has shed light on the real effect of French formal equality -- the perfection of racism without race.

Imagine a country where as much as 20 percent of the population is descended from immigrants from Africa. Some have succeeded economically, and are integrated into the larger society, but most are poor. They live in segregated neighborhoods, usually in government housing projects. Their schools are inferior, and entry into good colleges and universities is limited, because few succeed in passing the entrance exams. Unemployment is far higher than in the society at large, with an estimated rate of 30 percent in the ghettos, and an even higher rate for young men. The police treat them with contempt and brutality. They are described as "immigrants," though in fact they are usually native citizens.

We don't know the precise African-French population of France because the French definition of equality forbids the

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government from collecting data about race or ethnicity. (Connerly proposed that we adopt the same rule in the United States.) But an estimated 20 percent of the population is descended from immigrants from the former French colonies in North and West Africa. Many, especially those who have lifted themselves out of the ghettos (the suburban cités in France) view themselves as French, but acknowledge that "native French" see them as "immigrants," no matter how long their families have lived in France.

Sound familiar? To be fair, many in France also recognize that they desperately need to make special efforts to include more African-French citizens in government and higher education, and to create special opportunities in employment and business. They look at American affirmative-action programs as a model for addressing racial inequality, describing their proposed efforts as "positive action" or "positive discrimination."

But the French establishment clings to its ideal of formal equality -- a color-blind France. The car-burning rioters have made it clear that France isn't really color-blind, just racism-blind. In France, as in the United States, you can't refuse to acknowledge race until you first cure the disease of racism.

David B. Oppenheimer, professor of law at Golden Gate University in San Francisco, teaches comparative equality law, a seminar comparing civil rights in the United States and the European Union, at the University of Paris. He is a co-author of "Whitewashing Race: The Myth of a Color-Blind Society" (University of California Press, 2003).

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