

Iulius Rostas

A TASK FOR

SYMPHUS

Why
Europe's
Roma
Policies
Fail

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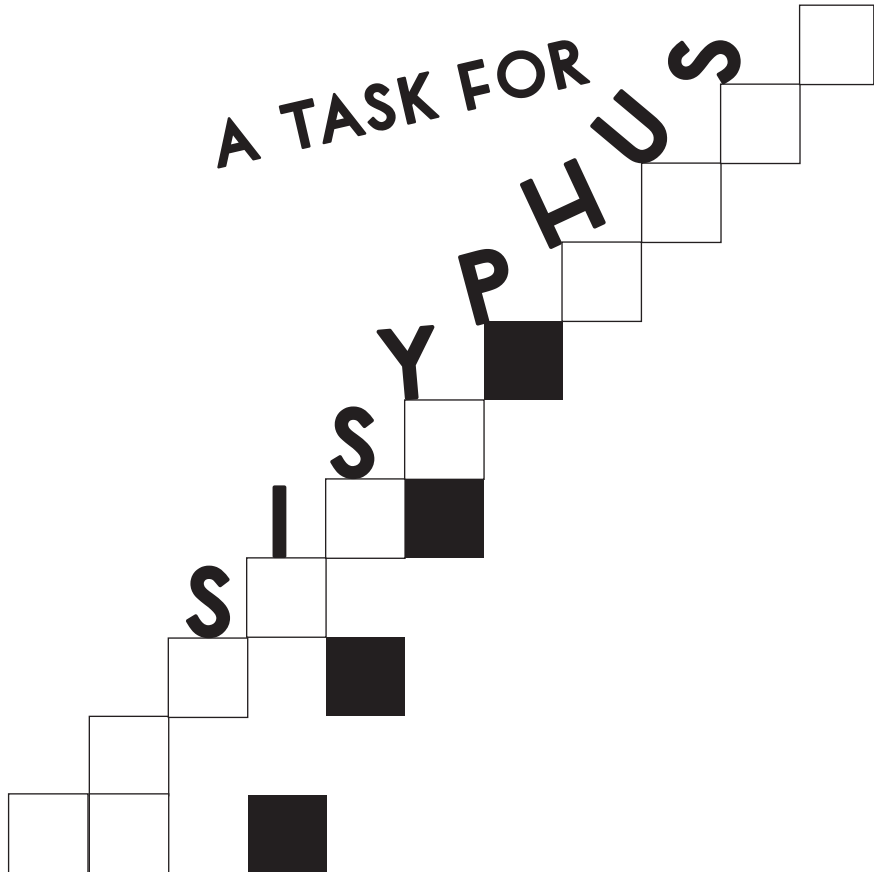
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A TASK FOR SISYPHUS
Why Europe's Roma Policies Fail

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PREFACE

Despite the increasing number of policy measures and initiatives targeting the Roma in Europe, their position has continued to worsen. This condition stems from a policy paradox that requires answers from policymakers, activists and academics. This book offers several answers to the question why policies towards Roma in Europe are failing.

According to the European Commission, Roma in Europe number between 10 and 12 million people. Roma have been in Europe for centuries, and have been key cultural agents across the continent, both historically and in the present day. At the same time, Roma are Europe's most marginalized minority group. Over the past twenty-five years, numerous policy initiatives have been launched to address the situation of Europe's Roma. The most prominent of these were the national Roma strategies developed by the governments of the then EU candidate member states in Central and East Europe; the Decade of Roma Inclusion 2005–2015 initiated by the World Bank and the Open Society Institute and, most recently, the EU Roma Framework introduced in 2011. Currently there are numerous articles published on the situation of the Roma and some focus on the narrower topic of policies towards Roma, but there is no comprehensive approach to policy-making towards the Roma in Europe that takes on the policy paradox described above.

A prime cause of the limited impact of these policies on the Roma's situation is the lack of ethnic relevance of these policies, that is, their failure to take into adequate consideration the crucial importance of Romani ethnic identity as a causal factor in the social exclusion and

marginalization of Roma. While the literature on ethnicity and ethnic identity has increased exponentially in the last two decades, there have not been many initiatives that analyzed ethnic policy-making and the role of policy-making in shaping the ethnicity/identity of ethnic groups. My work draws upon the research carried out by Rawi Abdelal, Yoshiko Herrera, Alastair Iain Johnston, and Rose McDermott, "Treating Identity as a Variable," which developed a unifying theory of collective identity that opens up new conceptual and methodological approaches to understanding institutions (2009). My work locates collective identity, specifically that of Roma in Europe, as key to understanding power relations within the European Union with regard to policy-making. By applying a theory of collective identity to a heterogeneous ethnic group, which is highly stratified across multiple cleavages, spread across the entire European continent, without a kin state and regarded as the most vulnerable group in the European Union, I provide a new perspective on why policies towards Roma are failing.

This book covers a wide area in social sciences—racial and ethnic studies, policy studies, and Romani studies. By putting these literatures into conversation with each other, I develop a new theoretical framework for analyzing policy-making toward Roma. The way governments manage and accommodate ethnic diversity is an important ingredient in the consolidation of the democratic norms and institutions in a political system. There is increasing attention paid to Roma within academic circles and an increased number of courses at different universities across Europe dedicated to Roma or that cover the situation of Roma among other subjects. It is key to bring the Roma into the current critical discussions of ethnicity and identity. In order to do so, my book is at once critical and interdisciplinary, using Critical Race Theory, policy design theory and classic democratic theory to analyze policy content and processes, thus bringing new perspectives on ethnic identity, policy studies and Romani studies alike.

The book provides answers to the big question that few scholars dare to ask: why policies towards Roma in Europe are failing. After

three rounds of policy-making specifically targeting Roma in Europe, it is time for the academic community to explore the causes of the failure in order to effectively address the Roma predicament, which requires an interdisciplinary approach. Thus, I analyze the issue from multiple perspectives and disciplines using policy analysis, discourse analysis, and legal analysis. In providing answers to the big question—why policies towards Roma are failing—I focus on the policy-making process, the construction and categorization of Roma by different actors within this process, policy concepts employed by policy-makers over the last twenty-five years, the policy instruments used and the institutional arrangements that govern the Roma related issues.

In spite of the widely held belief that the exclusion of Roma is due to their high poverty rate that causes a dependency trap, I argue that the problems faced by Roma in Europe originate primarily due to their persistent lack of power in influencing public agenda, in the defining of their own interests, and in their ability to negotiate their priorities. That lack of power is visible in the social construction of Roma ethnic identity. Antigypsyism is a central concept in the formation of Roma ethnic identity and explains the patterns of Roma mobilization. I define antigypsyism, its intellectual roots, and its different forms of expression in order to have a comprehensive view on Roma policy-making. To support this argument, I will use Czech Republic, Hungary, and Romania as case studies, although I also make comparisons to other countries. All three countries have significant experience in democratic policy-making towards Roma in the last twenty-five years, having been active participants within the three waves of policy-making targeting Roma. They have been seen as successful models for democratization, the protection of human rights, and the managing of diversity and ethnic minorities. These three countries have different models of Roma representation with varying degrees of opportunities offered for Roma participation, with the Hungarian system of minority self-government being the most complex. Roma within these countries constitute a significant population in Hungary and Romania and a tiny minority

in Czech Republic according to official figures. There is a diversity of Roma in these countries and a depth of cleavages among the different sub-groups: in Hungary there is a deep divide among Roma groups based on language, in Romania the most important cleavage is the degree of assimilation of different groups and there is also a high degree of diversity among Roma sub-groups with medium depth in the cleavages between them, and in the Czech Republic the most important cleavage is the origin of Roma sub-groups with a low degree of separation among Roma sub-groups.

The manuscript is divided into five chapters. The first chapter explores the definition of ethnic identity provided by different authors in different disciplines, analyzing the complexity of Romani identity and proposing a definition of ethnic identity that can be operationalized in the study of public policy. For this Roma are an ideal case study: they are a single ethnic group that is transnational, with a wide in-group variety. This chapter incorporates the out-group role in defining identity, the representation of the group as a problem in the public sphere and its role in the causal relationships in public policy-making. In practice, my definition of the paradox is based on four dimensions: (1) ethnic group participation in the policy-making process; (2) ethnic claims and grievances expressed formally by social actors who speak on behalf of the group; (3) representation of the group or the problems faced by this group in the public sphere by the different social actors involved in policy-making: policy-makers, researchers, representatives of the group, etc.; and (4) causal relationships that determine the current state of affairs identified by analyzing public policy documents.

The second chapter examines the various ways of framing the issues faced by the Roma. It presents the complex analysis of the public policy processes, analyzes types of policy-making towards Roma, identifies concepts that were at the basis of policies towards Roma and discusses challenges in developing policies targeting ethnic groups. The chapter also analyzes the evolution of the public policy towards Roma using the concepts employed by the authorities as the

foundation of these policies—social integration, multiculturalism, social inclusion and combating poverty—and in terms of policy models towards Roma, as they were articulated by various specialists.

The third chapter examines policies towards Roma in the Czech Republic, Hungary, and Romania in the pre-accession period and the Decade of Roma Inclusion (2005–2015) as processes that influenced the EU Roma Framework. This approach aims to provide an understanding of the current state policy towards Roma by analyzing the context in which these policies have emerged, the past experiences in developing policies towards Roma in these three countries, and the external and internal factors that influenced policies towards Roma and determined some specific approaches to them. The institutional development of the system of minority protection and government responses to acute problems in society helped these governments to understand Roma ethnic grievances and claims. Policy evaluations conducted within the Decade of Roma Inclusion provided a clearer picture of the ongoing development process of policy towards Roma. This chapter also includes an analysis of the factors that influenced the development of policies towards Roma: internal factors specific to each country, Euro-Atlantic integration, the international migration of Roma, and the development of Roma transnational activism coupled with soft policy governance at the EU level.

Chapter four examines the causes and the development of the EU Framework for national Roma integration strategies of the three countries included in this research, as well as the content and the process in which these policies were adopted in terms of identity. The EU Roma framework was grounded on a study led by a team of researchers from the London School of Economics and Political Science, which analyzed policies and initiatives towards Roma in 12 EU member states (Bartlett et al. 2011). The report contains major inconsistencies, lacks consistent data to support arguments and reveals a rather eclectic approach to problems faced by the Roma. The adoption of the EU Roma framework was preceded by the development of a set of ten

common principles to guide public policy towards Roma. My criticism of the EU Roma Framework covers the following aspects: it did not lead to the creation of new mechanisms for Roma participation outside of the existing mechanisms, both at European and national level; its content is limited to just four key areas; the objectives included are very limited in scope and uncorrelated with each other; it does not require states to adopt positive duties in promoting equality; it does not address the issue of the international migration of Roma; it does not define who exactly is the target group of this policy; it does not consider the troublesome and often tense relations between Roma and non-Roma; it ignores the problem of antigypsyism and the mistrust of Roma and non-Roma in institutions; it superficially and stereotypically addresses the gender relations and discrimination against women in Roma communities; and has an inefficient management tool. My analysis of the national strategies of the three countries reveals that these factors substantially influenced the EU Roma Framework transposition at the national level. In addition, the EU's use of the Open Method of Coordination as a form of soft governance for social policies, including policies towards Roma, as well as the context of the economic crisis based on austerity measures, were not favorable to launch such a framework that required significant investments and financial allocations, which could be regarded as independent variables that affected the design and implementation of the EU Framework.

The last chapter examines the definition, classification, and categorization of the Roma made by international actors and governments who have a say in policy-making towards Roma. This chapter also addresses the topic of data collection and censuses as administrative practices through which citizens of the states are classified and categorized, in addition to public policy through which the state or supranational structures categorize Roma. These practices, some closely related to the process of public policy-making, have the ability to influence ethnic identity or the classification of groups. Based on various arguments, including international legal standards, I sug-

gested some possible solutions based on practical experiences in different countries. I summarize my major research findings and innovations and suggest a reconceptualization of the Roma as a “politically insular minority” due to their powerlessness, the persistent and strong antigypsyism against them, and their long history of exclusion and oppression. The reconceptualization of Roma calls for a shift of paradigm in policy-making by taking into account power relations, the normality of antigypsyism as a feature of the everyday life of Roma, and the need for contextualization in understanding the way Roma are excluded. At the center of this new paradigm I propose the concept of accommodation, a policy concept that takes into consideration power relations and the particular situation of Roma. Hence, my conclusion that power sharing is key to Roma inclusion.

Since defending my PhD thesis in a related subject—Ethnic Identity and Policy-making: The Case of the Roma in Central and Eastern Europe—at the Babeş-Bolyai University of Cluj, Romania, in September 2014, I have taught a course for two years on European and State policies towards Roma in Budapest at the Corvinus University Master program on Local Development, an experience that helped me adjust the theoretical framework of the book. However, since my appointment as Chair of Romani Studies at the Central European University, Budapest, I have further revised the book’s theoretical framework by incorporating critical theory, having been inspired by Critical Race Theory, postcolonial studies, and feminist studies. The course on policy-making towards Roma in Europe I have taught over the last three years at the CEU School of Public Policy, as well as the summer course I directed on Romani Studies at CEU, were important platforms to use and adjust the theoretical framework I developed for this book.

Last but not least, the book represents my reflection as a Roma intellectual and scholar on the situation of Roma in Europe over the past two decades. I have been privileged to hold different positions connected to policy-making processes towards Roma in Europe.

I formerly worked as an expert for the Romanian government's Department for the Protection of National Minorities and contributed to the drafting of the Romanian national strategy for Roma in the late 1990's. At the same time, I took part in different events with colleagues from other governments who were also working on their own strategies for Roma. Thus, I gained first-hand information on the processes behind the national strategies for Roma, especially in Hungary and the Czech Republic and other candidate countries for European Union membership. I acquired a human rights perspective and a broader view on policy-making while working as International Advocacy Coordinator of the European Roma Rights Center, the leading human rights NGO for the promotion and defense of human rights of Roma in Europe. Later I moved on and served as Program Manager for the Open Society Institute Roma Participation Program, working directly with Roma NGOs, primarily in Central and Eastern Europe, for the largest private donor for Roma related issues. I was directly involved in the policy-making processes during the Decade of Roma Inclusion 2005–2015 when I served as Director of Roma Initiatives Office within the Open Society Institute (OSI), serving as Decade coordinator on the side of OSI, working closely with the national governments participating in the Decade, the World Bank, Roma NGOs, and other partners. I also worked as a researcher for an institute dealing with minority issues in Romania and as a freelance consultant evaluating projects and programs, conducting research, and looking at policy-making from a different perspective. Thus, my work experience and my professional development have helped me understand policy-making towards Roma from a multitude of perspectives—policy-maker, human rights advocate, charity donor, policy advisor and activist, researcher, consultant and professor. Time and again, experiential knowledge contributed to shaping my understanding of policy processes. I am grateful for having this privileged position to understand and share my analysis of policy-making towards Roma in Europe.

CHAPTER I.

Ethnic Identity as a Social Category and as a Process

Answering the big question—why policies towards Roma are failing—requires some degree of elaboration. Inspired by critical social theories, I argue that a primary cause for this failure is the lack of ethnic relevance in policies targeting Roma: that is, the way these policies address Romani identity issues—issues that Roma consider important about themselves and that offer meaning to them and that influence their attitudes and behavior. For example, inclusive education might prove to be a transformative concept for educational policies, but if it does not include ethnic relevance, Roma might evaluate it rather negatively. If those policies lead a successful Roma high school or university graduate to hide or to refuse to disclose his or her ethnic identity openly in relevant contexts, from the perspective of his or her Roma parents, those policies may have failed their child. Ethnic identity may become a form of oppression that pressures one to avoid disclosing their identity and avoid engaging in collective activities with other members of their ethnic group. Identity may even inflict psychological trauma on certain members of the community. In addition, the way Romani identity is perceived by non-Roma and by institutions influences the behavior of these actors towards Roma—whether these actors are private individuals, formal or informal groups or state inst-

tutions. Hence, in order to successfully bring social change to society and to Roma communities, policies targeting Roma must consider the complexity of Romani identity and a whole host of issues associated with that identity.

At this point, there are two major challenges ahead. The first concerns the conceptualization of ethnic identity in social sciences and especially in policy studies. The second challenge, which is even more difficult, is to define who is Roma and who is not, and what it means to be Roma for the members of the group and for outsiders. As discussed later in the chapter and as shown by Willems (1997), the issue of who are “real” Roma has played a significant role throughout the history of Roma in Europe.

Ethnic identity has been one of the most used concepts in social sciences over the last three decades. Yet despite its widespread use, there is no consensus among scholars on the definition of identity, on its components or scope. As Chandra and Wilkinson (2008) have shown, ethnicity is a concept so broad that it lacks content. Along the same line, Brubaker and Cooper talk about an “identity crisis” in social sciences generated by an overproduction of literature, which led to a “devaluation of meaning” of the term (2000, 2–3). Moreover, there is no agreement among scholars on the components of ethnic identity. For example, Eriksen and Sørheim (2003, 58) believe that the most important ethnic markers are language, skin color, religion, and spoken dialect, while Erik Cohen (2009, 36) proposes twelve components of ethnic identity: birth, family, endogamy (biology), hope, loyalty, commitment, choice, (psychological) language, education, religion, (institutional) reaction to prejudice, and relation to (historical/political) homeland.

It is beyond the scope of this study to shed new light on the conceptual frameworks used across disciplines to define and measure ethnic identity. The aim of this chapter is to identify a definition of ethnic identity that is applicable to the situation of Roma and that allows for the evaluation of ethnic identity within policy-making. The work of Abdelal and colleagues seems to be the most appropriate theoretic-

cal framework to achieve this aim: after an extensive literature review, Abdelal and his colleagues (2001; 2006; 2009) criticized the conceptual mess surrounding identity and concluded that there is a need for an analytical framework that will allow comparative analysis among different types of identity.

This exploration of Roma ethnic identity is not only meant to shed light on the definition of target groups for social inclusion policies in order to see who is in and who is out, on how governments categorize and classify certain populations, or on what it means to be Roma for the members of the group and for the non-Roma. This chapter also explores Roma identity in order to test the validity of the framework developed by Abdelal's team by applying it to the complex case of a transnational group that is highly fragmented, multilingual, multi-religious, without a kin-state, and considered as the most vulnerable group within the European Union. Moreover, exploring Roma identity automatically necessitates a review of the power relations between Roma and non-Roma, of the ways Roma engage with social and political institutions, and of the manner and degree to which they have affected Roma identity. In addition, due to the long history of exclusion and discrimination in Europe, analyzing the exclusion and racism towards Roma—what I and others in the field call “antigypsyism”—as an integral part of the experiences of Roma in Europe, has the potential to reveal unexplored dimensions of ethnic identity in policy-making for other ethnic minorities as well.

To move beyond the conceptual blurriness of ethnicity, the starting point for conceptualizing ethnic identity, ethnicity, and ethnic groups in this study are the classical definitions of these terms in sociology (Max Weber) and anthropology (Thomas Eriksen), as well as from critical social studies. Max Weber defined ethnic groups as “those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of customs or both, or because of memories of colonization and migration” (1978, 389). In this definition Weber emphasizes three important points: (1) ethnic solidarity

that generates faith is based on a real or presumed common ancestry; (2) the subjectivity of the presumed common ancestry is less important than belief in a common ancestry; and (3) there are multiple bases for these beliefs, ranging from physical similarities, through shared cultural practices, to a common history. While the central element of Weber's definition—a belief in common descent and a common history—is in effect synonymous with a shared culture among the members of a particular group. This conceptual mutation is well summarized by Cornell and Hartmann: "an ethnic group has become a group of people distinguished by common culture, typically including language, religion or other patterns of behavior or belief" (1998, 17).

Eriksen defined ethnic identity as "a notion of shared ancestry (a kind of fictive kinship)," while culture "referred to shared representations, norms and practices," emphasizing that "one can have deep ethnic differences without correspondingly important cultural differences; and one can have cultural variation without ethnic boundaries" (1993, 43). He describes the relations between ethnicity and ethnic identity in that the latter is "the symbolic aspect of ethnicity" (Eriksen 1993, 49). In his understanding, ethnicity is not only about certain characteristics that build similarities and differences between individuals and groups, but also about how these differences and similarities are communicated in public (1993, 80).

The development of critical social studies, especially cultural studies in the 1960s and 1970s provided new insights into issues of identity that focused on the meaning created by identity and the consequences of these meaning-making processes associated with different groups. In the US in the 1950s and 1960s, different groups started to challenge oppression they encountered in everyday life: Blacks, Latinos, Asians, Natives, Women, LGBTQIA. Scholars originating from these groups attempted to explain the disparities between power-holders (the majority) and different minority groups. By focusing on existing disparities, these scholars questioned the idea of race, meaning-making systems, and the internalization of stigma associ-

ated with these identities. Social identity came to be regarded as a resource to invigorate and mobilize these communities and the writings and research of those scholars developed within these groups' processes of emancipation, leading to the promotion of "a range of positive identities" as "none professes to a single notion of what it means to be a positive and productive group member" (Cross and Sullivan 2016, 3). These new collective identities changed the individual's meaning-making system and transformed the individual's engagement with the larger issues that affect his or her social group.

Critical social scholars have also focused on internalized oppressions that can vitiate the identity of the groups and individuals. Frantz Fanon has used the concept of cognitive dissonance to explain the internalized racism of colonized people and the difficulties they face when challenging the racial status quo. In his analysis, Fanon (1967) pointed out the dehumanization of the colonized and the need for recognition of one's full humanity in order to transform internalized racism into a positive identity, although he was skeptical that such transformation was possible. For Fanon (1967, 6), racism was an integral part of the European culture that was imposed on other people through colonization: "White civilization and European culture have forced an existential deviation on the Negro. I shall demonstrate elsewhere that what is often called the black soul is a white man's artifact."

Furthermore, the Critical Race Theory movement had a significant impact on racial and ethnic identity studies. By adopting a broader view when analyzing discourses on race and ethnicity, Critical Race Theory scholars focused on "studying and transforming the relationship among race, racism, and power" and "question[ed] the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law" (Delgado and Stefancic 2001, 3). One of the basic tenets of Critical Race Theory is the centrality of racism, seeing it as normal rather than an accident of everyday life. While analyzing the role of racism in society and the oppression faced by different minority groups, Critical

Race Theory scholars and activists played an important role in transforming discourse on race relations, identities, and social justice. Kimberle Crenshaw (1989) has proposed the concept of intersectionality in analyzing oppressive institutions as a result of multiple identities, emphasizing the interconnections between, on the one hand, oppressive institutions and practices, and, on the other hand, forms of social stratification when examining the marginalization of certain social groups.

In spite of development in these concepts since then, how one measures identity remains a significant challenge. Rawi Abdelal and his team from Harvard University have developed the most complex research project on the measurement of collective identities that is relevant for the present approach. While there have been several projects focusing on identity measurement,¹ especially in social psychology, all of them considered individual identity or identities (Phinney and Ong 2007; Weinreich 2002). Abdelal and colleagues defined collective identity based on two dimensions—content and contestation—that may vary in time and in different contexts, ensuring that flexibility and fluidity are significant characteristics of these identities:

We define a collective identity as a social category that varies along two dimensions—content and contestation. Content describes the meaning of a collective identity. The content of social identities may take the form of four, non-mutually-exclusive types:

- Constitutive norms refer to the formal and informal rules that define group membership.

¹— Jean Phinney (1992) has proposed Multigroup Ethnic Identity Measure as an instrument to measure ethnic identity formation based on exploration and commitment. This has contributed to advancing knowledge regarding identity especially in adolescents and in minority groups.

- Social purposes refer to the goals that are shared by members of a group.
- Relational comparisons refers to defining an identity group by what it is not, i.e., the way it views other identity groups, especially where those views about the other are a defining part of the identity.
- Cognitive models refer to the worldviews or understandings of political and material conditions and interests that are shaped by a particular identity.

Contestation refers to the degree of agreement within a group over the content of the shared identity. (Abdelal et al. 2006, 696)

Constitutive norms are supposed to provide meaning and create similar expectations among group members. These rules lead to recognition of the group and impose obligations on members of the group about how (members of) the group should behave in certain situations (Abdelal et al. 2006, 696). Based on the internalization of constitutive rules, there are three types of socialization: the first, in which the rules may affect the choice; the second, in which choice may be semi-conscious; and the third, in which the norms are deeply internalized to the point where members have virtually no choice. In the case of Roma, this distinction between the meanings given to a specific group identity and group recognition is crucial for understanding the stigma of identity, the strength of hetero-identification, and the Roma activists' attempts to redefine the meanings attached to the term "Roma." The Roma activists' socialization and internalization of constitutive rules is relevant to their future action and also provides an opportunity to challenge their legitimacy. In fact, for some Roma activists Roma identity is a choice, other activists have a lower margin of choice, being caught between obligations under the rules and broader social commitments (like respect for human rights), while yet another group of Roma activists have no choice of identity, being the victims of oppres-

sion of stigmatizing identities (Gheorghe and Rostas 2015). For this last group, Roma activism represents a form of identity therapy.

Social purposes are related to identity in that a certain identity requires some streamlining of the activities of group members and helps them define general interests, goals, and preferences: "Whereas the normative content of an identity refers to practices that lead to individual obligation and social recognition, the purposive content of an identity helps to define group interests, goals, or preferences. Both the normative and purposive content of an identity may impose obligations on members, but in distinctive ways: constitutive norms impose an obligation to engage in practices that reconstitute the group, while social purposes create obligations to engage in practices that make the group's achievement of a set of goals more likely." (Abdelal et al. 2006, 698) This dimension of identity has important consequences for the participation of the group in government actions that affect them directly and on whether participation offers the group a genuine opportunity to communicate their preferences, to represent their interests, and to achieve their proposed goals.

Identity makes sense only when there is a significant "other" that allows for meaningful comparison and distinction (Eriksen 1993). Comparison and reference to other identities offers important ways to define one's own identity, whether it be negatively, through what the group members are not, or positively, through what the members of a group are understood to be. As shown by Abdelal and others, there are many types of relational identities: exclusive, when the possession of an identity is incompatible with holding another; identity status, when an identity provides its holder status in comparison to other identities; and the existence and level of hostility, measured in comparison with other identities (2006, 698). These distinctions play an important role in understanding, for example, how the state categorizes citizens within national censuses, or through other administrative and legal practices.

Cognitive models represent specific worldviews or frameworks that provide a certain understanding of social realities to group members, of specific ways of thinking and perceiving reality, or of interpreting the past, present, and future. Cognitive models are important in establishing the causes of a situation, as shown by scholars such as Bert Klandermans, who “has argued that identity ‘not only emphasizes the commonality of grievances, it also establishes the group’s opposition to the actor held responsible . . . thus causal attributions are an important element in the identity component . . . this element is related to the construction of a cognitive schema which comprises causes and solutions for the adverse situation’” (Klandermans 1997, 18 cited in Abdelal et al. 2006, 699).

Starting from the work of Abdelal and his colleagues, who tested their theory in measuring different types of identity in different circumstances (2009), I will develop an operational definition of ethnic identity in policy studies by analyzing the complexity of Roma identity in Europe. I will discuss the diversity of Roma, their internal stratification which differs from that of other groups in Europe, and the role of others in shaping Romani ethnic identity. Being multilingual, multi-religious, multi-denominational, spread all over Europe and with a global presence but no kin state, Roma represent a unique case among ethnic groups. Due to these features of Romani identity, ethnic boundaries are blurred and represent a serious challenge for those trying to define these boundaries. At the same time, these features of Romani ethnic identity are also causes for vulnerability and constitute the main point of contention regarding Roma identity today.

An important element in shaping Roma identity is the definition and categorization of Roma by non-Roma. Consistent with Critical Race Theory, which considers racism a central element in the everyday life of racial minorities, I will analyze the role of antigypsyism in shaping Roma identity and show that without such an endeavor the debate on Roma identity remains incomplete. Abdelal and his team used a definition that considered only the role of the in-group in defin-

ing the content of identity: “[w]e thus propose to study contestation as a process that occurs within groups, because it is the meanings that groups ultimately define for themselves that make up the content of a collective identity” (2006, 700). Inspired by Critical Race Theory, I also take into consideration the meaning associated with the term “Gypsy,” as Roma are labelled by non-Roma, and the power relations between Roma and non-Roma in imposing conflicting categorization and identity on Roma, reflected even in the denomination of the ethnic group. Thus, my approach brings into discussions important elements of identity that, as the next chapter will also confirm, play an important role in shaping public policies towards Roma.

Antigypsyism

Any exploration of Roma ethnic identity becomes partial and, in some contexts even meaningless, without a proper analysis of historical relations between Roma and non-Roma within the European space, especially where racism or what is usually called antigypsyism, antiziganism, anti-tġiganism, Romaphobia, anti-Romaism, etc, are concerned. The terminology used to describe the relations between Roma and non-Roma varies from author to author. Some prefer the term Romaphobia (McGarry), others prefer anti-Ziganism or anti-tziganismus (End 2012 Agarín 2014; Wippermann 2005), while others choose antigypsyism (Heuss 2000).

Romaphobia suggest that hatred towards Roma in a given society has a psychological character, a kind of a strong fear or hatred towards Roma, which is often unconscious and purely psychological. While this concept uses the politically correct term Roma, it neglects the role of state institutions in producing and reproducing fear or hatred of Roma over centuries of interaction within the European context. Moreover, as a medically inspired term, Romaphobia fails to point out possible policy solutions to tackle the phenomenon. Antigypsy-

ism and antiziganism (and its variants anti-ciganism, anti-cyganism, etc.) offer scholars more space to define the content of the concept. Nevertheless, they pose difficulties in defining who are those that are the target of hatred and fear. Both terms are used to hetero-identify those within the ambit of the definition. However, the term "Gypsy" in English language, unlike "țigan" and its derivatives (*tsigane*, *Zigeuner*, *zingari*, *cygan*, or *cigan*) used in Central and Eastern Europe, does not sufficiently reflect the negative connotation of the hatred and fear directed towards Roma. Moreover, in the United Kingdom, due to particular historical conditions and assimilation attempts, some local groups associated with the term "Roma" prefer to be called "Gypsies," partly to differentiate themselves from recent migrants, mostly from Central and Eastern Europe. The use of "Tsigan" and its derivative makes it difficult for some readers to understand the reference to one ethnic group, since the Greek "athinganoi," meaning untouchables or pagans, has been adapted to so many European languages. The term antigypsyism refers to those portrayed in the public imaginary as "Gypsies," irrespective of their self-identification or their ethnic belonging. While no term is perfect, the terms "Gypsy" and "igan" reflect also the imposition of a certain name for the group from the outside, an aspect that it is intrinsic to the definition of the concept. And since in the last decades English has become kind of lingua franca in international communication and science, the use of the term antigypsyism is privileged.

The European Commission against Racism and Intolerance (ECRI) has defined antigypsyism as "a specific form of racism, an ideology founded on racial superiority, a form of dehumanization and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatization and the most blatant kind of discrimination" and has stressed that "antigypsyism is an especially persistent, violent, recurrent and commonplace form of racism," calling on the member states to combat this form of racism in different fields of public life, including education, employment, housing, and health, as well as to curb violence and crime

against Roma, antigypsyism within police, in the media, or in access to public places and services, including banking and insurance, by collecting data and registering Roma, protecting and promoting Roma culture, enabling Roma representation, respecting their self-determination, etc. (ECRI 2011). The importance of the document is that, besides providing definitions, it correctly assigns the responsibility to combat antigypsyism to the state. In addition, it paints a detailed picture of the manifestations of antigypsyism.

While the definition provided by ECRI proved handy for other, different international organizations such as the European Commission, the European Parliament, and even the Fundamental Rights Agency, it gives the reader a limited understanding of the concept and its implications. In the sections below I develop a definition of antigypsyism, its roots and manifestations. Thus, I define antigypsyism as a special form of racism directed towards Roma that has at its core the assumption that Roma are inferior and deviant. The humanity of the Roma is often questioned and, historically, de-humanization has been a technique used to prepare the ground for extermination policies. Inferiority might originate in the negative evaluation of the out-group in comparison with the in-group or reference group, as Tajfel has shown in his theory of social identity (1982). It is a common feature of nationalistic and xenophobic views of groups and individuals who consider their own identity as superior to that of other individuals belonging to other groups. However, deviance from the reference group in this case emphasizes not only that Roma are different, and valued less positively in an imagined competition among groups, but also that, by their very nature, Roma are perceived as not respecting the minimal rules and values of the society in which they live. Criminality, as a key feature of their social deviance, is often perceived as a genetic characteristic of Roma by the majority society. The perceived deviant nature of Roma dates back to their arrival in Europe, in a context dominated by religious institutions to which Roma did not belong, by people with different skin coloration and way of life than the Roma themselves, and

by emerging notions of property to which the Roma, as newcomers, were perceived as a threat.

Antigypsyism includes other assumptions regarding Roma. One of these assumptions is orientalism. Orientalism emphasizes the non-European origins of Roma, which, in spite of more than a thousand years of history in Europe, still mark the Roma way of life and their cultural and aesthetic preferences. Curiously enough, the same logic does not apply to other groups that arrived in Europe at a comparable time with the Roma—Hungarians, for example. By emphasizing the non-European origins of Roma, one makes the point that the differences between Roma and the majority is insurmountable, and therefore Roma do not belong to and cannot integrate in European societies. Another function of Orientalism was revealed by Said in his seminal work *Orientalism*: “Much of the information and knowledge about Islam and the Orient that was used by the colonial powers to justify their colonialism derived from Orientalist scholarship” (1995, 345). Similar to Western colonial powers, non-Roma majorities in Europe have used their knowledge of Roma to point out differences and to use the Eastern origins of the Roma to justify the dominance and oppression of them while buttressing majority identities using Roma as the quintessential “Other.” Some scholars have revealed the role of Roma in relation to strengthening imperial administrations (van Baar 2011) or building nation-states (McGarry 2017).

Nomadism is the second important assumption of antigypsyism. Nomadism is often described and perceived by non-Roma as an essential, widespread feature of the Roma way of life. The romanticized idea of free and easy-going “Gypsies” traveling around in caravans, with music and dancing, so present in film representations or in the urban design of ethnic camps, risks depicting Roma as stereotypes and not as real people (Sigona 2005, 747). Nomadism can also be regarded as a way to escape state control, as a form of autonomy for Roma. Nomadism was also a reaction to the hostility Roma encountered in their interactions with non-Roma. Lastly, nomadism could also be regarded

as a way to access new markets for Roma crafts products. However, one has to recognize that nowadays most of the Roma are settled, especially in Central and Eastern Europe, as a result of Habsburg policies of assimilation as well as of Communist forced sedentarization and proletarianization policies. But labeling a whole population as “nomadi” or “gens du voyage,” two administrative categories used in Italy and France, has in effect allowed authorities to marginalize the Roma and justify the provision of inferior services to these categories.² Sometimes, the authorities used these categories to emphasize the different and often apparently deviant lifestyle of Roma. Finally, nomadism is often connected with the portraying of Roma as a rootless people, a vision consistent with another assumption of antigypsyism, as described below.

The lack of ethnic identity for Roma is the third important assumption of antigypsyism. According to this postulate, Roma are people without roots, incapable of having relations with the land, and therefore with no collective memory and no identity.³ This assumption was

²— Recent developments in the situation of Gypsies and Travellers in the United Kingdom perfectly illustrates this meaning. Traveling and camping is habitual for these groups, a practice recognized by the courts and which the government has committed to respecting, but the Cameron cabinet tried to restrict their rights by redefining the very notion of “gypsies” and “travellers.” See Department for Communities and Local Government, 2015.

³— One of the most known scholars who claimed that Roma have no sense of ethnic identity is Michael Stewart in his book *The Time of the Gypsies*. For example, Michael Stewart (1997, 28) says that “with the exception of Gypsy intellectuals who run the Romani political parties, the Rom do not have an ethnic identity.” Zoltan Barany (2002, 77) also says that “Gypsy ethnic identity is weak,” but does not present proofs for his statement, preferring to cite Stewart. Leo Lucassen, Anne Marie Cottaar, and Wim Willems (1998) have also denied the ethnic identity of Roma, identifying Roma as a social group of wanderers and vagabonds.

and is supported by academic research, especially anthropological research, which focuses mainly on the diversity of Roma, their different lifestyles, languages and traditions, with limited if any analysis of the root causes of these conditions. Roma are seen usually as the exception to whatever rules or concepts scholars have previously defined.⁴ Sometimes even the methods and concepts used by scholars in reference to Roma are questionable, especially when they are classifying and categorizing the Roma. They often fail to explain the reasons for which the classification is done in a specific way and what purpose it serves. For example, Vasile Burtea argues that in Romania there are 40 subgroup kinships of Roma, including one called “bulangii,”—which is merely a pejorative term in Romanian for gay men.

Backwardness is the fourth assumption of antigypsyism. The rest of society often perceives Roma as uncivilized, uneducated, and not synchronized with the evolution of societies in which they live. Roma are often described as living in large families and clans, marrying much earlier than non-Roma, having larger numbers of children, not wanting to go to school or to learn how to behave and to be more like the majority. The Roma “way of living” is seen as at best archaic, and at worst closer to that of animals. One of the functions of this assumption is to de-humanize Roma. Roma are often seen as unadaptable since they cannot integrate and follow majority norms, attitudes, and values. The modernization of Roma is often associated with getting rid of Roma identity and assimilating them into the majority. In other words, getting rid of “Gypsyism” is considered the way to progress.

⁴— Kymlicka has used the concept of societal culture in connection to minority cultures that need support to exist and on which minorities could claim power-sharing. Roma culture is not a societal culture but still exists nowadays. His model of multiculturalism is limited since it does not apply to a group that is significant in Europe (Kymlicka and Opalski 2001).

The intellectual roots of antigypsyism go back to the arrival of Roma in Europe and can be found in religion, in the organization of economic relations, in the political organizations of communities and medieval states, and in the philosophical ideas of the Enlightenment. Since the arrival of Roma into Europe, religion and the church, the dominant power in society, played a significant role in othering Roma. Being non-Christian and not obeying the strict rules of the church, being different in terms of physical appearance, being organized differently from the communities with which they came into contact, or simply traveling in search of markets for their products or in search for living resources from entertainment activities are features of the group that determined a certain type of interaction with the majority society and its institutions. As a consequence, the majority society and institutions portrayed Roma as different and developed rules and institutions to interact with Roma and to oppress them. Roma were often portrayed as incarnation of absolute evil, as some of the professions they took on to make a living—playing musical instruments, palm-reading, fortune-telling, etc.—were contrary to religious teaching and heavily penalized, including by death. Extreme forms of antigypsyism included the enslavement of Roma in the Romanian Principalities of Moldova and Walachia from the fourteenth century to the second half of the nineteenth century, different forms of dependency of Roma on landlords in the Habsburg Empire, or the Roma “hunts” organized in Spain, the Netherlands, Prussia, and United Kingdom. The influence of religion and church on the everyday life of Roma lasted long after the Roma converted to the majority religion, and has still to be properly researched. However, even nowadays, in what Thomas Acton calls “popular antigypsyism,” there are still legends according to which Roma have stolen the fourth nail of the crucifixion of Jesus.⁵

⁵— The role of the Roma in Jesus crucifixion is also mentioned in a Romani song in Hungary. See Carol H. Rounds and Erika Sólyom (2011, 214).

The philosophical foundations of antigypsyism could be found in the philosophy of the Enlightenment. The eighteenth-century philosophers—Voltaire, Jean-Jacques Rousseau, Diderot, Montesquieu, Adam Smith, David Hume, Immanuel Kant, to name just the better-known ones—emphasized the capacity of the human being to control nature by means of reason as a unique endowment of human beings. By observing natural phenomena and identifying rules, educating their minds and spirits, and exercising reason and developing science, these philosophers prepared the platform for a new way of thinking about human beings by calling for the emergence of a new human being and a new social order dominated by rationalism, empiricism, and science. Moreover, some of these philosophers promoted the idea of different human races and the white race being superior to other races and entitled to civilize them (see Eze 1997). These ideas influenced the rulers of the time and their attempt to expand their control over new territories, diverse populations, and the human body (van Baar 2011, 112–17). Grellmann, the author of the first book on Roma published in 1783, called on those in power to educate the “Gypsyies” (Heuss 2000, 60). The Habsburg Empire during the reign of Maria Teresa and Joseph II clearly translated these ideas into policy, including those directed towards Roma. Roma have been regarded as backwards and uncivilized, and rulers felt they had the duty to rid Roma of their bad habits, of their “Gypsiness,” and improve their human condition (Willems 1997; van Baar 2011, 118–30). Thus, Roma were forbidden to speak Romanes, to dress traditional clothes, or to move around, and were forced to settle. Children were removed from their families and placed in foster families as a way to civilize them, and even the names of Roma were changed. All these measures were taken under the influence of Enlightenment ideas, with the aim of civilizing Roma and improving their lives.

Antigypsyism also had economic and social roots and functions. As medievalists have showed, during the labor shortages in the fourteenth century in Western Europe, Roma and other groups regarded

as poor became the target of repressive policies to control labor migration and to protect the interests of economically powerful circles (Geremek 1991). In Central and Eastern Europe, Roma and their goods were controlled through different forms of dependency upon landowners and the clergy, while in Walachia and Moldova, the enslavement of Roma was already documented in 1385 and lasted until the 1850s. (Hancock 1987; Fraser 1992; Crowe 1995; Achim 2004).

Antigypsyism manifests itself in different forms, such as popular sayings, jokes, discrimination, segregation, physical, verbal and symbolic violence, forced evictions, collective punishment and mob violence, police raids, assimilation policies, deportations, extermination, mass expulsion of Roma from different countries, etc. These forms of antigypsyism are easily observable in the everyday life of Roma. However, antigypsyism also works in more subtle ways such as the denial of identity, ascribing different, usually pejorative denominations to the group, the use of nouns and adjectives referencing the skin color of Roma, the denial of their historical oppression, Holocaust negationism, the denial of legal standing of Roma as a group, the sterilization of Roma women, the virtual invisibility of Roma in school curricula, the lack of representation of Roma in different structures, the folklorization of Roma culture (overemphasizing the role of popular traditional Roma music and dancing to the detriment of Roma contributions to the so-called high culture), providing lower quality services to Roma, etc. Antigypsyism manifests itself as structural and institutional racism, that is, "the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin" (Stephen Lawrence Inquiry 1999, para. 6.34).

Antigypsyism is about power. It is a notion that describes the most common vector of power relationships in society and community with respect to Roma. What makes antigypsyism special as a form of racism is the impunity enjoyed by the perpetrators. Those promoting hate speech or engaging in any racist action targeting Roma might do so because anti-Roma racism is widely accepted, and they feel en-

couraged in their actions by the lack of sanctions against them. Too often, there is no public actor sanctioning such actions. Perpetrators might take the social and legal acceptability of their actions for granted, as part of the everyday experience, or not even consider that their actions are offensive to Roma or that they might be against the law. If the state does not take actions through its law enforcement institutions against different offenses against the dignity and rights of its citizens, that is also a good indicator of how little power Roma actually hold. Therefore, antigypsyism is not only a form of oppression of Roma, but also a result of the disenfranchisement of Roma through different means.

Antigypsyism is a complex phenomenon that goes beyond mere discrimination. Discrimination might take different forms, as Fred Pincus has showed:

Individual discrimination refers to the behavior of individual members of one race/ethnic/gender group that is intended to have a differential and/or harmful effect on the members of another race/ethnic/gender group. Institutional discrimination, on the other hand, is quite different because it refers to the policies of the dominant race/ethnic/gender institutions and the behavior of individuals who control these institutions and implement policies that are intended to have a differential and/or harmful effect on minority race/ethnic/gender groups. Finally, structural discrimination refers to the policies of dominant race/ethnic/gender institutions and the behavior of the individuals who implement these policies and control these institutions, which are race/ethnic/gender neutral in intent but which have a differential and/or harmful effect on minority race/ethnic/gender groups. (Pincus 2000, 31)

While individual behavior is usually regulated by law, in case of racism by the antidiscrimination legal framework, too often the institutional and structural forms of discrimination and racism are overlooked. Nevertheless, John Powell has rightly pointed out the significance of

addressing institutional and structural racism: "Institutional racism shifts our focus from the motives of individual people to practices and procedures within an institution. Structural racism shifts our attention from the single, intra-institutional setting to inter-institutional arrangements and interactions" (2007, 796). For these reasons, tackling antigypsyism should not be limited to antidiscrimination legislation. It requires a complex approach addressing root causes and a commitment to the long-term support of measures that combat antigypsyism.

One important feature of antigypsyism is the role of the state in producing and perpetuating the phenomenon. State institutions, especially through policing, education, and administration of justice, have developed and enforced racist practices, norms, and values, including violence against Roma, over centuries. Thus, antigypsyism became a code of conduct deeply embedded in social structures and state institutions in European societies. In order to combat it, there is a need to go beyond information and tolerance promotion campaigns, beyond cultural and identity promotion, to critically examine racist practices towards Roma in European societies, towards a consistent support for institutions that represent Roma identity. In other words, in order to combat antigypsyism, the focus should rather be on the state and its institutions and not necessarily attempts to "fix" (assimilate or integrate) the Roma themselves. Such an approach to combat antigypsyism would also be the logical choice in order to avoid blaming the victims of oppression and instead focus on the oppressor and the systems deployed by the oppressor. In addition, a complex system to protect against antigypsyism and to redress past discrimination, including affirmative action in different fields, and different power-sharing arrangements, is needed to effectively combat centuries of antigypsyism.

Roma Ethnic Identity

An analysis of Roma ethnic identity necessarily reveals difficulties in defining its content as well as the consequences a high degree of contestation inside the ethnic group has on public policies targeting Roma. The features of Roma ethnic identity pose unique policy dilemmas for policy-makers charged with diversity management in democratic societies. Roma activists contribute to the challenges faced by policymakers through their own understanding and self-definition of Roma identity.

Approaching ethnic identity through discourse combines two major theoretical perspectives on identity: primordialism and constructivism. The constructivist perspective holds that discourse is a way to build social reality and stresses the relational character of ethnic identity. At the same time, this approach incorporates a primordialist perspective on ethnic identity by engaging with the self-definition of the group, collective memory, and the subjective beliefs of the group members, in addition to how others perceive and define the ethnic group.

Roma are an ethnic group with a wide internal diversity, which has led many researchers to doubt the existence of a single ethnic group, or the existence of Roma as such (Lucassen et al. 1998; Willems 1997), or, rather, to consider Roma as merely an administrative category (Sigona 2005). Internal Roma diversity has been studied mainly by anthropologists and sociologists who based their classifications on certain criteria. The most important criterion for the classification of Roma is kinship, which “does not relate to blood kinship, but the classification of Roma groups according to the following elements: traditional craftsmanship, social organization structures, family customs, and calendar holidays” (Grigore and Sarău 2006, 35). Although many researchers consider education an important criterion for the classification of the general population, in the case of Roma a more relevant criterion might be the degree of integration and inclusion. This criterion includes education, and transcends other criteria such

as social status, ability to speak Romanes, self-definition as Roma or Gypsy (Tsigan), or the public acknowledgment of ethnic identity. In this respect Roma are an atypical group whose internal stratification differs from that of majority populations or other ethnic minorities.

Roma, despite their apparently unitary classification, are not a homogeneous group, and researchers have identified many Roma subgroups all over Europe (Marushiakova and Popov 2010). Burtea (2002) identified 40 such subgroups of Roma in Romania alone. In Hungary, there are three major groups of Roma: Lovari, a traditional group speaking Romanes; Romungre (Hungarian Roma), assimilated and not speaking Romanes; and Beash, situated in the south-western Hungary, speaking an archaic Romanian language different from Romanes (Szuhay 2002). In the Czech Republic, Roma were largely exterminated during the Second World War, so those who now live there mostly came from Slovakia after the war. Therefore, one might find in those two countries Servika Roma and Romungre, groups that arrived from Slovakia, but also Vlachs and Sinti, survivors of extermination policies during the Second World War, and these groups might differ in terms of language and traditions (Davidová 2010). Perhaps this explains some differences specific to the Czech Republic, such as the perception of Roma in the public imagination or public discourse about Roma in terms of skin color, the Czech Republic being the country where officials use skin color to define Roma in current bureaucratic practices (Heimann 2011). In these countries, besides the designation Roma there are other specific terms to designate the ethnic group: Tzigan, Cigan, or Cigány.

To complicate the situation further, it should be noted that some groups commonly subsumed to the same broad category as Roma do not identify themselves as Roma. Their choice is a separate denomination in order to underline their differentiation from Roma. The best-known groups falling in this category are the Ashkali and the Egyptians in Macedonia and Kosovo, the Gypsy and Travellers in Ireland and the UK, the Sinti in Germany, Italy, and Austria, the Beash in Croatia and

Hungary, and the Rudari in Romania and Bulgaria. In this situation, the question is what prompted the researchers to subsume these groups to a single ethnonym. Are Roma an ethnic group? Or are there several ethnic groups under the Roma label? Is there a Roma ethnic identity, or it would be more appropriate to refer to the identities of multiple groups? What binds these groups and subgroups?

Petrova (2003, 113) identifies several elements that have retained a sense of common belonging to these groups: late arrival on a continent already populated by sedentary communities, massive differentiation from European society and culture, and social and political structural weakness of Roma in European history. Petrova (2000) identified powerlessness and lack of mobilization of the Roma as elements of continuity in over a whole millennium of history of the Roma in Europe. She affirms that the cause of both the marginal status of the Roma and the abuse of the human rights of Roma is antigypsyism—but antigypsyism is also a reason for which Roma survived as a distinct cultural group while internally culturally heterogeneous. Stressing that the identity of Roma is also based on the mobilization of Roma identity, Petrova (2003, 114) says, “Roma today are a continuum of more or less related subgroups with complex, flexible, and multilevel identities, with sometimes strangely overlapping and confusing subgroup names.”

That Roma are different from other ethnic groups is already a well-documented historical fact by scholars (Fraser A. 1992; Marushiakova and Popov 2010). The question is how different Roma really are. Do they constitute an ethnic group or are they a multitude of ethnic groups? To answer these questions, an analysis of the collective identity of Roma, of the mechanisms of belonging and boundaries delimitation, and an analysis of the contents of this identity is a must. This endeavor will highlight not only the particularities of Roma compared to other ethnic groups, but also the complexity of framing the Roma ethnic identity within the theories and approaches briefly presented in this chapter.

From a political point of view, the ethnonym “Roma” is a generic term that subsumes various related groups—the Roma and their various kinships: Gypsies in the United Kingdom, Ashkali and Egyptians in Kosovo and Albania, Gypsy and Travellers in Ireland and the United Kingdom, Sinti in Germany, Austria, France, Italy, and the Czech Republic, Gitano in Spain, etc. The term “Roma” came into use in various national political languages in beginning of the 21st century and then grew with the emergence of new states in the Balkans and Central Europe by being used in the names of organizations, newspapers, and political manifestos, and political programs. Internationally, the term “Roma” was first used in the 1960s by organizations in Western Europe, and the first World Romani Congress in London in 1971 determined that the ethnonym “Roma” should be used to highlight the attempt to change the dominant way of thinking about Roma (Vermeersch 2001). Imposing the term “Roma” over others became more prevalent after the fall of communism in 1989 because of the claims made by the Roma themselves in Central and Eastern Europe, the geographical area where they are proportionally more represented. An analysis of developments in the international discourse about Roma was made by Katrin Simhandl (2009), who shows how the documents of the Council of Europe and those of the European Union first began using the term “Gypsy,” then “Roma / Gypsy / Travellers,” then “Roma / Sinti / Travellers,” then just “Roma / Traveller,” and finally, only after a long time, began to predominantly use the term “Roma”. Since 2010 the Council of Europe started using “Roma” as the term to refer to all these groups and even included some more groups in its definition.⁶ The European Union Framework for National Roma Inte-

⁶— “The term ‘Roma’ used throughout the present text refers to Roma, Sinti, Kalé, Travellers, and related groups in Europe, and aims to cover the wide diversity of groups concerned, including groups which identify themselves as Gypsies” (Council of Europe 2010).

gration Strategies, the most important European Union policy document targeting these groups, uses the term “Roma” as recognition of the political struggle of Roma and the diverse associated groups under that label.⁷

The question of who is Roma is a constant. How can someone decide who is Roma and who is not, and what are the consequences of such a decision? What are the criteria for categorizing or defining who is Roma and what is the public significance of this categorization or definition? How the boundaries of group membership are demarcated is contextual. Hetero-identification and self-identification are influenced by the potential incentives associated with a specific categorization / definition or by the perception of these potential incentives. This process can be partly explained by rational choice theory, according to which each actor tries to maximize potential profit through a utilitarian approach to ethnic identity. For example, in practice it is possible to obtain different results regarding the number of Roma students in a school where this question is asked in the context of fundraising and looking for civil society partners, as compared to the context of evaluating the enforcement of official policies and guidelines on non-segregation.

Using Barth’s (1969) approach, one might try to identify the delimitation of group boundaries as defined by Roma organizations and Roma and non-Roma activists and scholars. For instance, in Hungary the language spoken by Roma determines the demarcation limits

⁷— “The term ‘Roma’ is used—similarly to other political documents of the European Parliament and the European Council—as an umbrella which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc., whether sedentary or not; around 80% of Roma are estimated to be sedentary” (European Commission 2011a).

among Roma subgroups. Self-identification as Roma, on the other hand, is a reaction to hetero-identification: "With regard to ethnic self-definition, the history of the Gypsies of Hungary in the last few decades has been one of non-identification, ascription, and then identification after all" (Szuhay 1995, 113). Lovari are distinguished from other Roma by the fact that they speak Romanes. The distinguishing feature of Beash is that they speak an archaic Romanian language. When it comes to their distinctiveness as a group, Romungre have their social status as musicians and their contributions to the preservation of Hungarian and Roma musical traditions (Szuhay 1995). By contrast, in the Czech Republic, the distinction between different groups of Roma is irrelevant; the only relevant aspect being their lasting ties with the inhabited area, taking into account that the majority of Roma in the Czech Republic have been or are descendants of natives of Slovakia who were placed by the government in the Czech Republic immediately after the war.

In an unpublished research conducted in 2009 that sent a questionnaire to 32 Roma NGOs in Romania, one set of questions focused on the definition of Romani identity. The organizations were selected based on their involvement in improving the situation of Roma and in the promotion of Roma rights. In addition, 10 semi-structured interviews with Roma and non-Roma activists were conducted. The results indicated that leaders of Roma organizations faced difficulties in defining the characteristics through which one might be regarded as belonging to the Roma minority. Respondents mentioned the public acknowledgement of Romani identity as the main criterion for a person to be categorized as belonging to the ethnic group, although on other occasions some of the same respondents declared themselves advocates of a primordialist perspective on the Romani identity (Grigore 2008). Other criteria for defining identity indicated by the respondents were: knowledge of Romani language, traditional dress, respecting customs and traditions, respecting Romanipe (Roma way of conduct), area of habitation, skin color, and way of talking.

The results indicate a lack of consensus on the underlying elements defining the identity and limits of the ethnic group. Roma activists coming from traditional Roma communities narrowly defined the Roma as those who speak Romanes and live according to Romanipe. Modernist Roma activists and intellectuals defined Roma more broadly, as those who assume publicly the status of being Roma. Nevertheless, skin color, ability to speak Romanes, and other characteristics are part of the evaluative repertoire of ethnicity markers, especially when a new actor appears in the public sphere and intends to define its potential constituency. In fact, the struggle for authenticity is often a competition between Roma activists, a competition driven by the low level of legitimacy that Roma activists enjoy. Significant energies are consumed in this struggle, and the perception from outside is that there is a competition between kinships and clans—which inevitably ends up confirming stereotypes and prejudices about Roma. In fact, non-Roma often have a clearer (if necessarily less legitimate) understanding of who is Roma and who does not belong to the minority. The struggle for authenticity among Roma, as well as the disputes on the limits of group boundaries are often used by the authorities to exclude or silence certain activists or groups of Roma, as an instrument for authorities to achieve their desired objectives. Historically, authorities used the “authenticity” dispute to divide Roma and to impose their domination. Unsurprisingly, debates around authenticity essentialize Roma and are part of antigypsyism as an expression of power and domination by majorities.

The confusion in defining the limits of the ethnic group and the ensuing competition for authenticity among Roma have other major consequences. First, they lead to an inconsistency in estimating the size of the Roma minority. Often, traditional Roma activists put forward figures in the millions of Roma living in Romania, although according to their own definition—Roma are those who speak Romanes and live according to Romanipe—the number would be only around a quarter or even less of the estimates they themselves put forth. In addition, by

the same criteria, the number of Roma in Europe would be much lower than the current estimates used by international organizations—between 8 and 12 million Roma. Even modernist Roma activists, although supporting self-identification as the basis of group membership, do not recognize results of censuses conducted by this method, invalidating results based on widespread anecdotal information about the respondents' fear of identifying as Roma to census workers. Thus, the lack of data on Roma in public policymaking is due to the different categorization and definitions provided by experts and policymakers, the inconsistencies of Roma activists in defining the boundaries of the ethnic group, and the lack of a data collection methodology consistent with human rights and privacy standards.

International organizations contributed significantly to the confusion surrounding the boundaries of the ethnic group. Their recognition of census data as inaccurate where Roma are concerned was not followed by measures to address the issue, such as bringing together Roma activists, academics and policy-makers to develop a common methodology on data collection in accordance with human rights, privacy standards, and respect for Roma diversity and interests. Instead, international organizations, using unreliable and non-transparent sources, started estimating the number of Roma in European countries. Mihai Surdu analyzed in depth the classification and counting of Roma in the past two decades. He showed that the construction, classification, and counting of Roma produced by academics and political actors was driven by organizational interests and political objectives, reproducing a negative image of Roma, despite claims of scientific objectivity (2016). But, through repetition, these flawed estimates of the number of Roma become a kind of reality. For example, the current estimates of Roma in Europe range between 8 and 12 million. In 2004, a consortium of Focus Consultancy, the European Roma Rights Center, and the European Roma Information Office prepared a report for the

European Commission and estimated the number of Roma in Europe to be over 10 million (Focus Consultancy, ERRC, and ERIO 2004, 6). The Council of Europe has estimated the number of Roma in Europe between 8 and 12 million for a number of years, the latest update being from 2012 (Council of Europe 2012). The European Commission, using the Council of Europe's estimates, repeats the same 8 to 12 million Roma in Europe. Besides the significant gap between the lower and higher estimated figures, one wonders why the figures do not vary over the past decade despite the well-known fact that Roma are a young population with a high natality rate, higher than majority populations.

A second consequence of this complex way of defining the borders of the ethnic group is the group's limited capacity to provide for symbolic resources for those who do not publicly manifest or exhibit their ethnic identity. In their discourse about Roma, many Roma activists, following the discourse promoted by international organizations, relate mainly to poor Roma, to marginalized communities with high public visibility. They do not focus their efforts on mobilizing those Roma who have achieved a higher social status and who do not openly declare their ethnic affiliation or do not engage in social activities with Roma. There are many individuals who do not identify themselves with and do not want to be associated with certain models promoted by public media or with grievances as defined by Roma activists. As a result, they dissociate themselves from the image of Roma in the public sphere. Unfortunately, Roma activists lack a strategy to attract these qualified human resources who often have vast social capital and a positive public image. These human resources could serve as models of personal success and could play a significant role in mobilizing Roma on a mass scale.

Conceptually and legally, Roma do not define themselves in a consistent manner. By analyzing documents prepared by international Roma organizations, Ilona Klímová-Alexander (2005, 13–14) shows that Roma define themselves as:

- a nation spread across the globe, which makes it unique;
- a diaspora of Indian origin whose members left India almost a millennium ago;
- a racial group with some cultural, linguistic and genetic ties;
- peoples known under various denominations Gypsy, Gitane, etc., whose history and language are connected with India, who have Sanskrit as their original language for their own, and who identify as Roma, Sinti, or Manouche;
- peoples known as Sinti, Lovarea, Ashkali, Chorichani, Romungre, Vlach, Manouche, etc.
- a people of Indian origin;
- a legitimate ethno-linguistic population;
- a distinct nation united by language, history, literature, culture, and traditions;
- a non-territorial nation of Indian origin.

Klimova notes, however, that the concept of a non-territorial nation has prevailed in the past years. In various other articles and papers Roma defined themselves as a transnational minority or a European minority (Liegeois and Gheorghie 1995) or people. Legally, Roma have been defined by the national legislation as an ethnic minority (in Hungary) or a national minority (in Romania, the Czech Republic, Serbia, Bulgaria, Finland, Germany, etc.).

Roma identity is an identity predominantly imposed by non-Roma through labeling, but also through the long-term disenfranchisement of Roma. Some Roma activists see the emancipation of Roma as a struggle for the control of Roma identity, a power struggle with an enormous symbolic value (Hancock 1997). The imposition of this group identity was accomplished through certain centers of power controlled by non-Roma: the writings of academics, social institutions (especially state institutions), laws and policies targeting the Roma (including repressive measures), censuses, discriminatory, segregationist, and isolationist practices, and discourses and narratives that produce

and reinforce a negative image of Roma. In fact, the identity created by non-Roma is reflected by the terms “Gypsy,” “Tsigan,” “cygan,” or “cigan,” etc., and the strong negative connotations attached to these terms. In time, and especially under the Communist regime, the identity of “Gypsy” has become a social identity and not a cultural or ethnic one, Roma being defined by authorities in primarily social rather than cultural or ethnic terms (Gheorghe 1991). Therefore, the Roma ethnogenesis stands in opposition to the definition of Roma in social terms. Moreover, defining Roma mainly in cultural terms might be perceived by Roma as an attempt to deny their ethnic identity, as a result of the folklorization of Romani culture by mainstream art institutions and actors.

Roma identity is a stigmatized and stigmatizing identity. Romani identity as defined predominantly by non-Roma was internalized by Roma to varying degrees, especially by those who were subjected to various integrationist policies over a long period of time and who made efforts to adapt to the new environment. Communism, through its assimilationist policies, contributed to the uniformization of Roma by building an identity of Roma as a social category, as a deviant parasitic group (Sokolová 2008, 12). The stigma attached to Roma identity leads many Roma to not declare their ethnicity publicly or to declare another ethnicity. Therefore, the way Roma identity is perceived in the public space decisively influences its open adoption by its group members.

Roma identity is a hybrid identity resulting from the power struggles between Roma and non-Roma over the categorization and definition of Roma. It incorporates the identity of “Gypsy/Tsigan,” built by non-Roma; a Roma identity built by Roma activists as a civic identity; a Roma identity as understood by different categories of traditional Roma; and specific elements that came out of the interaction of different groups with the society at large—religion, language, kinship, etc. Identity is multifaceted and relational, meaning it is built in relation to other groups, in reference to externally ascribed labels ascribed, and in response to assumptions made by others. As Eriksen put it when clarifying the issue of authenticity in ethnic identity, “ethnic identities are

neither ascribed nor achieved: they are both" (1993, 57). In the specific case of the Roma, external categorization significantly affected the perception and understanding of Roma by Roma themselves, thanks to the complex production and reproduction of antigypsyism. As Brubaker writes, "external categorizations, identifications, and representations may be decisive in determining how one is regarded and treated by others, indeed in shaping one's own understanding of oneself. At the limit, self-understandings may be overridden by overwhelmingly coercive external categorizations" (2004, 45). The difficulty of building an ethno-political project for Roma as a whole comes from the meaning and representation of the Roma identity as a construct among the many categories of Roma. The content of identity is diverse, and there is a high degree of contestation within the group regarding constitutive rules, as well as comparative relations, cognitive models, and set goals to be pursued.

Roma identity is a victimizing identity that might stand for a form of oppression for individuals and communities. Roma are racialized by others due to their skin color, physical appearance, dress, accent, or socio-economic status. Racialization entrenches a common understanding of racial hierarchy in which Roma are at the very bottom. While there are some Roma who can escape racialization due to their lighter skin color, higher socio-economic status, or assumed role in society, the majority of Roma cannot escape their ethnic identity irrespective of their context. Through racialization, difference is constructed as an obstacle to engaging in equal relationships with other individuals. While there is widespread agreement that identities are contextual and relational, for many Roma who carry a stigmatized identity it is impossible to escape it, irrespective of the domain in which they exist (workplace, church, school, home, leisure activities, etc.) or the cross-cutting identities others might enjoy but are not available to Roma. By not allowing Roma the freedom to assume other contextual identities and roles, Roma ethnic identity becomes a form of oppression. The racism faced by Roma women within the women's movement or

LGBTQIA Roma within the LGBTQIA movement are just two examples of the dominant and the potentially oppressive role of Romani identity.

Many Roma activists, due to internalized racism, reflect identity complexes in their discourse with others. An identity built only on negative aspects imposed by others cannot be a mobilizing identity that leads to social change. In general, the causes of the current situation of the Roma are sought and justified through the actions of others. In a recent paper, Biro (2011, 2) points out that “attacking exclusively the majority’s prejudices and stereotypes—as unacceptable as they are—and ignoring the weaknesses of Roma reproduce the victim status which blocks the action and ‘explains’ the impossibility to change the status-quo.” Nicolae Gheorghe (2011, 1–2) stresses the need to give up politically correct discourse, an abstract and simplistic notion, and to identify a critical language allowing the approach of such issues considered by many Roma activists as taboo or rather issues “to be discussed only at home”: international migration, human trafficking and crime, inequality between men and women, begging as a business (and especially the involvement of children in begging), the practice of early marriages in some Roma communities and child labor, and the exploitation of the elderly or people with disabilities.

A key question regarding identity arises: Is it correct to use Romani identity or Romani identities? Considering the internal diversity of Roma, the hybridity of Romani identity and the intense competition among Roma sub-groups for authenticity, plus the high degree of contestation about who is Roma and who is not, one could easily refer to multiple Romani identities. However, in practical terms, Roma are aware of their differences as a group in relation to other groups. In spite of being subjected to the nationalist ideologies promoted by the nation states in which they live, which may cause them to recoil, Roma do emphasize their distinctiveness. Roma are aware of the wider geographical spread of their group and many groups among the Roma are aware of the claims of a common ancestry in India. In addition, to counterbalance the outsiders’ claims of multiple Romani identities,

and for obvious political reasons, Roma activists affirm the Romani identity in singular terms.

To sum up, ethnographic and anthropological research on Roma views Roma predominantly as an atypical group that combines features of diaspora, nomadism, ethnicity, or specific physical and cultural characteristics that distinguish them from the majority. In an attempt to analyze how Roma are defined, Peter Vermeersch (2002, 10–14) divides the discourse on Roma in academia in three categories: (1) a historical diaspora with historical roots in northern India; (2) a group with its own culture and life style, nomadism, common cultural practices, and world view inspired by Romanipe; and (3) a kinship/tribe or racial group in which members are related. These three categories of discourses about Roma can be found in the study of public policies targeting Roma. Later, this book will also investigate the close ties between academia and policy-makers when Roma are the subjects of the policies made.

Roma Identity and Public Policies

One of the challenges for democratic societies is managing diversity and identifying the optimal institutional arrangements for minorities to participate and express themselves in the public sphere. When it comes to Roma and public policy two fundamental questions arise: is there a need for a special, targeted approach to Roma, and how special should the treatment of Roma be? The answers to these questions relate to how these policies are justified and to their content. The justification for interventions that favor a specific group hint at the content of the interventions, as well as the limits that can be set on them so that the policies do not discriminate against other groups. The recognition of diversity in society pushes the authorities to find a balance between majoritarian tendencies and minority protection. Thus, the recognition of diversity brings forward serious challenges for the political system and for political actors as well.

The uniqueness of Roma as policy targets is given by a combination of factors. Roma live in all European countries as well as in North America, Central and South America, Australia, Central Asia, and as far as China and Japan. This global presence, complemented by the lack of a kin state, is a feature not found in any other ethnic group. In Europe Roma are an ethnic group often recognized as a national or ethnic minority that has no kin-state to assist it financially, economically, culturally, or politically. Ethnic claims as widely understood for Roma in Europe do not include the creation of a nation-state nor claims for a particular territory, despite the fact that some of the claims that Roma themselves make include recognition as a non-territorial nation.⁸

Roma lack political power and influence. Roma are underrepresented in political structures wherever they live. Roma political parties have been unable to mobilize Roma constituencies and become significant players on the political stage in any country. Mainstream political parties have systematically ignored Roma grievances and claims and not included them in their political programs, mostly due to antigypsyism in society (Rostas 2009; McGarry 2010). Roma also lack a tradition of mobilizing themselves for political aims. Thus, the expectations that Roma will mobilize as other groups have done are unrealistic.

As historians have shown, Roma have a long history of discrimination and exclusion in Europe (Marushiakova and Popov 2010; Fraser, A. 1992). As a reaction to their hostile environment, Roma have developed survival strategies based on exclusion and on a lack of trust in others and in state institutions. These strategies have become part of the culture and traditions that have ensured the survival of Roma as a group in hostile, sometimes extreme, social environments, and in the absence of any support for the development of cultural institutions that would ensure their continued existence as a group (Kymlicka 2001).

⁸— International Romani Union, Declaration of Roma Nation, adopted at the 5th congress in Prague 2000, available at <http://praha.vupsv.cz/Fulltext/romani.pdf>.

Roma are one of the most marginalized social groups in Europe. Their level of education, competitiveness in the labor market, unemployment, life expectancy, housing, access to social services and goods, and other indicators make Roma a highly socially vulnerable population. Their social vulnerability is compounded by their economic, cultural, and political vulnerability, which are visible in their lack of economic power, political influence, and in public perceptions of Roma. Antigypsyism, as presented above, is a particular form of racism deeply embedded in social structures and state institutions and reflected in everyday oppressive practices. As one can see above, the internal differentiation of the Roma is markedly higher than that of other ethnic groups, leading to a high degree of contestation inside the group. This strong competition for authenticity among different subgroups leads in turn to a low level of ethnic cohesion.

Another aspect that contributes to the uniqueness of the Roma is their public visibility. In many countries in Europe, the Roma can be distinguished from other ethnic groups based mostly on their darker skin color, accent, traditional clothing, or other physical characteristics. This visibility makes them easy targets of persistent social prejudices and influences the perception of the ethnic group by the general public, often reinforcing negative prejudices. Another distinguishing feature of the Roma is their strong rejection by other groups in all European countries. As recent research has shown, no other social group faces such strong negative feelings and attitudes as Roma do throughout Europe (EUAFR 2009; PEW Research 2014).

Roma are facing a combination of oppression and injustice that diminishes their capacity to mobilize, to represent their interests and capacities, to accumulate political and economic power, to affirm their identity in the public sphere, to defend themselves against violence, and to advance as a social group in society. To use Iris Marion Young's dimensions of oppression, Roma are facing exploitation, marginalization, powerlessness, cultural domination and violence (Young 2004).

Thus, the lack of a kin-state, a long history of discrimination and exclusion, survival strategies based on a lack of trust in others and in state institutions, marginalization and social, economic, cultural, and political vulnerability, lack of economic power and political influence, internal stratification that leads to contesting identity among subgroups, public visibility based on physical characteristics such as skin color and traditional clothing, strong rejection by other groups, the specific forms of racism they face, global geographic spread, and various forms of oppressions and injustices place Roma in a special position.

Roma identity can be analyzed in terms of both discourse and presence in the public sphere. Thus, the constructivist aspect of the identity is present in both areas and, as suggested by Brubaker, includes a strong cognitive component which has to do with “ways of perceiving, interpreting, and representing the social world. . . They include ethnically oriented frames, schemas, and narratives, and the situational cues—not least those provided by the media—that activate them. They include systems of classification, categorization, and identification, formal and informal. And they include the tacit, taken-for-granted background knowledge, embodied in persons and embedded in institutionalized routines and practices, through which people recognize and experience objects, places, persons, actions, or situations as ethnically, racially, or nationally marked or meaningful” (Brubaker 2004, 17).

Roma identity formation and reproduction must be considered in light of several factors: everyday practice and interaction with others, public discourse about those who are identified as Roma, and contextual, historical, and political factors (Vermeersch 2001). Ethnic mobilization is a practical cognitive expression by which a certain kind of knowledge about a group is produced, as ethnic social movements aim at producing different understandings of those ethnic groups and their identity. Meanwhile, ethnic identity is articulated at the level of discourse and is therefore also a semantic category (Gheorghe and Rostas 2012) in which meanings are assigned to certain events through

language. Historical and political factors have influenced the way the knowledge on a particular group is produced, taking into account the context in which the dominant group's identity is produced and reproduced in the public sphere. This process, as well as the relations between majority and minority, influence how ethnic minority identity is constructed when it is not the result of the ethnic movement.

Approaching identity through the lens of discourse has a particular relevance in the context of public policy. As illustrated by the historical experience of Roma, when repressive and discriminatory policies first developed in the public discourse on Roma, intellectuals and political leaders—that is, those forming public opinion—played an important role in shaping it. Analyzing public discourse on Roma is important because the discourse was used as a tool to produce a specific understanding of the Roma as deviant, asocial, and unadaptable. Discourse is a place of power, a place where identities are produced or reproduced, but also an instrument of legitimizing state policies (Sokolová 2008, 48). In the analysis of official discourse on Roma in communist Czechoslovakia, Sokolová identified the mechanism through which popular beliefs end up legitimizing state policies and defining social identities. Popular perceptions about Roma have penetrated political practices through the actions of local officials who implemented these policies, being thus legitimated by state apparatus (Sokolová 2008, 43). Legitimacy of exclusion policies as widely accepted measures targeting Roma was historically created through discourse.

Ethnic Identity and Policy-Making

The sections above have highlighted the conceptual difficulties in defining and analyzing Roma ethnicity and ethnic identities, including attempts to measure Roma ethnic identity in different disciplines. Abdelal and his colleagues have proposed a definition of ethnic iden-

tity in policy-making as part of a larger theoretical framework on identity. Based on the analysis of Roma ethnic identity and the role of antigypsyism in shaping the collective identity of the Roma, the unique features of the situation of Roma, and the challenges in defining the boundaries of the ethnic group faced by different actors involved in policy-making, I propose a different definition of ethnic identity in policy-making. Thus, ethnic identity in policy-making constitutes a social category as well as a process organized along four dimensions:

- (1) ethnic group participation in the policy-making process;
- (2) ethnic claims and grievances expressed formally by social actors who speak on behalf of the group;
- (3) representation of the group or the problems faced by this group in the public sphere by the different social actors involved in policy-making: policy-makers, researchers, representatives of the group, etc.;
- (4) causal relationships that determine the current state of affairs identified by analyzing public policy documents.

As a social category, ethnic identity covers issues such as: the way Roma have been categorized and defined by policy-makers, experts, and Roma public actors; who is considered Roma for the purpose of public policy-making—and, therefore, part of the policy target group and who is left out; how external categorization influenced the way Roma self-identify; and the ways Roma communicate their ethnic identity in public sphere. As a process, ethnic identity plays an important role in policy outcome as the ways Roma participate in policy-making processes and contribute to policy documents might influence the successes of given policies in a higher degree than the actual content of those policy documents.

Participation

The participation of the ethnic group in policy-making represents an expression of ethnic identity: it gives the group the chance to express its preferences, define its interests and negotiate its priorities in relation to other groups and institutions. Participation means giving a “voice” to the group and is a prerequisite to ensuring the impact and long-term sustainability of policies. Where vulnerable and marginalized groups are concerned, participation holds a greater importance, since the vulnerability of the group comes from the fact that for various reasons the voice of that group has not been heard and their interests have not been represented through the classic representative institutions in a democratic society. In other words, the interests of this group have not been included in the democratic machinery of interest aggregation that defines the public interests of society.

Participation includes three dimensions: opportunity, accountability, and capability. The first dimension concerns those situations when a social actor has the possibility to take part in certain activities and to influence the decisions of policy-makers. The second dimension concerns the role and transparency of the actors who participate and their relations with the community. Participation presupposes that those who speak on behalf of Roma should make sure that their positions are at least compatible with the interest of the community. Basically, since they were not directly mandated by the community to speak on its behalf, these actors should consult regularly the community. Significant attention should be paid to the institutionalized character of participation, which should ensure some degree of representation of the social actor, who should go beyond the representation of its narrow interest, whether it be personal or of a small group.

The third dimension of participation has to do with capability: the ability of the representatives of the target group participating in policy-making to influence those decisions. The participation of representatives of the target group participating in policy-making makes sense

only when the actor can actually influence those decisions. Therefore, those in power should offer this opportunity to influence outcomes whenever the actor has the knowledge, skills, and relevant competencies to participate. In addition, the participating actor should have the support of the community it represents so as to be able to put pressure on power centers through community mobilization when the need arises. This is another argument that participation should be institutionalized, and not individual. Participation makes sense only if it is effective, not just a formality.

Any analysis of the representation of Roma identity in the policy-making process will have to consider how the participation mechanism addresses and includes this organizational and identity diversity among Roma. Practice shows that the state preferentially seeks to select those Roma which are suitable interlocutors and who do not challenge its decisions. Usually, these actors have little capacity to participate effectively in the development of policies and exercise a low degree of control over the Roma communities (Nirenberg 2009).

Ethnic claims and grievances

Ethnic claims are those demands made on behalf of the ethnic group and are closely linked to the problems faced by ethnic group. Therefore, one of the first issues to investigate while analyzing ethnic claims is the nature of those who make these claims: who they are, how they are perceived by the ethnic group, and whether the claims can be considered representative for a significant proportion of the group or for a much smaller group. Other areas to focus on are the grievances of the ethnic group—the problems faced by members of the ethnic group—and the correlation between these grievances and the claims made. The way claims are made and framed as larger societal problems (such as minority protection, human rights, poverty alleviation, etc.), and how the ethnic claims expressed by various stakeholders are articulated

as public interests influences the chances of placing these claims on the political agenda.

When analyzing ethnic claims, it is important to mention that Roma have not developed an institutional mechanism to aggregate their general interest into the broader public interest of the society. From a political point of view, Roma are not actors that matters, being perceived by mainstream political actors as an electorate that is passive or can be easily manipulated and corrupted. No Roma political actor has enjoyed strong and persistent support among its constituency. Even those few Roma officials elected based on an ethnic vote were not re-elected or have engaged in undemocratic practices such as eliminating their competitors through all means possible, buying votes, and controlling communities through various means. All over Europe, mainstream parties as a rule refuse to include issues related to Roma in their political agenda on grounds of ethnic bias, possible electoral costs determined by strong antigypsyism among the general electorate, or their own inability to represent the interests of vulnerable groups. These practices place unique limitations on Roma when it comes to affecting the political agenda and influencing policy decisions. In other words, antigypsyism is embedded in political practices, structures, and competition, which increases the exclusion and vulnerability of the Roma.

Representation of the group and of the problems it faces

In setting the public and governmental agenda what matters is not only the way an ethnic group expresses its ethnic claims, but also the way other social groups perceive that ethnic group and the issues its members face. The most often successful trajectory is for an ethnic group's claim to attract support from the masses and from influential social groups and thus influence the public agenda. In the next phase, the claim is taken over by mechanisms of aggregation of public interests (political parties, non-partisan political groups, pressure groups,

etc.) and placed on the government agenda so that government institutions can provide solutions and alternatives to the problem they are presented with. In practice, there are multiple strategies to impose certain issues on the government agenda, which may differ from the rule stated above. For example, Roma right activists were able to place on the government agenda the issue of Roma school segregation using a propitious international political context and opportunities to influence political decisions in the process of EU enlargement, but once the international context changed with the accession of new countries to the EU, the problem of school segregation has disappeared from the government agenda (Rostas 2012). Therefore, the representation of the ethnic group and of the problems its members face is part of the competition between different social groups to articulate their interests and to place them on the public and governmental agenda through a competitive, multiparty, democratic process.

Researchers will need to consider what the main issues are which have gained public attention in connection with the Roma and how they are linked with issues faced by Roma. At first glance, there are three major issues that have been constantly present in the public attention, particularly in the Czech Republic, Hungary, and Romania, in the last twenty-five years: first, crime as a specific aspect of the perceived social deviance of Roma; second, external migration of Roma to Western Europe or North America since 1990; and third, education as a solution to the problems faced by Roma in these countries. On the one hand, researchers and development organizations have identified poverty as a major challenge faced by significant proportions of Roma wherever they lived: high unemployment rate, low educational levels, poor housing conditions, and limited access to health care services. It is important to note that even these three countries agreed upon these being important issues faced by Roma during processes of the Decade of Roma Inclusion (2005–2015). In addition, all over Europe, Roma organizations have claimed political representation in order to effectively address problems faced by Roma communities.

Another dimension to consider is how policy-makers and political elites have presented these problems, the forms of inputs to which policy-makers have reacted, their ensuing responses, and the types of documents in which the adopted measures have been codified. Problems faced by Roma are identified and codified in specific reports and policy documents targeting Roma—such as national strategies and action plans—and are not part of mainstream policy. But, as one scholar noted, one of the weaknesses of these documents is the difficulty of categorizing them as policy documents (Moisă 2012). The lack of funding, of progress indicators, of monitoring and evaluation mechanisms, of mechanisms for sharing responsibilities and tasks among different state institutions all raise significant doubts as to whether these documents can be categorized as real public policies. In addition, their weak correlation and compatibility with mainstream policies (such as those that target poverty reduction, the stimulation of economic growth, unemployment, educational reform, health, infrastructure development, etc.) foster doubt that the government's actions and commitment to tackling problems faced by Roma are genuine.

Causal relationships

In addition to the way Roma are portrayed by the various stakeholders, the focus on description of the current situation of Roma is an important factor in policy analysis. The identification of the root causes that have determined the current situation is key to understanding the policy-making process. The way different actors explain certain situations and the root causes of Roma exclusions determines particular courses of action for improving the situation of Roma. These causal relationships lead also to the positioning of actors according to the solutions they offer to the problems they identified, indicating possible alliances. In addition, causal relationships indirectly imply

the identification of those responsible for the given conditions. Thus, causal relationships are very important in understanding the role ethnic identity plays in the process of developing public policies towards Roma.

Deborah Stone (1989) defines causal relationships in policy studies as the basis for transforming difficult conditions into political issues and placing them on the government agenda. When do difficult conditions become a problem? Stone's view is that "a bad condition does not become a problem until people see it as amenable to human control" (1989, 299). Stone attempted to develop a theory of problem definition in which causal relationships plays a central role. She made clear that "the process of problem definition cannot be explained by looking solely at political actors, the nature of bad conditions, or the characteristics of issues. Problem definition is the active manipulation of images of conditions by competing political actors. Conditions come to be defined as problems through the strategic portrayal of causal stories" (Stone 1989, 299). The competition between how different actors define a problem should not be interpreted as a struggle for truth, between good and evil, as "causal theories are neither right nor wrong, nor are they mutually exclusive" (283). The competition between the various actors should be seen as a competition of ideas that will influence and guide public policies, political conflicts being in this sense "fights about the possibility of control and the assignment of responsibility" (283).

Causal relationships identified in the discourse about Roma put forth by politicians, political parties, Roma organizations, and academics closed to political circles of power should be read in conjunction with the ethnic claims in order to be able to verify how the government responds to these ethnic claims and which causal story of Roma situation determine each particular policy public targeting Roma. Policy priorities should be corroborated with ethnic claims and with participation from the target group (with particular attention being paid to the selection of participants) in order to identify the positions of

stakeholders, various alliances between groups, and possible points of competition among them based on the ideas they promote. Therefore, in analyzing causal relationships it is not enough to look at the perception of Roma as a theoretical construct, but one must look into the composition of the various constructs of “Roma” and how they connect to public discourse.

Conclusion

One of the answers to the pressing question of why Roma policies are failing has to do with the ethnic relevance of those policies. My hypothesis is that these policies do not adequately consider the complexity of Roma ethnic identity and do not address important issues connected to that identity. I draw on Critical Race Theory in my attempt to explain the limited impact of policies towards Roma by looking at the various, often competing and contradictory ways in which Romani identity is constructed, which poses special challenges for policy design—both in terms of process and in terms of outcomes. In my approach to Romani ethnic identity, I considered the centrality of racism as part of the everyday life of Roma. Like Critical Race Theory scholars, I see racism not as an exceptional situation or an accident, but something that informs the decisions, behaviors and attitudes of both Roma and non-Roma. I also looked into the power relations between Roma and non-Roma in order to understand identity processes. If we agree that identity is relational, we can then examine power relations. Doing so could better explain causality in policy-making.

To help demonstrate my hypothesis, I propose an operational definition of ethnic identity in policy studies that allows for the analysis of policies towards Roma from an identity perspective.

I define ethnic identity in policy-making as a social category as well as a process organized along four dimensions:

- (1) ethnic group participation in the policy-making process;
- (2) ethnic claims and grievances expressed formally by social actors who speak on behalf of the group;
- (3) representation of the group or the problems faced by this group in public sphere by the different social actors involved in policy-making: policy-makers, researchers, representatives of the group, etc.;
- (4) causal relationships that determine the current state of affairs identified by analyzing public policy documents.

The above definition emphasizes the agency of Roma in leading social change and considers antigypsyism and power relations as significant factors in policy-making towards Roma. As noted in recent years, Roma rights activists tend to very frequently use the concept of antigypsyism in the discourses on Roma inclusion. One of the risks associated with the overuse of antigypsyism is the one-sided need for action to promote inclusion of Roma. By overusing antigypsyism as a concept, Roma rights activists might insist disproportionately on the need for state institutions and majority populations to change while, indirectly, promoting a passive role of Roma in promoting social change. This strategy deprives Roma of their agency in leading social change. While there is unquestionable need for a shift in paradigm when it comes to the way state institutions and non-Roma engage and interact with Roma, there is no doubt that Roma should also play an active role in bringing about social change in society.

CHAPTER II.

Policy-Making, Policy Models, and the Roma

Another answer to the question of why policies towards Roma are failing comes from critical policy studies, specifically from policy design theory. To further answer this question and to prepare the ground for the analysis of policies towards Roma, I argue in this chapter why a critical approach to policy-making towards Roma is needed, describe policy design theory as a critical approach to policy studies, look into the ways policy-makers and analysts frame the Roma issue, attempt to identify policy models for Roma policy-making, and analyze the policy discourses and policy concepts that have informed policy-making towards Roma in the past three decades. Building on my analysis of antigypsyism and Romani identity in the previous chapter, this chapter highlights specific meanings and understandings of issues, and target groups and concepts within the context of policy-making towards Roma. Policy design theory as a critical theory in policy studies emphasizes the role of problem definition and the social construction of the targeted groups in policy-making (Schneider and Ingram 1993, 1997; Dryzek 2008; Schneider and Sidney 2009).

I argue in this chapter that policy failure is due in a significant degree to the way Roma and their situation are framed, and how the problems faced by Roma are defined. Problem definition is key to understanding the choices policy-makers have had to make and the fac-

tors that influenced those choices. Thus, the chapter examines the various ways of framing the issues faced by the Roma, presents a complex analysis of public policy processes, analyzes types of policy-making towards Roma, and discusses challenges in the development of policies targeting ethnic groups. This chapter also analyzes the evolution of how public policy towards Roma has been perceived in terms of the concepts used by the authorities as the foundation of these policies—social integration, multiculturalism, social inclusion and combating poverty—and in terms of policy models towards Roma, as they were articulated by various specialists.

Critical Policy Studies

Is there a need for a critical approach to policy-making towards Roma? Critical to what? Critical of whom? On whose behalf can that critique be made? Through what channels is that critique articulated? Will anyone listen to this critique? These questions inform our understanding of a critical approach to policy-making towards Roma in Europe, and the difference between such an approach and the critical discourse on policies towards Roma coming from Roma activists and non-governmental sector. The answers to these questions leave no doubt that a critical policy analysis is needed to reflect on policy-making towards Roma and provide a deeper understanding of where the root causes of policy failure originate.

In the last 25 years numerous projects, programs, policies, strategies, and action plans have been developed and implemented by authorities and donors alike. These raised the expectations of Roma. When it comes to the impact the adopted measures had on the life of Roma, policy-makers and politicians like to present figures on how much has been spent on Roma so far. Reports present positive prac-

tices and use a “wooden language” that does barely make sense to “Roma experts,” let alone ordinary people. Terms such as “evidence-based policies,” “best practices,” or “Roma participation” have been so frequently misused in the context of improving the situation of Roma that they simply became meaningless slogans for many Roma. To make it worse, policy-makers increasingly blame Roma NGOs for failing to deliver results at a grassroots level, ignoring that Roma are citizens of the countries in which they live, and it is the responsibility of governments to provide equal opportunities and access to services to them. This is the core criticism of Roma policy-making that originate in the non-governmental sector. However, another perspective might consist of a critical analysis of these policies using instruments and techniques from policy studies.

John Dryzek (2008) introduced three types of policy analysis: technocratic, accommodative, and critical. The main difference between them is that while technocratic and accommodative policy analysis assume the “key contribution of analysis to improving the condition of the world is the enlightenment of those in positions of power so they can better manipulate social systems,” in critical policy analysis “the key task of analysis is enlightenment of those at the hands of power in the interests of action on their part to escape suffering” (Dryzek 2008, 191–92). Critical policy analysis includes among its objectives the explication of meanings concerning different policy issues and policy settings as “these meanings condition the problem definition” (Dryzek 2008, 194), which determine a specific approach to that issue and the choice of specific policy instruments. In addition to problem definition, the critique must focus on both the content of the policies and the processes. While the focus on content might be regarded as highly partisan due to the specific interpretations, understandings, discourses, and narratives around the issues concerned, the process of policy-making reveals the practices and mechanisms that exclude tar-

geted groups from power.¹ These policy-making processes include important steps such as: participation, problem definition, negotiations of priorities, choice of specific policy tools to tackle the identified issues, and the design of evaluation mechanisms. By focusing on these steps, the critique can identify exclusionary practices that target certain populations/groups.

The methodological approach underpinning this book is critical because it does not look at the failure of Roma policies as only the result of them lacking relevance, efficiency, or effectiveness.² These are just managerial aspects of policy-making. The failure of policy in this case is due to their failure to improve the situation of Roma, including not only their standard of living but also their position in the societies in which they live by failing to limit the forms of oppressions they face or to provide them social justice. From a critical perspective, the aim of these policies is more than just improving efficiency and effectiveness. As shown in the previous chapter, the case studies presented in this book will consider many sides of the Roma policy failure: the opportunities for Roma to participate in policy-making, in defining Roma priorities according to their specific claims and grievances, the way policies have responded to those claims and grievances, whether the policies will lead to harmony between Roma and non-Roma in the societies in which they live, and

¹— I do not suggest that the content and the process should be separated. My approach is to look at both, as the content determines certain structures, as suggested by policy design theorists.

²— For the limited view on policy failure see the European Commission Communication 480/04.12.2018 from the Commission to the European Parliament and the Council "Report on the evaluation of the EU Framework for National Roma Integration Strategies up to 2020." The Commission uses five fundamental criteria: relevance, coherence, effectiveness, efficiency, and added value of the EU.

how implementing structures have related to Roma. In addition, this chapter considers how other discourses and policy concepts not directly related to Roma have in turn informed Roma policies, as well as narratives toward Roma and specific understandings of the issues they are facing, all of which are essential to a critical approach to Roma policies.

A critical policy analysis is necessary whenever policies target vulnerable and oppressed groups. Those groups lack of voice within the democratic process and specifically in policy-making processes requires policy analysts to look at policies from the perspective of the oppressed. As Dryzek put it, any policy analysis should have a critical component even if only "to establish that the social problem at hand is not defined in such a way as to advantage particular interests in indefensible ways" (2008, 190). The degree of inclusiveness in the participation of these groups, the policy-makers' capacity to listen to their voices, and the ability to incorporate their unique ways of defining and solving problems are all dimensions that should not be overlooked by policy analysts. In fact, the disempowerment of vulnerable groups is directly connected with democratic deficit and the disequilibrium of power among different constituencies within political systems. Opportunities to participate in decision making for those who are subjected to policies is a preoccupation of political scientists interested in democratic deficit over the last three decades and for those interested in challenging the classical theory of democracy, especially representative democracy.

Since Roma are believed to be the most marginalized group within the European Union (Toritsyn 2009, 10) and lack voice in political processes, there is a need for a critical approach to policies towards Roma. Moreover, their subordinate position within the European societies, their disenfranchisement and lack of power, the level of rejection by majority populations all over Europe and persistent antigypsyism all make a strong case for an analysis of policies targeting them from their point of view as an oppressed group. This critical approach

should not only focus on the content of those policies but also on their procedural aspects (especially participation), responsiveness to the needs of Roma, the cooperation between implementing structures and Roma, and how these policies have changed and continue to challenge the perception, attitudes and behavior towards Roma. In other words, this critical approach should consider the way these policies limit the oppression faced by Roma and provide social justice to them (Young 2004).

Criticism of policies towards Roma is not rare, especially among Roma activists and the non-governmental sector. One of the most visible critiques is over who actually participates in the policy-making. Instead of being inclusive and respecting the diversity of Roma, governments prefer to select their Roma partners for dialogue, exacerbating the preexisting competition among Roma groups for authenticity and recognition. Questioning the legitimacy of participants on behalf of Roma can also be seen as part of the competition among them for recognition from the authorities and for authenticity, especially when the capabilities of the actors to effectively participate is not questioned (Rostas 2012a).³ Such practices are not specific to Roma as other groups that have been “othered” have faced similar oppressive practices. The othering of Roma by stimulating competition among Roma groups for authenticity and recognition is a structural mechanism that has been used to dominate, divide, and silence the “colonial subjects” for centuries (Fanon 1967).⁴

³— Arnstein’s ladder of participation might be a useful tool to assess the quality of participation of target groups in policy processes. The point is that participation should be seen as a matter of degree and not a matter of two mutually exclusive options (Arnstein 1964).

⁴— Hence, the relevance of the post-colonial theory to Romani Studies and the relevance of decolonization as an emancipatory and transformative practice.

However, these critiques do not come from the oppressed group itself, but rather usually from scholars and policy analysts, who are the most critical of such policies. Indeed, some scholars are critical of Roma because of their low capacity for self-organization (Kovats 2003), or blame Roma culture for lacking certain characteristics of modern life such as time management or relations with the land (Biro 2011; Stewart 1997). Policy analysts might also criticize policies towards Roma in terms of their content, impact, and implementation structures and propose measures to increase efficiency and effectiveness of public investments. However, their criticism, as shown by Dryzek (2008), is affected by their perspective as elites of the majority population, technical or accommodative, and not from the perspective of the oppressed.

Considering the debates inside the narrow field of what is usually called Romani studies (Mirga-Kruszelnicka 2015; Kóczé 2015), it is important to mention that a critical analysis of policies towards Roma does not depend on the ethnicity of the analysts but rather on how the analyst positions him- or herself. Critical feminist studies, especially standpoint theory (Hill Collins 2000), have proven the importance of research conducted on oppressed groups by using inclusive methodologies that reflect the views of those in underprivileged positions and practice empathy, disregarding the claim of pure objectivity promoted by scientism (Ryder 2015).

Such positionality allows policy analysts from the very beginning to avoid the trap of abstract normative evaluation. Any policy adopted and implemented by a government has a certain impact on the target group. An evaluation of that impact is more reliable if done from a perspective that is specified from start, so the public understands the position of the analyst. Using the example of ethnic relevance from the first chapter, the fact that educational policies towards Roma have led to a significant increase in the number of Roma university graduates might be regarded as a considerable success. However, from point of view of many Roma parents, if their young, educated children

hide or do not feel confident to disclose their ethnic affiliations in contexts where ethnicity matters, then they may have a negative opinion of Roma educational policies, seeing them as assimilationist and a threat to Roma communities.

Policy Design Theory

Policy design theory as part of a critical policy studies emphasizes the role of problem definition and the social construction of the target population (Ingram and Schneider 1993, 2005, 2007, 2008; Schneider and Ingram 1993, 1997, 2005). The “design” refers to the content of the policies, while social construction reflects “the cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy. These characterizations are normative and evaluative, portraying groups in positive or negative terms through symbolic language, metaphors, and stories” (Schneider and Ingram 1993, 334). Earlier scholarly definitions of policy design emphasized the role of policy means in the success or failure of policies: “the effort to more or less systematically develop efficient and effective policies through the application of knowledge about policy means gained from experience, and reason, to the development and adoption of courses of action that are likely to succeed in attaining their desired goals or aims” (Bobrow and Dryzek 1987). While the work of other scholars could be useful in critically analyzing policies towards Roma, in this book I use the theoretical framework developed by Schneider and Ingram, because their work on the social construction of target population as part of social reality is central to understand policy-making towards Roma, the content of the policies, the implications on democratic citizenship for Roma and the influence of antigypsyism on policy actors and their ideas (Schneider, Ingram, and deLeon 2014; Ingram and Schneider 1993; Howlett 2011).

Policies regulate behavior and thus have a strong normative aspect in revealing to citizens what the government is doing, what behavior and groups are being rewarded and what the rules of behavior are in a democratic society. These messages are codified through policies and vary for different groups. This codification explains why some groups receive more benefits than others and the choices of the policy-makers for specific policy designs. In Laswell's words, the codification of messages and the social construction of target groups explain "who gets what, when and how." For example, a government might decide to stimulate economic growth by providing tax cuts and other incentives to IT companies and investors in the IT industry. In this case, it sends out a message that those from IT are important and bring benefits to society, thus deserving such support. Alternatively, the government might support those who are poor by providing incentives to ecological companies and stimulating local participation in such investments. These are two ways in which the government might regulate access to benefits that will in turn impact the design of policies and outcomes for society.

Social construction is not identifiable only in policy documents but also in policy implementation and discourses. Through policy implementation practice and discourse the politicians and policy-makers send out messages and attribute specific, valence-oriented values, symbols and images to Roma. For example, the construction of Roma as "poor and undeserving" in Hungary does not come out from the explicit mention of them in the government strategy. However, this message is easily identifiable in the implementation of public work schemes and the discourses around this policy. Not only that public work is not employment and, as such, it represents a form of punishment for poor people who do not deserve benefits, but Roma enrolled in these schemes are discriminated against by being paid lower salaries than what is required by law. The current public work program in Hungary is a good example of discrimination of this kind against Roma who, unlike other participants, are supervised by non-Roma workers.

Policy analysis from the perspective of policy design theory looks into the components of public policy (Schneider and Sidney 1997) and policy ideas (Howlett 2011). Schneider and Ingram suggested the following nine empirical elements of public policies that must be scrutinized:

1. problem definition and goals to be pursued;
2. benefits and burdens to be distributed;
3. target populations (the “players” in the policy arena who receive, or may receive, benefits or burdens);
4. rules (policy directives stating who is to do what, when, with what resources, who is eligible, etc.);
5. tools (incentives or disincentives for agencies and target groups to act in accord with policy directives);
6. implementation structure (the entire implementation plan, including the incentives or agency compliance and resources);
7. social constructions (the “world making,” the images of reality, the stereotypes people use to make sense of the reality as they see it);
8. rationales (the explicit or implicit justifications and legitimations for the policy including those used in debates about the policy); and
9. underlying assumptions (explicit or implicit assumptions about causal logics or about the capacity of people or of organizations). (Schneider and Sidney 2009, 104–105)

In addition to these elements, some scholars recommend that in policy design analysis attention should be paid to knowledge informing policy-making processes. Schneider and Sidney (2009, 108) point out that “social construction goes beyond target populations to include the social construction of knowledge in the policy process” bringing attention to the role of experts in the process of policy-making. Furthermore, Howlett (2011, 17) analyzed the role of policy ideas and pol-

icy actors in policy formulation and presented different types of policy advice systems, emphasizing the central role of ideas held by key actors in such systems.

The role of knowledge and knowledge production is crucial to understanding the nature of policy-making towards Roma. This raises several questions: Based on what kind of knowledge do policy-makers decide which policy is best for the Roma? Who are the experts that formulate policy alternatives? How is that knowledge produced? Can the target population act as agents in the process of knowledge production? How participatory are knowledge production systems? It is necessary to address these questions in order to fully understand the ties between knowledge and power, and how the exclusion of a target population can occur.

The exclusion of Roma from knowledge production systems is tantamount to the exclusion of colonized populations. In the name of scientism and the belief in the absolute objectivity of knowledge in social sciences, scholars involved in Romani studies have systematically excluded Roma from academic structures and knowledge production sites (Ryder 2015). For example, the Gypsy Lore Society, an association of scholars interested in Romani studies established in 1888, has a long history of racism towards Roma (Acton 2016) and has not managed to elect any Roma to its leadership in the last several decades (Selling 2018). A more relevant example is that of the European Academic Network on Romani Studies (EANRS), a network of scholars created as an initiative of and supported by the Council of Europe and the European Commission, with a clear aim to inform policy process on Roma. EANRS has failed to elect any Roma to its scientific committee and has co-opted two junior Roma scholars following intense criticism from scholars and activists. In spite of complaints signed by Roma and non-Roma scholars and activists against the exclusion of Roma, the Council of Europe and the European Commission continued to support EANRS for three years (Ryder 2015). To have a clear understanding of the situation one need only imagine what would happen if such an

initiative took place in Jewish studies or African American studies but had no Jews or no African-Americans.

The exclusion of Roma from knowledge production is one of the most oppressive practices that Roma face today, as it leaves it up to others to decide the definition of their collective identity, how the problems they face are narrated and to set priorities for them. As a result, the Roma's lived experiences of racism, sexism and other oppressions are excluded from knowledge production. The exclusion of Roma from knowledge production should not be reduced to simply an opportunity for some Roma individuals to get positions in academia, but rather should be regarded as part and parcel of the oppressive practices and mechanisms used to historically dominate Roma. As I will show below, that exclusion from knowledge production had consequences for policy design and expanded the oppressive practices towards Roma through more sophisticated mechanisms of social control.

Using a two-dimensional model—social constructions of the target population and of the power of the groups—Schneider and Ingram (1993, 336) proposed four types of target populations: advantaged, positively constructed and powerful; contenders, powerful and negatively constructed; dependents, weak and positively constructed; and deviants, weak and negatively constructed. The authors have identified some patterns in terms of the distribution of burden and benefits to the four groups. Positively constructed groups will receive more benefits than negatively constructed groups while the burden will be mostly placed on negatively constructed groups (337). In addition, policy design theory suggests that policy tools and rationales will vary in relation to social construction and the political power of target population (339–40).

When it comes to the impact on the quality of democracy, policy design theory proposes four evaluative criteria and explains why a disadvantaged population might engage in passive forms of participation. Thus, evaluation of the policy impact on democracy should focus on problem solving (effectiveness, efficiency, relevance), justice (fairness,

quality of life), citizenship (political voice, participation, orientation toward government, identity), and democratic institutions (scope, depth, authenticity) (Schneider and Ingram 1997, 2005; Ingram and Schneider, 2006). These criteria complement the usual ones such as expenditures, proportion of budget allocated or presence of some specific measures or law. Moreover, if policy-making is to serve a democratic end, it should aim to equalize the power of target populations and social constructions to become more positive (Schneider and Ingram 1993, 345)

Roma are negatively constructed due to persistent antigypsyism, and they are perceived as politically powerless. Thus, Roma comprise a category of deviants. According to the policy design theory, when benefits are distributed to deviants, "there typically will be low levels of discretion, long implementation chains (some of which are advantaged groups), and hollow, in the sense that actual material benefits lag behind statements of goals" (Schneider and Sidney 2009, 107). Policy-makers' reporting when it comes to their own achievements in connection to Roma usually focuses on the amount spent and the type of measures included in action plans or strategies. Policy design theory offers a strong argument for identity representation institutions and a comprehensive program to combat antigypsyism, especially within state institutions. They should be top priorities within Roma policies if such policies are meant to serve a democratic end. Moreover, such policies should aim to empower Roma through different power-sharing institutional arrangements, including affirmative action.

Framing the Roma in Larger Policy Contexts

The problems faced by the Roma are diverse and represent a particular challenge for policy-makers and scholars in framing these issues. Are problems faced by the Roma a matter of human rights or minority rights? Is poverty alleviation and development studies a more comprehensive framework to circumscribe issues faced by the Roma? How

can policy take into consideration the long history of exclusions and discrimination against Roma? Is that a broader matter of social justice? How can policy handle identity related claims of some Roma activists and scholars that use a post-colonial discourse to frame issues faced by Roma? There is no simple answer to these questions. However, engaging with them is key as they hold important consequences for Roma policies. Any answer will lead to specific narratives on Roma, problem definition and the use of certain policy tools. In other words, framing as a way of structuring an issue and explaining the context determines certain policy designs. This section aims at placing the issues faced by Roma in the larger context of European governance and mainstream policy paradigms: recognition, redistribution, ethnic conflict, diversity, and multiculturalism.

The first policy paradigm is that of Nancy Fraser's approach to identity politics and social justice, seen by some scholars as a relevant framework for Roma issues (McGarry 2012). Talking about social justice in a contemporary society dominated by identity politics, Fraser has identified two main claims of social groups: redistribution of resources and recognition of cultural differences (N. Fraser 1998). As indicated by Fraser, the two trends are not mutually exclusive, but the challenge is how to combine them in practice. In analyzing these two trends—recognition and/or equality—Fraser (1998, 5) says that neither is sufficient without the other to achieve social justice and added "parity of participation" as a fundamental value and a precondition for achieving social justice in practice. Applying this argument to the Roma, one can identify both trends. On the one hand, there is a need for recognition of Roma through a special form of national or ethnic minority status that gives them the same protection offered by the institutional framework for the protection of national minorities. On the other hand, the need to combat the social exclusion of Roma is clearly evident in their impoverished living conditions. In other words, is a minority rights agenda the way forward for Roma or a human rights agenda not particularized to the unique features of Roma? How can

participation be integrated as an indispensable factor of both dimensions—recognition and redistribution?

In the next chapters I argue that both minority rights and human rights limit potential understandings of and policy interventions toward Roma. Problems faced by Roma cannot be circumscribed by either agenda alone. There is need for a larger framework to understand the complexity of oppressive practices faced by Roma and to propose meaningful solutions to them. I will propose a framework where participation is important, but in which the most fundamental aspect hinges on power relations and the exercise of power.

The second policy paradigm touches upon a central problem in Europe: ensuring equality within a culturally and ethnically diverse society. Roma international mobility represents a direct challenge of this nature. Tove Malloy aptly described this issue:

The basic societal problem to be resolved from the perspective of liberal democratic governance is the question of how to accommodate the normative principle of equality with the reality of diversity of cultures. How do we create institutional safeguards that guarantee recognition of and respect for ethnic diversity by balancing individual human rights and group-specific minority rights? How can institutions in a modern democracy be designed such that the state is enabled to provide desired public goods to all of its citizens both as individuals and as members of specific ethnic groups? Can we develop an approach that guarantees a careful balance between ethnic representation rights and the effective functioning of the state and which accommodates equality and diversity in state- and nation-building processes while also avoiding territorial fragmentation, institutional segregation and societal disintegration? In short, in conditions of multiethnicity and deep diversity, does promoting traditional nation-state building produce stable outcomes, or must we conceptualize new forms of minority governance for political stability? (Malloy 2010, 211)

In her view, the answer would be to switch the paradigm from conflict management to diversity management. The new paradigm proposed by Malloy (2010, 212) is based upon “a regional concept for managing ethnic diversity through various international, state and civil society actors based on pragmatic solutions rather than ideological dogmas.” Her pragmatic approach is based on the lessons learnt from conflicts in former Yugoslavia when international actors were not equipped with the best institutional mechanisms and had a limited understanding of complex minority-majority relations.

The third policy paradigm is that of multiculturalism. To the question of whether minority rights as group rights can be reconciled with the principles of equality and individual rights promoted by liberalism, Kymlicka answers using Western liberal democracies and their multiculturalism as an example. Ethnic minority groups claim recognition and protection, often as collective rights. They claim protection in the name of culture and ethnic diversity, their claims being a form of justice that Kymlicka (2002) calls ethno-cultural justice. Analyzing the situation of different ethnic groups all over the world—ethnic minorities, linguistic minorities, indigenous populations, migrants—Kymlicka concludes that Western Europe and North America offer the best examples of ethno-cultural justice. For Kymlicka (2002), public expression of ethno-cultural diversity and its institutionalization is a condition for a just society. Furthermore, Kymlicka sees culture as a prerequisite for living in society through culture because people understand their environment. “Cultures are valuable, not in and of themselves, but because it is only through having access to a societal culture that people have access to a range of meaningful options,” wrote Kymlicka (1995, 83) on the role of culture. He continued (1989, 165), “Culture and the environment in which one grows determines individuals’ choices in life because the range of choices is determined by our cultural heritage.” In the name of cultural differentiation, unlike in classical orthodox liberalism where the state was considered politically and ethnically neutral, Kymlicka supports ethnically differentiated rights to support

minority representation in public space. Thus, a liberal state that supports multiculturalism should encourage minority cultures to become societal cultures, to be embodied in a whole set of social practices and institutions covering all aspects of social life. Otherwise, without this support, minorities will be assimilated and minority cultures may become extinct. Kymlicka acknowledges, however, that some ethnic groups may abuse these rights of ethnic reconciliation and question the liberal principles of ethnic diversity.

However, multiculturalism seems to be unclear about the equal status of different cultures. It implies a form of recognition in which society includes many ethnic groups and many cultures that each must be respected. Are there differences between these cultures? Is there a hierarchy among them and different levels of protection offered by the state? Kymlicka (1995, 76–77) distinguished between the claims of groups as minorities or indigenous peoples and new immigrants or minorities on the basis of the distinction between societal cultures embodied in society through education, schools and other institutions. This was criticized by Bikhu Parekh (2010), who claims that all cultures deserve due respect, regardless of the length of time those populations have been living in a given area, since every culture has their values. Parekh thus assumes a conception of life in the community, with no either worthless or perfect cultures. Immigration is seen as a source of diversity by both Parekh and Modood, with the differentiation between groups representing a differentiation of cultures and hence inequality. In this regard, Modood (2005, 134) defines equality in terms of respect for cultural and ethnic diversity “as not having to hide or apologize for one’s origins, family or community, but requiring others to show respect for them, and adapt public attitudes and arrangements so that the heritage they represent is encouraged rather than contemptuously expect them to wither away.”

In a book edited with Magda Opalski, Kymlicka questions whether liberal pluralism, as an expression of multiculturalism developed in Western Europe, could be exported to countries in Central and East-

ern Europe in such a way that they would avoid the harsh experience of Western societies went through during democratization (Kymlicka and Opalski 2001). Several scholars from the region contributed to the book by answering this question, and Roma were mentioned by some contributors as an exception to the Western model of minority accommodation. In fact, even Kymlicka (2002, 74–76) sees Roma as an exception, recognizing that there is no Western model that could be applied to them. The exceptionalism of Roma lies in their definition as a national minority or as a transnational minority protected at European level and in the choices Roma leaders make for a specific agenda to be followed. One option for Roma leaders would be to follow a human rights agenda. A second option would be to claim ethno-cultural justice and demand recognition of ethnic diversity. The third choice for Roma leaders could be to build separate institutions for Roma. These options show the difficulties of applying Western multicultural model in the particular case of the Roma.⁵

Similarly to Kymlicka, when it comes to framing the issues faced by the Roma, the current policy paradigm of the larger context of European governance seems to offer partial answers to particular situations, emphasizing Roma exceptionalism.

⁵— There are also other critiques to multiculturalism. The first objection refers to the use of “culture,” a concept vaguely defined in social sciences (Cuhe 2003), so that multiculturalism might encompass multiple practices in society, very diverse in scope and message to different social groups. A second critique is related to social interaction among groups. In spite of its presupposition of social interaction and knowledge of other cultures in order to acknowledge and respect them, in practice multiculturalism has often led to lack of interaction among groups. A third critique related to the tolerance of multiculturalism to violations of human rights inside minority communities in the name of respect for cultural tradition of the specific community.

Policy Models for Roma

This section aims to present different policy models or policy recommendations from international organizations addressed to governments in relation to policy-making towards Roma. The importance of this section is twofold: first, it reveals the significance of knowledge production and the social construction of target populations by international institutions as significant forces in policy-making towards Roma; second, demonstrates that the models developed by experts of international organizations shaped not only policies at a national level but also policy-making at a supra-national level. The EU Framework for National Roma Integration Strategies should be seen as part of larger efforts by international organizations to tackle issues faced by Roma. Therefore, I present intervention models recommended by UNDP, the World Bank, European Parliament experts and the European Commission. Special attention will be paid to the 2014 handbook for interventions at the local level to improve the situation of Roma prepared by the World Bank and the European Commission. This handbook is designed to support national and local authorities in their implementation of their respective national strategies on Roma as part of the EU Framework. I will critically analyze these reports in the next paragraphs.

A 2002 UNDP report on the situation of Roma in five CEE countries approached the Roma from a human development perspective (UNDP 2002). The report identified the most significant deficits in policy-making: a lack of disaggregated data, a lack of integrated solutions to tackle problems faced by marginalized communities, and limited awareness regarding the benefits of investing in the development of vulnerable groups. The report presents the findings of the survey and identifies that the “roots of Roma problems are socioeconomic and poverty-related, improved access to development opportunities is a precondition for the full realization of their human rights.” (UNDP 2002, 79). Thus, “poverty, dependency on social welfare, and a disin-

terest in adopting proactive life strategies are both historical legacies of the past and the root causes of the social exclusion and discrimination that Roma experience today" (UNDP 2002, 79). There is a gap between the identified policy deficiencies, the actual situation of Roma and the causality of the situation in reality. The report did not analyze these three important aspects and no incursion in past history of policy-making towards Roma was made. One also might find surprising its diagnosis of the situation of Roma as exhibited by the first sentence of the report: "The challenges for the Roma minority are well known: overcoming poverty, improving access to education and developing marketable skills" (UNDP 2002, 2). This preconceived economically deterministic understanding of the disadvantaged position of Roma in society played an important role in shaping policy discourses on Roma, as we will see in the next section of the chapter. An illustrative example of the inconsistencies in the UNDP analysis and in its proposals for government interventions are its recommendations for "community activities supporting Roma culture, language, and traditions," encouragement of "new types of leadership," government decentralization and promotion of Roma participation at a local level, without an analysis of these suggestions (UNDP 2002, 83). The UNDP continued to promote an eclectic poverty alleviation approach to issues faced by Roma in CEE for the next decade.

The World Bank had a more nuanced approach to Roma poverty, seen as "a multifaceted problem that can only be addressed by an inclusive approach" (Ringold et al. 2005, 202). The report also examined Roma history and engaged in a multivariate analysis of Roma poverty in CEE countries. World Bank experts have identified four types of policy approaches towards Roma over the last twenty-five years: policies of exclusion, assimilation, integration, and minority rights. This classification has been made based on two criteria: treatment of Roma through coercion or rights and perception of Roma as individuals or a separate ethnic group. Pointing out that current policy approaches to Roma in Europe are rights-based, the authors proposed a poverty alleviation

program for Roma complementary to the existing ones, emphasizing that “a lesson of the transition period is that rights-based policies alone are not enough to improve Roma social conditions” (Ringold et al. 2005, 22). The experts recommended different investments in sectors like education, employment, health and housing—the four areas of the Decade of Roma Inclusion. Their analysis was still incoherent, there was no comparative aspect, and it was not properly executed.

The report prepared by Crepaldi and colleagues for the European Parliament represented a step ahead in analyzing the complex situation of Roma in Europe. The authors analyzed the diversity of Roma, their legal status in Europe, the inadequacy of the EU anti-discrimination standards to effectively combat discrimination against Roma, and recommended areas for interventions, emphasizing the need for special protection for Roma to achieve substantive equality. The authors justified their focus on employment and related areas of education, health, housing and combating poverty using the objectives and priorities of the Lisbon Agenda. In order to improve the situation of Roma they considered two initial steps to be important: an integrated approach to problems faced by Roma and the empowerment of Roma communities. The report listed the following elements of a potential, comprehensive integration policy (without defining what they meant by integration policy or how it related to existing national policies):

- integration policies through employment;
- integration policies through education;
- integration policies through social and health care;
- paying special attention to the situation of Romani women;
- combating discrimination by moving from a negative to a positive duty;
- countering xenophobia and prejudice;
- Roma integration programs addressed as part of a comprehensive policy framework;
- evaluating the effectiveness of implemented policies;

- recognition of Roma as a national minority;
 - involving Roma;
 - collecting data by ethnicity;
 - use anti-discrimination law as a tool for protecting Roma rights;
 - the role of various actors at European level.
- (Crepaldi et al. 2008, 101–11).

The World Bank and the European Commission published a handbook for the improvement of the living conditions of Roma at the local level, which consisted of three modules dedicated to program managers, national authorities and good practices for local actors. The handbook covered only four areas of Roma inclusion as identified in the EU Framework for National Roma Integration Strategies and “shares hands-on, practical knowledge, techniques, and tools for enhancing the quality of interventions” (WB 2014, 10). The authors believed that the four areas influence each other, advocating for an integrated approach. They ignored the question of whether other areas might also be important for Roma, which might be tackled as well if the approach is to be truly integrated.

The handbook made a call for an approach that could be tailored to local contexts, reflecting the diversity of Roma. It identified four levels of interventions: national regulations and policies, sector-wide approaches/programs, regional policies and programs and local place-based interventions. However, the handbook focused solely on the fourth level.

In addition to the ten basic principles proposed in 2009 by the European Union to member states for enhancing policy-making towards Roma, the handbook proposed four guiding points to encourage the inclusion of Roma:

- 1.** Focus on interventions that target poor and disadvantaged Roma, rather than Roma in general;

2. Enable customizing of activities to specific local needs;
3. Allow interventions to address bottlenecks for both service providers and users; and
4. Ensure interventions come with a clear exist strategy for sustainability. (WB 2014, 16–17)

The handbook is dominated by an economic view of policies that aim to increase the efficiency of intervention. The handbook justifies this first guiding point in that “not all Roma are poor or disadvantaged.”⁶ This statement is highly contentious as, although not all Roma are poor, Roma are disadvantaged due to their social visibility and anti-gypsyism. Even those Roma who do not exhibit ethnic markers such as skin color, traditional clothing or accent, the so-called invisible Roma, do face disadvantages in that they have to avoid any expression of their ethnicity in the public sphere to avoid being the target of anti-gypsyism.

The target of the proposed interventions is unclear, as some parts of the text refer to Roma individuals, other parts to Roma households, and other parts to Roma communities. For example, in talking about poverty, the report usually mentions Roma communities (see the 3rd principle), but also mentions Roma individuals (1st principle), and Roma households when describing the categories of disadvantaged Roma communities. This use of different categories might affect the coherence of the proposed interventions. In solving problems faced by Roma, policy-makers will most likely have to use a policy mix and mixed policy tools. The design of these depend on the nature of the targeted actors, whether they are individuals, households or communities.

⁶— This statement seems to contradict the findings of WB brief on Roma dated February 24, 2015 which states that “In all Roma households, household members suffer from hunger” (available at <http://www.worldbank.org/en/region/eca/brief/roma>).

The handbook rightly recommends that interventions should address the root causes of Roma exclusion, and in order to ensure the sustainability of interventions policy-makers should also include awareness-raising activities, pay attention to the affordability of services, build up the capacity of local population to participate effectively in public life, ensure effective access to services, address safety concerns, ensure documentation of the targeted population, promote social integration and promote engagement of the targeted population in such activities. One of the positive aspects of the handbook is that it provides a framework to analyze the situation of Roma and to identify the needs of Roma communities, together with a general recommendation for national authorities to assist local authorities in identifying the root causes of Roma exclusion. However, one must recognize that identifying the needs of a community, especially when these needs are limited to only four areas, is different from identifying the root causes of Roma exclusion. Experience has shown that the identification of root causes is usually based on incorrect assumptions, and often the central role played by antigypsyism in excluding Roma is disregarded.

One of the most controversial recommendations of the handbook concerns segregation. The manual recommends funding both desegregation and non-segregation interventions. While desegregation aims to “undo segregation,” non-segregation is ambiguously defined as avoiding the creation of “new segregation or reinforcing existing segregation” (WB 2014, 23). However, the meaning of non-segregation becomes blurred when the report recommends funding both desegregation and “non-segregation projects aimed at improving the living conditions in segregated neighborhoods” (WB 2014, 23). This arguable definition leaves room for interpretation, and policy-makers might see it as an invitation to invest in segregated areas and create separate but equal conditions. For example, building a school in a segregated neighborhood might improve the living condition of the Roma, while from another perspective, such a measure may be designed to sepa-

rate Roma children from their non-Roma peers and further the isolation of Roma. Moreover, such an intervention should not be seen only as a theoretical possibility since the handbook's module for national authorities fails to address school desegregation—the mixing of pupil's cohorts—as a possible means of ensuring the equal treatment of Roma by social service providers (WB 2014, 50).⁷

The ambiguity regarding desegregation is also generated by the use of certain adjectives in connection to it. Spatial segregation is the preferred term, although it refers only to residential segregation. This limited view on segregation of Roma might lead to the incorrect interpretation that segregation in other areas, such as education or health care facilities, is acceptable. This ambiguity is fostered by the unclear assertions and a disproportionate social burden on Roma during the residential desegregation process. Thus, the handbook talks about possible conflicts among different Roma groups, the “need to be familiarized with the new community's rules and accepted codes of conduct,” and the possibility of increasing Roma self-esteem as a way to “take a more affirmative and active role in social and economic life” of an integrated community (WB 2014, 73). The handbook also warns that in instances of desegregation “Roma families would be required to find new sources of income [...] and Roma will need to earn more than they did in their old neighborhood,” that “resettled Roma [should be assisted to] gain adequate skills to adapt to new livelihood options and employment opportunities,” or that desegregation might increase “Roma's

⁷— The handbook recommends a series of measures, ranging from teacher training to mediators, and from afterschool to mentorship and counseling, that would prepare the ground for desegregation and ensure that the process is smooth for all stakeholders. However, the mixing of cohorts, the essence of desegregation, is missing from the enlisted measures. Experience in Central and Eastern Europe has shown that numerous initiatives aiming to desegregate educational system failed short in including exactly this essential measure for desegregation (Taba and Ryder 2012; Rostas 2012).

capacity or opportunity to integrate with broader society on their own in the future" (WB 2014, 73–74). Moreover, one can also read that "by improving nutrition, hygiene, health care, education, and other social services, Roma can become healthier, more productive, and better able to participate in broader economic and social life" (73–74). In addition to some unfortunate assertions in the handbook, the authors' understanding of Roma is also problematic: Roma, they suggest, are the ones who must adapt to non-Roma, suggesting that segregation was somehow the choice of Roma. Strangely enough, very little is said about the responsibilities of non-Roma or, even more important, those of state intuitions to ensure that the desegregation process takes place smoothly. While some readers might see the handbook's perspective as biased, others might see this description as a negative social construction of Roma in regard to housing desegregation policies.

Desegregation is generally understood in a very limited way as "a mean to remove barriers to accessing services, markets, and spaces by a marginalized group, thereby enhancing its members' ability and opportunity to take part in society" (WB 2014, 72). However, scholars have shown that desegregation is more than access to services or markets, which sometimes might be unequal, and the state has no duty to intervene. Instead, desegregation is about equality and realization of rights, which are two of the fundamental aims of a democratic state (Greenberg 2010; Rostas 2012).

The economic model of interventions is revealed clearly when the authors of the handbook recommend the effective use of funds and selection criteria for projects. The authors propose the following principles: relevance of projects to strategies and policies, adherence to principles and standards, effectiveness, efficiency and sustainability of projects (WB 2014, 66). In addition, the handbook's recommended indicators for national authorities exhibit an economic understanding of inclusion. The proposed indicators are mostly quantitative and do not look into the qualitative dimensions of design and implementation processes nor do they contain normative underpinnings related to so-

cial justice and equality. Following this logic, projects that contribute to labor policies or social welfare cuts will be prioritized over those providing equality and justice.

Furthermore, the principles that the proposals are supposed to adhere to do not include equality at all. The assumption of the handbook's authors is that by avoiding increased isolation and the concentration of marginalized communities, desegregation will come naturally. However, no evidence is provided to show that this assumption is reasonable. When it comes to the participation of the target group, the handbook recommends participation in the form of consultation with Roma and non-Roma members of the local communities. Participation in this case means the participation of individuals and not of institutions or collective actors.

The handbook does not address two important challenges the EU Framework has faced: the definition of Roma and the definition of social inclusion. The Roma as a target group are not defined within the handbook and so the conceptual challenge faced by governments, local authorities, and the EC remain undealt with. This is a missed opportunity as the definitions at a local level might bring new perspectives on the broader definition of Roma, provided by central authorities. The handbook also does not tackle the issue of how social inclusion is defined, so every state must use its own definition. Not surprisingly, states handle social inclusion through many different and sometimes contradicting measures.

Policy Discourses and Policy Concepts

The analysis of major institutional players has reviewed policy-making towards Roma in Europe over the last twenty-five years. One might identify four types of policy discourses towards Roma: integrationist discourse, culture of poverty discourse, rights discourse, and inclusion discourse. Each of these discourses has framed and constructed the

Roma in a particular way and has proposed specific policy concepts. For the integrationist discourse the main policy concepts were social integration and marginality, for the culture of poverty discourse the main concepts were combating poverty and exclusion, for rights discourse the main concepts were multiculturalism/minority rights and human rights, and for inclusion discourse the main concept was social inclusion. Below, these sets of discourses are presented chronologically, although it is difficult to make a strict separation of the periods in which they were used. For example, in their relationships with agencies interested in funding development programs, policy-makers have used and are using a culture of poverty discourse or inclusion discourse, while with human rights institutions and mechanisms policy-makers use a rights discourse (Vermeersch 2013).

Integrationist discourse

Social integration was the dominant policy concept used to design measures targeting Roma after the fall of communism by scholars, governments and international organizations. Curiously, the meaning of social integration varied according to context and the actors that used it, ranging from assimilation to specific minority policies to participation. The underlying assumption behind these policies based on social integration is that Roma are an asocial or even anti-social group that needs to integrate into society. In fact, the definition of integration represents a challenge for any scholar assessing policy discourses on Roma. In a sociological dictionary edited by Catalin Zamfir, one of the most influential sociologists in Romania in the early 1990s, Simona Mezei (1998, 300), defined social integration as "the process of interactions between individual or group and the specific or integral social environment through which a functional equilibrium among its parts is reached," noting that "in this process, the system that integrates as well as the integrating system suffer mutations." The author dis-

tinguishes four phases of the process: accommodation, adaptation, participation and proper integration, with integration being achieved “through cultural assimilation of the system that integrates or through mutual change” (Mezei 1998, 300).

Other authors define social integration directly connected to social deviance in different circumstances: from suicide and substance abuse, to mortality, mental disabilities and divorce (Booth, Edwards, and Johnson 1991; Scott 1976). Maurice Cusson defines social integration as part of a broader concept of social control: “Social integration is defined by the quality and frequency of relationships that bind together the members of a group, as well as by the degree of engagement of its members in joint activities. A group is integrated when those who compose it are known to each other, they speak to each other, appreciate each other, help each other and are engaged in joint activities” (Cusson 1997, 406). In Cusson’s view, social integration is a kind of social obligation. It is part of regulatory phenomena of reaction to deviance—that is the compliance of actions to the expectations of others in order to keep harmonious social relations—stressing that prolonged social relationships include a normative dimension. In addition to social integration, there are two other types of response to social deviance in Cusson’s view: the toleration of deviance and stigmatization.

Vida Beresneviūtė (2003) has analyzed the theoretical and empirical dimensions of the concept of social integration in relation to interethnic relations, noting that social integration has become the dominant discourse in reference to ethnic policy-making after 1990. “Social integration indicates principles by which individuals (actors, agents, or subjects) are bound to each other in the social space and it refers to relations among the actors, i.e. how the actors (agents) accept social rules” (Beresneviūtė 2003, 97). In Beresneviūtė view, social integration is closely correlated with other processes between ethnic groups, such as socialization, acculturation and assimilation. She also noticed a shift in meaning of the concept from economic,

political and residential integration, to problems of cultural differences, symbolic resources, "cultural hierarchy" and relations between individuals and groups: "Recent research and studies conclude that the differences and inequality of social groups cannot be analyzed and evaluated only in terms of distribution and control over economic resources. The structural analysis of social misbalance should cover the differentiation of social positions that distribute powerful symbolic resources" (2003, 99).

Social integration as a concept has been used in regard to policy towards Roma by communist regimes since the 1960s (Davidová 2012). Social integration was interchangeable with the concept of marginality or marginal populations, as shown by reports on Roma during the communist period (Cartner 1991). Whether they were mentioned directly as Roma/Gypsies, or whether they were targeted indirectly by social policies under the headings of marginal groups, communist governments have developed measures describing Roma in respect to employment, birth rate, education, housing, etc., while cultural aspects were considered on a case by case basis. In the Czech Republic and Hungary, Roma cultural associations emerged that remained in place for a certain period (Davidová 2012; Crowe 1995). In Romania, where assimilation policy of the regime was intensifying, such forms of organization of cultural representation were not allowed, but there was some public exhibition of Roma culture through musical ensembles, music bands, and concerts (Mirescu 2013). By the mid-80s these events had been prohibited (Gheorghe 2009).

The practical application of the concept of social integration policies towards Roma has led to some mutations of the concept. In practice, relations between the majority and Roma assumed that the Roma would assimilate into the majority population, accepting the norms, values and culture of the socialist system without taking into account the norms, values and culture of the Roma minority, which were considered backwards and marginal. Indeed, the social integration of Roma implies the existence of a "center," or a homogeneous

group, which becomes the reference point for those on the periphery who must become part of the main group regardless of the effort required. From this point of view, social integration became synonymous with marginality in the policies towards Roma (Gheorghe 2009). Marginality was defined as the “peripheral social position of isolated individuals or groups having severely limited access to economic, political, educational and communicational resources of the community” (S. Râdulescu 1998, 334). This equalization of the two concepts has enabled the authorities to refer to Roma as “țigani” or, in few cases as “Roma” or in social terms as a marginal population. As Gheorghe has shown, historically the term “țigan” did not have an ethnic connotation but rather a social one. Irrespective of the denomination or label used, for policy-makers the target group was clear: the Roma. As one of the policy-makers explained, in the discussions within the National Commission for Demography—the main forum for designing policies towards Roma under socialism—the term used was “țigan” although in the policy documents reference was made instead to marginals or marginal populations (Gheorghe 2011).

A feature of the social integration concept during the communist period was the assimilationist character of the policies labeled as such (Bíró 1998). This evaluative statement should be considered on the basis of the official ideology of the time—Marxism-Leninism—which considered ethnicity and nationalism as retrograde bourgeois concepts without relevance to socialism, as class solidarity was the principal unifier of society. In this point of view, the assimilation of the Roma through proletarianization was consistent with the ideological postulates of the regime. Proletarianization measures were seen as having a civilizing role for an underdeveloped and marginal population, which Roma were perceived as. Improving the living conditions of the Roma was meant to civilize them by educating them in the spirit of the prevailing values of the socialist society. Even cultural events allowed by the authorities were meant to serve this civilizing function of the social integration measures towards Roma, as the testimonies of Roma ac-

tivists involved in such events demonstrate (Mirescu 2013). The social integration of Roma was to be achieved by sedentarization and proletarianization measures: policies of sanitation and demography, compulsory education, obligatory employment and combating vagrancy.

This social integration concept continued to be used after the fall of communism in connection with government measures towards Roma (Friedman 2014). Furthermore, by identifying the experts who contributed to the Roma social integration policy-making, it was possible to establish a continuity not only of the concept, but also of the experts and their institutional affiliation (Rostas 2001). What distinguishes the use of the concept of social integration in the two periods is the coercive feature of social integration policies during communism, and the participatory dimension of Roma social integration policies in the post-communist era. Although some scholars do not consider the coercive aspect of the policies towards Roma noteworthy (Friedman 2014), social integration policies in communism, in spite of their generosity, were concentrated on turning Roma into proletarians, and whenever needed, repressive measures were used. The cases of Roma activists like Nicolae Gheorghe in Romania, Ivan Veselý in the Czech Republic, and Aladár Horváth, Jenő Zsiga, and Ágnes Daróczi in Hungary show that the regimes tolerated expressions of Roma ethnic identity as long as they served the ideological purposes of the communist party. The same practices could be sanctioned by the communist party as its interests and discourse changed.

After the fall of communism, Roma social integration was rediscovered as a recipe to combat the growing poverty among Roma. In an environment in which the discourse on Roma became a part of the discourse on human rights and minority rights, the concept of social integration has mutated, incorporating forms of Roma representation and the active participation of Roma in the programs and projects targeting them. This mutation is evident in the most influential research conducted in the three countries in the early 1990s, which influenced measures against Roma at the time. In Hungary, István Kemény

attempted to compare the results of his 1971 research on Roma with new data since the end of the communist period in his research in 1993 (Havas et al. 1995). In Romania in 1992, Catalin and Elena Zamfir (1993) coordinated one of the largest research projects on the situation of the Roma in Romania. In 1997 in the Czech Republic, the government commissioned a comprehensive report documenting the situation of Roma during the Czech transition (Bratinka 1997). These studies informed the first policies towards Roma in these countries after communism and influenced the political agenda and public discourse about Roma in them. Moreover, this type of discourse has since been appropriated by international institutions, with the concept of social integration becoming the dominant discourse on Roma in the first decade of transition (European Commission 1997). The situation is further proof that the discourse on Roma, which served as the basis for policies towards this group, has developed primarily in academia, and thus Roma have had limited or insignificant influence on it.

The culture of poverty discourse

The culture of poverty discourse about Roma originated under communism in the authorities' attempt to combat poverty. Roma have been portrayed as an issue of poverty and it was the duty of the state to alleviate poverty. After communism this discourse became widespread and combating poverty incorporated the formula of social exclusion, thus, combating poverty and social exclusion became a concept that informed policy-making towards Roma. Regardless of how poverty is defined, whether in a narrower or a broader sense, the concerns of policy-makers are real. Poverty is a characteristic of the everyday life of many Roma in Europe. Roma are disproportionately represented among the poorest segments of the population. Besides their poverty rate, Roma have a level of education below the national average in all European countries, their health is worse than that of the rest of

the population, their housing and living conditions are impoverished and Roma are exposed to social risks that most people in European societies are not exposed to. Poverty among Roma was documented in the early 1990s (Havas et al. 1995; Zamfir and Zamfir 1993; Bratinka 1997) and later on by UNDP (2002) and the World Bank (2005). The data presented in these reports tried to draw governments' attention to the social risks of failing to address poverty among Roma and other segments of the population who suffered in the transition.

The results of these studies have had a direct impact on the design of public policies towards Roma. The measures adopted by governments, following the recommendations of researchers, focused mainly on reducing unemployment through training and retraining, improving education and fighting school dropout rates among Roma children, the promotion of birth control, of public hygiene measures and of social norms of behavior in public. Issues like racism and discrimination (including structural discrimination), ethnic identity and its public representation, cultural issues, the promotion of Romani language, infrastructure development and access to public services were all either ignored or overshadowed. For example, Catalin and Elena Zamfir ignored the role of historical discrimination and exclusion of Roma in Romania, including their enslavement for more than five centuries and the deportations of Roma during World War II, highlighting instead the role of social and economic conditions as the root causes of the problems faced by Roma:

The issue effectively worrying Romanian society is not the issue of the Roma as Roma. It is therefore not an ethnic issue. We are not, in our view, in the face of a proper ethnic issue. It is right that it refers to Roma, but only to a part of Roma, difficult to say whether majority population of Roma or not and envisages more social and economic aspects than ethnic ones. . . . An ethnic issue, as a norm, has its origins in discrimination, in intolerance of one side or another. Its solution lies in combating discriminatory be-

havior from wherever they come from. To the extent that it is a social and economic issue, its solutions will be sought in the sphere of social and economic phenomena. The ethnic issue cannot be overlooked, but this is a secondary issue, largely maintained and amplified by social and economic problems. (Zamfir and Zamfir 1993, 156)

In Hungary in 1993, István Kemény collected data on important social issues for Roma such as employment, housing, education, etc., but did not take into account access to services, discrimination and other factors, as his aim was to compare his results with an earlier study in 1971 when those issues could not be investigated. In the Czech Republic, a 1997 report by Minister Pavel Bratinka describing the situation of Roma proposed 36 urgent measures be adopted by the government that year. The report was initially rejected by the government for being too critical of the situation, which included an insistence on detrimental racism and discrimination against Roma. The report was adopted after changes were made, but only after an “embellishment” of the situation (OSI 2002; Albert 2014).

The framing of Roma as a poverty issue and the discourse on combating poverty made relevant the concept of a “culture of poverty,” developed by Oscar Lewis in the 1960s in the United States (Lewis 1966). This concept assumes that individuals who are poor and live in poor communities develop their own culture, which is transmitted from one generation to another as a lifestyle. This lifestyle has a set of characteristics related to social deviance: poor education, violence, substance abuse, early marriage, poor housing, lack of interest and lack of participation in public affairs, inferiority complexes in relation to other members of society, marginalization, etc. Based on the analysis of four axes, “the relationship between subculture and society as a whole, natural ghettoized communities, family attitudes, values and structure of individual character,” Lewis (1966, 21) proposed at first 50 and then later 70 characteristics of such a

culture. Gorski's (2008) article shows that eventually, several studies based on empirical research demonstrated the invalidity of Lewis's thesis and categorized this paradigm as a myth based on unrealistic or false assumptions. Gajdosikienė (2004) summarized the criticism of Lewis's proposed poverty paradigm as: an inaccurate interpretation of data, use of an inadequate methodology, one sided focus of the concept on negative characteristics of the community, blaming the poor for their condition, blaming the culture of minorities, such as African Americans, and using the concept of culture and subculture in an unclear way. To these criticisms, one might add Lewis's generalizing of his findings to all poor people and a lack of analysis of the structural factors involved in the reproduction of poverty.

In spite of the empirical evidence that Lewis's paradigm was wrong, the discourse on Roma poverty came to include his concept of the culture of poverty. It is not unusual to meet experts and policy-makers, especially in international development agencies, who see poverty as an inherent feature of Roma culture or lifestyle, which Roma have allegedly chosen for themselves. However, the real explanation of poverty among Roma is much more complex and cannot be attributed solely to factors like lifestyle or culture. As showed by Lamont and Small (2008, 89), when analyzing poverty, it becomes imperative to analyze poverty alleviation policies. These policies are the efforts of the institution which "incorporate the experiences of race, class and gender, which in turn affects poverty." Huub van Baar (2011) has analyzed the discourse on poverty alleviation and activation policies for Roma on the labor market in the Czech Republic and Slovakia and showed the perverse effects of these policies. Thus, in trying to provide incentives for those who are actively seeking a job and providing subsidies to employers, the activation policies led to a situation in which the beneficiaries of these subsidies were those already active in the labor market. In many cases, Roma who had a job were dismissed by their employers and then rehired in order to participate in activation programs, supported by the World Bank and Internation-

al Monetary Fund. Essentially, those who have benefited from these measures were employers who preferred to lay off some employees and rehire them in exchange for an employment stimulus package. Not only that, activation policies have not achieved their goal—to activate those without jobs—but have taken out of the labor market those individuals that were active and made them dependent on the existence of activation programs (van Baar 2011, 192–230).

The culture of poverty discourse has impacted policies towards Roma in terms of resource allocation as well. Former communist countries experienced a complex transition from centralized economies to free markets and from an authoritarian political system to a democratic one. By placing burden on Roma and the poor in general, policy-makers could argue that the governments are short of financial resources for a massive investment in human development required to improve the situation of Roma. Thus, poverty alleviation measures could be postponed by using the transition from socialism as an excuse. Post-communist governments refused to allocate resources to improve the situation of Roma as these measures would require substantial allocations from the state budget. However, the fact that certain measures that do not require major investment have been overlooked indicates how shortsighted governments have been on Roma issues and the general lack of political will to comprehensively address the problems faced by Roma. In other words, the major problem has not been so much the lack of funds as the ideas that informed policies towards Roma.

Rights discourse

Rights-based discourse is the third type of discourse that informed Roma policies. Rights discourse frames Roma as a national minority or Roma issues as human rights issues. The two major concepts at the core of this discourse are minority rights and human rights. The

section below presents the role of international organizations in constructing that rights discourse, the merits and weaknesses in framing the Roma as they do, and their influence on policy-making towards Roma.

Since the fall of communism, the Roma have been recognized as a national or ethnic minority and enjoyed certain rights. This kind of discourse was initiated in the OSCE fora (Danka and Rostas 2012) and was promoted by this organization as a concern for regional security (Gheorghe 2009). The appointment of the High Commissioner on National Minorities played an important role. The work of this institution, especially under the mandate of Max van der Stoep, placed the Roma issue under the broader issues of national minorities, mostly as a result of discussions regarding the migration of Roma to Western Europe (Guglielmo and Waters 2005). In 1994 the Contact Point for Roma within the OSCE was created, another structure that promotes measures towards Roma in all participating states, as does the OSCE Action Plan for Roma, adopted in 2003. In fact, the first comprehensive measures taken by governments in favor of Roma were for institution building for representation of national minorities broadly, such as the electoral law in Romania for May 20, 1990 elections, the establishment of the Council for National Minorities in Romania in 1993, the adoption of law LXXVII on the rights of national and ethnic minorities in Hungary in 1993, and the establishment of the Commission for Roma Affairs in the Czech Republic in 1997.

The Council of Europe is another institution that has spread in terms of discourse about the Roma national minority. Even before 1989, the Parliamentary Assembly of the Council of Europe adopted resolutions on the situation of Roma (Liegeois 1994). By creating a position of coordinator of activities for Roma in 1994 and a group of specialists for Roma in 1995 (both as specialized structures), and by adopting Recommendation 1203 and the Framework Convention on Protection of National Minorities in 1995 as the sole legal document applicable to the signatories' Member States, the Council of Europe

contributed to the recognition of Roma as a national minority and insured respect for the rights determined by this status (Pogany 1999, 61–62).

Human rights discourse has been promoted mainly by American donors, being them government agencies, such as USAID, IREX, or private ones, as well as the Open Society Institute, Soros national foundations, Ford Foundation, or American Friends Committee (Gheorghe 2009). This type of discourse was inspired by the Civil Rights Movement in the United States and has tried to link the situation of African-Americans with that of the Roma in Europe. The US foundations, notably those of the philanthropist George Soros, had a major influence in the region. Soros has since become the largest private donor in Central and Eastern Europe for the Roma cause. Specific structures were established within the Open Society Institute, such as the Roma Participation Program, and national foundations have supported the emergence of numerous projects for Roma and continued to finance them. In 1996 the European Roma Rights Center was set up, a human rights organization modeled on the National Association for the Advancement of Colored People in the United States. Human rights discourse was taken up and promoted in particular by Roma activists and supporters of the human rights agenda. In general, politicians and experts were reluctant in using human rights discourse, often considering it too radical.

Minority rights discourse has focused more on the issue of multiculturalism, widely applied in the cultural field. Earlier in this chapter, I briefly presented the main issues at stake when discussing multiculturalism and its most important critics. As mentioned, the weak point of the concept is that it does not stimulate contact and mutual understanding between the ethnic groups. Contrary to its name, multiculturalism actually promotes ethnic separatism and ethnic distinctness, under the label of recognition and the right to self-organization. Although many theorists perceive multiculturalism as an institutional arrangement by which minorities participate in the exercise of power,

in many cases it has remained only a dream. Another concept is needed to stimulate both social contact between diverse groups and their effective participation in the exercise of power.

Minority rights discourse in the case of Roma has had certain limits determined by the exceptionalism of this minority. Besides their language and culture, the issues faced by the Roma are much broader. While aspects of identity are an important part of the issues, the difficult economic and social situation of the Roma must not be ignored. An approach to Roma issues through the lens of minority rights would limit the scope of policy intervention and lead to the authorities ignoring the problems that the community is facing, such as extreme poverty, unemployment, education, poor housing, and so on.

Human rights discourse has put Roma issues on the agenda of international organizations and governments. At the same time, this type of strategy has had negative consequences for the mobilization of people. One disadvantage is noted by Gheorghe and Acton (2001, 65–67), who argue that such a discourse cannot mobilize Roma, as it is a reactive discourse directed against the state that fails to connect human rights with Roma identity. Another disadvantage lies in the type of relationship between different stakeholders. Human rights organizations generally develop vertical power relations between beneficiaries—the constituency, meaning those people for whom the organization speaks on their behalf—and the organization itself. As a result, a human rights discourse focused on Roma has not led to the development of a civic community, characterized by a high level of cooperation and trust between its members (Putnam 2001). On the contrary, vertical power relations lead to dependency, a lack of agency among the beneficiaries and a lack of accountability for the organization.

Expressing Roma interests in terms of human rights dismisses the significance of political debate and competition with other actors at the national and local levels. Roma activists have focused exclusively on the state, instead of trying to negotiate their interests with other stakeholders. While claims of human rights are moral and legitimate,

Roma activists have not taken into account the competition between them and other groups in society over shaping the political agenda and gaining access to power and resources. The argument in favor of Roma activists is that they cannot negotiate their own interests, as human rights are not negotiable because of their universal character. In other words, one cannot claim "more" of a right to life for a community or a "greater" right to a fair trial, but only demand the right to life or the right to a fair trial for one's community (Kennedy 2004). The language of human rights does not provide opportunities for those who use it for bargaining, because those human rights are indivisible and universal.

Human rights discourse is an elitist one. Among Roma, only the elites speak in terms of human rights. This language is not comprehensible and does not make sense to ordinary Roma, who talk about their problems using a simpler language. The sophisticated language used by Roma elite is often perceived as a way to circumvent their problems as a community. Roma activists should develop a discourse that brings them closer to the people on whose behalf they speak. This discourse will have to take into account the needs, important symbols and particular understandings of ordinary Roma society. However, this new discourse should also include broader issues faced by other oppressed groups interested in social change. Ideally, it will be a discourse that resonates with the interests of the majority population.

There is also a gap between the discourse of Roma rights activists and that of policy-makers. The discourse on rights is dominant among activists when talking about Roma, but a brief analysis of policy documents shows that Roma issues are formulated in these documents in socio-economic terms. Reducing these discrepancies in discourse could lead to closer cooperation between activists and policy-makers, and to reconciliation between the two which are often seen as conflicted and irreconcilable.

From my point of view, the most important challenge to Roma human rights discourse is its inability to relate itself coherently to the project of Roma ethnic identity construction. Roma activists prefer to

use a specialized language to frame the situation of Roma in terms of legal entitlements, access to rights and discrimination against them. However, this language provides few solutions to the problems faced by Roma and is not fully understood by ordinary Roma. Moreover, human rights discourse emphasizes the victimization of those it advocates for, thus depriving Roma of agency and of a sense of pride as individuals and as a community. The challenge is how to construct an ethnic identity using the rights language. One possible solution was suggested by Nicolae Gheorghe: Roma activists who are trying to re-define Roma identity in public space should identify those resources and possible course of action that lead to a positive identification of different Roma groups, avoiding victimization and its generalization to all Roma groups (2009).

Inclusion discourse

Social inclusion has been a central concept of Roma policies since the early 2000s—the European Union pre-accession period. As Levitas shows, promoting social inclusion has become a strategic objective of social policy after the EU summits in Lisbon and Nice in 2000 (2005, 190). Analyzing the meaning of social inclusion as a concept in the context of the changes introduced by these two events and the EU requirement for Member States to submit biannual reports on social inclusion policies, Levitas (2003, 3) found that “although these plans are called social inclusion plans, they are actually part of an EU strategy against social exclusion.” Thus, in order to understand the meaning of social inclusion we must examine the meaning of social exclusion first.

Analyzing the EU and UK policies, Levitas identified three discourses on social exclusion (Levitas 2003; Levitas 2005). The first is the discourse of redistribution (RED), which sees social exclusion as a consequence of poverty. The second is social integration discourse (SID), which is opposed to social exclusion, and in which paid work

is the primary mean of integrating individuals into society. This discourse was present in EU documents in the mid-90s. The third discourse on social exclusion is the moral discourse of the underclass (MUD), which is based on the moral and cultural causes of poverty and focuses on the dependency cases on the family level rather than on individuals' attachment to the labor market. RED is a discourse that perceives social exclusion as being beyond the meaning of poverty, rather as being "dynamic, procedural, multi-dimensional and relational," implying that "discrimination and exclusion can be some causes of poverty," but that "poverty remains the core issue" (Levitas 2003, 4). The redistribution necessary for combating social inequality can be achieved by the allocation of social benefits (Levitas 2005, 14). The MUD discourse appeared in the New Right's criticism of the welfare state, which is closely linked to the concept of the underclass and would present some group features such as the representation of the socially excluded as a culturally distinct group to the mainstream. This discourse focuses on individual behavior and ignores existing social structures and inequality. It sees benefits as ultimately detrimental to their beneficiaries who become dependent on them (Levitas 2005, 21). Regarding the SID discourse, it limits the definition of social exclusion to employment, but ignores income inequalities between individuals, including gender inequalities, and does not consider social benefits to be an effective way to combat poverty (Levitas 2005, 27).

These types of discourses represent ideal cases, and in reality, there is often a combination of them. They may also change depending on circumstances. For example, as shown by Levitas, in the 1980s and early 1990s, the most used discourse was RED. In the middle of the 1990s, there was a shift towards SID, and after the adoption of the Lisbon Agenda, the dominant discourse about social inclusion in EU became SID combined with RED, while MUD remained a difficult discourse to adopt. However, there are politicians and experts in the EU that use a MUD type discourse when addressing Roma social inclusion, in which Roma culture plays an important role in explaining their

current situation. Such politicians can be encountered in France and Italy, but also among public figures in other countries (Sigona 2005).

Analyzing the most relevant documents of the European Union after the Nice summit in December 2000, Florin Moisă identified two key dimensions of the social inclusion definition, as a continuous process:

1. which ensures that anyone, regardless of experience or life circumstances, manages to achieve their full potential;
2. by which the society seek to reduce the inequality, to promote social cohesion and to put in a balance the individual rights and responsibilities.

Social Inclusion ensures that those who are in a situation of poverty and social exclusion:

- have access to opportunities and necessary resources to fully participate in the economic, social and cultural life and enjoy a standard of living and well-being that is considered normal in the society in which they live;
- participate in taking decisions that affect their daily life and their fundamental rights. (Moisă 2012, 49–50)

Within the process of promoting social inclusion in the European Union, each Member State defined its respective vulnerable groups, with Roma being one of these vulnerable groups across Europe. However, the social inclusion and vulnerability as concepts remain unclear. Considering the social inclusion indicators approved by the European Council in Laeken in December 2001, it is easy to see that social inclusion within the EU's usage emphasizes activation policies in the labor market as a way of combating poverty and social exclusion. While

the indicators are presented in three tiers, income and access to the labor market constitute central indicators, while the other indicators having a secondary role in supporting activation policies (Atkinson et al. 2004). This meaning can be inferred from analyzing European social policy documents, notably the EU 2020 Strategy, which focuses on economic growth and creating jobs. Regarding vulnerability, there is no agreed upon definition at the EU level, but the meaning given by documents on social inclusion refers to those groups who have a higher risk of poverty and social exclusion than the general population.

In addition to the vague meanings of social inclusion and vulnerability, it is unclear how social policies based on these concepts will reduce social inequalities. Huub van Baar considers the discourse on activation to be a typical one for development, which focuses on creating jobs, although in the long-term it creates social dependency. These policies have allowed employers to recruit cheaper and more easily exploitable labor. Participants in these programs are removed from the labor market and integrated in these activation programs (van Baar 2010; 2001). Because Roma are usually present in large numbers in these activation programs, van Baar describes such programs as a form of “neoliberal governance based on ethnicity, that racializes the formation of social classes in post-communism, naturalizes ethnic differences and maintains rather than reduce, ‘the habit’ of the majority to sub-humanize or dehumanize the Roma” (van Baar 2010, 202). In other words, these programs for the stimulation of employment among vulnerable groups have the effect of maintaining social inequalities and creating social dependence among these groups.

In terms of how vulnerability and social inclusion of these groups is structured and conceived, there is an urgent need to rethink these concepts and the proposed solutions that hinge on them. There are certain groups that are disadvantaged because of the stigma attached to them, such as LGBTIQ people, people living with HIV, and Roma. Some of these people are not poor and do not openly face problems in accessing certain public services, but due to their stigmatization are

vulnerable and may be victims of discrimination and social exclusion, despite their education or social status.

These groups differ from other vulnerable or disadvantaged groups in terms of their stigmatization in the public space. Some groups face stronger rejection by the public than others. The visibility of certain characteristics is a contributing factor to their vulnerable situation. Therefore, policies to reduce vulnerability and exclusion must take into account the mechanisms of social exclusion and should be differentiated depending on the factors that contribute to social exclusion. What actually unites these vulnerable groups is their limited ability to make their voice heard and to be assured that their interests are agreed upon in the general interest of the society as a whole. From this point of view, the first feature of combating social exclusion should take into account the group's participation in public affairs, especially in matters concerning their major interests. Although participatory dimension is present in the definition of social inclusion, it is ignored when it comes to relevant policy documents and practice.

Discrimination against vulnerable groups should be combated not only at the individual level, but also wider institutional and structural discrimination should be tackled. In order to achieve an inclusive society, the structural factors that produce social inequalities must be removed (Dani and Haan 2008, 14). Neil Thomson (2006) has shown how discrimination operates at personal, cultural and societal levels, and argued that discrimination cannot be removed without making changes at all the three levels. Considering the level of antigypsyism in European societies, combating discrimination should become a top priority for social inclusion policies.

One cannot deny the existence of the lower socio-economic status of vulnerable groups. As Morag Goodwin suggests (2009, 14), focusing only on the amount of discrimination against Roma will not solve the Roma issue: "Although discrimination is undeniable, it fails to take into account the interaction between prejudice and socio-economic disadvantage in creating and reinforcing each other." Without

denying the role of discrimination, policy-makers cannot afford to ignore the poverty, poor living conditions, and other socio-economic indicators afflicting Roma due to their personal ideological, political or ethnic reasons. Therefore, social inclusion must take into account these aspects, not just the size of labor market activation. Moreover, a degree of flexibility in addressing these social and economic problems is required, to enable the establishment of a list of priorities at the local level according to the specific needs of each Roma community.

Conclusion

I have showed the need for such a critical approach to policy-making towards Roma using policy design theory. First, a critical approach should be made from the perspective of those who are the target of the policy. Policy design focuses not only on the content of the policies but also on how target groups themselves are socially constructed. The theoretical framework developed by Schneider and Ingram focuses on the impact of social constructions of the target population, and the use of certain “knowledge” of issues faced by targeted population within the policy content, and on the distribution of burdens and benefits. They propose a larger evaluative framework for policies, focusing on issues of justice, democratic institutions, citizenship, and problem solving.

I showed the theoretical difficulties in framing the Roma as part of broader policy paradigms in Europe: recognition and redistribution paradigm, equality, ethnic conflict management, and multiculturalism. All these concepts and paradigms face constraints when applied to Roma. I then analyzed the social construction of Roma within different policy models proposed by experts and I found that Roma are often constructed in negative terms in policies themselves. And finally, I discussed the discourses and concepts used in policy-making towards Roma since the fall of communism. My analysis of these discourses

shows their limitations in framing Roma and a need to develop a more inclusive framing of the issues Roma face to allow for coalition building with other groups interested in bringing social change.

This chapter brought us closer to answering the initial “big” question addressed in this book—why policies towards Roma are failing—from a policy studies perspective. The social construction of Roma within policy-making is consistent with the negative portrayal of Roma in broader society, as these first and second chapters revealed. The way Roma are socially constructed within policy-making as well as in broader societal context influences the design, implementation, and impact of policies targeting Roma. In the next chapters, I will demonstrate how these two critical approaches to Roma policy-making, inspired by Critical Race Theory and policy design theory, could be combined in analyzing policy-making within three case studies.

CHAPTER III.

Policies towards Roma in the Czech Republic, Hungary, and Romania

For a thorough understanding of the current state of policy-making towards Roma in Europe, we need to look at the context in which these policies have appeared, the history of Roma policies in particular countries, and the internal and external factors that have influenced them. For an in-depth analysis of the policies towards Roma, I choose three case studies: the Czech Republic, Hungary, and Romania, in the years following the collapse of communism. The policies towards Roma during the Habsburg Empire, the interwar period, and the communist regimes are not considered here because the book focuses on the democratic context where policy-making is supposed to have been a deliberative process.

These countries have a long history of policy-making towards Roma, similar development among themselves after World War II, and all have approached Roma as a societal issue in recent years. While there are regional differences and diversity among Roma living in these countries, I will look at policy-making processes towards Roma broadly to identify policy paradigms, patterns of framing and categorizing Roma, particular environmental factors that influenced policy approaches to Roma issues, and similarities in discourse.

In the past three decades, there were three rounds of policy-making towards Roma in Europe in these countries. The first round was during the 1990s and related to the strategic objectives of Euro-Atlantic integration: joining the Council of Europe, NATO and, most importantly, the entrance of all three countries into the EU. Candidate countries with significant Roma populations had to expand national programs or strategies for Roma in order to comply with the EU political criteria on democracy and human rights required of all new member states. As a result, all three countries have expanded their national strategies for Roma.

The second round of policy-making towards Roma took place during the Decade of Roma Inclusion (2005–2015). The Decade was an initiative supported by the World Bank, the Open Society Foundations, and other international organizations, by means of which prime ministers from nine countries pledged to close the gap between Roma and non-Roma over a ten-year period. In order to achieve this, participating governments designed national action plans in four areas: education, employment, health, and housing. The second round of policy-making towards Roma was based on closer cooperation and coordination among participating countries than the first round, with regular field visits, study tours and sharing of experience among policy-makers. Again, the three countries in the present case studies were part of the Decade of Roma Inclusion.

The third round of policy-making towards Roma—and the most comprehensive one—was the European Commission’s adoption of the EU Framework for Roma National Integration Strategies up to 2020 (April 5, 2011), later endorsed by the European Council. Under the provision of the EU Framework, all EU member states, including the Czech Republic, Hungary, and Romania, were required to adopt national strategies to improve the situation of Roma. Under the EU Framework, the level of coordination among policy-makers was higher than ever before, including the sharing of policy experience, the design and implementation of international projects funded by EU across the

continent, and consultations on issues faced by Roma at the highest political levels. The adoption of the EU Framework was an unprecedented historical moment in the history of Roma across Europe.

The three countries represented in this case study could be considered representative of the EU policies on Roma and the diverse experiences of EU member states in dealing with Roma. All three countries have significant experience in democratic policy-making towards Roma in the last twenty-five years as active participants within the three waves of policy-making towards Roma. They are considered successful models for democratization, the protection of human rights and the management of diversity and ethnic minorities. The three countries have different models of Roma representation with varying degrees of opportunities offered for Roma participation, with Hungary's system of minority self-governments being the most complex. Roma within these countries constitute a significant population in Hungary and Romania and a tiny minority in Czech Republic according to the official figures. The diversity of Roma in these countries and the depth of the cleavages among the different sub-groups varies significantly: in Hungary there is a deep divide among Roma groups based on language, in Romania the most important cleavage is the degree of assimilation among different Roma groups with a high diversity among Roma sub-groups with medium depth in the cleavages between them, and in the Czech Republic the most important cleavage is the origin of Roma sub-groups with a low degree of separation among Roma sub-groups.

This chapter looks into the first and second round of policy-making towards Roma in Europe, focusing on three countries in the title as case studies. The EU Framework will be analyzed in the next chapter. This type of comprehensive analysis—based on three rounds of policy-making—has the advantage of explaining the specific differences in policy-making towards Roma, beyond the high level of coordination and approach required by the EU, as well as of identifying continuity in approaches to problems faced by Roma and similarities in framing and categorizing Roma as subjects of policy-making.

The Czech Republic

In the years between the “Velvet Revolution” and the end of Czechoslovakia, Roma were only a significant part of public discourse in 1990, because of the more pressing need to renegotiate the relationship between Czechs and Slovaks in late Czechoslovakia. The power relations between Czechs and Slovaks was a dominant issue since the creation of the Czechoslovak state after World War I, and an ever-recurring problem in the region (Heimann 2010). After World War II, policies towards minorities in Czechoslovakia aimed at creating a homogeneous national state between the two nations. This was done by expelling 2.5 million Germans, 75,000 Hungarians, and a smaller number of Poles. The issue of the Ruthenian minority, however, was solved by Czechoslovakia giving up on any territorial claims to the Ruthenian region, which had been part of Czechoslovakia in the interwar period and was incorporated into Soviet Ukraine at the end of World War II. The overwhelming majority of Jews and Roma from the territory of the Czech Republic had been exterminated during the war, but a significant number of Roma and Jews still lived in Slovakia, which unlike the Protectorate of Bohemia and Moravia opted for a different policy of minority oppression by putting its Roma and Jews in forced labor camps instead of sending them off to be exterminated (Heimann 2010). New demographic policies and the industrialization of communist Czechoslovakia facilitated the relocation of a large number of Roma from Slovakia to richer regions of the Czech Republic. These Roma were accommodated in the houses of expelled populations. These new housing policies combined with communist labor force policies and their related benefits stimulated the internal migration of Roma from Slovakia into the Czech Republic (Guy 1975).

Roma were recognized de facto as a national minority in Czechoslovakia after the fall of communism. Then the 1991 referendum at the federal level recognized the Roma as a distinct minority group. After the 1993 breakup of Czechoslovakia, the Czech Republic recognized

Roma as a national minority through Law 273/2001 on the rights of national minorities. The law defined a national minority as “a group of Czech citizens living in what is now the Czech Republic, which differ from other citizens usually by common ethnic origin, language, culture and traditions, that represent a substantial minority from the total population and at the same time ask to be considered as a national minority to maintain and develop their own diversity, language and culture, and to declare their group interests” (OSI 2002). Although the law did not detail the criteria by which a minority may be declared as such, authorities applied the provisions of this law to Roma.

Following the 1990 elections, 11 Roma representatives were elected to the Federal Parliament of Czechoslovakia and the national parliaments of the two regions—on the lists of the mainstream parties, and in coalition with Roma organizations (Vermeersch 2006). The problems faced by Roma had already been known to the political leadership, since some of them were discussed and included in Charter 77—such as the overrepresentation of Romani children in special schools and the inequality between Roma and non-Roma in Czechoslovakia. As shown by Sobotka, the government organized a number of workshops modeled on successful transition practices covering five major themes: “(1) recognition of Roma as a national minority and promoting respect for human rights of Roma and more broadly, (2) developing state policy towards Roma; (3) creation of state institutions responsible for policy towards Roma, (4) changing the educational system to increase respect for differences between Romani and non-Romani children and (5) recognizing that Roma are the subject and object of interethnic conflict, and creating educational programs that would minimize the negative stereotypes of Roma and prejudice towards Roma” (2001, 5). These discussions, which included the Roma representatives, resulted in Resolution 619/1991 “Principles of Government of the Czech and Slovak Federal Policy towards the Roma Minority,” through which the Deputy Prime Minister and the Minister of Labor and Social Affairs were instructed to formulate central pro-

grams for institutions addressing Roma issues, education for tolerance, human rights and education of Roma children (Sobotka 2001, 5). The reaction at the federal level was followed by resolutions at the state level, where both the Czech and the Slovak governments adopted resolutions. The Czech government, through Resolution 463/1991, requested the Ministry of Labor and Social Affairs to develop concrete measures for Roma integration, while the Slovak government, through Resolution 153/1991 set out measures to be taken for the improvement of Roma education, social security, employment, culture, and housing (Sobotka 2001). The implementation of these two documents was delayed by the dissolution of the Czechoslovak state. Sobotka writes that after the breakup of Czechoslovakia, the Czech government showed little interest in Roma issues, passing the responsibility from ministries to consultative institutions such as the Council of Nationalities created in 1994 by Resolution 259/1994. This change was due to the civic principle as interpreted by the new Constitution, which promotes an approach based on citizenship, which ignores race and ethnic differences (Sobotka 2001).

The authorities have shown interest in Roma in terms of their socio-economic development and defined Roma issues as a social problem, continuing the tradition of social integration begun in 1970 by Decree 279¹ (Friedman 2004, 13) and Decree 231² from 1972 (Horakova

¹— Decree 279/1970 recognized the Roma as a distinct group in Czechoslovakia and proposed a concept of social and cultural work (Horakova 1997, 17).

²— Decree 231/1972 set the task of social integration of the “Gypsy population” or the “less integrated population.” There were a series of other decrees, especially in the 80s to foster Roma social integration. As Horakova (1997, 18) put it, “The main goal of the socialist state was to create socialist personality without national differences, religious differences, historical memory, and identity. Creation of the social consensus on the unique state unwound ideology, e.g. Marxism-Leninism was the main goal at that time.”

1997, 17). However, Vermeersch interprets this more recent approach as different from that of the former communist authorities since it does not pursue assimilation (2004). But the difference seems to rest more in the lack of ideological and repressive motives for the new policies than in a new policy paradigm that would have represented a substantially different approach. Moreover, the dissolution of the federal state made it possible to exclude Roma from the government agenda for a number of years by adopting a policy of ethnic neutrality—the civic principle—combined with certain bureaucratic practices such as requirements for citizenship. The repressive nature of the integrationist policies from the communist period was switched for exclusionary ones in the post-communist period, meaning that the social-integrationist approach was ultimately only an intermediate phase.

Thus, the most important issue in the 1990s in the Czech Republic was the issue of citizenship. Following the separation of Czechoslovakia in 1993 into two separate states, the new Czech citizenship law restricted the access of Roma to Czech citizenship and hence too many other rights. The law for obtaining or losing Czech citizenship adopted in December 1992, only three days before the split of Czechoslovakia, was based on a 1969 citizenship law and conferred Czechoslovak citizens the denomination of “Czech” or “Slovak” depending on their place of birth. Thus, people born after 1969 inherited this denomination from their parents, and the new Czech citizenship law provided automatic citizenship only to those who were designated as “Czech” by the 1969 law. The people identified as “Slovak” under this law could apply for Czech citizenship provided they had an unblemished criminal record in the previous five years and only if they could provide proof of residence in the Czech Republic for at least two years. Despite the support provided by some organizations, large numbers of Roma were unable to meet these criteria and consequently could not access citizenship and the rights bound to it. Thus, although some people were born and raised in the Czech Republic, they were excluded from the political community through the

new law. Many Roma were seen as belonging to Slovakia, a country which had no connection to other than as their parents' place of birth. Another major shortcoming of the citizenship law was the requirement of a clean criminal record over the previous five years, irrespective of the type of crimes committed or the seriousness of those offenses (Siklova and Miklusakova 1998). Thus, someone who had committed a serious offense six years before could qualify for citizenship, while someone who had only committed less serious crime within the five years before the passing of the law would not qualify.

These two criteria have had a devastating impact on Roma. Essentially, though two thirds of the two to three hundred thousand Roma living in the Czech Republic in 1993 were born and raised in the Czech Republic, they were according to the law foreign citizens and had to seek new citizenship. A 1994 report of the Conference on Security and Cooperation in Europe quoted by Nadya Nedelsky states that "as Czech officials admit it, virtually every person excluded from Czech citizenship under the new law is a Roma" (2003, 96). The amendment of the citizenship law in 1996 and the waiver of the criminal record requirement was not accompanied by a simplification of the citizenship application process or by more active involvement of state institutions in facilitating access to citizenship. The main institutions that provided assistance were the non-governmental organizations (Siklova and Miklusakova 1998). Only through the amendments made in 1999—which declared that all who were residents in 1993 in the Czech Republic could qualify for nationality—was citizenship crisis and legal exclusion of the Roma from the political community ended. This practice of excluding Roma has attracted continued criticism from the Council of Europe, the Conference on Security and Cooperation in Europe, the EU, the Helsinki Federation for Human Rights, the European Roma Rights Center, and other organizations, as well as from many countries, in particular the United States, Canada, and Great Britain. Although some authors argue that Czech exclusion of Roma from citizenship was done on purpose (Cashman 2007; Siklova and Miklusa-

kova 1998) or at least with full knowledge of the consequences by the Czech government at its beginning (Nedelsky 2003), this has never been recognized any Czech official publicly.

In October 1997, after some debates between Roma activists and Minister Pavel Bratinka over a study the minister had commissioned, the latter presented a report on the situation of Roma communities in the Czech Republic to the Czech government. The report was issued as the criticism of the citizenship law was intensifying and attacks by neo-Nazi groups, known as "skinheads," against Roma were growing, accentuated by the general inability of the police, prosecution, and judiciary to punish the offenders in most cases. As a result, in the summer of 1997 a wave of Czech Roma migrants requested political asylum in Britain and Canada, leading to strong criticisms of those governments of the Roma situation in the Czech Republic. The report, known as the "Bratinka Report," proposed a total of 36 measures to be taken immediately or by the end of the year to counter attacks against Roma—attacks which were seen as expressions of widespread discrimination and intolerance—and to improve the access of Roma to the labor market and to education. These measures included a better selection of police that would include Roma, prevent the formation of organized groups based on hate speech, as well as fighting crime and drug abuse in Roma communities. Discrimination, intolerance, and access to employment and to education were seen as central issues of the situation of Roma (Cashman 2007). Before being adopted by the government on October 29, 1997, the report was modified because government members thought its tone was too critical. Still, Vermeersch (2006, 83) underlines the significance of the report as the first attempt to disclose data on Roma discrimination and poverty, but also as a critique of the government's work in terms of the protection of ethnic minorities, suggesting the creation of policy-making institutions for Roma.

As a result of the debate over the Bratinka report, the Czech government established the Inter-ministerial Commission for Roma Issues through Resolution 581/1997 to foster Roma representation at the government level. The commission was composed on a parity basis of representatives of Roma and government representatives made up of deputy ministers. In 2001, this structure was transformed into the Government Council for Roma Communities Issues by Resolution 14/2001, which provided that the newly-formed council be headed by the Human Rights Minister, assisted by a Roma representative. The commission and the council were permanent consultative institutions, aiming to support the government in developing and updating policies towards Roma, and to provide information and data on the situation of Roma and on policy implementation at the local level. The Nationalities Council was reiterated in 1998 by the Decree 132 as a consultative institution for national minorities. In 2001, it became the Council for National Minorities, containing 12 representatives of minorities, including Roma. At the end of 1998, the Human Rights Council was established as a consultative body for overseeing the implementation of the relevant provisions of national and international law. Since 1998, as a recommendation of the Bratinka report, regional governmental structures in the Czech Republic began to employ Roma advisors, and by 1999 all the 81 districts had Roma advisors, although only half of them actually belonged to the Roma minority (Cashman 2007, 63). Vermeersch has interpreted this new approach of the Czech government as an exception from the citizenship principle and a recognition of the ethnic principle (2006, 84).

In April 1999, the government adopted a draft proposed by the Inter-ministerial Commission for Roma awkwardly called "The Concept of Government Policy towards the Roma Community Members for Their Social Integration." It set out 12 objectives to be implemented by the government in the next two decades:

1) the elimination of discrimination; **2)** affirmative action (or “positive discrimination”); **3)** guaranteed minority individual and group rights; **4)** the incorporation of Roma culture and history into the general education of all children; **5)** education reform to allow Roma children full equality within the system; **6)** Roma participation in decision making on Roma community affairs; **7)** the provision of free legal, social and psycho- logical counseling; **8)** education at all schools in tolerance “aimed at building a multicultural society”; **9)** instruction for judges and those working in the judicial system on issues regarding racism and Roma affairs; **10)** research on methods of ethnic co-existence; **11)** subsidies for non-profit groups that offer social education programs to Roma youth; and **12)** an employment policy that decreases Roma unemployment while placing more emphasis on “people’s positive motivation to work.” (Nedelsky 2003, 105)

This proposal underscored the need for Roma empowerment based on respect for their traditions and culture, with the direct consequence of ignoring “important issues, particularly housing, segregation and other social issues that have been addressed only marginally” (OSI 2002, 131).

Based on the Bratinka report and the proposed concept from April 1999, subjected to several revisions, on June 14, 2000 the government adopted “The Concept of Government Policy towards the Roma Community Members for Their Social Integration.” The main aim of this government program was “to obtain a non-confrontational coexistence of Roma communities with the rest of society” in the following 20 years. Integration was the means by which to achieve this goal. Government policies also included an identity development component and support for Roma culture and traditions. The document included 12 chapters: basic premises, racial discrimination, institutions, compensatory measures in employment and housing, Romani language and culture, schools, multicultural education, improved safety for Roma, research on the coexistence of different ethnic groups,

civic centers for counseling, non-governmental organizations, and, naturally, conclusions. It also required an annual review based on the experience of implementation.

The 2000 Concept recognized Roma discrimination as being not only a problem in everyday practice but also as a historical factor in explaining the current situation of the Roma and included compensatory measures to overcome this injustice. The seven objectives set forth in this document were kept in different forms, as follows: *a)* ensuring the security of Roma and Romani communities; *b)* removing “external” obstacles, all forms of discrimination against individuals or groups defined by race, color, nationality, language, or their belonging to a nation or ethnic group; *c)* eliminating “internal” obstacles, such as the disadvantages in education; *d)* reducing unemployment and improving living conditions and health; *e)* improving Roma participation in decision-making on issues regarding the Roma community; *f)* ensuring the development of Roma culture and Romani language; *g)* creating a tolerant environment in which membership in a group defined by race, color, national origin (ethnicity), language, or belonging to a nation would not to provide the basis for discriminatory attitudes (OSI 2002).

The Concept was revised several times: in 2002, 2004, 2005, 2009, 2010, and 2013. In 2002, the Concept brought some clarifications to how the government should address Roma issues from three perspectives: human rights and the abolition of discrimination; national or ethnic origin, with particular attention to and respect for the rights of national minorities; and socio-cultural issues derived from the need to combat social disadvantages. Although the national and ethnic minority rights perspective was mentioned, the objective of Roma participation in public life was removed in 2001 due to the adoption of the Law on National Minorities, which, the government argued, sufficiently covered that area. The 2002 Concept makes a distinction between Roma as an ethnic minority and as a community:

The term “Roma community” only partly overlaps with the term “Roma national minority.” While the defining characteristic of a member of the Roma national minority is “the active will to be regarded as a member of a minority and, together with other members, to develop the language and culture, a member of the Roma community is de facto anyone identified as such by the majority as a member of this socially and ethnically defined group.” (OSI 2002, 173)

This distinction between Roma as a community and Roma as a national minority is important for three reasons: there are significant implications for the theoretical perspectives on Roma, for its influence on public policies, and for the consequences of reporting progress. In theory, one might make such a distinction based on the self-declaration of identity versus external categorization. The result would yield two different groups. In practice, however, the policies adopted by the government target a single group: the Roma. Yet the distinction between community and national minority might still be useful in designing anti-discrimination policies because in discrimination cases what matters most is how the perpetrator perceives the victim, not the actual ethnic identity of the victim. In practice, the Czech government’s reporting since 2004 has been done separately for the situation of Roma communities as a part of its social inclusion policies versus reporting on the Roma as a national minority (Czech Government 2007). This distinction might be regarded as an attempt to hide the failures of the government in both contexts and as the government avoiding accountability.

Following the 2005 review, the Concept’s new aim was to improve the status of Roma communities in all spheres of social life and to achieve a peaceful coexistence between them and the rest of society. These objectives took into consideration the Czech Republic’s new status as an EU member since 2004, as well as the broader context of social inclusion policies at a European-wide level, generating the

National Action Plan for Social Inclusion 2004–2006 (Council of Europe Commissioner for Human Rights 2006). The Concept established six priorities: the removal of external obstacles to Roma integration, the removal of internal obstacles to Roma integration, the promotion of inclusive social attitudes, the end of “ghettoization,” the development of Romani culture and language, the creation of a more supportive environment for Roma, and guaranteed better security for the Roma communities. The 2009 review added an important reform to the education system by providing equal opportunities for Roma children. Such measures were adopted following the decision of the European Court of Human Rights in the case *D.H. vs. Czech Republic*, in which the practice of disproportionately placing Roma children into special schools was declared a discriminatory form of school segregation.

The Concept still had some weaknesses, as reports indicate (OSI 2002; Council of Europe Commissioner for Human Rights 2006). Although combating discrimination against Roma and promoting tolerance had been a central aim in every iteration of the Concept, the Czech Republic adopted an anti-discrimination law only in 2007, and only under pressure from the European Commission. Not only was such a law seen as necessary in the Concept’s initial proposal in 1999 it was also an obligation assumed by the Czech Republic in the EU accession process as a mandatory part of European legislation. In fact, the 2000 Concept paid no attention to housing discrimination nor to discrimination within the justice system (OSI 2002). Moreover, the practice of segregating Romani children in education continued despite the campaign waged by the European Roma Rights Centre, Amnesty International, and other human rights organizations, and despite the European Court of Human Rights decision in the case of *DH vs. Czech Republic* (Albert 2012). The measures taken by the government aimed at combating school segregation have been a feeble response to international criticism (Veselý 2012).

The 2000 Concept did not include any measures for equal access to health services, though the revision in 2002 included a measure for

health research on Roma (OSI 2002). Despite the existence of discriminatory practices within the health system, including (but by no means limited to) the grievous practice of forced sterilization of Roma women, the government did not take effective action to investigate and put an end to these practices (ERRC 2011). Discrimination in employment was also ignored. Even when supporting some tolerance promotion campaigns, the government showed its true allegiances by funding a campaign called “Be nice to your local Nazis” (OSI 2002, 147).

Encouraging the participation of Roma in public life and in decision-making processes concerning the Roma community was one of the stated goals of the 2000 version of the Concept but was removed from subsequent versions. The argument that the removal occurred due to the adoption of the law on national minorities in 2001 is not convincing. As that law restricted representation to national minorities that held a minimum of 10 percent of a municipality’s population as recorded by the last census, it effectively eliminated the possibility of Roma representation—and, its corollary, Roma benefit from the provisions of the law—as Roma are known to avoid self-identifying as Roma to census workers.

Moreover, due to the 2002 Concept’s distinction between Roma as a national minority and Roma as a community, the participation of Roma in policy-making became even more problematic. While for national minorities there were international standards for participation, these standards did not apply to social policies, and the participation of Roma was dependent on the whim of policy-makers. Roma participation, in fact, has been a sore spot of public policy in the Czech Republic, and the fragmentation of Roma civil society organizations constituted an additional obstacle. In 1998 there was great political fragmentation among Roma, and the data regarding Roma associational capacity began to differ from source to source. Siklova and Miklusakova (1998, 60) mention the existence of: 32 Roma political parties (neither of which reached parliamentary representation), 43 Roma cultural institutions, and 57 Roma organizations, the majority

of which dealt with raising awareness of and promoting Roma culture. But around the same time, Vermeersch (2001) notes that there were 122 registered Roma civic organizations in December 1998, and five Roma ethnic parties, neither of which was able to reach the electoral threshold for parliamentary representation. Only one Roma was elected in the 1998 elections as a Member of Parliament in the Czech Republic—Monika Horáková (Vermeersch 2006). Indeed, the five percent electoral threshold for parliamentary representation continues to be an obstacle to Roma participation in decision-making as it requires a representation strategy that is dependent on the will and accommodation of majority parties.

Unlike political participation, the representation of Roma identity has been an issue the authorities have taken more of an interest in, as reflected by some public policy documents and actions. For instance, a Roma Culture Museum was established in Brno in 1991 by a group of Roma and non-Roma intellectuals as a unique institution of representation for Roma identity at that time. The Roma Union's mission and activities between 1969 and 1973 supported the building of the museum, which continues to promote interethnic relations and traditions in the Czech Republic (Friedman 2004). The institution was supported by the Ministry of Culture which recognized its beneficial role in society and made budgetary allocations towards it since 2005.

In spite of the small size of its Roma community and its successful transition to democracy, Czech authorities were reluctant to deal with the problems faced by Roma in the first years after the collapse of the communism. The government preferred a color-blind approach by affirming the civic principle and made few concessions when it came to claims by Roma or on behalf of Roma. International pressure was an important factor in adopting a specific policy on Roma. This is reflected in the type of institutions set up to deal with Roma grievances. Roma participation is limited to consultation and, in spite of their small number, Roma enjoy some limited political support in their struggle for equality and social justice.

Hungary

After the fall of communism, following peaceful debates between the communist authorities and dissidents, Hungarian foreign policy developed two main objectives: Euro-Atlantic integration, on the one hand, and the protection of Hungarian minorities living outside Hungary, on the other. As shown by Kállai, the policies towards Roma in Hungary should be understood in the context of these two priorities: Hungary wanted to become a model for the protection of minorities in order to inspire its neighboring countries to treat their Hungarian minorities well (Kállai 2005, 299).

Law LXXVII of 1993 on the rights of national and ethnic minorities represented the translation of an amendment originally made to the Constitution of Hungary (adopted in 1989) into practice: Article 68, which guaranteed certain rights for national minorities in Hungary. National minorities were defined as a constituent part of the state and guaranteed participation in collective public affairs, the protection of their identity, as well as minority representation and the right to establish forms of self-government at the local and national levels. This law defines the concept of national minority as “any ethnic group with a history of at least one century of living in the Republic of Hungary, which represents a numerical minority among the citizens of the state, the members of which are citizens of Hungary, and are distinguished from the rest of the citizens by their own language, culture and traditions, and at the same time demonstrate a sense of belonging together, which is aimed at the preservation of all these, and the expression and protection of the interest of their community, which has been formed in the course of history.” (OSI 2001, 246). Furthermore, the law recognizes Roma as an ethnic minority, even though the Romani and Beash languages were not recognized by Hungary as regional or minority languages (246).

The law provided for the establishment of self-governing institutions for national and ethnic minorities at a local and national level, in order to achieve cultural autonomy for recognized minorities. The system represented “a new political management of the minority issues” (Kovats 2001, 21).

Although Law LXXVII allowed minority self-governments to establish their own kindergartens, schools, theaters, museums, and libraries, it did not stipulate how they would be funded, which in practice meant that Roma in Hungary were not able to enjoy such cultural autonomy as the law allowed. In fact, the financial dependence of self-governments on local councils at this time severely restricted their power to decide on minority issues and turned them into basically symbolic institutions. Power effectively remained in the hands of the local councils.

In October 2005, Law LXXVII was improved through certain amendments—through Law T9126 on the electoral process. This new law clarified that only declared members of a minority community can vote for and be elected in minority self-governments, and further clarified the relations between local councils and the self-governments. However, some observers argued these changes were still not enough, as the provisions on minority self-governments remained unclear (Lovellette 2008, 53). Aladár Horváth, a leading Roma activist in Hungary and the former president of the National Roma self-government, described the amendments as insignificant: “minority self-government system is not reformed, it is just institutionalizing exclusion” (quoted in Lovellette 2008, 65).

The government’s involvement in self-government elections, from the locations where national elections should be organized to the type of electoral system used significantly influenced the elections results and the way Roma minority self-government operated. Irrespective of which party was in power, the government always supported a group of Roma activists known as “loyalists” led by Flórián Farkas, over the “radicals,” led by Ágnes Daróczi, Aladár Horváth, and Jenő Zsiga (Lovellette 2008; Kovats 2001; Wizner 1999).

The Coordination Council for Roma was created in December 1995 in order to better coordinate government policy initiatives to reduce the social discrepancies between Roma and non-Roma. The Council was presided over by the leaders of the Office for National and Ethnic Minorities (known by its Hungarian acronym NEKI), made up of senior officials from key ministries including the president of the Roma self-government. The Roma self-government strategy was to grab as much power at the government level by infiltrating as many intergovernmental committees as possible—the Committee of the Programme for Roma, led by the Prime Minister, and the Board of Public Works, among others. This strategy was not actually an attempt to increase Roma participation in developing and implementing public policies. Rather, it was aimed at extending patronage and harnessing the resources of potential supporters (Kovats 2001, 15).

The government adopted the medium-term program for Roma integration in two stages. In December 1995, the government Decree 1025/1995 adopted a plan covering a variety of areas concerning Roma life, including education, employment, housing, health, and discrimination. The plan required ministries and agencies to develop action plans as part of the medium-term government program. This plan was published in July 1997 through Resolution 1093/1997.³ The purpose of the plan was “improving the living standards of the Roma population.” It was divided into two parts, one containing measures to be adopted by the government in the following two years, with a second part containing guidelines for measures to be taken, such as helping young Roma enter universities, establishing Roma cultural institutions, defining the role of Roma self-government in combating unemployment, expanding the network of medical care for Roma, providing legal assistance for conflict management, and improving the image of Roma in the media.

³— Decree 279/1970 recognized the Roma as a distinct group in Czechoslovakia and proposed a concept of social and cultural work (Horakova 1997, 17).

The 63 proposals for the medium-term program related to: **1)** education: developing the system of school fee, preventing school segregation, setting up regional programs for talented children, and establishing boarding schools; **2)** employment: eradicating isolated or segregated neighborhoods, developing new programs to combat unemployment, integrating young Roma in vocational schools, developing programs on agriculture and livestock; **3)** social issues: establishing a fund for the management of force majeure cases; and **4)** anti-discrimination: evaluating existing legislation and the need to adopt additional laws, integrating knowledge about Roma at police training programs, etc.

As some observers noted, Lungo Drom, the Roma organization that dominated Roma self-government elections, criticized the program as lacking in new provisions and consistent steps leading to positive change in the living conditions of Roma (Kovats 2001, 16). In fact, the action plan consisted of extending some already existing programs and included few new initiatives. Due to the lack of concrete data on Roma, the plan did not include specific objectives that could be measured and no clear deadlines for implementation.

Following the installation of a new cabinet after the May 1998 elections, the governance structures dealing with Roma issues and the medium-term program changed. Thus, the Office for National and Ethnic Minorities was moved from the Prime Minister's office to the Ministry of Justice, while the Council of Coordination and the Committee of the Program for Roma were abolished. But in effect the 1998–2002 Orbán government only rephrased much of the earlier action plan, focusing on education and culture, and introduced a new version of it through Decree 1130/1998.

A report made public by the Open Society Institute in 2001 showed that the results of the medium-term plan remained invisible (the government had not issued, by that date, any public report regarding the implementation of the plan). The Open Society Institute report identified three major reasons why the plan did not produce any visible

results: lack of authority of institutions whose responsibility was the implementation of the action plan's measures and the mobilization of ministries to fulfill their obligations; lack of budgetary allocations within the plan or lack ministries' budget lines to implement the measures, making oversight and evaluation very difficult; poor government planning for the PHARE programs, which led to delays in implementing these programs, especially where investment in education over other areas (OSI 2001, 217).

Based on the already existing decree, the government issued an updated medium-term program in May 1999 with objectives for six areas: equalizing the opportunities in education and training, decreasing unemployment among Roma, preserving and promoting the cultural identity of the Roma, improving access to health and housing, improving the anti-discrimination framework, and enhancing the public image of Roma. This improvement of the medium-term package was based on assessments made by some Roma experts within the administration who identified weaknesses in the design and implementation of the previous program (OSI 2002, 252). The experts noted an improvement of action principles of the former program but also a weakening of the education and child protection measures that related to textbooks, food for students, and anti-segregation measures (254). In May 2001, the government adopted a long-term policy towards Roma, "Guiding Principles of the Long-term Roma Social and Minority Policy Strategy," that proposed implementing measures over the next two decades in two year-long phases. The program was approved by the parliament, but the issue of a long-term strategy that would have made the Hungarian government's policy towards Roma more consistent remained to be resolved by the next cabinet (254).

A 2001 government report contextualizes the policies towards Roma in the medium-term program expressing the contradiction in the government's attempts action to integrate Roma between "state support for assimilation of the Roma or facilitating the emergence of

'another society'⁴ (L. Prager cited in OSI 2002, 255). As shown by Antal Örkény, one of the most competent Hungarian sociologists on the subject and the principal investigator for the OSI report, this statement clearly indicates the attitude of the government:

Set against this background, the Medium-Term Package is fundamentally an assimilation strategy. It aims to moderate existing inequalities, but only for those who are willing to accept the basic cultural and moral principles of majority society; those who are not able or willing to do so will not benefit from State-supported assistance. It also implies that the State does not have an active role to play in counteracting discrimination and racism or in strengthening ethnic identity, and accordingly the Package provides only limited measures in these spheres. (OSI 2002, 255)

In terms of combating discrimination against Roma, the government expressed its view in the "Guiding Principles of Long-term Strategy for Social and Minority Policy towards Roma." The document improved the policy-making framework towards Roma, claiming the need to separate social policies from minority policies. However, when it came to discrimination, the measures suggested were very general, mostly aiming at changing public attitudes towards Roma, and did not include the adoption or revision of the legislation to limit discrimination. Moreover, among the suggested priorities, solidarity and social cohesion were highlighted, but the main target was the family, which was supposed to become self-sustaining. The document proposed three sectorial priorities (education, improving the labor market situation, and developing family welfare conditions) and

⁴— The report "Hungary's national development in the framework of EU accession and the globalized world" was prepared for the Prime Minister's Office and provides the context for the Medium-Term Package.

two horizontal priorities (preventing social exclusion of Roma and increasing the capacity of Roma to participate in public life). The document did not include clear measures by which priorities could be established, and as such its long-term strategy risked becoming just a window-dressing document—which it was, until the results of 2002 spring elections brought other changes to Hungarian governmental structures and their vision for Roma.

The government allocated money from the state budget to finance the measures from the medium-term package. Between 1995 and 1998, the government spent about 3 billion HUF annually (Kadét 2001). According to the data provided by the government, budget expenditures were HUF 7.2 billion (EUR 29.6 million) in 2000, HUF 9.364 billion (EUR 37 million) in 2001, and HUF 12.095 billion in 2002 (EUR 47 million) (OSI 2002, 259–60). Another source of funding was the PHARE funds, which during 2000–2002 amounted to HUF 2.5 billion (EUR 10.3 million). These amounts should be regarded with skepticism, as they include not only allocations for measures targeting Roma but also allocations for other disadvantaged groups. One of the observers of policies towards Roma described this government reporting practice as “creative accounting” since it is based on estimates and obfuscates any attempts to measure how much of the amounts allocated to general programs actually reach the Roma community (Kadét 2001).

After the 2002 elections, the newly formed cabinet included Roma issues among the priorities. Since the electoral competition was very close, during the campaign all political actors tried to attract Roma votes by including points relevant to them in their electoral programs. The newly formed cabinet created new governmental structures for Roma, and Roma activists were included in these structures. An office for Roma integration was established. The office reported directly to the Prime Minister and was headed by a Roma MP elected from the Socialist party, László Teleki. He was responsible for coordinating the policies and programs of all ministries related to Roma, acting as a specialized policy unit on Roma issues. At the Ministry of Education,

school desegregation became a priority, and a commissioner for the integration of Roma children, Viktória Mohácsi, was tasked with developing a coherent strategy in this area. At the Ministry of Culture, another commissioner was appointed with the mission to promote Roma identity politics. New positions were created in other ministries, and Roma experts were recruited to expand measures in relevant fields.

These changes led to the transfer of the Office for Roma Integration from the Prime Minister Office to the Ministry of Equal Opportunities and, in 2006, to the Ministry of Labor, Family, and Equal Opportunities. In the 2006 elections, the socialists won a second term in government, and the office remained, but only as a department within the Ministry of Labor and Social Affairs, ranking lower than when it was founded. The cabinet after the 2006 elections reduced government spending and, as a result, the Roma expert positions in the ministries were abolished. The Committee for Roma Issues, an advisory body which included Roma activists, academics, and representatives of ministries and was led by the Prime Minister, was established in 2002 as a consultative structure that was more representative than the Roma self-government. The self-government elections also led to a change of leadership: the “radicals” managed to win the election, but the split between the “radicals” and a more traditional faction resulted in the replacement of the newly elected president Aladár Horváth with Orbán Kolompár, a local Roma activist who was less prepared for negotiating with decision-makers.

In terms of policy document production, between 2002 and 2010, the Socialist government did not follow the tradition of elaborating a medium-term package targeting Roma. Instead, in May 2004, the government enacted the Decree 1021, which adopted the Government Programme for the Social Inclusion of Roma. As Hungary became a EU member on 1 May 2004, the program was intended to guide government actions during the EU budgetary period until 2006. As a consequence, the program stipulated specific policies and measures for Roma inclusion for the period 2004–2006. This action plan partly over-

lapped with the drafting of action plans for the Decade of Roma Inclusion 2005–2015 (Ministry of Foreign Affairs 2004; Tashev et al. 2007).

Equal opportunity became the central concept that guided government action on Roma social inclusion. This is reflected not only in the educational policy towards Roma and other disadvantaged social groups, but also in the establishment of a position of Minister of Equal Opportunities in 2003 and the adoption in 2003 of an anti-discrimination law which came into force in 2004. Of course, the emphasis on combating discrimination and promoting equality should be considered in the context of EU accession. An important condition of EU accession was the adoption of an anti-discrimination law in-line with the European standards set by the EC Directive 43/2000.

In 2007 the parliament adopted the Strategic Plan of the Decade of Roma Inclusion Program, a measure that ensured more sustainability for governmental actions towards Roma, at least in theory. This was taken a step further with the adoption of a detailed two-year plan for work which was to be financed by structural funds through the New National Development Plan (Tashev et al. 2008). This New National Development Plan included an absolute novelty for Roma social inclusion policies: conditioning local authorities' access to structural funds on their participation in an equal opportunity action plan within their local development strategies. This was a novel measure in that it made Roma inclusion mainstream and pressured local authorities into including Roma in their development plans. However, there were cases when local authorities refused to apply for funding due to this condition imposed by the government, exposing clear evidence of antigypsyism: a lack of infrastructure and urban planning in numerous predominantly Roma inhabited areas.

But after the FIDESZ cabinet was installed following Viktor Orbán's victory in the 2010 elections, a new ministerial structure was created within the Ministry of Justice and Public Administration: a department, headed by the State Minister for Social Inclusion, that dealt with inclusion for all disadvantaged groups—no longer specific to Roma. By

April 2011, Decree 1136 approved a package of measures to promote social inclusion of disadvantaged groups including Roma until 2020. Improving the education outcomes and reducing unemployment were the most important targets of the program; a companion action plan detailing how these targets would be achieved was supposed to be developed by September 1, 2011. The package had two main priority areas—regional disadvantages and social conditions—defined in four main areas: education, employment, housing, and health. Discrimination and gender inequality were seen as horizontal issues present in all areas.

The objectives set by the government—creating one million jobs and reducing the number of poor people by five percent by 2020—were considered by some observers as “very ambitious, but in view of current trends they seem less unrealistic” (F. Albert 2011, 14). But beyond these generous targets, the government failed to take into account certain structural factors that tend to increase regional disparities, such as the ability of smaller local authorities in disadvantaged areas to compete successfully in calls for proposals, or the lack of social partners with expertise in these disadvantaged areas, such as non-governmental organizations with the necessary administrative capacity and experience to implement large projects. As a result, “inequalities have become even higher as determinant factors of the disadvantaged situation of the most dependent populations are mutually reinforcing” and although “on the micro-regions programs are effective, inequalities in the micro-regions will not fall” (F. Albert 2011, 16).

The 2011 package, inspired by the priorities and action plans of the Decade of Roma Inclusion, was based on a model of combating poverty and is premised in the de-ethnicization of Roma issues by emphasizing the role of local development in explaining poverty over other factors such as discrimination, structural factors, the ability of authorities to promote innovation and to compete in a competitive market, and so on. Furthermore, this document was the basis for designing the Hungarian EU framework for Roma, modified and adopted

by the government in December 2011 as a national strategy that targeted extreme poverty, child poverty, and Roma inclusion.

As for the parliamentary representation of Roma, although there were Roma political parties which proposed candidates for elections, they were not successful—as in most countries studied here, it seems that the winning strategy is the one based on negotiation with and running on mainstream party lists. During the transition period a number of Roma political organizations tried to submit their lists of candidates for the parliamentary elections, but the results were not significant (Wizner and Bernáth 2002). Following the 1990 elections, three Roma activists became opposition members of parliament as the result of alliances created between various Roma organizations and political parties. After the 1994 elections, just two Roma entered the parliament as part of the governing coalition. And following the 1998 elections no Roma made it into the parliament (Wizner and Bernáth 2002). In 2002, there was a record number of Roma candidates on the lists of major political parties; four became members of the parliament: one representing the party in power and three from the opposition. Following the 2004 European elections, out of the three Roma candidates put forward by the three major parties, two became members of the European Parliament and one managed to obtain a new mandate at the 2009 European elections. In 2006 national parliamentary elections, the number of Roma in the parliament dropped to two from the opposition, and in 2010 it reached four again, all from the party that won the elections.

The incentives for the Hungarian Government to adopt policies on Roma were inspiring their neighboring countries to better treat their respective Hungarian minorities and the severely worsening Roma living conditions in the first years of the transition from socialism. It is important to mention that Hungary was the first country to adopt a program targeting Roma before its EU accession. As a result, Hungary adopted an innovative system for the representation of national minorities. While overtime some improvements to the system were

made, the Government also continued old practices of dividing Roma by providing support to whatever group was perceived as loyal to the authorities, irrespective of which party was in power. Moreover, the minority representation system excluded de facto Roma from the power structures of local administration. While the Government has allocated funds for implementing different measures, the impact on the ground was limited because its effectiveness could not be measured due to the shortcomings in the policy design.

Romania

Compared to the Czech Republic and Hungary, Romania is a less homogeneous nation state, having a large, territorially-concentrated Hungarian minority. Immediately after the fall of communism, all measures taken by the new political leadership on minority issues were in direct response to the claims of the Hungarian minority (Gheorghe 2009). The government's approach to Roma was a bit of a copy-and-paste approach, simply replicating measures for Hungarians. Thus, when the first Parliament-like body, the Provisional National Unity Council was established in February 1990, three Roma representatives were automatically included, as well as a Roma expert. During the first free elections held in May 1990, organizations representing national minorities could submit lists of candidates; during the election campaign these candidates and their organizations were considered on an equal footing with other political parties. At the same time and in the same spirit, national minorities were granted parliamentary representation *ex officio*. These practices continued after the adoption of the Constitution in 1991, but gradually the participation of non-governmental groups in local and parliamentary elections became more limited (Weber 1998; Oprescu 2005).

In the early 1990s, human rights organizations, the media, and Roma activists reported a number of local conflicts between Roma and non-Roma. The usual scenario consisted of mob attacks on Roma neighborhoods—involving setting fire to Roma households and physical assault on their inhabitants—following personal conflicts. State institutions were unable or at times unwilling to enforce the law and protect the Roma in such situations. Such conflicts took place in the aftermath of the anti-communist revolution of December 1989 in Târgu Lăpuș and continued throughout the early 1990s. In the violent political environment of the new Romanian democracy, Roma were among the victims in June 14–15, 1990, when miners were brought from the countryside by the new leadership to disband a peaceful opposition protest at the University Square in Bucharest, who formed into gangs and attacked Roma neighborhoods. The miners beat, illegally arrested and detained, and even killed several individuals.⁵ Experts and human rights activists have identified a total of 35 ethnic conflicts to which Roma fell victim between 1989 and 1995 (Weber 1998; ERRC 2001). This pattern changed after 1996, when the main actor committing violent acts against Roma became the police. According to human rights groups, police forces committed at least 19 such cases of violence against Roma within a two-year period (OSI 2001, 409; ERRC 2001). Police raids and excessive use of force against Roma by law enforcement officials, including the use of fire arms, resulted in the death of alleged Roma perpetrators and continues to happen to this day.

⁵— The attack of Roma neighborhoods by miners guided by police and former Securitate officers during June 14–15, 1990, was seen as the first state-sponsored pogrom against Roma in post-communist Europe. Criminal investigations into the events are still ongoing, despite the authorities' efforts to obfuscate the process. However, the European Court of Human Rights forced Romanian authorities to re-open the investigation and categorized those acts as crimes against humanity, which do not have a statute of limitations. See *Mocanu and Others v. Romania* (applications 10865/09, 45886/07 and 32431/08) ECHR 261 (2014) 17.09.2014.

Like in other former socialist countries, in Romania the return to Europe, symbolized by joining the Council of Europe and later NATO and the European Union, became a foreign policy objective. Given Romania's tumultuous political transition punctuated by ethnic conflicts, miners' riots, and frequent actions against the opposition, the Council of Europe conditioned Romania's admission on its compliance with the European Convention on Human Rights, which delayed Romania's admission until September 1993. Ironically, the day of Romania's accession also coincided with a high-profile anti-Roma pogrom in Hădăeni, in Mureș county. The passivity of the authorities and the long-drawn judicial process that followed the pogrom led to intense criticism of Romania. The European Court of Human Rights also condemned such violence in a number of cases—*Moldovan and Others vs. Romania and Cobzaru vs. Romania* being the most known of these. Consequently, many Roma who migrated in the early 1990s to Western Europe used the ethnic conflicts of the time as a reason to seek political asylum (Opreescu 2005).

In response to international criticism, and with the support of private foundations like the American Foundation Project on Ethnic Relations, the Romanian government developed an institutional framework for the protection of national minorities. Thus, in 1993 the government established the Council for National Minorities, a government advisory body tasked with developing measures addressing national minorities. The Council for National Minorities was made up of three representatives of minority organizations in the parliament; these organizations were entitled to a subsidy from the state budget. The Council for National Minorities was a direct communication channel between the government and the minority protection system, which was strengthened after the 1996 elections and the involvement of the ethnic Hungarians organization in the ruling coalition.

Meanwhile, Romania became the first country to sign the Council of Europe's 1995 Convention on the Protection of National Minorities, and this document became part of domestic law after entering into force in 1998.

In 1997 the Department for the Protection of National Minorities was established as a government structure overseen by the Prime Minister, headed by a minister without portfolio who was also a cabinet member. Within this department, a specialized structure on Roma, the National Office for Roma, became responsible for the development of policies towards Roma. Since 2001, the Department for the Protection of National Minorities has been downgraded and became part of the Ministry of Public Information, under the Department for Interethnic Relations, itself headed by a Secretary of State. The specialized structure on Roma later became the Office for Roma, led by a Secretary of State. But then the Office for Roma was itself transformed in 2004 into the National Agency for Roma—a governmental structure headed by a Secretary of State responsible for developing and monitoring Romania's national strategy for Roma.

Strong pressure on Romania to develop a coherent set of measures specifically targeting Roma grew after the publication of the European Commission's Agenda 2000, a document that assessed the state of preparedness for the countries that had applied for EU membership which did not evaluate Romania's progress positively, as well as a wave of international criticism related to Roma migration and the Romanian authorities' lack of respect for the human rights of Roma. The Agenda 2000 document and the periodic reports of the European Commission on the state of preparedness for accession regularly mentioned the need to improve the situation of Roma through the adoption of comprehensive measures as part of the political accession criteria on democracy and respect for human rights—part of the so-called Copenhagen criteria. In 1998, through a PHARE program, Romania received technical assistance to develop a strategy for Roma (Oprescu 2005). But access to funds was delayed by the limited capacity of the government structures to operate under the rules imposed by the EU, and several years lapsed before projects could be implemented. However, the process of working with Roma representatives began in 1998 when, following the proposal of the Proj-

ect on Ethnic Relations, an Inter-ministerial Commission for National Minorities was set up, consisting of representatives of ministries at the level of secretaries of state, led by the head of Department for the Protection of National Minorities. The Inter-ministerial Commission was in charge of a sub-commission for Roma, which consisted of representatives of ministries and Roma experts delegated by Roma organizations, based on parity. The sub-commission was called to propose various measures to the Commission. The Roma organizations had formed a Working Group of Roma Associations as a representative institution of the Roma that signed a cooperation protocol with the Romanian government, represented by the Department for Protection of National Minorities. According to the protocol, the Working Group delegated Roma experts to the sub-commission for Roma and negotiated measures to be included in the upcoming strategy directly with the government. Although the Inter-ministerial Commission itself functioned rather ad hoc and with a low participation in terms of both numbers and the ranks of the participants, between 1999 and 2000 the sub-commission on Roma met and drafted a series of measures on education, culture, public administration, law enforcement, employment and social protection, etc. The Working Group adopted a General Policy Recommendation as a position document outlining the vision and priorities that should be the basis for the future government strategy. Going against the dominant approach that viewed Roma as a social problem, the document promoted an ethicist vision on the situation of Roma, suggesting that combating discrimination and promoting equality should be the foundation of policies towards Roma: "in drafting the national strategy on medium term the government should take into account the priorities expressed by Roma associations, the focus of the strategy should be on the elimination of all forms of racial discrimination" (WGRA 2000). This Policy Recommendation also demanded that resources be allocated for policies addressing Roma: "Ministries and other governmental bodies represented in the Inter-ministerial Commission for National Minorities shall allocate

from their own budget a special section of expenses for the Roma minority" (WGRA 2000).

In August 2000, the government adopted an anti-discrimination law through Ordinance 137/2000. The new law was positively assessed by Roma activists, human rights groups, and international organizations. Nevertheless, it took nearly three years until the law became applicable, since the institution responsible for its enforcement, the National Council for Combating Discrimination, started operating only in 2003.

With the adoption of this document, some members of the Working Group thought that their objective had been achieved, and so the group dissolved itself as a legally registered institution. In February 2001, another alliance of five non-governmental Roma organizations was created—the Roma Framework Convention Federation—and declared itself the partner of the government in developing Roma strategy. The new organization proposed a new General Policy Recommendation (OSI 2002). The recommendation reiterated the Working Group's anti-discrimination claim as the foundation of the strategy, sought a structure of identity representation for Roma in the public sphere, and demanded Roma participation in decision-making processes by creating representation structures for implementing the upcoming strategy for Roma.

Following increasing pressure from the EU, in April 2001, the Romanian government approved the Government Strategy for Roma by the Government Decree 430/2001. Although the final document takes into account the strategic framework, even including some of the measures proposed by the sub-commission on Roma, it was drafted very quickly and without the participation of Roma. The Government Strategy contained ten areas of action, with detailed objectives and a general action plan, and provided deadlines for each measure specified. The ten areas were: **1)** community development and public administration, **2)** housing **3)** social security, **4)** health, **5)** economics, **6)** justice and public order, **7)** child protection, **8)** education, **9)** culture

and religious denominations, and 10) communication and civic participation. The action plan contained 124 measures that were to be implemented within the following two years. Although the plan assigned responsibilities to institutions and units for these measures, it did not make any references to funding for the implementation of these measures.

The strategy provided a basis for the development of institutional structures to ensure the presence of Roma in public administration. A Joint Implementation and Monitoring Committee was created, composed of representatives of relevant ministries at the level of state secretaries and Roma representatives. At the ministry level, some ministerial committees were formed, consisting primarily of experts, usually including a representative of Roma organizations, and headed by a secretary of state. At the county level, Mixed County Commissions were created following the central level format, and County Offices for Roma were established within the prefectures. At the level of municipalities, the positions of Local Roma Experts were created.

Unlike the Strategic Framework, the Strategy on Roma redefined the consensus principle, which was now understood narrowly as a "consultation with representatives of Roma organizations." As Moiša showed, the principles analysis, objectives, and measures contained in the Strategy indicated that Roma proposals on combating discrimination, ensuring participation, and representation of identity were hardly taken into account:

Out of the seven principles contained in the strategy only one—6. The identity differentiation principle—refers to the problem of anti-discrimination, addressing the other general topics. . . . The Strategy's Plan of Measures contains a total of 124 measures, but after a careful analysis we can see that the theme of anti-discrimination appears only at the level of seven measures, two of which are related to the application of the Ordinance 137/2000 on preventing and combating all forms of discrimination, the other five

measures mentioned being linked to the organization of meetings, drafting reports, and preventing discrimination in employment. The conclusion that can be drawn from the above analysis is that the strategy adopted in 2001 has been unresponsive to Roma main request, which is to promote anti-discrimination as the main principle for policies towards Roma. On the contrary, we can say that most of the principles, objectives and actions proposed deal with the topic of combating poverty, in fact reflected in the ten areas of intervention. (Moisă2012, 95).

The Strategy review by the government in 2006 did not bring significant changes; the ten areas were merged into six chapters and an action plan for 2006–2008 was included in the Government Decision 522/2006. No other action plan was developed, and, anyway, only four years were left for the effective implementation. The National Agency for Roma, created in 2004 on the structure of the Office for Roma, became the responsible institution for coordinating activities of the Strategy. Despite developing a larger structure than the former office, with eight regional offices, the National Agency for Roma did not have the capacity and authority to force ministries to implement the measures set out in the Strategy.

Evaluating the first two years of implementation for the Strategy, a government report presented outcomes in a very positive way, suggesting that 60 of the 123 measures included in the Plan of Measures had been completed, 48 were under implementation, and 15 others were not met yet, despite the fact that no funds were allocated to implement the strategy (Government of Romania 2003). But an evaluation of the mechanisms for implementing the Strategy undertaken in 2005 at the request of the European Commission Delegation in Romania revealed numerous shortcomings in the functioning of the structures, a lack of consistency in tackling the issues between different levels of administration, a lack of institutions or, where they do exist, a dysfunctional approach to them, a lack of data collection

to assist in monitoring and evaluation, a lack of financial allocations by the responsible institutions, and limited participation of the Roma themselves (Focus Consultancy 2004). Similarly, an assessment of the implementation of the Strategy for Roma at the local level conducted by the civil society indicated a limited capacity of local structures to implement the measures under the strategy, a lack of collaboration between institutions, very low involvement of Roma partners, and a lack of human and financial resources (OSI and RCRC 2004). Finally, another report commissioned by the government one year before the implementation of the strategy was supposed to be completed showed a more balanced picture (Preoteasa et al. 2010). The following problems were identified: a limited capacity of institutions and structures to implement the planned measures, very low level of knowledge of the strategy provisions among local government structures, and a lack of funding. Some positive aspects are also mentioned: the creation of a Roma elite by applying affirmative measures in university education and the employment of a large number of Roma (in the hundreds) in the structures and institutions responsible for the implementation of the strategy (Preoteasa et al. 2010, 9).

Among what worked in the Strategy was the affirmative measures for Roma access to higher education. These measures began at the University of Bucharest in 1992 as an experiment to stimulate the development of a network of social workers. Since then, it has become a policy of the Ministry of Education to allot special seats for Roma at the university education level, which has led to the creation of hundreds of special seats for Roma in state universities at the undergraduate, masters, and doctoral levels across the country and in various specializations. These measures were supported by other programs that encouraged young Roma to attend higher education programs (Moisă et al. 2013).

Another positive practice is the health mediator program of the Ministry of Health. Originally developed as a mediation program for local communities where there were conflicts and ethnic tensions, it was run by Romani Criss, a Roma nongovernmental organization based in Bucharest. The program extended to training a number of mediators to facilitate access to health services for Roma in isolated communities. The program was later taken over by the Ministry of Health, and today there is a network of several hundred mediators trained and employed in local structures (Moisă et al. 2013), although their number decreased due to budgetary cuts. The mediator program was taken up by the European Commission and the Council of Europe and spread to several other states through ROMED and ROMACT programs.

Considering these institutional developments—Roma civil servants in central and local government, Roma health and mediators, Roma teachers, and Roma school inspectors—it is estimated that in 2013 about three or four thousand Roma were working in state administration structures. Essentially, the state administration and the non-profit sector became valve for the claims of Roma and a way to absorb the social tensions caused by prejudice and stereotypes against Roma and supported the upwards social mobility of Roma and the increasing level of self-organization among Roma.

In terms of political participation, there has been a tendency to restrict the participation and penetration of the system due to the changes of the electoral system (Székely 2009). If in the 1990s there was a large numbers of Roma political parties, with the changes to the political parties' law in 1996, most of these parties were dissolved. Furthermore, raising the electoral threshold from three to five percent in 2000 greatly reduced the chances of any Roma political organizations overcoming the electoral threshold. Changes in the electoral system in 2008 from a proportional system to a majoritarian one in a single ballot cast, combined with an unclear system of ballot redistribution, complicated even more the possibilities of any Roma organizations to over-

come the electoral threshold.⁶ Additionally, minority organizations were restricted from participating in local elections unless they could prove national representativity. This further narrowed local democracy and the participation of Roma in decision-making at the community level.

At a national level, this requirement that minority organizations prove national representativity before they submit lists of candidates running for parliamentary elections led to the monopoly of a single organization in the political competition for the parliamentary mandate offered to the Roma minority (Rostas 2009). Consequently, Roma were represented in the parliament by someone who more often than not belonged to the same Roma organization, namely the Roma Party (Gheorghe Răducanu 1990–1996, Mădălin Voicu 1996–2000, Nicolae Păn 2000–2016, and Daniel Vasile 2018–present). A number of Roma were elected as members of the majority parties (Mădălin Voicu 2000–2016, Damian Drăghici 2012–2014, Florin Manole 2016–present). In 2014, Damian Drăghici became a member of the European Parliament on the list of Social Democratic Party. Since 1992, between 100 and 200 Roma have consistently been elected as local or county councilors as representatives of Roma organizations, and, in a few cases, even as mayors (Rostas 2009a; Székely 2009).

Under intense international pressure, especially from the EU during the accession process, the Romanian Government adopted a national strategy for Roma. The international pressure was due to

⁶— The electoral system divided the country into electoral constituencies and in each constituency the candidate that received at least 50 percent of the votes was awarded a mandate in the lower or upper chamber of the Parliament. Those constituencies that did not elect a representative to the parliament right off the bat were subjected to political negotiations among political parties. However, those organizations that passed the electoral threshold of five percent at the national level were entitled to receive a number of seats in the parliament even when they did not win any constituency outright. This mixture of electoral systems led to abnormalities such as two representatives speaking for the same constituency in parliament.

Roma migration and violations of their human rights, including numerous cases of mob violence against Roma. The shortcomings in policy design, including the failure to allocate any financial resources for its implementation, indicated a low level of political will to effectively deal with Roma claims and grievances. On the positive side, Romanian Government did engage with Roma organizations by developing structures that included Roma representatives, although the final document was drafted without any Roma participation.

The Decade of Roma Inclusion 2005–2015

During the conference “Roma in an Enlarged Europe: Challenges for the Future” organized by the Open Society Institute, the World Bank, the European Commission, and several other international partners in Budapest in July 2003, the idea of a decade of Roma inclusion was launched, and the governments of Central and Eastern Europe, especially those with a significant Roma population, were invited to join the initiative. The idea arose in the context in which states from the region already had some experience in developing and implementing national strategies and programs, some of them in the EU accession process. Still, despite economic progress, political reform, and accumulated expertise, the situation of Roma was still dire: Roma continued to be discriminated against, experienced difficulties in access to services, and, overwhelmingly, still lived in poverty. Regular reports issued by the European Commission during the accession process had looked into whether the new member states met EU membership criteria, including political criteria that had to do with human rights and anti-discrimination. In those reports, Roma were consistently mentioned as an area where authorities must continue to increase their efforts in order to see significant results.

In this context, government leaders attending the conference—Bulgaria, Czech Republic, Croatia, Macedonia, Montenegro, Romania, Serbia, Slovakia, and Hungary, followed by Albania, Bosnia Herzegovina, Spain, with the United States and Slovenia as observers—joined the Decade initiative with the support of international organizations. Over the following year and a half, they developed action plans for education, employment, health, and housing. Anti-discrimination and gender equality were issues considered of major importance and had to be integrated across four areas. Although there were various training sessions, study tours and seminars organized to ensure a degree of harmony between the plans of the participating countries, plans had to be made at the national level with the involvement of various actors.

The Decade of Roma Inclusion (2005–2015) was launched in February 2005 in Sofia as a political commitment of participating governments, with the assistance of international organizations. Government leaders signed a statement through which they pledged to implement action plans over the following ten years:

Building on the momentum of the 2003 conference, “Roma in an Expanding Europe: Challenges for the Future,” we pledge that our governments will work toward eliminating discrimination and closing the unacceptable gaps between Roma and the rest of society, as identified in our Decade Action Plans. We declare the years 2005–2015 to be the Decade of Roma Inclusion and we commit to support the full participation and involvement of national Roma communities in achieving the Decade’s objectives and demonstrate progress by measuring outcomes and reviewing experiences in the implementation of the Decade’s Action Plans. We invite other states to join our effort. (Decade Declaration 2005)

A mechanism for coordination was established, and the method of coordination agreed on was a mix of peer review and sharing experience, similar to the open method of coordination used for the EU social policies.

The Sofia Declaration is not necessarily the first joint commitment of these governments in favor of Roma, as has often been presented to the public. Between 2001 and 2003 the Contact Point for Roma of the Organization for Security and Cooperation in Europe (OSCE) negotiated with the OSCE member governments an Action Plan for Roma, which was adopted in December 2003. This plan was organized into ten chapters containing recommendations for the member states and for the OSCE structures in the following areas: Roma participation, combating racism and discrimination, socio-economic issues (housing and living conditions, employment and economic issues, and health), improving access to education, participation in public and political life, Roma in crisis and post-crisis situations, cooperation and coordination between international organizations and local non-governmental groups, the role of the OSCE, and the implementation of the plan. The plan sets out several principles concerning policies towards Roma: “(1) respond to the real problems, needs and priorities of Roma and Sinti communities; (2) be comprehensive; (3) introduce a balanced and sustainable approach to combining human rights goals with social policies; and (4) maximize Roma ownership of the policies that affect them” (OSCE 2003, 3).

The difference between the OSCE plan and the Decade initiative was the development of sectorial plans, objectives, indicators, and deadlines that were to be supported by various mechanisms, including EU funding or loans granted by the World Bank and Bank for Development Department of CoE, international partners of the initiative. Another difference was in the level of coordination, as OSCE used only their own tools, such as the annual or special meetings and study groups. Within the Decade each country assumed coordination for a year, the so-called Decade Presidency, which involved organizing

meetings of the coordination mechanism of the Decade, and some thematic meetings, depending on the experience and interest of the participating states. Therefore, the coordination level assumed by the Decade was unprecedented, and the instruments that could be used by the participating states were more diverse.

A dimension that significantly influenced the subsequent results of the Decade was Roma participation. During the drawing up of the action plans, Roma participation was limited to ten young Roma leaders in each country. However, the selection was based on criteria pertaining to the ability of Roma partners to participate in a technical process and their use of English, rather than on their ability to mobilize Roma or whether they were recognized by their communities. When pressure from Roma activists excluded from the process led to the awareness that Roma participation must be broadened beyond the ten young leaders, OSI and the World Bank supported the creation of coalitions of Roma and pro-Roma organizations with significant experience in working both in communities and with authorities. These coalitions were the base of the Decade Watch, a mechanism for monitoring the implementation of policies and commitments under the Decade, as well as for providing feedback to governments and other initiative partners on the developments from the field.

Decade Watch conducted an assessment of progress in developing policies towards Roma two years after the program began. The assessment looked at the adoption and quality of the action plans under the Decade initiative and at the institutional arrangements and measures taken for the four priority areas, including anti-discrimination. Using a rating scale of 0 to 4, where 0 represented the absence of any government action, and 4 the existence of integrated policies, Decade Watch has assessed the performance of the participating states and their progress over time (Table 1). The evaluation indicated the existence of some sporadic measures and structures with some capacity range, but there were no measures that provided integrated and coherent government action in any particular area. Moreover, the

progress made after three years of starting the program in policy development showed that the objectives to which the heads of governments had committed were not been put into practice, and that there was a good chance that at the end of ten-year period the progress would be rather modest. It is noteworthy that Hungary came closest to the highest standard of comprehensive policies, especially in education, while the Czech Republic formally adopted some measures, but performed poorly on anti-discrimination, and Romania never adopted any action plans.

Table 1. States' progress in developing policies 2005–2006 and 2007.

Source: Tashev et al. (2007, 22 and 2008, 19).

| COUNTRY | SCORE 2005–2006 | RANK 2005–2006 | SCORE 2007 | RANK 2007 | DIFFERENCE |
|----------------|--------------------|-------------------|---------------|--------------|------------|
| Bulgaria | 1.84 | 2 | 1.96 | 4 | 0.12 |
| Croatia | 1.70 | 6 | 1.83 | 7 | 0.13 |
| Czech Republic | 1.76 | 4 | 2.16 | 2 | 0.40 |
| Hungary | 2.29 | 1 | 2.42 | 1 | 0.13 |
| Macedonia | 1.37 | 7 | 2.08 | 3 | 0.71 |
| Montenegro | 0.63 | 9 | 1.38 | 9 | 0.75 |
| Romania | 1.72 | 5 | 1.84 | 6 | 0.12 |
| Serbia | 1.24 | 8 | 1.45 | 8 | 0.21 |
| Slovakia | 1.82 | 3 | 1.87 | 5 | 0.05 |

Factors that Influenced the Development of Policies towards Roma

As noted in the earlier analysis of the three countries, there were two broad categories of factors that have influenced the development of policies towards Roma after the fall of communism. On the one hand, there were internal factors that related to the priorities and internal affairs of that country, and on the other hand, there were external factors, coupled with the external policy objectives of these countries. In the Czech Republic, the issue of relations between Czechs and Slovaks led to tensions and eventually to the dissolution of the federal state, which affected policies towards Roma. Not only did Roma issues disappear from the government's agenda, but also adoption of a new constitution and a restrictive citizenship law by the just established Czech state further affected the access of Roma to fundamental rights. By drawing the borders of the new political community after the split of the federal state, the Czech government effectively excluded most Roma from its new political community. The rise of extreme right-wing violence (commonly referred to as "skinheads" attacks) and lack of protection for Roma against that violence led to a significant number of Roma migrating to other countries, which attracted the attention of international organizations and Western governments.

In Hungary the protection of Hungarian minorities in neighboring states has been a constant objective of politicians in Budapest. Measures taken to protect minorities in Hungary were supposed to be a model for neighboring states. Against this backdrop, the dramatic worsening of the living conditions of Roma was considered grounds for government action. The tight political race during the 2002 elections brought Roma issues into focus for all political forces in the election campaign and led to the development of administrative structures for Roma, the adoption of a number of policy measures affecting Roma, and the hiring of a large number of Roma by the administration.

In Romania, mob attacks against Roma communities and the situation of the Hungarian minority were significant factors that influenced the approach to Roma issues. The criticism of international organizations regarding the human rights situation in the country, coupled with support for Roma issues from domestic and international human rights groups and especially the private foundations such as the Project on Ethnic Relations, the Soros Foundation, the Matra Foundation, etc., played an important role in putting Roma issues on the agenda of the government. But the migration of Roma from Romania to Western Europe was maybe one of the most important factors in determining the government to adopt specific measures towards Roma throughout the post-communist period.

The experience of the three countries shows that tackling the Roma issue had no ideological dimension. No one can say that either left-, or right-wing parties and governments paid more attention to Roma than the others. As it happened in Hungary during the 2002–2010 Socialist government, the same party that between 2002–2006 recruited Roma experts in various positions of ministerial structures and developed and promoted sectorial policies and inclusive discourses towards Roma, began dismissing Roma experts after 2006 and dismantling Roma units in its attempt to reduce government expenditures. In addition, the coordinating office for Roma policies was downgraded and Socialist politicians stopped referring to Roma in their public discourse.

Just like in Hungary, in the Czech Republic measures towards Roma were not promoted by only one party. Rather, the important Roma issues—protection against violence and racial discrimination, ghettoization, segregation in education—have been consistently ignored by all parties, whether on the political left or right. Any attention to Roma came from the personal commitment of politicians like Václav Havel and Pavel Bratinka in the Czech Republic, or Péter Megyesi and Bálint Magyar in Hungary. In Romania, both Social Democrats and their competitors have adopted measures towards Roma and developed an institutional

framework, often with strong international support. However, they did not produce major changes in the lives of Roma—not in the level of discrimination, the extent of extreme poverty, or in the limited access to services, which remained part of everyday experience for many Roma. What decisively mattered in Romania was the influence of the Hungarian minority and their representative political party in the government, the international migration of Roma, the international pressure and support, and other factors related to the outside context.

The second set of factors was made up of external factors. Euro-Atlantic integration was a central objective of former communist countries in the early 1990s. The Roma issue emerged in this framework, both as a concern for international organizations for human rights and minorities, as well as a security issue. In fact, as shown by Guglielmo and Waters, the Roma issue has evolved from a security issue, as defined in the first years after the fall of communism, towards a discourse of rights in the mid-1990s (2005), and later, in the context of EU enlargement, towards a discourse of social inclusion (Sobotka and Vermeersch, 2012).

The political decision to enlarge the EU, the launch of Agenda 2000 and the mechanism for monitoring countries' progress in meeting the standards required for accession to the EU were very important factors in the development of discourse and policies towards Roma. But the assessment of the impact of the expansion differs from author to author. For instance, Melanie Ram estimated that the expansion of the EU has played a leading role in strengthening democracy and the protection of minorities. The impact on policy development in this area depends, however, on the activism of each minority, the interests and pressures coming from the EU, the domestic politics of some EU member states, and the persistence of racism in society (Ram 2003). Guglielmo and Waters (2005) suggest that a double standard in assessing candidate countries affected the impact on policies towards minorities and Roma. On the one hand, the EU called on candidate countries to fulfill certain conditions, such as the protection of minority

rights, as set out in the Framework Convention on National Minorities, but on the other hand, the EU did not impose the same requirements on existing member states—for example, older member states such as Greece and France have refused to sign the Framework Convention. Moreover, practices targeting Roma immigrants in some member states, such as imposing arbitrary restrictions on Roma traveling from the Czech Republic to the UK by identifying prospective Roma migrants based on physical characteristics, limited the impact of EU requirements when it came to policies affecting Roma in candidate states. Vermeersch (2004) claims that the EU's commitment to Roma was determined by the events in the former Yugoslavia; the issue was first placed under the rubric of protection of minorities, and only during accession the EU did the concern for Roma issues become clearer. However, any impact assessment must take into consideration other factors, says Vermeersch (2004), giving the example of the Czech Republic, a country that despite being pressed to counter the problems faced by Roma nevertheless did not adopt an anti-discrimination law until joining the EU, even though the adoption of an anti-discrimination law was a supposedly mandatory requirement. Based on interviews with politicians and decision-makers at various levels of government, Cashman (2007) shows that EU requirements were a determining factor in counteracting the problems faced by Roma.

The migration of Roma was another important factor that was used to pressure the governments of the Czech Republic, Hungary, and Romania to develop specific measures for Roma. A wave of Roma migrating to Western Europe was recorded in the first years after the fall of communism, which led to the signing of readmission agreements with several EU member states, as was the case with the agreement between Germany and Romania in 1992 (Rostas 2009).

The governments of EU member states have exerted constant pressure on Romania to develop measures to improve the situation of Roma, as shown by Dan Oprescu, former head of the National Office for Roma (2005). The migration of Roma from Romania was an

important topic of electoral campaign in France in 2003–2004 and in Italy in 2007–2008. The migration of Roma from the Zámoly village in Hungary to France in early 2000—the eve of Hungary’s accession to the EU—and the approval of their application for political asylum was a cause of embarrassment for Hungarian officials. Canada imposing the visa requirement for citizens of the Czech Republic in 1997 was a decisive moment that determined Czech officials to propose measures for Roma. As a result, Roma migration to Canada increased the interest of Czech officials into the Bratinka report and pressured them to adopt measures addressing Roma (Vermeersch 2006).

The development of Roma transnational activism supported by donors and using a rights-based discourse to describe the situation of Roma in these countries has contributed to raising the profile of Roma issues, placed Roma issues on governmental agenda and brought into the discourse of international organizations. This has also increased the pressure from organizations and international networks on the governments of the three countries (van Baar 2010). An important step was the establishment of a human rights think tank, the European Roma Rights Center in 1996 in Budapest, whose mission is to defend and promote Roma rights. Furthermore, the support offered by the network of foundations set up by the billionaire George Soros had had great influence on the development of civil society and Roma organizations in the region (Rostas 2009). Roma activists have been the promoters of certain topics on the agenda of the governments, but also partners of institutions in developing policies addressing Roma, as was seen in the above analysis of the Decade of Roma Inclusion. The EU policy for Roma appeared in this context, and it will be reviewed in the following chapter.

While all these factors played an important role in placing Roma on the agenda of the governments and international organizations, migration was, in my view, the decisive factor motivating policy-makers to adopt policies aiming at improving the situation of Roma. The next chapter supports the claim that migration has been the

most important factor in policy-making towards Roma, as heads of states and governments come together to discuss issues related to the situation of Roma due to migration to Italy and France.

CHAPTER IV.

The EU Framework for National Roma Integration Strategies: The Soft Governance of Complex Issues

On April 5, 2011, as a follow up to the Council of the European Union Conclusions from December 2007 and December 2008, the European Commission adopted a Communication known as the EU Framework for National Roma Integration Strategies up to 2020 (EU Framework for Roma) based on which member states were asked to adopt or revise their National Roma Strategies by the end of 2011. This process has been considered “an unprecedented commitment by EU member states to promote the inclusion of their Roma communities” and a commitment which “offers a new approach to addressing the problem of deep social and economic exclusion experienced by Roma people living in Europe” by “presenting a European structure to support the work of Member States” (European Commission 2011b, 2).

In this chapter, I analyze the EU Framework as the most complex policy arrangement targeting Roma in Europe while exploring the reasons behind the EU’s decision to adopt a specific policy arrangement that not only focuses upon a single ethnic group, but also addresses policy areas that fall outside of its mandate. In order to understand the motivation underlying this unprecedented step by the EU, I will provide the context in which discussions surrounding the EU Framework took place before examining the process via which the EU Framework was

adopted. This discussion will then address how the results matched the expectations held by various stakeholders, with special emphasis naturally on the Roma. Furthermore, I analyze the content of these policies and the manner in which set objectives have been transposed to the national level. In doing so I rely on the definition I developed in the first chapter regarding ethnic identity in policy studies as refers to the target group's participation in the process, ethnic claims and grievances, public representation of the group and the problems the group faces. My analysis concludes by focusing on the causal relationships that explain the current situation of the Roma.

The EU Framework for Roma

The EU Framework for Roma is a policy document that establishes the minimum standards for EU member states concerning their Roma minorities. It is part of the Europe 2020 Strategy for Growth and Jobs aiming to overcome the structural weaknesses of Europe's economy, improve its competitiveness and productivity, and provide a basis for a sustainable social market economy.¹ The EU Framework asks EU member states to adopt a comprehensive approach to issues faced by Roma in compliance with four objectives that correspond to the four policy areas of education, employment, health care and housing. These objectives are as follows:

¹— The Europe 2020 Strategy sets targets in regard to employment (75 percent of people aged 20–64 are to have workplaces), research and development (3 percent of the EU's GDP is to be invested in this area), climate change and energy (greenhouse gas emissions are to be 20 percent lower than 1990 levels with 20 percent of energy coming from renewables, including a 20 percent increase in energy efficiency), education (the rates of early school leavers must fall below 10 percent, and at least 40 percent of people aged 30–34 are to have completed higher education) and poverty and social exclusion (at least 20 million fewer people are to be living in poverty/social exclusion or be at risk of falling into this condition).

- Ensure that all Roma children at least complete primary school;
- Cut the employment gap between Roma and the rest of the population;
- Reduce the gap in health status between Roma and the rest of the population; and
- Close the gap between the percentage of Roma possessing access to housing and to public utilities (such as water, electricity and gas) and that of the rest of the population. (European Commission 2011a)

The European Commission recommends member states to set achievable policy goals backed by solid monitoring methods. Similarly, members are to identify disadvantaged micro-regions or segregated neighborhoods, where communities are most deprived. Member states are further urged to allocate sufficient financial resources from their national budgets, which will be supplemented (when appropriate) by international and EU funding. The final aim is for member states to cooperate with Roma civil society and regional and local authorities in designing, implementing and monitoring these strategies (European Commission 2011a). The EU Framework is to be coordinated and monitored by the European Commission, through its Open Method of Coordination, a policy coordination mechanism shared by EU countries on issues related to poverty and social exclusion which encourages member states to examine their policies critically while also highlighting how some members states perform well in certain areas, thereby spurring others to perform better (Meyer et al. 2011).

It must be pointed out that the EU Framework deviates from the EU's general approach when it comes to the racial and ethnic neutrality of its policies by asking members to ensure that "integration policies focus on Roma in a clear and specific way, and address the needs of Roma with explicit measures to prevent and compensate for disadvantages they face" (European Commission 2011a, 4). The reason for this targeted approach in connection to Roma is that the EU's

general approach based on non-discrimination was deemed insufficient to combat the social exclusion of Roma.

To provide some background, the EU Framework for Roma was actually based on a study published in January 2011 by a group of researchers from the London School of Economics and Political Science. This study analyzed the policies and initiatives targeting Roma in twelve EU member states, half of which had newly been inducted into the EU. The research report details the initiatives targeting Roma both at the EU level and national level in several areas key to Roma integration (Bartlett et al. 2011). A closer look at the content of the report indicates major inconsistencies in its approach, such as a lack of a coherent set of data supporting its arguments and an eclectic smattering of solutions for Roma issues. For example, even though the three countries examined in this book—the Czech Republic, Hungary, and Romania—do not have data collection mechanisms which would ensure a truly transparent reporting of financial spending for Roma issues, the report presents this type of data, but only for Romania and the Czech Republic, with no data on Hungary (Bartlett et al. 2011, 198). And while the study mentions the diversity exhibited by Roma communities across Europe and the complexity of the problems they face, it only addresses the four areas of employment, education, health and housing. According to the authors, a future strategy for Roma at the European level should mainly concentrate on two aspects: **(1)** increasing Roma access to the existing policy tools and the development of such tools in order to combat ongoing discrimination; and **(2)** the development of certain instruments which would allow for a different approach in “addressing the specific structural and ingrained nature of Roma social exclusion.” (Bartlett et al. 2011, 202) Unfortunately, the authors did not develop this section further, even though this latter issue possesses great potential for enriching and improving the approach used by EU institutions in dealing with Roma issues. Other than focusing on the two, listed directions, the research report also supports the idea of creating an EU agency for Roma which

could coordinate different initiatives at the EU level as well as among member states.

Based on the study by Bartlett's research team, a motion for a European Parliament resolution on the EU strategy for Roma inclusion was presented on February 21, 2011 in the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament, with Livia Járóka serving as its rapporteur. Following a few amendments, this document became the text adopted by the European Parliament as a resolution on March 9, 2011. Its eclectic content indicates an attempt to combine the diverse political options represented by different parliamentary groups since the resolution requested that the European Commission attain an EU-wide strategy for Roma inclusion (2011). As such, Point 4 of the report asks the Commission to establish the following six priority areas: **(1)** fundamental rights, especially regarding equality and freedom of movement, **(2)** education, **(3)** culture, **(4)** employment, **(5)** health and **(6)** the civic and political participation of Roma. In other words, the resolution strives to establish minimal standards in education, employment, housing and health while relaying specific objectives based on a human rights discourse. The resolution recommends that the Commission recognize the heterogeneity of Roma and employ the term of "Roma" or "Roma and Sinti" when discussing this specific ethnic group. The resolution also explores the direct connection between Roma inclusion and Roma participation.

Some points found in the resolution indicate the fact that it represents a politic compromise: Point 75 expresses the vision according to which education would become the main instrument for Roma inclusion, even though the methods for addressing this issue are more broadly described in Point 4. Point 78 recommends that financial resource allocations be established for each school in order to ensure a fairer distribution of resources. Another point mentions the use of sport activities as a tool for social inclusion. In spite of its faults, the explanatory section of the motion proposed by MEP Járóka contains

important clarifications. Here, Roma inclusion is defined from the perspective of rights, as a human rights issue, whereas combating poverty and strengthening social exclusion are merely connected to the second and third generation of human rights and therefore represent the means for furthering the implementation of the first generation of human rights. It is worth mentioning here that this report was adopted during the Hungarian presidency of the EU.

The development of the EU Framework for Roma was preceded by a few events which created certain expectations among various stakeholders. The high-level discussions held at the EU level—more specifically the talks conducted by the Council of the European Union—sent out a strong message that the problems raised by Roma citizens can no longer be ignored. As a result, two high-level meetings were organized regarding Roma issues, thereby leading to the creation of the Roma Platform, a structure which brings together EU and national bureaucrats and officials, academic experts and representatives from civil society. These participants developed a set of principles which were intended to serve as the basis for policies targeting Roma. The 10 Common Basic Principles on Roma Inclusion were created by an EU task force composed of different directorates' general representatives who elaborated some reports relaying the best practices in policies targeting Roma, or on the usage of EU funds during the implementation of such policies (Andor 2011).

The adoption of the EU Framework for Roma was preceded by the development of a set of principles meant to guide public policies targeting Roma. Proposed in April 2009 during the second meeting of the Roma Platform held in Prague, the 10 Common Basic Principles on Roma Inclusion were approved by the Council of Ministers for Social Affairs in June 2009. The Council invited both member states and the Commission to consider these principles when formulating measures for Roma: **(1)** constructive, pragmatic and non-discriminatory policies; **(2)** explicit but not exclusive targeting Roma; **(3)** an inter-cultural approach; **(4)** aiming for the mainstreaming of Roma policies; **(5)** awareness of dimensions

related to gender; (6) the transfer of evidence-based policies; (7) the usage of European Union financial instruments; (8) the involvement of regional and local authorities; (9) the involvement of civil society; and (10) the active participation of Roma.

On April 5, 2011, less than two months after the adoption of the report by MEP Járóka, the European Commission announced the adoption of the EU Framework for Roma during the Roma Platform meeting in Budapest. A response was thus provided by the European Parliament to the European Council and various Roma rights groups' requests. Roma inclusion was defined by the European Commission as "one of the most serious challenges in Europe," while the EU Framework for Roma was described as being "complementary to EU legislation and existing policies in the areas of non-discrimination, fundamental rights, freedom of movement and children's rights" (European Commission 2011a). The approach taken in this document appears to be based on the upholding of human rights, a value held as fundamental to the EU. The content of the document and the way in which Member States have translated it first into national policies, followed by practice reveals, however, that this rights-based approach is illusory or only desirable, rather than practically attainable.

The adoption of a framework strategy did not succeed in meeting the expectations held by either Roma or human rights activists, who would have instead preferred an EU-wide strategy on Roma coordinated by the Commission and implemented in cooperation with member states. Several Roma activists expressed this position during the first European Roma Summit held in Brussels in September 2008 (Villarreal and Walek 2008). Even experts or MEPs were expecting the type of "hard law" document which would grant the Commission the power to implement this strategy (De Schutter 2005; Járóka 2011). The EU Framework has been criticized by both Roma and pro-Roma organizations because it does not focus effectively on solving the important problems Roma struggle against on a daily basis, such as discrimination, harassment, hate speech and violence (ERPC 2011).

Despite the fact that it was promoted as an “unprecedented commitment” (CE 2011a, 2), compared to previous public policy initiatives intended for Roma, the EU Framework has not brought anything significantly new. Nor can it be viewed as a unique governance model for addressing Roma issues in Europe. The Roma problematization or “minoritization” (van Baar 2011) was instead continued and perpetuated along the same, familiar lines: the Roma are a socially excluded group who face poverty, discrimination, low education levels, high unemployment, low standards of living and housing, major health problems, nomadism and high levels of criminality. In my view, continuing the same problematization of Roma leads to a specific form of policy design that has failed in the past to bring the expected social change. Continuing to address Roma issues by employing the same line of reasoning represents more of a recipe for failure than the hope that change will occur. In the sections below, I critically analyze the EU Framework for Roma while pointing out the main gaps it contains both in terms of design and processes.

No lessons learned from past policy implementation experiences

EU policy-makers have not adequately weighed the lessons learned from previous policy processes that were put in place for the purpose of aiding Roma. In fact, the EU Framework for Roma covers the same areas as the Decade of Roma Inclusion while placing less emphasis on interrelated issues such as discrimination and gender. While some limited progress in the implementation of the Decade national action plans adopted by participating governments (Tashev et al. 2007) did occur, EU policy-makers could have learned significant lessons from the shortcomings that were revealed throughout the course of the Decade’s implementation (Rorke et al. 2015). Compared to Roma strategies dating from the accession period, the EU Framework covers fewer

sectorial areas, but establishes targets that represent minimal standards for the development of policies targeting Roma. During the EU Framework, Roma participation was the lowest in comparison to the previous two cycles of policy-making dedicated toward Roma issues in Europe.

No human rights approach, inclusion dominated by economic determinism

In spite of the claims regarding the respect for the human rights of Roma, the EU Framework does not contain a human rights approach. The social inclusion of Roma is dominated by economic determinism, which in turn mostly refers to economic inclusion, that is, to labour market inclusion. In other words, the assumption is made that all the other problems Roma encounter will be solved once they have jobs. Other scholars have also emphasised the economic determinism of the EU Framework for Roma:

We have attempted to show how, instead of an integration model based on mutual respect and recognition of shared existence within a defined social space, the integration model proposed in the Framework is narrowly defined as economic integration of individuals into the formal market economy. Integration is thus an economic process, rather than a never-ending course of social and cultural interaction; that is, that although social cohesion may be an end goal or by-product of integration within the Framework, the means and primary ends are economic. (Goodwin and Buijs 2013, 2052)

While the EU remains an institution dominated by the economic interests of its member states, the evolution of this system throughout the past fifteen years (particularly following the adoption of the EU Constitution) requires an approach that respects its declared fundamental values, including those of human rights.

No mention of antigypsyism

The EU Framework's long-term aim is to achieve equality between Roma and the rest of society (European Commission 2011a). Given the persistence of strongly negative attitudes towards Roma in Europe, one might find it surprising that the EU Framework contains no mention of antigypsyism at all. Described as a "two-way road," social integration assumes that a change in mentality has occurred as regards both the majority society and Roma. Little, however, is said about what this process means in practice. I argue that the lack of support from majority populations compounded by the strong rejection of Roma within all European countries represent major obstacles in the successful implementation of the policies targeting Roma. Some scholars mention ignorance of the cultural aspects related to being Roma as one of the underlying causes for the inefficacy of minority rights measures applied to Roma in Europe (Uzunova 2010). While the EU Framework for Roma does not acknowledge the existence of antigypsyism as a special form of racism towards Roma that remains highly embedded within both European culture and state structures, it just as easily ignores the fact that many Roma profoundly distrust state institutions and non-Roma in general, as a historical reaction to antigypsyism (End 2012; Heuss 2012). Furthermore, in various Roma communities some practices that evolved as survival strategies for dealing with a hostile environment exist in direct opposition to majority norms and rules (Gheorghe 2013). Policy-makers have ignored these important obstacles blocking the inclusion of Roma: instead, the economic perspective was given preeminence and subsequently figured as both the explanation for the social exclusion of Roma and the key element needed for Roma inclusion.

No mention of structural discrimination against Roma

Structural discrimination (Pincus 2000a) is a major obstacle in achieving equality between Roma and the rest of the society. Without removing those obstacles that reproduce existing inequalities, no level of equality is possible irrespective of financial investments in Roma-related activities, projects and policies. However, the EU's anti-discrimination legal framework has proved inadequate in effectively tackling the discrimination faced by Roma, especially those practices that operate as a factor in reproducing discrimination in society, such as school segregation or forced evictions. EU antidiscrimination legislation does not explicitly include segregation within the definition of discrimination. To date, cases of racial segregation of Roma in Europe regarding education, housing, health, and forced eviction not only continue to be reported frequently, they also reveal the ongoing lack of access to effective legal remedies. Furthermore, the EU Framework does not ask member states to adopt any type of positive obligation in promoting equality, including structural equality. Combating discrimination in the EU is regulated by Directive 43/2000, just as all member states adopted antidiscrimination laws which translated the standards established by the directive into national legislation. In spite of this, antidiscrimination legislation passed at the EU level mainly focuses on sanctioning the principle of equality without imposing the maintenance of this duty on the state. Nor are those guilty of breaking the law forced to adopt proactive measures in promoting equality. Discrimination is regarded as having consequences for individuals—yet not for the entire group to which they belong. Thus, in cases of institutional and structural discrimination, it is the responsibility of those who interpret and apply the law to decide whether the legal provision regarding antidiscrimination can be applied or not (Rostas 2012a; Goodwin and Buijs 2013).

No mention of migration as an issue

For those familiar with the context from which the EU Framework for Roma emerged, it is surprising that Roma migration, the main issue which determined the reaction of some member states as well as the discussion of Roma issues at the highest EU level, is not featured among the topics raised in the document itself. In fact, the question of Roma migration was the main topic various international organizations and Western governments used to apply pressure on Central-Eastern European countries that contained a high population of Roma citizens in the post-communist period. Given this circumstance, the EU Framework can be viewed as the institutionalization of these external pressures.

The lack of mention of the issues of Roma migration within the EU Framework has been and continues to be a matter of contention. It has brought the very objective of the EU Framework under fire since it raises the question of whether the Framework is only applicable to those Roma groups considered "indigenous" to the given nation, or rather to all Roma individuals present within the country's territory. Ireland, for example, draws a distinction between Roma and Travelers: from the Irish government's perspective, the policies contained in the National Strategy only refer to members of Ireland's Travelers community, who are judged to be "indigenous" Roma in that they are Irish citizens. In contrast, the label of "Roma" is used for those categorized as EU citizens, but who are not Irish citizens, and therefore treated according to EU rights in Ireland. The EU Framework, however, does not make any such distinction: the fact that it asks all member states to adopt national strategies for Roma inclusion sufficiently demonstrates that member states must adopt policies to address the issues connected to being Roma due to the Roma people's status as European Union citizens. In other words, the EU Framework makes this request irrespective of the national citizenship possessed

by Roma. While some municipalities, such as Berlin or Ghent, have an approach toward Roma which supports a broader interpretation of the EU Framework and its aim, the more common conclusion is that Roma inclusion is mainly the responsibility of those countries where Roma are citizens. Even though this narrower interpretation of the EU Framework enjoys great support, the lack of debate surrounding the topic of international Roma migration virtually guarantees an emotional rather than a rational reaction to Roma migration on the part of member states. No matter how the EU Framework is interpreted, the fact remains that a rational reaction would improve the chances that the EU's legislation would actually achieve visible results in improving the situation of Roma within the EU.

Unclear policy objectives

The EU Framework's long-term aim is to achieve equality between Roma and the rest of society, a goal it intends to reach by altering the policy-making processes directed toward Roma. However, when the identified problems faced by Roma were transposed into policy objectives and priorities, it became obvious that the aim of these proposed changes is limited while the content itself remains ambiguous. In spite of the Járóka-led motion and its recommendations regarding respect for fundamental rights, culture and Roma participation, the EU Framework remained limited to four key areas: employment, education, health, and housing. Although the Framework establishes new minimal standards for policy objectives connected to Roma citizens of EU member states, these objectives are limited and somehow disjointed. Regarding the policy objectives laid out in the EU Framework for education, the target is described as "ensuring that Roma children achieve at least primary education." In employment, the aim is laid out as "reducing the employment ratio between Roma and non-Roma," while in health the policy goal is one of "reducing the gap between

Roma and non-Roma populations.” In terms of housing “closing the gap between Roma and the non-Roma in connection to their level of access to basic public services such as water, electricity and gas” is singled out as the objective for this particular policy area (European Commission 2011a). Not only were these objectives formulated in ambiguous terms that lack precise targets or any semblance of a time-frame, they are also so minimal that the possibility that they will actually improve Roma people’s lives in Europe is negligible. For example, the objective laid out for education is not placed within the context of the current state of affairs; nor does it take into consideration the fact that education is mandatory in all member states. Indeed, in all member states education is compulsory beyond primary level. Given this circumstance, establishing an objective which is already an existent state obligation stipulated in national legislation is an illogical act and directly discriminates against Roma, whose education is therefore to be governed according to lower standards. By using such general terms for defining objectives for employment, health, and housing, the door has actually been opened for member states to justify any neglect or failure in attaining concrete results and outcomes. Moreover, studies demonstrate the liability possessing only a primary-level education poses for individuals in search of employment on the labor market. In conclusion, realizing the objective set for the area of education almost automatically hinders any success in reaching the goal of employment. Thus, these two policy objectives will have no impact in reducing the gap between Roma and non-Roma.

Even though the EU Framework is presented as a complementary tool to existing EU policies for protecting fundamental rights, promoting non-discrimination and ensuring freedom of movement, the measures found in the EU Framework do not fit this vision. It must not be forgotten that placing regulations on the labor market is a move inspired by neoliberal forces as a means of stimulating competition and profit; in this instance, little attention is paid to the redistribution of wealth and job security. Due to their circumstances, disadvantaged

groups already occupy a more vulnerable position in the labor market, which means that the need to ensure the kind of equal competition that guarantees equal opportunities is crucial. The document includes, for example, activation policies directed toward participation in public sector temporary work schemes rather than policies that would encourage the long-term employment of marginalized groups. By adopting fair regulations regarding ecological services, governments could contribute to the more equitable redistribution of profits in this sector, an aim that would be accomplished by redirecting benefits toward those employed in this sector, dominated by marginalized groups.

No gender perspective

To mention yet another problematic issue, the approach used to address the role of gender and the discrimination experienced by Roma women was not only rather superficial, but also quite stereotypical. In contrast to the Roma Decade in which gender was presented as a cross-sectorial question, the effect of gender-based discrimination as well as other gender-related issues were treated within the context of the 10 Common Basic Principles and not as a separate chapter contained in the Framework. As one of the scholars described the situation, Roma women “are mentioned within the context of low employment rate and school drop-out among Roma, as well as in the context of problematic access to quality health services” (Vincze 2014, 38). The gender equality component used in this context was not conceptualized in the form of women’s rights or social justice; in other words, the aspect of multiplied discrimination remained completely lacking. Moreover, the special forms of exclusion faced by non-patriarchal Roma groups—such as women or members of the LGBTIQ community—who find themselves situated at the intersection of race, ethnicity, gender, class etc., is totally ignored by the EU Framework. In conclusion, the lack of gender sensitivity means that the Framework

essentially utilizes a patriarchal conceptualization of these relationships and its neglect of intersectionality also brought about the de facto exclusion of this theme from many national strategies, including the countries under consideration here (Rorke 2012).

Unclear definition of the target group

The debate concerning the definition and categorization of Roma is of crucial importance, as this discussion not only establishes the parameters for which the population is targeted by these policies (i.e., which group or set are included within the scope of the policies), but also determines policy design, including the definition of the problem the policy addresses, the setting of objectives, the selection of policy tools, the establishment of implementation structures, the monitoring of the evaluation of progress and impact. Moreover, the debate regarding the definition and categorization of Roma constructs in particular ways those regarded as “Roma” and sends out messages of worthiness, as Ingram (2016) has shown.

The definition of Roma within EU Framework is unclear.² Other than the symbolic significance represented by the usage of the term “Roma” for referring to an ethnic group which includes a diversity of affiliated groups, the EU Framework does not precisely define who belongs to the target group for these policies. In other words, the EU

²— “The term ‘Roma’ is used—similarly to other political documents of the European Parliament and the European Council—as an umbrella term which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc. whether sedentary or not; around 80 percent of Roma are estimated to be sedentary.” It remains unclear what similar cultural characteristics these groups share. The need to mention the issue of nomadism as a means for defining Roma peoples is another topic worthy of

examination.

Framework views Roma not only as a uniform group, but also as one that is—albeit tacitly—defined by the fact that it is one which faces severe problems in education, employment, health, and housing. Whether inadvertently or not, Roma are consequently projected as a burden on society who therefore deserve less of the distribution of benefits conducted by the government during policy-making. This negative portrayal of Roma combined with the group's limited political power places Roma firmly in the category of deviant groups featured in Schneider and Ingram's diagram of the groups constructed by policy-makers (1993). The long-term consequences of such policies are very clearly expressed by Ingram and Schneider (2005, 27):

Policies create different levels of participation through their direct effects on voting, their requirements for involvement, and through the differential messages they send to people. Policies impact citizenship because they encourage and facilitate participation by some but discourage or exclude participation by others. Policies impact citizenship when they directly or indirectly create inequalities in political participation and when they contribute to the social construction of some persons as deserving and others as undeserving members of the society. Policy designs play an important role in dividing people into those who should and should not be fully participating citizens of the society. The social constructions of target populations become deeply embedded in the characteristics of public policies. People's experiences with these policies actually impact and help shape their identity, their orientation to government, their capacity for mobilization, their direct access to policy-making, and their understanding of what people "like me" can and should expect from government. Policies send powerful messages about the role of citizens that make a difference in people's sense of efficacy, trust, and what others believe they deserve from government.

Lack of data

One of the most challenging policy issues contained in the EU Framework remains the issue of data availability. The EU Framework for Roma was designed based on uncertain data regarding the number of Roma and the dimensions of the problems Roma face. The data used to design and define the content of the Framework is based on more or less credible estimations made by researchers and then weighted according to a simplistic method against data collected in national censuses. The use of such data raises several questions regarding not only validity and reliability but also the level of professionalism applied to Roma policy-making in general. Anecdotal evidence shows that in many countries the data gathered in national censuses fails to adequately register the number of Roma. Every junior analyst conducting research on Roma knows that the national census data gathered in this area is inaccurate. Policy-makers, however, continue to use this data when designing policies, to the point that one may even question the intentions of policy-makers who knowingly use unreliable statistical data on Roma. Although the circumstances surrounding data availability were widely known among experts, the EU Framework does not address the glaring lack of any mechanism that would ensure data collection using a common methodology within the content of the EU Framework. This oversight has had profound consequences for the implementation of these policies and also their reporting results by member states.

The lack of a data collection mechanism is directly connected to the inability of implementing a transparent and efficient monitoring and evaluation system for policies targeting Roma. In practice, the public policy cycle is profoundly distorted. Adjusting these measures in order to reach the agreed outcome would also be possible if there were any method for assessing the efficacy of policies. Of course, it is possible to create policies based on the experience gained during small-scale

ventures, such as projects or programs and their extensions; even in this type of case, the decisions regarding resources and planning must be based on data gathered in the field. As long as data collection is not discussed and based on a methodology that possesses respect for human rights, the process of policy development becomes a gamble in which any predicted outcome is mere speculation.

In addition, promoting equality between Roma and non-Roma is an impossible aim given the fact that there is no data concerning the ratio of different groups found in a community based on activity sectors. To give one example, affirmative action measures cannot be implemented until a decision has been reached regarding who belongs to the target group and what characterizes the said target group. A desegregation measure cannot be implemented if the school does not know the ratio of minority to majority in its local community, not to mention the ratio of minority students within the school and the students' distribution in schools and classes. Of course, measures can be made based on physical characteristics such as skin color, or other characteristics which are related to ethnic background such as family name, address or dressing style. In this case, the desegregation process would be ad hoc in nature and would therefore lack the comprehensive and institutional character necessary for consideration as a policy dedicated to promoting equality in education.

Limited Roma participation

The EU Framework for Roma did not lay out new participation mechanisms for Roma either at the national or the European level; already existent structures were relied on instead. Founded in 2007, the Roma Platform represents the only mechanism which could be viewed as a governance structure for the EU Framework for Roma in that it brings together national governments, EU institutions, international organizations, academics and representatives from Roma civil so-

ciety. Meetings of Roma Platforms are organized and hosted by the member state in charge of holding the Council Presidency. While these platform meetings aim to encourage cooperation and disseminate the best practices regarding successful Roma inclusion policies and practices, there is no clear procedure for choosing which Roma representatives should participate since no publicly defined criteria exist for the purpose of making such a selection. On the national level, Roma participation takes place through national minority representation mechanisms, structures that were generally designed for more limited scopes than the ones proposed by policies targeting Roma. In some instances, Roma NGOs are consulted but their participation has not been institutionalized. In short, no structures exist that can lay claim to clear rules and procedures in which authorities, Roma and other stakeholders can negotiate and agree upon proposed measures or projects. The network of National Roma Contact Points (NRCP) was set up in 2012 as a coordination mechanism within governments aiming to facilitate dialogue among member states, as well as between National Roma Contact Points and the Commission. NRCP, however, are understaffed and lack effective tools for evaluating the implementation of policy. While the network meets biannually, the lack of transparency remains a concern for civil society organizations (Mirga 2017, 14). Other decision-making structures established by the Commission for the purpose of addressing Roma issues—such as the European Roma Summit or the Roma Task Force—meet on different occasions. These summits are either organized by the Commission or the countries responsible for holding the Council Presidency, yet there is no clear commitment regarding the regularity for organizing such events. The Commission's Roma Task Force was launched in 2010, with the aim of guiding, evaluating and establishing new reference indicators for the usage of EU funds by member states for the purpose of aiding Roma integration. According to some scholars, all of these structures focus first and foremost on the usage of EU financial instruments for Roma, yet do not include Roma institutions in the decision-making process (Sobotka and Vermeersch 2012).

Limited selection of policy tools and weak coordination mechanisms

To be perfectly clear regarding its exact nature: the EU Framework does not define clear measures, assign tasks for specific institutions or have a budget. The implementation structures it entails are vague and do not provide for a monitoring and evaluation mechanism. No concrete policy tools are provided: within the Framework member states can choose their own design and policy tools. The Open Method of Coordination (OMC) was selected as the means for implementing the EU Framework for Roma. As a result, the OMC became a part of what is called an EU "soft law," or voluntary measures in EU governance. Four stages can be defined in the functioning of the OMC: (1) the adoption of public policy objectives on the part of the Council of Ministers; (2) the decision regarding which member states have to implement the policies in their national and regional policies; (3) agreement upon some indicators and targets and (4) the monitoring and evaluation of the results. Throughout this process it is assumed that member states will have the opportunity to learn from one another regarding the progress made through various policies. Similarly, it appears to go without saying that the identification of which best practices can be transferred to other countries will occur. By measuring the obtained outcomes, the OMC can also exert an element of pressure upon those countries which cannot keep pace in implementing the agreed measures. As some experts have pointed out, the OMC also has its own weaknesses, such as limited participation; the unequal status of peers; and the tensions that can arise between instruments and the agreed aim. The flexibility of each country in adopting its own pace of implementation also remains an unresolved issue. The need to create some form of convergence towards common European goals, or the need to reach an equilibrium between competition and collaboration among participants form risk creating more potential difficulties (Radaelli 2003, 27–30). To date, the OMC has proved to be a weak

coordination mechanism for implementing policy and the sharing of government efforts to better the inclusion of Roma.

The pressure of time and stakeholder participation

The adoption of a policy document that would serve as a framework defining the actions to be taken in providing intervention for Roma was an objective expressed by the Hungarian Presidency of the EU. While the Hungarian government's political commitment toward promoting such an initiative is praiseworthy, the manner in which it was put into practice led to negative consequences during the research and development of this policy. As was previously mentioned above, the study and the report which formed the basis of the EU Framework contained inconsistencies in formulation: some points were repetitive or ignored different aspects, whereas other details remained completely irrelevant.

A lack of time for deliberations was one of the factors that accelerated the adoption of this document, which consequently affected the way in which certain principles have been put into practice. After less than three months, the report was presented to the public. Drafted by the MEP Jaroka, the European Parliament first debated and adopted the proposed resolution, then the European Commission adopted the EU Framework. To achieve its objectives, the Hungarian government (supported by EU leaders) sped up the policy process while abandoning the basic principles guiding Roma inclusion as well as important components of the policy-making process. Key among these was Roma participation: no Roma international organization, network or coalition was involved in designing the EU Framework. In fact, the European Commission's presentation of the EU Framework during the Roma Platform meeting held in Budapest on April 5, 2011 took virtually all of the Roma organizations and activists attending the event by surprise. While they were aware of the pressure the Commis-

sion was under to react to the European Parliament resolution, Roma and non-Roma actors still criticized the EC for adopting a policy document without any consultation process (ERPC 2011; Rorke 2012). In addition, even though the involvement of local and regional authorities has been recognized as a necessity for producing substantial changes on the community level, the short time frame set for developing the entire EU Framework for Roma did not allow for their participation or consultation. Last but not least, the swift adoption of the EU Framework and the short timeline it allotted to national governments influenced the way the EU Framework has been transposed at the national level, a situation that will be examined in more depth in the following section.

The EU Framework at the National Level: The Czech Republic, Hungary, and Romania as Case Studies

In this section, I will analyze how the EU Framework has been translated into national policy by using the Czech Republic, Hungary, and Romania as case studies. My contention is that the policy processes conducted at the national level have been distorted due to the rapid adoption of the EU Framework. In short, the lack of substantial input from Roma organizations at the EU level was passed on to the national level. As a result, instead of engaging in a deliberative process for the purpose of adopting national strategies for Roma inclusion, national governments rushed to meet the deadline set by the EU Framework. Consequently, previous experience gained in policy-making processes directed towards Roma was disregarded, Roma participation was very limited, there was no involvement of local authorities and what should have been the duty of policy-making devolved into a much-simplified exercise in bureaucracy.

Grounded in the theoretical framework developed in the first chapter, my analysis here will follow a brief overview of the adoption process in the national strategies of the Czech Republic, Hungary, and Romania. Following this, I will examine in detail the process and content of these policies from the perspective of the four dimensions of ethnic identity in policy-making: participation of the target group in the process, ethnic claims and grievances, public representation of the group and the problems which the group is facing, and lastly, the causal relationships that explain the current situation experienced by Roma.

Initially reluctant, the Czech Republic did not want to adapt its already existing strategy which had been elaborated for the 2010–2013 period, whereas the long-term goals of the Roma Integration Concept were set for the year 2025. In the end, all of the involved countries—including the Czech Republic which had formally met the EU’s required criteria—adopted national strategies for Roma inclusion as requested by the EU Framework for Roma. Other than the four main areas, the Concept included a few other issues such as language, culture, the creation of a tolerant environment, security, and social protection. More importantly, it also contained indicators and specific budget lines for each measure; at the same time, the Concept neither referred to gender issues nor applied clear, ethnic-based data. The role circumscribed for the Council for Roma Communities Problems remained limited: no contact point was specified within the documents just as no comprehensive analysis of the situation and its causal relationships was included. An independent analysis of the Concept claimed that “the range of integration tools proffered by the Concept is highly passive toward the Roma minority. No space is made in the document for active involvement or participation of Roma themselves in resolving the various challenges; rather it outlines systemically oriented measures by the majority society” (Rorke 2012, 23). It should be mentioned that the Czech Republic also had a strategy for social inclusion which mainly focused on socially excluded localities mostly inhabited by Roma. This particular strategy, however, does not include any measure tar-

getting Roma directly. Similarly, what impact its implementation may have had is also difficult to assess not only due to the lack of data or evaluative capacity of the responsible bodies, but also as a result of several aspects connected to the content of the measures and their indicators.

The character of the Roma Integration Concept 2010–2013 is strongly cultural in nature given the fact that it is based on the recognition of Roma as a national minority. In practice (as described in the document's outline) the first part concentrates on measures regarding Roma cultural needs, whereas the second section focuses on the social exclusion of a certain segment of the Roma population. Even though Roma have the same opportunities as the majority population, the document states, they are frequently exposed to unequal treatment—something that the Czech government does not take into account. Moreover, when discussing Roma security, the government singles out socially excluded Roma communities as displaying certain specific characteristics, such as a high criminality rate and high-risk behavior (Czech Government 2009, 1).

The Concept restates the three principles which form the basis of policies created for the purpose of addressing Roma issues in the Czech Republic: a human rights perspective, national minority rights and attention to the socio-economic situation. Even though it refers to "equality" as a form of state intervention to accommodate ethnic differences, the actual state of equality is reduced to respecting existing laws. In practice, the differences between Roma and non-Roma are maintained through neutral regulations, which—for all their neutrality—do in fact have a disproportionately negative impact on Roma.

Before adopting the EU Framework, Hungary had passed a strategy for social inclusion which grouped Roma together with children and other individuals also exposed to extreme poverty. The description of the situation faced by Roma was quite comprehensive and included criticism of previously adopted policies targeting Roma. Other than the four main target areas laid out by the EU Framework, Hun-

gary's strategy formulated social inclusion as an objective together with specific measures targeting societal perceptions of Roma and to fight discrimination. An independent analysis of the strategy argues that "While the strategy has the ambition to close the gap between marginalized Roma communities and the majority population (even if no clear targets are defined), the action plan does not include measures that are strong enough to counterbalance the massive negative trends of exclusion, especially during the financial and economic crisis" (Rorke 2012, 45). As far as government implementation of the socio-economic policies is concerned, this is characterized by a mix of unorthodox and economic austerity measures such as reducing social care and criminalizing poverty. Achieving the objectives proposed in the strategy would demand a substantial investment from the government, a step that contradicts the current measures taken by the Orbán regime. Although this concern is also present in the case of the other nations under examination, some of the measures in Hungary's strategy are totally opposed to the social and economic policies outlined by the government, a situation which will most probably continue. Simultaneously, the participation of Roma has been dominated by a strong relationship between the Roma self-government organization and the governing party as the leader of the Roma self-government is also a member of that governing party. Lastly, consultation with other organizations was formal and ad hoc.

Romania also complied with the EU Framework by adopting a strategy for Roma inclusion. In an attempt to be the first member state to comply with the EU Framework for Roma, the proposal for a national Roma integration strategy from the National Roma Agency was rejected by the government due to the fact that it did not meet the standards outlined for elaborating public policies. After several formal consultations with organizations working to improve the Roma situation, the strategy was adopted. Within the strategy, the description of the Roma situation is rather superficial and the data on which the document is based is rather old, with some information dating

back as far back as the 2002 census. Moreover, the stated objectives are rather general and have not been transposed to specific progress indicators.

Beyond the four targeted areas listed in the EU Framework, Romania's strategy included culture and social infrastructure as priority areas. An independent assessment of the strategy argues that "the civil society was not involved in a real consultation process" and "local authorities have not been involved" in the elaboration of these policies (Rorke 2012, 58). Gender issues were conceptualized very generally and the formulations proposed by relevant organizations have been ignored (Vincze 2014). The strategy, which is not based on any research, does not contain any progress indicators and includes no budgetary guidelines for implementation. These issues raise legitimate questions concerning the true aim behind adopting such a strategy and the capacity for policy development and concerning the institutional commitment to Roma inclusion.

Roma Participation

Roma participation can be considered an accurate indicator for predicting the success of policies targeting Roma and the degree of commitment felt by decision-makers in promoting equal rights and justice for all. Roma participation is not just a Kantian moral imperative to treat people as subjects rather than objects; it is also an instrument to ensure the sustainability of Roma policies. Without earning the support of the target group, the proposed policies intend to foster social change while lacking a solid foundation and therefore have little actual impact. To put it simply, in democratic settings policies are about social change and change cannot happen without the direct involvement of those the policies concern.

The policies directed toward Roma aim to change some aspect of daily life within Roma communities, the ways with which Roma inter-

act with other members of society as well as the components of the socio-political system. Thus, Roma participation cannot be reduced to the bare minimum of inviting Roma to be present as mere participants or beneficiaries. Participation is a more complex issue; it demands that certain questions be answered. Other than the issues of simply who participates and how, the degree, intensity, type and conditions of participation must also be addressed. As Sarah White has demonstrated, the concept of participation is ambiguous within the realm of the social sciences. As a result, participation is frequently misused or is overused in the field of development, as has been proven time and time again in the history of Roma policies (White 1996, 6–15). Fortunately, some models do exist which can clarify the issue of Roma participation. One such model is the participation ladder developed by Arnstein in 1969.

In an article published in 1969 Arnstein first described a ladder illustrating citizens' participation in decision-making processes as an examination of the power structures in society. Later to become a classic source for analyzing social participation, Arnstein's ladder contains eight steps at three different levels of involvement: *nonparticipation*, *tokenism* and *citizens' power* (see Table 3).

Table 3. The Arnstein Participation Ladder

Source: Arnstein 1969, 17

| | | |
|---|-------------------|------------------|
| 8 | Citizens' control | Citizens' power |
| 7 | Delegated power | |
| 6 | Partnership | |
| 5 | Placation | Tokenism |
| 4 | Consultation | |
| 3 | Information | |
| 2 | Therapy | Nonparticipation |
| 1 | Manipulation | |

Manipulation and *therapy* entail the first two forms located at the bottom two rungs of the ladder labeled "nonparticipation." For the ones holding the power, *manipulation* is a simple matter of public relations manifested via the placement of citizens in consultative committees, a move made to educate citizens and get their support. *Therapy* is a form of participation in which citizens are perceived as "mentally ill" due to their lack of power and obedience. This stage is a kind of "group therapy" as emphasis is placed on the citizens' "disease" without addressing the causes for said "disease."

The third rung on the participation ladder is *information*, the extent to which citizens are informed about their rights and obligations as well as the options that are available to them. This stage occurs without providing any opportunity for feedback to the citizens or a means of influencing the measures which will affect them. Above that the *consultation* stage offers citizens the opportunity to express their opinions, without making any guarantee that these will be taken into consideration by decision-makers. In the next rung, *placation* is when a few citizens are placed in different committees and commissions, though they are usually a minority within these structures and are neither responsible for their decisions nor accountable to their community. The level of placation depends on the capacity of minority's citizens to define priorities and the community's level of organization. Arnstein groups these three forms of participation into the category labeled *tokenism*.

The next three rungs (*partnership*, *power delegation*, and *citizens' control*) are related to citizens' power and therefore define the extent to which power can be redistributed between citizens and power-holders as a result of negotiation and institutional commitments. In a *partnership*, responsibilities for planning and decision-making are shared among structures which include citizens as decision-makers. Such structures possess clear rules which cannot be altered unilaterally. The level of *power delegation* is reached when citizens attain dominant authority in the decision-making process regarding a problem

or measure while also possessing the power to veto. *Citizens' control* occurs when citizens gain managerial control over a policy or institution, such as a school, community center or local services. At this level, citizens likewise have the capacity to negotiate the conditions for changing a specific institution or policy.

When it comes to Roma as a social group, several institutional arrangements exist through which Roma can participate in public life. These possibilities can be separated into different types such as (1) Roma participation as a national minority, (2) Roma participation as a group of citizens who desire to achieve their interests through political organizations within the democratic process, and (3) Roma participation through non-governmental organizations.

In the case of the first arrangement, that is, Roma participation as a national minority, various arrangements found in the three countries under consideration can be discussed. Hungary, for example, established a system of self-government for minorities, the aim of which is to maintain the cultural autonomy of those minority groups possessing their own self-government, including the Roma. Experience has shown that this system lacks power and is different when compared to other theoretical models of autonomy for national minorities in that self-government functions as a set of parallel structures found alongside those employed by the existing local authorities. As a structure, self-government is consequently powerless and without independence. In contrast to Hungary, Romania chose to apply affirmative action measures for national minorities by providing some collective rights to parliamentary representation for each minority group and a favorable electoral system through which non-governmental organizations can propose lists of candidates and participate in the governing process. The Czech Republic only ensures Roma representation through consultative bodies, thereby distinguishing between policies that target ethnic minorities and those focusing on social inclusion policies.

For Roma, the second possible level for representation can be found in administrative state structures such as local, municipal or re-

gional councils. On the national level, this would mean national parliaments. Within this context, a combination of a minority rights approach and a Roma political rights approach can be observed. According to the first model, Roma representation is based on their recognized status as a national minority. In the second model Roma representation is the direct result of their rights as citizens, achieved through competition among minority parties or through Roma running for offices in mainstream political parties. In Romania, the electoral system offers national minorities parliamentary representation. As a particular protection for national minorities, non-governmental organizations of national minorities can register in elections under certain, set conditions in order to ensure political representation for that specific minority.

For Roma candidates running for office in Hungary, the most efficient strategy has been to compete on majority party lists since ethnically-based parties have only garnered insignificant results in elections, usually receiving far lower votes than the number of potential Roma voters. With few exceptions, successful Roma candidates in local elections have been elected from majority parties. In Romania, after Roma political parties failed in the 1990 and 1992 elections, Roma activists shifted their strategies toward the non-governmental sector. With the amendment of the political parties' law in 1996, Roma political parties disappeared from Romania's political landscape. The Roma organizations which proposed lists of candidates instead opted for the inclusion of favorable legal provisions for national minorities within the electoral law (Rostas 2009). In elections after 1996, all Roma organizations supporting candidates were registered as non-governmental organizations. Unfortunately, successive changes to the law regulating local elections have imposed certain restrictions on national minorities' organizations, thereby reducing the chances of such organizations to remain active at the local or regional level in promoting candidates with the aim of pursuing social change. Due largely to the relatively few Roma in the Czech Republic, the only viable strategy for Roma there has been to compete in elections on the list of main-

stream parties. To date only one Roma candidate has been elected to the Czech parliament and only a few others have been elected to local councils. The few candidates who managed to attain a mandate were members of mainstream parties.

The third level of Roma representation consists of representation through non-governmental organizations. As almost everywhere else in Europe, in each of the three countries under examination, Roma have founded new associations and foundations with the aim of defending Roma rights and reaching their objectives as a group during the past decades. The most important role played by these non-governmental organizations has been to articulate, aggregate and represent Roma interests. In spite of the fact that this basic function belongs to political parties (according to the classical model of democracy), political parties do not possess a monopoly on these areas. In practice the importance of this function for civil society organizations emerges when the interests of significant social groups are not articulated and therefore remain unrepresented by political parties, either due to the electoral system or various other causes.

In many instances it can be said that some confusion exists between representation and the appointment of Roma within different structures. Some Roma individuals are appointed to different positions within the state administration and are therefore considered to be Roma representatives. In spite of their official status as simple bureaucrats, they are invited to speak publicly in the name of all Roma, causing people to forget that these appointees have not been elected and subsequently possess no mandate for representing Roma citizens. Examples of this particular case can be found among the local Roma experts in Romania and the Czech Republic who are employees of municipalities, national agencies, or the county offices for Roma which deal in Roma-related issues. A further topic for research regarding this area would involve deeper discussion surrounding the leadership of the Romani movement and the cooperation and representation practices that have been applied as a part of this movement. It

would be interesting to analyze what various institutions have been developed by Roma, not only including the different types of leadership and governance, but also the way in which Roma perceive themselves as political subjects and how they conduct different relations with existing public institutions.

Despite the high expectations held by policy-makers and politicians, there is no recipe for ensuring Roma participation in political affairs. Most of the time, both politicians and policy-makers seek a partner with whom they can negotiate and cooperate in order to improve the circumstances of Roma. Due to the lack of partners who have been designated by Roma and enjoy a majority of support and trust among the Roma population, the issue of who participates in negotiations becomes a critical dilemma for policy-makers while additionally putting the entire policy-making process at risk of failure. Given the fact that no mass organizations governed by democratic rules actually exist, the legitimacy and degree of representativeness enjoyed by Roma organizations will form major topics of debate when analyzing Roma political participation. Working in partnership with Roma may be further hampered by the internal stratification and diversity which is characteristic of Roma. At the same time, when it comes to Roma participation, this diversity could also lead to a higher degree of flexibility emerging from the need to consult a larger number of groups. It must be mentioned that taking this step would also be time demanding due to different, preexisting conflicts or opinions among Roma leaders or the Roma themselves. As a result, policy-makers may feel unsure of making decisions affecting Roma, as it is possible that their final decision may not satisfy certain groups and will most likely be contested. In spite of these constraints, policy-makers should act when the problems at hand are urgent or of great importance, even if they are meanwhile under constant pressure either from international institutions or other governments.

As different authors have previously demonstrated, it is a common practice among national authorities, international organizations and

donors to invite only those Roma representatives who do not challenge them or criticize these structures and their actions regarding Roma at the negotiation table. The examples offered by Jud Nirenberg speak for themselves regarding the achievements gained in the implementation of national strategies and programs, the Decade of Roma Inclusion plans, the EU Framework for Roma, or other such initiatives (Nirenberg 2009). While some good practices can be identified at the local and national level regarding partnerships with Roma during various initiatives, at the EU level Roma participation is rather limited and can best be described as still in its incipient phase. Despite being one of the most important consultative bodies in the EU regarding policies towards Roma, the Roma Platform has still not succeeded in fostering a cooperative relationship with Roma; Roma activists have been frequently ignored or merely invited to assist in the Platform's work. Especially at the international level, the limited participation of Roma is quite frequently related to some of the criteria imposed by policy-makers. In such cases Roma participants are selected based on their fluency in English, their knowledge regarding the functioning of European institutions, their ability to use modern communication tools, as well as other, similar bureaucratic conditions. These criteria do not take into account many important concerns, for example, whether these Roma activists have support from their communities or not. Furthermore, activist involvement is frequently limited to the individual, rather than institutional level. Those activists who possess the support of their communities, yet do not fulfill the selection criteria listed above, are excluded. It must also be mentioned that some Roma leaders are corrupt or open to corruption and authorities choose to work with those individuals whom they can easily control.

Analyzing the participation of Roma in the development of the EU Framework therefore reveals some disturbing trends. Although the government stipulated the maximum inclusion of Roma as a basic principle for the policy-making process, Roma participation was restricted to a few consultations in the Czech Republic, while policy

implementation became the responsibility of administrative structures. Solutions which would have allowed Roma to participate in this process were neglected. As consultative bodies of the government, the Council for National Minorities and the Council for Roma Affairs (together with the Agency for Social Inclusion of the Roma, a structure originally established in 2008 as a program for Roma integration and intended to coordinate the implementation of policies targeting Roma at the local level and later transformed into a body of the central administration) lack the capacity to ensure effective participation of Roma. On regional and local levels, Roma participation is supposed to be achieved through regional governmental offices which employ regional coordinators for Roma problems. (The fact cannot be ignored that some regional coordinators for Roma issues have been included who were not Roma.) Instead, Roma participation has been limited to a few consultations held with the members of the Council for Roma Communities Affairs, from which Roma representatives and experts are excluded. Other than these troubling issues, many unanswered questions remain regarding the content of these types of consultations; some participants argue that these events were no more than formal discussions as the proposals made by Roma were ignored (Hrabanova 2014).

In Hungary, despite declarations expressed in the strategy and statements made by various officials, Roma participation is low. On the national level, the minority self-government for Roma became the exclusive partner of the government in the implementation of a strategy based on an agreement between the organization, Lungo Drom, and FIDESZ, the governing party. When analyzing the relationship between Lungo Drom and FIDESZ one could say that this Roma minority self-government is simply an extension of FIDESZ since the Flórián Farkas, the former leader of Lungo Drom, as well as some of its other leaders are all members of FIDESZ and represent FIDESZ in the Hungarian Parliament.

By defining Roma self-government organizations as a form of civil society organization, the relationship between the government and Roma self-governments has not only become even closer but also utterly excludes cooperation with other NGOs since the government is able to justify civil society's inclusion in the policy elaboration process. This fact limits the participation of other organizations, especially at the local level. Moreover, as has been reported by various civil society groups, the government might support civic organizations even though their actual involvement in the policy-making process is limited or non-existent. By doing so, the government was aiming controlling such organizations rather than supporting their active participation in policy-making (Balogh et al. 2013, 24–25). Another factor which limits the participation of Roma during the policy-making process is the extended role taken over by the Roma minority self-government which extends beyond their competency to include the managing of schools, the development of different employment schemes or even the monitoring of certain government programs (Balogh et al. 2013, 9; Kovats 2003).

Founded in 2013, the Anti-Segregation Roundtable was established with the goal of drawing together civil society, church associations and government officials for the sake of discussing and dismantling segregation at all levels of society. Despite its potential to increase participation in decision-making, many of the well-known professionals invited to take part in this initiative have left the Roundtable, explaining that there was no meaningful dialogue nor any shift in policy-making. Furthermore, these participants have also stated their unwillingness to assist a government which does not tolerate any criticism of its policies and whose political attitude is anti-EU and exhibits other negative behaviours (Fülöp 2016).

Following the EU-level institutional design, in 2017 the Ministry of Human Capacities planned to create Roma Platforms as forums for discussion in every county in Hungary. The main task of these gatherings would have been to further the social inclusion strategy and find solutions to local problems on a local level. To date three Roma

Platforms have been established in the counties of Borsod, Szabolcs, and Baranya, and are funded by the European Commission (Roma Civil Monitor 2018, 16).

In Romania, the National Agency for Roma (NAR) leadership aimed to make Romania the first country to meet the requirements outlined by the European Commission for developing national strategies for Roma inclusion. This goal was to be reached by June 2011, a mere two months after the adoption of the EU Framework. NAR proposed a draft strategy for Roma inclusion to the government which was surprisingly rejected by the Secretary General of the Government on the grounds that the draft strategy did not meet the policy-making guidelines as required by Romania. One of these criteria involved the strategy's use of public consultation (Moisă et al. 2013). The NAR had organized a public consultation meeting in 2010, but then ignored the contributions and suggestions of the organizations that participated. Based on the Secretary General of the Government's recommendation, NAR arranged consultations with other Roma organizations in the fall of 2011, mostly based in Bucharest. These meetings have not been effective since these organizations had no influence on the final document (Rădulescu 2014; Rorke 2012, 55). The civil society organizations monitoring the implementation process of the strategy have expressed their doubts whether the strategy meets the government's policy-making criteria and criticized the low level of effort expended toward effectively involving Roma in the elaboration and revision of the strategy (Moisă et al. 2013). Following a change in the NAR's leadership, the national strategy was revised in 2014. The document was updated based on informal consultations held with mostly Bucharest-based, Roma NGOs. No significant changes in terms of implementation structures or Roma participation have been included.

Based on the analysis made above, one might say that—on the national level—Roma participation followed the same pattern as that conducted on the EU level: it was both limited and barely more than a formality. Compared to the other policy initiatives analyzed in the

previous chapter (the development of governmental strategies during the pre-accession period and the Roma Decade of Inclusion from 2005–2015) Roma participation was even lower. By applying the theory of Arnstein’s ladder, it can be said that in all three countries Roma participation hovered around the bottom four rungs, between manipulation and consultation, with authorities expressing little or no intent to involve Roma in a way that would have let them express their preferences or establish their priorities. It is somewhat surprising given that policy-makers have some experience in elaborating policies for Roma—the EU Framework could have been the perfect opportunity to put the lessons learned from previous policy experiences into practice. Namely, policy-makers could have acknowledged the fact that no initiative has a significant change of succeeding unless consistent Roma participation occurs on a large scale and at every level of government.

Ethnic claims and grievances

The literature on the ethnic claims and grievances of the Roma is so meager that it would not be much of a stretch to say it is nonexistent. Very few studies have addressed these issues, or rather have done so within the context of broader research efforts. In his project “Minorities at Risk,” Ted Gurr collected data on discrimination against many minorities, including Roma, the underlying causes of Roma grievances and how these have been transformed through protests and rebellion (Gurr and Harff, 1994). Due to the project’s purpose (analyzing ethnic conflicts and violence), evidence regarding the Roma was less relevant since Roma are rarely involved in any form of protest or rebellion. However, based on data from the project and the model used by Gurr, Jonathan Fox (2002) conducted an analysis to test Gurr’s hypotheses regarding the links between types of discrimination, discontent, protests and rebellion in the case of Roma.

Using Gurr's classification of three types of discrimination and grievances (political, cultural, and economic), together with various variables regarding the kind of discrimination, grievances, protests and rebellion, with data from thirteen European countries, Fox notes that Roma tend to express political and cultural discontent rather than economic, even though Roma seem to face more discrimination economically than in the other two. Based on data collected in thirteen European countries, Fox (2002, 15) concluded that Roma express dissatisfaction related to economic reasons only when these are related to the expression of political and cultural grievances, and these vary by state. Compared to other groups, Roma engage less in protests, despite the level of discrimination to which they are subjected.

The analysis made by Fox has merit in that it investigates the grievances and demands made by Roma in a large number of cases according to a sectional research study. There are, however, limitations to this type of analysis, ranging from how data was collected in various states to its interpretation. For example, the fact that Roma did not report discrimination in five of the thirteen states indicates that the accuracy of the collected data may be deficient. Furthermore, the statements judged by the author as "counterintuitive" (including the statement that Roma are discriminated against economically, and face an insignificant level of discrimination in the area of culture or politics), raises serious questions in connection to the interpretation of this data. As has already been demonstrated by various authors and studies, anti-gypsyism is not just characteristic of Eastern Europe, but is also a phenomenon that exists in the West; sometimes Roma are rejected at an even higher rate in the West (European Union Agency for Fundamental Rights 2012).

Aidan McGarry has identified the general interests held by Roma in Romania by analyzing the activities and publications of Roma non-governmental organizations, international organizations and donor programs, the National Strategy for Roma Inclusion and by conducting interviews with Roma activists. He defines the common interests of

Roma as the following: "education, health, employment and social affairs including housing and political participation." McGarry (2010, 85) additionally mentions "the importance of cultural interests and identity." Regarding the interests of Roma in Hungary, McGarry (2010, 110–11) states that "while poverty, discrimination and marginalization are repeatable common interests for most Roma, I declare the social, economic, cultural and political to be more relevant in Hungary" while "social interests, such as access to adequate housing, sanitation and health continues to be the most pressing for more Roma NGOs." The author's commendable attempt to analyze the collective interests of Roma leads to generalizations that raise serious questions about his entire intellectual effort to find out who speaks for the Roma. Nevertheless, McGarry's effort should be expanded in future research as his focus does not center on Roma claims and grievances, but rather on the mechanisms for aggregating their interests.

This analysis of the approaches taken by Fox and McGarry underlines the difficulty of identifying the grievances, demands and collective interests of Roma. My approach does not seek to establish links between grievances, claims and the collective interests of Roma; such an analysis (specific to the literature regarding social movements) falls beyond the scope of my research, which remains focused upon the process of policy-making in democratic settings. Yet it cannot be denied that the analysis of social movements (particularly regarding the Romani movement) is helpful in identifying the claims and grievances of Roma, as can be observed in Vermeersch's (2006) approach. Furthermore, the comparison between the Romani movement and other social movements helps the reader understand and reflect on the specificity of the institutional development of Roma mobilization (Rostas 2009).

Roma have expressed their ethnic claims and grievances in ways that differ from that of other ethnic groups. In the case of Roma, their ethnic claims and grievances are often sparked by current social issues and Roma activists do not propose many solutions. Generally

speaking, their grievances and claims have been caused by a specific action of the government or by a critical situation. To place this in a historical context, the grievances of Roma have typically related to the social history of the country in which they live. Thus, the Czech Roma have expressed discontent against the citizenship law—an issue that dominated the Roma discourse there during the 1990s—as well as residential segregation, school segregation, discrimination, protection against racially-motivated attacks by neo-Nazi groups, the sterilization of Roma women and forced evictions (Vermeersch 2006; ERRC 2013; Barany 2002). In Hungary, Roma grievances have related to forced evictions, school segregation, discrimination, employment, self-governance, minority participation in government and attacks by extremist groups. (Vermeersch 2006; Kovats 2004; Ladányi and Szelényi 2006, Vajda and Dupcsik 2008). In Romania, Roma grievances have been voiced regarding the attacks on Roma communities, discrimination, participation in government, political representation, access to health services, school segregation, forced evictions, environmental racism, poverty and infrastructural development (ERRC 2013; ERRC 2001; Barany 2002; Moisă 2012).

An analysis of the last two-and-a-half decades shows that such claims made by the Roma have actually been made by isolated actors and therefore lack a broader vision of social change. In most cases these claims often emerged in reaction to the government or EU policy documents and did not propose concrete solutions but were rather formulated as complaints. No programmatic document drafted by Roma organizations has received broad public support among the populations for whom they speak. The same can be said in connection to the adoption of the EU Framework for Roma: No Roma institutional actor possessing a broad degree of public support proposed an alternative to the documents drawn up by the EU or its member states. With the exception of a few individual opinions raised at the two summits or at Roma Platform meetings, no major disagreements were expressed in reference to the proposed documents. The European Roma

Policy Coalition, a coalition consisting of several organizations working on Roma issues, was critical of the EU Framework, yet did not counter the European Commission's proposal with any alternative document. Furthermore, the monitoring reports made in connection to the elaboration and implementation of the EU Roma Framework were developed by coalitions of NGOs at the national level, organizations which included, but were not made by Roma. This factor represents a major concern when it comes to Roma participation and who is charged with speaking in the name of the Roma.

In addition to these problems, the Roma do not possess any practical mechanism for defining and aggregating their collective interests, a major impediment in the functioning of a democratic system. As has been shown in this volume's first two chapters, due to the stigma associated with Roma identity, political parties and other institutions of representative democracy are reluctant to shoulder Roma-related issues by placing them on their agenda. The institutions developed by Roma in Europe do not allow for the adequate representation of Roma and are neither able to define the long-term collective interests possessed by various Roma communities nor aggregate them in the general interest of the society (Rostas 2009).

One of the main challenges faced by scholars and politicians in terms of Romani identity is how one understands the internal diversity of Roma. The way both academic and political discourse tend to construct Roma does not express the diversity of Roma communities. It is my contention that Roma diversity necessitates a bottom-up approach to Roma issues and interests, so that each community can define its policy priorities as part of the larger, local community. A bottom-up approach alone is capable of reflecting the diversity of Roma communities and can therefore allow each community to express its own needs and goals. To date, the dominant mode of handling Roma-related issues has followed a top-down approach. As a result, all of those who fall outside of the definitions and classifications imposed by public policy discourse are excluded. Policy-makers' neglect to take

into consideration or simply do not understand how the diversity of Roma increases their vulnerability.

One of the challenges faced by those who speak on behalf of the Roma (particularly Roma activists) is legitimacy. In many instances their support from Roma and their identity as “real” Roma is questioned. They are often judged as not being “authentic enough” and are considered incapable of representing the voice of the Roma community. Paradoxically, NGOs make up most of the institutions who speak on behalf of Roma. This means that the institutions who tend to defend Roma rights the most have only a very small number of members and are operated by representatives who are not elected. However, it is worth noting that gaining legitimacy comes not only from being elected but can also come from expertise accumulated in the course of dealing with certain issues and demonstrated by the consistent ability to answer public needs.

The question remains of what happens when Roma do not consider the issues raised by Roma activists, organizations or by the authorities as a high priority. What should be done in this instance? For example, some Romani activists, human rights organizations and researchers have identified school segregation as a major obstacle to Roma children’s right to education. Given the fact that not every Roma parent considers school desegregation a priority, the question must be raised of what action should be taken: Should the views of the parents be ignored in favor of pushing authorities to implement school desegregation plans? If so, does a danger then arise that that activists become the oppressors of the Roma community by imposing priorities on them that have not earned their support? When facing this sort of a situation, how can Roma activists justify their position? Moreover, promoting Roma empowerment in improving their situation should include the right to decide their own priorities. This means naturally that Roma should be allowed to disagree with the views and priorities expressed by donors or authorities on their behalf. As such, should plans to desegregate schools be abandoned because they are not considered a priority by Roma parents?

The situation described above reveals the limitations of a human rights discourse as it has been promoted by Roma activists. Although human rights discourse reflect the everyday reality of numerous Roma communities, the legal concepts used—racial segregation, discrimination, forced evictions, etc.—may describe with accuracy the situation of Roma and offer strong arguments when facing the authorities or when constructing arguments before courts of law, yet the human rights discourse may also contradict the priorities of local Roma. Roma activists who rely on this type of discourse can barely find arguments to implement policies that have gained public support. To draw a historical comparison, their position is similar to that occupied by Bolsheviks and communist activists in relation to the working class: “the fake consciousness of the working class” is a concept that bears a close relationship to the “fake consciousness of Roma.” In this case, the risk exists that human rights activists display similar behavior to that shown by communist activists in that ideological choices are imposed on a community over the actual interests of that community.

Diversifying the discourse on the problems faced by Roma is absolutely essential in order to break the deadlock that arises in the situation described above. The economic argument is that investment in good, integrated education can support the position of activists and policy-makers yet does not resolve the dilemma: human rights claims or the voice of the community should determine the school desegregation. In the end, it is the right of Roma parents to decide what is best for their children and their community, barring the violation of the rights of other groups or individuals. In this situation desegregating schools is tantamount to putting into practice the concept of “fake consciousness of Roma.”

In this specific case, the solution to the dilemma of whether or not to work toward the desegregation of schools stems from arguments made in public policy and political philosophy. While the example that I have provided is a specific issue, many other cases raise questions about how best to ensure equal rights and provide equal

opportunities without damaging social cohesion. Public policy-makers act in the interest of producing a better society. With this end in mind, their primary duty is to remove the obstacles impeding equality, defined as structural factors that reproduce social inequalities. As Ronald Dworkin (1978, 180) argues, the state must act on the principle of equal community members: "We might say that individuals have a right to equal concern and respect in the design and administration of the political institutions that govern them." Surveys conducted in reference to the school segregation of Roma children have indicated that separating Roma children from their non-Roma peers reproduces the social inequalities between Roma and non-Roma, including poverty, educational attainment, unemployment, health, etc. In the interest of promoting an inclusive society in which the rights of all citizens are respected, decision-makers need to remove the obstacles that hinder the achievement of a better society. Ensuring citizens' rights is one of the primary goals of the state's existence, as well as the basis for the authority and legitimacy of state institutions. The more legitimate state institutions' actions are, the less their legitimacy will be challenged by individuals and groups in society (Diamond 1999; Sartori 1987).

The dignity of an individual stems from the treatment he is subjected to by others and state institutions. Equality is the foundation for a respect of human dignity. One cannot have dignity as long as she/he is treated by others as inferior. The question to be asked at this juncture is whether an egalitarian society is also a good society: studies show that the happiest people are those who live in countries where inequalities are minimal (Wilkinson and Pickett 2010).

The Challenges in Representing Ethnic Groups

In Romania no law recognizes the status of Roma as a national minority. Indirectly, however, Roma are recognized as a national minority in

the statements made by the government contained within the Framework Convention for the Protection of National Minorities, or in reports made by various institutions responsible for monitoring international treaties on human rights, such as the United Nations' Committee on the Elimination of All Forms of Discrimination. Hungary recognized Roma as an ethnic minority in a law on national minorities passed in 1993. With the adoption of the law regarding personal data protection, the authorities have used these provisions to reach the interpretation that the collection of data connected to ethnicity is unlawful. The ultimate consequence of this legal decision has raised further obstacles in assessing the impact of any program. The end result is that the policy processes are based on estimates. After 2002, in a move intended to streamline government interventions, the socialist government imposed parents' education level and employment status as a proxy for identifying Roma students. The Czech Republic identified Roma as a national minority that had previously been recognized as such in the former Czechoslovakia and formalized this recognition in the minority law passed in 2001. At the European level, some countries do not recognize any national or ethnic minorities (France, Greece) while others do not legally recognize Roma as a national minority, but do so in practice (Spain, Romania). While still others that legally recognize the status of Roma minority (Finland, Ireland). It is interesting to note that irrespective of legal recognition, all EU member states (with the exception of Malta) adopted Roma inclusion strategies as part of the EU Framework.

An analysis of how ethnic identity representation is realized in the policy-making process targeting Roma in the three countries under examination must take into account the identity representation institutions under these governments, such as Roma museums, cultural centers, theaters and schools where the Romani language is taught. The Czech Republic funds a museum of Roma culture and there is a Romani Language Department at Charles University in Prague. With the exception of Roma minority education (which is not always provid-

ed in their native language), no specific identity representation institutions in Hungary have been supported by the state, though Romani music has become a major tourist attraction for Hungary. In Romania, the main institutions for identity representation consist of Romani language education system developed by the Ministry of Education, which includes two schools where the Romani language is taught, and the National Cultural Centre of Roma which is supported by the state budget. A museum of Roma culture was also established in 2010 as a private initiative; lacking any form of government support, the museum closed in 2015. In all three countries independent Roma groups exists, but there is no Romani theater nor any art galleries for Roma artists.

Other than participation, identity representation plays an important role in developing policies. The capacity of these institutions to represent Roma depends on cooperation with various Roma actors and the support they enjoy from communities. For example, although it was created in 2003, the Roma National Cultural Centre (RNCS) in Romania was perceived by almost all significant Roma social actors as not being a representative institution for Roma. Only after 2005, when a new management was appointed to the center, a transparent procedure was put into place, and consultations were held with Roma social actors, did RNCS become an institution serving the goal of identity representation for Roma in Romania. Another example is that of minority education in Hungary: While this attempt constitutes an effort on the part of the state, due to its low performance level it came to be seen by Roma stakeholders as a factor in Roma oppression and not a tool for identity representation. The resources allocated to these institutions in the state budget remain very low. If we consider the need to build a society in which ethnic and cultural diversity are societal values, these resources are insignificant.

In the Czech Republic, Hungary, and Romania, attitudes toward Roma are persistently negative. Antigypsyism is an "ideology that justified the persecution of Roma for centuries" (Wippermann 2005, 3) as

“an instrument of stigmatization whose intent is not to observe and understand the circumstances of the ‘other,’ but to find identifications legitimizing separation and other discriminatory actions against ‘others’” (Knudsen 2005, 2). Due to its transmission from generation to generation, antigypsyism is an aspect of Europe’s cultural heritage. According to Thelen (2005, 22), antigypsyism first appeared as a term in the 1980s in France, later followed by Germany, and then spread farther due to the activities of Roma organizations. Martin Holler (2015) places the origin of the term in the 1930s in the Soviet Union, where it was used by Roma activists. In essence, antigypsyism is a special form of racism against Roma and can range from prejudices, stereotypes and hatred towards Roma to institutional discrimination. Historically speaking, antigypsyism culminated in the Nazis’ attempts to exterminate Roma from Europe.

Antigypsyism occurs on three levels: imaginary, discourse, and practice. This distinction is important from an analytical perspective. At the imaginary level, Roma are portrayed negatively. The negative image of Roma has persisted for centuries and even been reproduced in countries with no numerically significant population of Roma. From this point of view, some Roma activists view antigypsyism as a code of conduct contained in European culture. On the level of discourse, sayings, jokes or some deeply racist stereotypes are accepted by the majority society without questioning the origins of these statements and their social impact. Since it is often confused with political correctness, antiracist education is not an educational component in most European societies. In practice, anti-Roma actions have taken different forms, ranging from violent ethnic conflicts to “soft” actions of discrimination committed via subtle social mechanisms.

Particularly when violent in form, many of these actions gain a relatively low level of support; thanks to international organizations and human rights NGOs, such practices have been condemned and are not publicly supported by officials. Nevertheless, this success has not prevented the emergence of organizations proclaiming racist

speech against Roma. In addition to neo-Nazi groups, in the Czech Republic the Communist Party of Bohemia and Moravia indulges in strong speech against Roma and is represented in both the national as well as the European parliament. In Hungary, the far-right party, Jobbik, managed to become the second most powerful political force in the country during the 2010 election, winning votes using strong anti-Roma discourse. In the 2014 and 2018 elections Jobbik gained less votes and seats in the Parliament, but is still regarded as an important voice of the opposition. In Romania, the political party Romania Mare employed the most extreme anti-Roma discourse, but failed to pass the electoral threshold in the last two parliamentary elections. Unfortunately, there are groups, especially the New Right, who also display anti-Roma rhetoric.

An important part of Roma identity is bound to collective memories of past events that have affected Roma. *Samudaripen*, the Holocaust of Roma that saw oppression, terror and genocide both before and during World War II, and the history of mass deportation had a deep impact not only on those who had suffered these events personally, but also on the collective mentality of Roma. Particularly among the followers of extremist anti-Roma discourse, the past attempt to exterminate Roma also remains in the collective memory of the majority population, for whom Nazi measures was and still represents one legitimate response to “the Roma question.”

In the Czech Republic there has been a wave of denial of the Roma Holocaust in postcommunism, the most famous instance of which being the government’s consistent refusal to build a memorial at the former Roma concentration camp in Lety, occupied until recently by a pig farm.³ Only in 2018 did the Czech Government buy the land and

³— The pig farm located at Lety u Písku was established by the communist regime on the site of a former concentration camp for Roma. The Czech government ignored the repeated demands of Roma rights activists to transfer the farm to another location and build a monument in memory of the victims.

announce its support for building a memorial to Roma victims of the Holocaust. In Hungary, people have publicly denied the deportation of Hungarian Roma to Auschwitz. One recent such statement was made by the minister responsible for the Roma inclusion portfolio, Zoltán Balog.⁴ In Romania, the deportation of Roma to Transnistria (1942–1944) has often been interpreted as a social safety measure limited only to those Roma who had a criminal record, thus denying the role of ethnic and racial factors in the persecution of Roma (Rostas 2012b).

An important aspect of ethnic identity is how it is communicated in public (Eriksen 1993). In this regard the role of the media is very important in the production and reproduction of Roma identity. Mostly negative, the discourse surrounding Roma in the media is dominated by the use of negative terms in relation to Roma ethnicity or by exoticizing certain practices within Roma communities. Referencing the ethnicity of a person is a selective process: in the media a person's ethnic background is usually readily supplied if they are suspected of antisocial behavior, while generally omitted if they exhibit positive behavior. The broad social impact of television and the portrayal of Roma in television also reproduces certain stereotypes and prejudices that already exist in the collective mentality. Crime is often portrayed as an aspect of Roma genetics (Project on Ethnic Relations 1996).

The public representation of Roma as an ethnic group is reflected by the general public perception of Roma. Of course, the data collected via surveys reflects an image of Roma at a certain moment, and this can admittedly fluctuate significantly over time. On the European level, however, data reveals a persistently negative image of Roma.

⁴— On August 4, 2014, on Radio Kossuth, a state-owned radio station, Minister Balog said: "There was no deportations of Gypsies from Hungary; they were deported from Austria." There were other controversial statements, accusing Roma intelligentsia of making up past atrocities and the number of victims. For details, see Tóth (2014).

In a survey conducted in December 2010 in the Czech Republic by the Ministry of Interior, 83 percent of the respondents believed that Roma are social misfits while 45 percent preferred to have the Roma leave the Czech Republic. In total, 90 percent viewed Roma as a source of criminality (Sudetic 2013). In a survey made by the Pro-Democracy Association in 2010, 82 percent of respondents declared their distrust in Roma; Roma were further described as thieves (44 percent), lazy (43 percent), and dirty (41 percent). The same characteristics were used to describe Roma in a similar evaluation done in 2002; in this case the values were slightly different, with thieves at 46 percent, lazy 40 percent, and dirty 42 percent.

To combat these representations of Roma within the public space, the strategies drafted by the three countries have proposed several associated objectives. In the Czech Republic, support for developing Roma identity representation in the public sphere has been expressed, yet the proposed measures do not directly support the Roma as knowledge producers about Roma, as a way to build alternative discourses on Roma in various social environments, including academia. Almost all of the proposed measures have not been addressed to existing Roma identity representation institutions. In short, these measures are to be implemented through structures such as universities, research institutes or other institutions that do not include Roma in their structures. No partnership with any Roma institution is provided for, a move that indicates a paternalistic approach to an issue over which the minority in question should have control. As a result of these measures, the version of Romani identity which will be presented represents the beliefs of the majority and their institutions' image of Roma, rather than the self-definition of Roma themselves. Regarding the Holocaust, Czech authorities are aware that serious problems exist in recognizing the suffering of Roma, and therefore included strategy measures intended to address these challenges. Five years after the strategy was implemented, the Czech government has still not changed anything regarding the situation surrounding the lack

of commemoration of the Roma Holocaust. Finally, in 2018, the government bought the pig farm and announced its support of a memorial for Roma victims.

The topic of Roma representation in public spaces is addressed in the Hungarian strategy, which proposes the creation of a Roma cultural center of the highest standards. This strategy additionally prescribes the development of already existent cultural institutions and the establishment of a Roma theater, museum, gallery, library, radio and television station, including support for these operations. The strategy also includes scholarships for Roma artists and the promotion of Romani traditions in the media. To promote Roma in various structures the establishment of an Academy of Roma which would take an active role in the public sector has been proposed. Moreover, regarding the image of Roma in the media, the government proposed a code of journalistic ethics and the employment of Roma journalists and experts in media outlets. As of February 2019, none of these measures have been implemented.

The Romanian strategy provides for support of the National Cultural Centre of Roma, the establishment of a museum of Roma culture and a Roma theater, as well as support for Roma artists. However, the existence of two radically opposed discourses on Roma culture in the text of the strategy adopted in 2011 sent an inconsistent message and therefore profoundly affected the strategy's additional value as a programmatic document containing public policies for Roma in Romania. As of February 2019, except for the support of NCCR, no support has been provided for the museum of Romani culture, which had to be closed due to a lack of public funding. No theater for Roma exists and no support for Roma artists has been provided.

The Causal Chain

The fact that national Roma strategies do not include detailed descriptions of the situation of Roma based on systematically collected data presented in separate categories (including that of ethnicity) impedes the analysis of causal relations. Similarly, this lack of analysis indicates a near total lack of knowledge on how Roma live and how exactly the policies would help Roma. A textual examination of these national strategies, however, can reveal the underlying beliefs and assumptions upon which they are based. Additionally, contextualization is an important factor to understand the real meanings of these policies.

The Czech Republic

In the Czech Republic, the main goal for the national Roma strategy is described as “the peaceful coexistence between Roma communities and the rest of society.” The underlying supposition of this statement is that a social conflict exists between Roma and other communities. Indeed, relations with non-Roma have been characterized as tense and the Czech Republic has recorded a large number of cases in which skinheads attacked Roma. Moreover, in these instances the justice system has failed to punish and combat such forms of conflict adequately. In spite of this, the public perception (as has been shown in opinion polls) continues to express the sentiment that many Roma commit legal violations, particularly in the case of petty crime, like theft. In analyzing the proposed measures, it is evident that the ones considered responsible for the state of conflict are the Roma and their lack of integration with the rest of society. Policy-makers have ignored the fact that Roma are also victims of conflict and should enjoy the same protection in the eyes of the law as any other citizen.

Not only do policy-makers turn Roma into scapegoats for social conflict, they also deem the very identity and existence of Roma as inferior and undeserving. The attempt to de-ethnicize the Roma problematique by asserting “the principle of citizenship” can be seen as an attempt on the part of policy-makers to deny Romani identity. On the one hand, policy-makers neglect Romani identity by refusing to promote diversity or at least refusing to promote certain features of diversity that have the potential to instill positive emotions and feelings of pride in Roma, for instance through institutions that provide cultural representation. Thus, Roma remain unequal in relation to other ethnic groups in society. In addition, policy-makers implicitly deny Romani identity by not involving Roma in the policy-making process. By involving anthropologists such as Marek Jakoubek or Tomas Hirt—who openly deny Roma ethnic identity, promote the association of Roma with criminality, and claim that the social inadaptability of Roma is due to a culture of crime—policy-makers have explicitly demonstrated that the real aim behind national Roma strategies is to control Roma instead of supporting their inclusion.

In fact, the inattention to the ethnic factor in the problems faced by Roma combined with the idea of Roma criminality continues an older argument made by some communist ideologists about Roma (Davidová 2010; Sokolová 2008). In the Czech Republic this sort of discourse had a significant impact on policy-making towards Roma. Particularly after the fall of communism, this type of discourse continued to affirm the existence of an irreconcilable conflict between Roma and non-Roma based on differing cultural values. This discourse consequently encourages people to label Roma as inadaptable due to their apparent failure to respect societal values. Although this type of discourse seems to be most characteristic of far-right groups in the Czech Republic, it has penetrated much broader circles, including academia and the government.

One of the positive aspects of the strategy is the recognition of segregation as a major impediment to the education of Roma children.

This came after the change of the education law in 2005, which in reality only led to the names of certain special schools being changed and not the actual mixing of students. It cannot be ignored that this amendment to the education law only occurred after the decision of the European Court of Human Rights (ECHR) in the case *DH vs. Czech Republic* which deemed the practice of placing Roma children in special schools to be ethnic discrimination.

Until now, no action has yet been taken in the Czech Republic to eliminate segregation, and the special schools still operate under different names (Albert 2014). This may be due in part to the 2013 petition signed by more than thirty thousand teachers against dismantling the special education system in the Czech Republic, an event that indirectly acknowledged the fact that special schools had not been abolished. Thus, the recognition of segregation as a problem has not led to changes in everyday practice: Roma children continue to be discriminated against years after the adoption of the strategy.

The way in which Czech policy-makers problematized the Roma's access to education raises questions regarding the coherence and logic of their proposed measures as the causal relationship is inconsistent with human rights and equality. For example, the national strategy provides the following solution for increasing the Roma's access to early childhood development services: "working systematically on the attitudes of disadvantaged parents and raising awareness of the positive impact on their children's participation in early development services for their educational performance" (19). The approach seems to put the responsibility for improving educational opportunities and academic performance squarely on the shoulders of disadvantaged parents, thereby ignoring the role of the state and authorities in providing such services, not to mention their primary duty to ensure children equal access to such services. Moreover, from a human rights perspective, the state has a fundamental role in realizing every child's right to education. It is clear that by refusing to desegregate the educational system and providing Roma children with substandard edu-

cation, the government is not fulfilling its primary duty regarding equal access to quality education for all children.

The issue of how these policies motivate Roma to attend various forms of education is also present when it comes to adult education (27), a factor indicating that the process of attaining access to education is consistently presented throughout the document as the responsibility of Roma. The wording "children from a disadvantaged social cultural environment" indicates that valuing cultures other than that of the majority culture is not an asset; in the case of Roma, their culture is seen as a major disadvantage. Automatically categorized as having special educational needs, these Roma children are placed in the special education system, a system that does not allow access to tertiary education and therefore penalizes beneficiaries by narrowing access to the labor market. Moreover, according to the authorities, access to secondary and tertiary education is caused by a lack of motivation among Roma for continuing education, a low level of family support and lack of positive role models.

Regarding employment, the proposed measures are unlikely to have a significant impact on Roma since they consist of public work schemes, social entrepreneurship, the promotion of diversity in business, labor market development in areas inhabited by Roma, vocational training courses, and combating the black labor market. While some measures may make it easier for Roma to get jobs, some also have the effect of removing Roma from the labor market. As has been demonstrated by van Baar, these types of measures include punishments not solely for the employer but split between the employer and employee. Additionally, the proposed measures do not deal with the question of structural discrimination against Roma in the labor market. Moreover, no affirmative measures have been drafted to support the employment of disadvantaged groups in specific economic sectors.

Although the issue of housing is an important one in terms of the Roma's access to social services, the proposed measures can only

be viewed as partial since they do not take into account the issue of housing segregation. In some cases, these measures are only recommendations addressed mostly to local authorities or expressed indirectly on behalf of Roma. The national strategy identifies a need to increase awareness regarding the rights and obligations of tenants and to increase awareness about housing legislation (43), thus indirectly blaming Roma for certain antisocial acts.

However, the Czech government recognizes abuses made by local authorities during the forced evictions of Roma, which were made without respect for the legal framework, and recommends preventive measures against evictions. This inconsistency in problematizing the housing situation of Roma will very likely lead to only limited improvements in the coming years. Other inconsistencies of the government strategy on Roma have to do with monitoring and data collection. The measure referring to data collections is mere rhetoric as the Czech government's reluctance to collect data based on ethnicity due to privacy regulations is well known. As various analysts have shown, an additional reason for neglecting to collect data is the lack of recognition for the deeply unequal position of Roma within society.

In the area of health, the listed goals of the Czech national strategy make Roma responsible for preserving their own health, despite the issues discussed in the preceding analysis (56). The strategy makes it necessary for Roma to educate themselves on healthy lifestyles, health services and health risks. In other words, Roma must solve their own health problems, educating public health workers on their socio-cultural background and traditions as Roma that impact their health in the process! The state's responsibility to ensure access to medical services remains completely disregarded: not a single word is mentioned concerning what arrangements could be made regarding access to health insurance or the institutionalized discrimination against Roma in the medical system. Despite the fact that international observers have widely reported the practice of sterilizing Roma women in the Czech Republic, the Czech national strategy has nothing

to say in terms of the government's liability or compensation for the suffering of Roma women who have been the victims of sterilization or other discriminatory medical practices.

One of the most interesting chapters in the Czech national strategy that defines the Roma *problematique* concerns the protection of Roma. Out of the seventy-three pages that compromise the strategy (4 of which make up the title page, table of contents and bibliography) no fewer than ten pages are allocated to this, over 14 percent of the actual content of the document! In comparison, the health section is only four pages, housing is seven, and education is the longest at 11 pages. The chapter on the protection of Roma is made up of two sections: one on protecting Roma against attacks by neo-Nazi groups, the other on the protection of Roma against crime and other forms of risk behavior.

According to the government, "extremist movements are attacking Roma in their public events, using party websites or publications and by disturbing Roma commemorating events where these movements call into question the Czech and Moravian Roma genocide" (60). Defined as such, the government ignores the multitude of attacks on people in their homes, within Roma communities, or individually in public that have not occurred at public events (like marches in Roma communities). As a result, the proposed measures do not include any specific or effective protections for Roma, nor do they include specific guidelines for the investigation of racially motivated attacks.

The most controversial section of the Roma Integration Concept has to do with the issue of Roma criminality. The message of the Czech national strategy is that the Roma's behavior generates conflict in society and therefore need to be controlled by all legal means, including through the application of the measures found within the Roma Integration Concept. The strategy's measures on criminality have been copy-pasted from the government's crime prevention strategy. The emphasis on crime and the type of measures that were proposed categorize Roma as antisocial and prone to criminality.

Hungary

Hungary's national inclusion strategy aims for the social inclusion of three groups: those living in extreme poverty, children living in extreme poverty, and Roma. Although it states that the exclusion of Roma and those living in extreme poverty are national development issues and not a problem of poverty (8), social inclusion is defined in the document as "the elimination of the reasons that have led to poverty and their prevention and reducing the disadvantages of poverty" (p. 11). The social inclusion policy is described as having three goals: "reducing the number of those living in poverty or social exclusion, reducing the arrears with social disadvantaged children, weakening trends of the transmission of intergenerational poverty, and reducing the social differences between Roma and non-Roma" (15).

However, the strategy returns to the concept of inclusion, defining it according to individual skills and opportunities: "The concept of inclusion is used here to include the strengthening of education, skills and work culture of individuals and stakeholder groups, support for developing the capacity of self-sufficiency self-representation, and the elimination of social deficits, development and aid policy designed to achieve these objectives and the means and methods used to implement the policy"(57). These inconsistencies and the repetition of tables, statistical data and analysis, show that Hungary's strategy is an assembly of various documents produced by different government bodies and consequentially lacks a common vision since it neglects to apply its concepts and tools in a consistent manner.

The Hungarian national strategy considers the general exclusion of Roma and the level to which they have been segregated serious social problems. Nevertheless, "desegregation according to the possibilities" rather than immediate desegregation seems to be what the document supports (97). Also, institutionalized discrimination is recognized in a sense on page 97, although no anti-discrimination measures were provided within the strategy's thematic chapters. The government clarifies

its concept of equal opportunities in the context of an anti-discrimination law. According to the strategy, equal opportunity means sanctioning the negative aspects that violate the equality principle and do not impose any duty to promote equality or equal opportunities (106). What group the strategy targeted was based on poverty risk factors and thus Roma and children were grouped together with those living in disadvantaged regions. Roma integration and social inclusion opportunities are horizontal objectives for public policies in Hungary.

At a glance, the multitude of data on the situation of Roma used by the Hungarian authorities seems to be a positive aspect of their national strategy. Despite the very restrictive interpretation of privacy law and international standards regarding privacy, the strategy clearly shows that the authorities are very aware of the situation on the ground and that relevant data is indeed available. Thus, the main challenge remains the adoption of necessary measures and not the lack of data.

In education, the government pinpoints Roma students' poor academic performance and their segregation in the school system as being due to their different social status in regards to poverty, ignoring racism and structural discrimination against Roma in education. Numerous studies have shown that the most important factor in the segregation of Roma children in education in Hungary is their ethnicity (Mohácsi 2012; Szendrey 2012; Farkas 2010).

The Hungarian national strategy's section on health reveals the underlying perception of its writers that the Roma are a threat that needs to be controlled. Roma are defined as a group prone to many diseases and the provided data supports such a statement. Characterizing the health of the Roma population without mentioning the root causes of their situation or by addressing their risk behavior (such as smoking) over their systemic lack of access to quality health services demonstrates that the national strategy's creators view Roma as a threat to public health, rather than as a group the public health system has failed. As a result, the objective of Hungarian national public policy is to limit and control Roma.

The Hungarian national strategy does use segregation as a concept, but it is unclear whether it views segregation as being based on ethnic demarcation or social status. This confusion is due to the fact that the strategy does not in fact target Roma per se; rather it is a policy tool to combat poverty. Regardless of the criteria by which the targeted groups have been segregated, the strategy does not present relevant data on segregation, even though the Hungarian government had earlier made assurances that it would release extensive data on the phenomenon (52). To date, the data published by researchers, NGOs and Hungarian authorities refers to the segregation of Roma based on ethnicity, not based on poverty.

For a better understanding of the causal chain based upon which measures towards Roma are taken, a careful study of the Hungarian strategy's tree of problems (55–56) is relevant. The first feature to note is that this tool is used to demonstrate the causes and effects of social problems, while solutions to them are shown in a mirror image of the tree. The way in which the government has used this tool is incorrect as the strategy did not use this image to identify problems, causes and solutions. As a result, the identified problems are superficial, described only generally and no solutions to them are proposed.

It must be stressed once again that Hungary's national inclusion strategy does not target Roma alone and aims to identify its beneficiaries according to "social and territorial considerations" (60). However, an ethnic approach is desirable, from the government's perspective, in the areas of anti-discrimination and culture. Based on this reasoning it is impossible to distinguish what will happen if discrimination occurs in one of the areas mentioned in the strategy. Or, what happens if disadvantages that are passed down from one generation to another? Without correctly identifying the causal relations of the current situation, the strategy's proposed solutions will most likely lead to results that will not change the situation of the disadvantaged groups. In this case, without recognizing that race is a factor in the unequal access to resources and services the strategy cannot improve the situation of Roma.

While the strategy calls for the prioritization of local approaches (57–60), the involvement of various actors and local authorities must weigh the interests of all parties. This is the only way to ensure that no one feels harmed or disadvantaged and to achieve a sense of peaceful coexistence. From a practical standpoint, this formulation is an invitation to maintain the current situation in which Roma are not considered part of the local community and their interests are therefore rarely taken into account. While a local approach should include a wide range of social actors, what must truly prevail is respect for the rights of each actor. If intervention limits are defined by harming the interests of local stakeholders, powerful actors will be more likely to fight to maintain their supremacy at the local level, thereby erasing any interest or motivation they may have in altering the community's power relations.

The entire sixth chapter of the strategy is an example of causal relations or expectations without any foundation. For example, without any analysis of the causes underlying pupils' dropout or low performance, the government expects that by improving school infrastructure, such data will improve within ten years of the plan being implemented. Perhaps the government expects that preventive measures, health education and information campaigns will reduce the number of underage pregnancies. Such future-oriented thinking can sometimes be tautological. For example, assuming that the availability of funds for developing disadvantaged areas will reduce poverty rests on the premise that a decrease in the number of families with children living in extreme poverty will consequently decrease the number of children living in extreme poverty (68). Following a barrage of such assumptions, the chapter concludes that strategy is implemented the "level of education of the Roma population must increase" and that "regional differences will decrease considerably" (69).

The language used in the document abuses mobilizing formulas or slogans such as "should be extended," "need to be integrated," "will be" or "will be achieved." For example, the entire section on child

welfare found in Chapter Seven also includes paragraphs with these placations as every defined priority contains mobilizing slogans that express willingness without taking responsibility for concrete measures. The same style is used in the sections related to education, employment, health and housing. The proposed measures are more like self-invitations to action, as in “we must.” There is no reference to different discriminatory practices, even though some of these practices (such as the sterilization of Roma women) have garnered international attention.

If the Hungarian national strategy contained some strategic incoherencies about Roma inclusion, the section on community conflicts and public safety issues clarifies the understanding of the Roma situation and provides a clearer picture of its Roma inclusion goals. It perceives Roma as a threat to public safety in the community. Furthermore, by calling for building an “alliance between the Roma and majority of society” based on minimum moral standards that need to be respected the document’s authors give the impression that a major conflict exists between Roma and the majority population—therefore “we must create and learn to accept minimum moral requirements, we must defend and respect these priorities in the existing context, we must communicate and not least, respect them” (101). The fact that narratives about Roma are constructed by using the idea of a “culture of poverty” (see chapter II for analyzing the irrelevance of this concept in the social sciences today) clearly shows that the strategy’s creators perceive Roma as a safety problem that has to be controlled:

The members of the smaller communities living in territorial or social exclusion suffer a so-called socio-cultural disadvantage, not only in terms of access to public services for the middle class. Due to abject poverty, lack of hope and lack of contact with people in a higher social status, these people reject most common purposes and means of the middle class and are therefore, unable to take part in the production or creation of a social value. They follow

specific values and objectives of the subculture of poverty which the public opinion associates with the subculture of criminals because of the greater frequency of the minor crimes towards property and other crimes, which often, simply come from a helplessness condition. (102)

Romania

The aim of the Romanian Government Strategy is social inclusion for all Romanian citizens belonging to the Roma minority and defines social inclusion based on those in EU documents: "Social inclusion is defined as a process which ensures that persons at risk of poverty and exclusion gain the opportunities and resources necessary to fully participate in the economic, social and cultural life and enjoy a standard of living and welfare considered normal by the society they live in. Social inclusion ensures increased participation of these people in decisions that affect their lives and their access to fundamental rights" (4).

On the narrative level, the process of inclusion is seen as a dual change in mentality, supported by effective action on the part of all public institutions from the national to the local level. It can be achieved by addressing issues of exclusion while fostering the participation of those excluded.

One of the most immediate issues with the Romanian national strategy is its use of data. Its data is out-of-date and most likely irrelevant, such as the figures from 2002, 2005 and 2006. The number of Roma in Romania referred to in the strategy is unclear as it refers both to estimate of the EU in the EU Framework for Roma (1.8 million) and the estimate of researchers at the University of Bucharest in 2005 (730,000–970,000). This lack of data is surprising, given that the government has already implemented a strategy for Roma for one decade and should at least possess an estimate of its Roma population from the progress reports generated during the implementation of that

strategy. The strategy makes no attempt to establish a mechanism for evaluating the success of the strategy's future implementation.

While acknowledging that the Roma are subjected to discrimination, the strategy does not propose effective measures for combatting the presence of discrimination in various areas of social life. On the contrary, the interpretation of causal relations shows that the authors of the document have a limited understanding of how discrimination occurs. For example, the strategy's authors state that following the application of an anti-discrimination order issued by the Ministry of Education, the number of cases reported to the ministry and NCCD decreased compared to previous years, even though no data was provided in support of this statement. The extent of school segregation has little to do with the reported cases, as the analysis of school segregation before the enforcement of the anti-discrimination law revealed. Moreover, the decrease in the number of cases of school segregation reported to the NCCD and the Ministry of Education may be due to various reasons such as decisions made by NCCD in cases of segregation or the Ministry's inability to combat segregation. Other causes can also be pinpointed, such as the number of projects that aim to combat segregation, the desire of players to engage in monitoring and the litigation of segregation cases. It is well known that in 2009, one of the key litigators of segregation cases, Romani Criss, embarked on a strategic project funded by the EU to provide technical assistance and policy advice to schools and as such was no longer involved in reporting and litigating school segregation cases. Thus, the way the government sees discrimination and its impact on Roma significantly reduces the complexity of social reality and is a recipe for failure rather than for the successful inclusion of Roma.

The strategy relies on a poor use of data. When describing the situation of Roma in education, the authors rely on data gathered almost ten years before in 2002, and thus lacks any relevance as far as the contemporary situation is concerned. The strategy only briefly describes all the problem areas it identifies. Only in some cases was

data used from previous research, such as regarding education, employment, small infrastructure and discrimination. There is also no analysis of the complexity of these problems, their causes and or their long-term effects, nor is there the relevant data needed to justify how these issues were selected of the many that could have been chosen, or justify how the strategy establishes its priorities. Moreover, the different sections contained in the strategy are not connected by any means. For example, in the section entitled "Relevant Information," school segregation is mentioned in the description of education-related challenges, while the section on education focuses on school drop-out rates and low student attendance. Here, the strategy once again mentions that tackling school segregation is one of its objectives, yet strategy's planned measures only marginally touch upon it. Similarly problematic, the strategy's section on employment reduces the entire issue to simply increasing Roma employment rates, while the section on health focuses on health education campaigns and vaccination without providing for concrete measures addressing other problems faced by Roma in accessing health care services.

The action plan set out in Annex Two of the strategy follows the spirit of the whole document in that it is superficial and done just for the sake of having one. The action plan lists no clear responsibilities, just like the whole strategy itself. The budgeting of these measures borders on the hilarious: virtually all the measures require no funding at all! This seriously calls into question the true commitment of the government ministries and institutions and is a clear indication that the strategy is more of a hollow declaration than an actual policy document. The estimated costs for implementing the strategy is about EUR 53 million spread out over four years (26), but it is unclear how these estimates were made. The documents states that the strategy should be reviewed after the first two years of implementation, at which point the budget will be reviewed.

In any event, the fact that certain activities are not budgeted for suggests that the general planning of the strategy has not been thor-

ough. It does not outline at all the human resources needed to fulfil such a project nor the means by which it can be implemented. For instance, education cannot be improved nor information campaigns conducted without an estimation of the human resources required, the types of material needed and their cost, or an outline of what messages will be made or how they will be conveyed to the public. Likewise, the establishment of an institutional mechanism to monitor school segregation requires adjusting government's human resources, developing policy methodologies and transparency. The Ministry of Education has been unable to carry out any of these requirements. Support from various partners will be necessary.

Annex Two of the document does list indicators for measuring the strategy's future progress. These thirty-one indicators are all quantitative; not a single is based on the government's poor history of reporting on policy implementation (see Chapter III) and its lack of concern for field data, it is likely that this strategy will also be followed by exaggerated, inaccurate reporting with no analysis of the context, impact or readjustment of its measures.

Unlike the strategies drawn up by the Czech Republic and Hungary, the Romanian government's strategy does not include a section addressing safety. Compared to those strategies, not including a section on safety that implicitly utilizes a discourse about Roma that has more to do with social control than social inclusion may appear to be a good idea. However, the Romanian government's strategy section on culture is also questionable due to its interpretation of speech and the situation of Roma. This section portrays Roma and their culture as a worrying issue for the whole process of social inclusion: "While the aspiration and competition of modern societies structures is about making more efficient social/public learning structures, the Roma culture remains underdeveloped. . . . The reconstruction of values is urgently needed, by promoting measures to combat the socio-cultural gap between Roma culture and Romanian culture" (12).

Thus, the strategy depicts Roma culture as underdeveloped and lesser than majority or other national cultures, while the “socio-cultural gap” between the two cultures somehow explains the differences between Roma and others in Romanian society. This chauvinistic attitude carries over to an anxious proposal for reconstructing values. Given this attitude, one can expect that this reconstruction will mean encouraging the adoption of non-Roma values among Roma in order to reduce the cultural gap, as their culture is considered a major impediment to progress—a reconstruction that would mean the assimilation of Roma.

Moving away from this vision and its harmful effects on Roma culture, the strategy also proposed measures to develop a cultural infrastructure to make Roma culture more accessible to the wider public. In addition to the already existing National Cultural Centre of Roma, the document also establishes a cultural museum, a Roma theater and provides support for Roma artists. However, the strategy’s use of two radically opposed discourses on Roma culture—one that says it should be erased and another that says it should be advertised—conveys an inconsistent message that profoundly affects its added value as a programmatic document containing public policies for the betterment of Roma living conditions in Romania.

Following the 2014 updates to the Romanian national strategy, some of the statements that were criticized by activists have been removed. The updated document for 2014–2020 establishes clearer policy goals, assigns tasks to government institutions and provides mostly quantitative indicators but includes some qualitative ones. The strategy names the national budget and EU financial instruments as its source of funding. However, despite these revisions, no significant modifications were made that would have fundamentally changed how the implementation of these policies will affect Roma.

Conclusion

In this chapter, I have examined both the adoption process of the EU Framework at the EU and national levels and the content of its proposed policies as the most complex policy arrangement targeting Roma in Europe. I have demonstrated that the most important reason for adopting a specific policy directed at an ethnic group in Europe originated from Roma migration causing increased pressure on certain states. Initially EU institutions were reluctant to adopt targeted policies toward minorities due to the challenges surrounding minorities in certain member states (Spain, United Kingdom, Bulgaria, Romania, Slovakia), the risk of secession posed by certain nation-states (Spain, United Kingdom, Italy) or the reluctance of some member states to address minority issues at all (France, Greece). Roma migration and the Europeanization of Roma led to growing pressure from EU member states (particularly France and Italy) for a coordinated answer at the EU level. The adoption of the EU Framework led to new developments in EU policy areas, such as housing, health and education (other than higher education). Thus, Roma policy could serve as an avenue for strengthening European integration.

While the adoption of the EU Framework is a historical achievement in policy-making at the international level, a closer look at the policy process and their content indicates serious challenges in some instances and complete failures in others. Due to time pressure, EU institutions rushed the adoption of a policy document on Roma and in doing so disregarded Roma participation as an objective and ignored the previous experiences of Roma policy-making efforts that would have advised otherwise. I have emphasized that this speedy adoption procedure resulted in similarly negative consequences when the EU Framework was translated to the national level. By providing a short deadline for member states to submit their national strategies, Roma participation and the involvement of local authorities on the national policy level were both very limited. Content analysis of the proposed

national strategies has revealed significant inconsistencies, major contradictions with other laws and policies, and some significant failures, including a lack of resources or distribution of responsibilities for policy implementation. These issues raise questions regarding the true intentions of the policy-makers who drafted these documents.

CHAPTER V.

Conclusion: Failure, Data, and What Comes Next

In reflection of the descriptions of policy development and the findings discussed in previous chapters, the reader may feel puzzled concerning the title of this book. After all, during the past two decades, a number of institutions located in various European countries have been established for the protection of national minorities. Roma have been officially recognized as a national minority in a significant number of countries throughout Europe and consequently enjoy certain rights thanks to this status. Not only are Roma represented in some national parliaments, governmental structures and agencies also exist for the express purpose of addressing the issues Roma face. An increasing number of Roma can be found working within these structures, while some Roma even occupy leadership positions in government and international organizations. An increasing number of Roma also study in high schools and universities, and some countries—including Hungary, Romania, and the Czech Republic—are applying positive measures to provide young Roma scholars with funding for secondary and tertiary education. This progress is obvious to anyone interested in Roma-related issues. Never in their history have Roma had such opportunities to affirm their identity and participate in democratic processes, including in policy-making. Hence the question: Is it accurate to describe these developments as a failure? Isn't it too harsh to call

these policies failures? Would that negative language push away the policy-makers who have tried their best to do something for Roma in spite of the public's dislike of Roma all over Europe?

In this chapter I argue that the policies directed towards Roma in Europe fail because policy-makers ignore important aspects related to Roma ethnic identity, including antigypsyism. Typically, Roma and Roma-related issues are addressed in the context of poverty and social inclusion rather than the more complex context of equality and social justice. As a result, policy-makers encounter difficulties not only in defining the situation of Roma but may also create additional obstacles due to their social construction of Roma when they create policies that target them. Time and time again, policy-makers either ignore the lessons of previous attempts at making Roma policy or glean very little information from those experiences, a habit that frequently leads to rashes of new problems that hinder Roma policies even more.

The first section of this chapter therefore discusses policy failure while additionally touching on the issue of data and the role data collection and ethnic identity/categorization play in policy-making. I define what policy failure is and focus on the issue of data as a technical issue within the process of policy-making. I compare how policies are designed and implemented when data is available as opposed to when it is not, a factor that leads to different policy styles. I will then analyze data collection within the context of debates over Romani identity. In this chapter I provide several options for the collection of data using international legal standards as well as various practices tested in the field by other actors.

The second part of this chapter is a multilevel analysis of the policy failure brought about by the EU Framework for Roma. Based on past policy-making efforts directed at Roma, I analyze the roles played by the EU, national governments and local authorities in the various failures of Roma policy. The third part of this chapter then summarizes the findings presented in previous chapters and concludes by offering a normative framework for policy-making strategies targeting Roma.

Defining Policy Failure

Are the policies directed toward Roma groups living in Europe actually failing? The answer to this question depends on what one interprets as policy failure. Stuart Nagel offers a comprehensive overview for evaluating policy, defining policy success and failure in two dimensions:

There are a variety of ways to classify post adoption policy failures. One dimension is in terms of the subjective intent of the decision makers versus the objective reality. In terms of intent, a policy is a success if it achieves its goals, and it is a failure if it does not. In terms of reality, a policy is a success if its benefits minus its costs are maximized, or at least positive, regardless of whether the benefits or costs were intended. A second dimension is in terms of quantity and quality. A policy is a quantitative failure if its achievement units fall below an intended or objective standard, even though there is some net achievement. A policy is a qualitative failure if it produces more undesirable than desirable results, as measured either by the intentions of the decision makers or by the objective effects regardless of intent. Because each of these dimensions has two categories, it is possible for four types of policy failures to occur by combining the two pairs of categories into a four-cell table. (Nagel 2002, 139)

McConnell (2010) identifies the difficulty in assessing policy success versus failure as stemming from policy's multidimensional nature and the different perspectives held by the stakeholders involved. By distinguishing between processes, programs, and policies, McConnell establishes a framework for policy analysis in which success and failure are not mutually exclusive. According to his definition, "A policy is successful if it achieves the goals that proponents set out to achieve and attracts no criticism of any significance and/or support is virtually universal" (2010, 351).

In my view, policy failure has two, very closely related interpretations. The first interpretation is that policy failure results when a policy does not achieve its objectives due to problems in its definition, design and/or implementation. The second interpretation is based on how the individuals who constitute the target group or beneficiaries of a particular policy perceive the result and whether or not they see any significant change in their circumstances due to a specific policy. This meaning is closely related to the institutional performance of the government. A target population's feeling of disenchantment may change as a response to the challenges faced by groups who are de facto excluded from power. Similarly, other stakeholders or actors may express similar opinions regarding the impact policies have had on the ground. The opinions expressed by these individuals can be used to gauge the extent to which the target group's dissatisfaction is substantiated.

My personal preference is to take the target group's voice into consideration during policy evaluation because of the marginal position oppressed groups have in relation to the power structures within a society. A historically disenfranchised group with a stigmatized identity that faces high levels of rejection from other members of society will evaluate policies differently compared to the majority population. This is frequently due to how they are portrayed by policy-makers and society at large. Utilizing the concept of social construction, Helen Ingram illustrated how this mechanism works in practice:

Social construction is a process through which values and meanings become attached to persons and groups that provide rationales for how they are treated. The combination of power and such social construction frequently shapes policies in ways that send damaging messages because those with certain power characteristics and positive images always get benefits while others almost never do. That in turn encourages or discourages the fight for people's own interests and beliefs. (Ingram 2016)

Data and Policy-making Styles

Theoretically speaking, when it comes to reliance on data in policy-making (including the measuring of policy impact) two intervention models or policy-making approaches come into play. The first one utilizes high-quality data to measure the impact policies have had in order to adjust the intervention as needed. In this approach, policy-makers gain an in-depth knowledge of the problem they are addressing and can anticipate future challenges, define clear policy objectives and pinpoint their goals, while also assessing the resources needed. In contrast, the second policy-making approach is not based on pre-existing data. When the second kind of approach is applied, policy-makers decide to act based on observations, anecdotal knowledge, or partial data connected to a specific social problem. The assessment of progress is not weighed in relation to a baseline study, but rather in comparison to an agreed policy objective.

Let's imagine two possible scenarios originating from these two policy approaches. In the first intervention model, policy-makers might design a policy to stimulate employment in a marginalized group based on data pertaining to that group and the current state of the labor market. With data on the marginalized group's education level, vocational skills, health, income, etc., policy-makers might then design a five- or ten-year plan to stimulate employment among members of this group. In this case, at the end of the intervention policy-makers can even assess how much they have to invest in order to create jobs for X number of marginalized individuals.

In the second intervention model, the policy-makers' attention is drawn to the difficult situation experienced by the marginalized group and its high rate of long-term unemployment, widespread poverty and exclusion. Policy-makers might design a five- or ten-year plan, with the goal of creating a certain number of jobs each year and having the marginalized group fill them. In the first year, this goal might be to create five thousand jobs for members of the marginalized group. In the following

year, the goal might be raised to seven thousand jobs, while at least three thousand-five hundred jobs remain filled by the marginalized group from the previous year. In this way, year-by-year, policy-makers are able to address the marginalized group's unemployment-related issue and report progress in the given area without requiring pre-existing, high-quality data on the marginalized group's exact situation. Data, however, must still be collected in order to demonstrate the impact their measures have had. A methodology for data collection is therefore required, a decision that demands the target group also be clearly defined. The gathering of data must be directly linked to policy processes using identity and categorization to define the target group. Reporting the data also necessitates identifying which individuals meet the characteristics described during the policy process.

Data and Identity

Analyzing the role data plays in policy-making provides insight into how any policy process directed toward the Roma community hinges on the rationale and level of professionalism exhibited by those involved in making decisions. The issue of collecting data regarding Roma individuals inevitably leads to a discussion on the number of Roma and the eternal dilemma of who is Roma and who is not. In fact, identifying the Roma or "the authentic Gypsy" has been a concern of researchers in this field since the late Middle Ages (Willems 1997). As can be seen in early writings on the Roma, the fascination surrounding the origins of the Roma as a group as well as the need to do research on locating the authentic Roma specimen has been a major concern of researchers (Willems 1997). Frequently held as a sort of "big secret," one of the most obsessively hunted facts regarding Roma-related issues is the actual or "real" number of Roma.

Other than the public policies used by state or supranational structures in order to categorize and identify Roma, certain administrative practices also exist in which citizens are classified and categorized by the state: state-conducted census and various types of data collection. These practices (some of which are closely linked to the policy-making process) can impact how a group's ethnic identity is classified. To give one example, during the communist period in Eastern Europe, some countries refused to include the term "Roma" or any other, Roma-linked category into the census, thereby denying any claim that the Roma constitute a separate ethnic group. Roma were instead considered a social group and were subsequently categorized as belonging to the majority population (Gheorghe 1991).

The census is an instrument by which a modern state categorizes people based on certain criteria, including ethnic identity. Discussions related to censuses often concern the accuracy of their data, a moot point in the case of minority issues as census data is considered official and becomes the basis of minority policies regardless of its veracity. As such, the reported minority population in the census almost automatically takes on a political aspect. Regarding the Roma, debates surrounding the accuracy of census data often emerge in all three countries under examination. There is virtual unanimous agreement within these countries that the census data does not exactly reflect the reality, as the Roma population is widely considered to be far greater than what the censuses indicate.

Various institutions also release estimates concerning the Roma population in different countries. People consider this institutional data to be realistic, unlike the census data, but it is also inaccurate as the estimates are not supported by concrete evidence. An example of this is a table drawn up by the Council of Europe that illustrates the Roma population of various European countries. While this table contains questionable data, it is still the basis for the top policy document tailored toward Roma-related issues in the European Union, the EU Framework for Roma. Questionable data offers an inkling of the de-

gree of professionalism behind the Roma policy process in European countries, including the three countries examined in this book. It also provides an indication of the rationale behind the decisions made by policy-makers.

Despite the fact that there is a very broad consensus in academia that ethnic identity is a social construct formed through interaction with members of other ethnic groups and institutions in society, this concept has not been applied to state censuses. On the contrary, in most cases, the main approach of census makers in judging ethnic identity is a primordialist one, in which identity is immutable and exclusive. The person interviewed during the census is presented with a single identity choice, thereby excluding the possibility that one individual may possess multiple identities. This is one of the reasons why Roma declare their ethnicity less often than other groups in the census. Possessing an ethnic identity that is heavily stigmatized in the public space while also belonging to multiple culturally different spaces, Roma prefer to choose the dominant identity on the census in many cases. By doing so, Roma align themselves with an identity which is not stigmatized and belongs to the majority groups where they live. In addition to the stigma stemming from antigypsyism, Roma have also internalized some components of their identity originating from the majority population, including interaction with public institutions perceived as oppressive ones. This type of interaction results in either a degree of loyalty to or rejection of these state institutions.

A good example of this can be found in the 2011 Hungarian census. Before 2011, Hungary used a system in which the individual could only declare one ethnicity. In the 2011 census, individuals were allowed to declare multiple ethnicities. This practice led to a significant increase in the number of people declaring themselves as Roma on the 2011 census. Unlike the Czech Republic and Romania, where the increase in the number of those who declared themselves Roma fit predictions of being between five and twenty percent, Hungary's tally of the Roma population jumped by almost fifty percent. The resulting

combined number of Roma in Hungary was almost the same as the Council of Europe's estimate.

There have been no comprehensive and comparative studies to accurately determine either the perceptions of Roma by non-Roma in terms of ethnic identification, or the criteria and the context in which they self-identify as Roma. A survey conducted in 2007 by a team of Romanian scholars used two nationally representative samples from the majority population and those who self-identified as Roma—including both assimilated (Romanianized) and other Roma. It revealed interesting differences in how Roma identify other people as being Roma versus how the majority population identifies a person as Roma (Bădescu et al. 2007). When answering the question "How do you identify someone as Roma?", Roma respondents more often used cultural determinants while non-Roma depended on physical characteristics. Their answers are summarized in the table below:

Table 4. The Identification of Roma

Source: Bădescu et al. 2007, 9.

| Criteria | Assimilated (Romanianized) Roma | Other Roma | Other ethnicity (Romanian, Hungarian, etc.) |
|---|---------------------------------|------------|---|
| Physiognomy, what the person looks like | 9 | 9 | 17 |
| Behavior, habits, character | 7 | 7 | 13 |
| Color | 14 | 13 | 23 |
| Speech, accent, vocabulary | 19 | 15 | 10 |
| Clothes, style of dress | 15 | 14 | 9 |
| Spoken language: Romani | 23 | 17 | 10 |
| Do not know | 8 | 20 | 10 |
| Other criteria or answers | 6 | 5 | 9 |
| Total | 100 | 100 | 100 |
| Number of respondents | 607 | 697 | 1,224 |

How can the exact number of Roma be determined? Is there an objective definition for who is Roma and who is not? Based on comparative research conducted in Bulgaria, Romania, and Hungary, Ladányi and Szelényi have shown how impossible either is; defining who can be considered Roma depends on the interests of the one making the classification (Ladányi and Szelényi 2001). The authors showed that significant differences emerge when different methods of classification are used either by experts, field researchers, or even by those declaring their own ethnicity. This divergence exerts enormous influence on public policy-planning, in which the lack of precise statistics on Roma is sometimes used as a way to avoid initiating programs for Roma.

Identification and International Law

From a legal point of view, the issue of self-identification and ethnic classification is very complex. While international law declares an individual's right to self-identification, it does so in regard to a person's negative liberty without addressing other complex issues, such as multiple identification or the procedural aspects of self-identification. Article 3 of the Framework Convention for the Protection of National Minorities, a document drawn up by the Council of Europe and made mandatory in all three of the states under review in this book, states that "Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice."

Similarly, the final Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE from 1990, in its section IV paragraph 32 stipulates that:

To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice. Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. . . .

Thus, according to international law provisions, the state cannot impose any type of mandatory classification: each individual can decide whether or not to declare his ethnicity and affiliation. The procedure through which an individual can be considered as belonging to a certain ethnic group, however, remains unclear due to the fact that in practice self-identification is not enough: one must also be recognized by the group which the individual is claiming to belong to.

An institution whose decisions are binding and which establishes the legal standards for all signatory states under the European Convention of Human Rights, the European Court of Human Rights (ECHR) has to date ruled in two cases concerning ethnic identity definition: *Ciubotaru vs Moldova and Sejdić and Finci vs. Bosnia and Herzegovina*. According to ECHR's ruling, along with name, gender, and religion, an individual's ethnic identity remains an essential aspect of individual privacy and identity (*Ciubotaru vs Moldova*, Paragraph 53).

In the case of *Ciubotaru vs Moldova*, the plaintiff turned to the court regarding the government's refusal to let him proclaim his self-declared ethnicity in his identity documents rather than the ethnicity designated to him by the authorities. In this particular case, the ECHR ruled that self-declaration is not sufficient for establishing a person's ethnic identity. ECHR therefore drew a distinction between subjective and objective grounds for establishing ethnic identity. In this interpretation, self-declaring ethnicity is a subjective means for establishing a person's ethnicity, while the objective grounds consist of the factors on which an individual claim is based. Thus, the ECHR

determined that to be objective one has to establish verifiable links between how an individual's ethnic identity is perceived and his or her ethnic affiliation with said group. Its examples of what formulates the objective grounds for demonstrating ethnic affiliation are "language, name, empathy and others" (*Ciubotaru vs Moldova*, Paragraph 58). It must be mentioned that, according to ECHR, an individual's obligation to provide objective evidence in support of his or her claim should not be a disproportionate burden on them.

In the case of *Sejdić and Finci vs Bosnia Herzegovina*, the ECHR ruled indirectly that a person's statement must provide the basis for recording his or her ethnicity. Here it defined the characteristics of ethnicity as "common nationality, religious faith, shared language, or cultural and traditional origins and backgrounds" (*Sejdić and Finci vs Bosnia Herzegovina*, Paragraph 43). In reference to the same case, and while discussing classifications based solely on ethnic or racial criteria, the ECHR established (similar to the US Supreme Court case law) a more stringent standard for analyzing possible infringement of privacy and justification for such violations:

In this context, where a difference in treatment is based on race or ethnicity, the notion of objective and reasonable justification must be interpreted as strictly as possible (see *D.H. and Others*, cited above, § 196). The Court has also held that no difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin is capable of being objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures (*ibid.*, § 176). That being said, Article 14 does not prohibit Contracting Parties from treating groups differently in order to correct "factual inequalities" between them. Indeed, in certain circumstances a failure to attempt to correct inequality through different treatment may, without an objective and reasonable justification, give rise to a breach of that Article. (*Sejdić and Finci vs Bosnia Herzegovina*, Paragraph 44)

This legal analysis of identity issues highlights the fact that the complexity of public policies directed toward Roma extends beyond technical issues: for the purpose of evaluating a government's institutional performance, public policy must comply with public assessments while judicial reviews must also be upheld in order to maintain certain constitutional and international standards. When analyzing the EU Framework for Roma from this stance, its legality cannot be questioned given the differences between Roma and other groups in European societies, even if the evidence is anecdotal and not measured exactly.

The blurred nature of the legal standards emphasizes the need for Member States to collect ethnic data systematically for the purpose of policy-making. Yet, the EU Framework for Roma does not lay out this measure in any explicit way and instead invites Member States to collect such data. This avoidance of data gathering has led to exaggerated reports from states on achieved results, without any way of measuring or verifying the progress in implementing policies towards Roma. The Czech Government Strategy mentions setting up a system for data collection, but provides no details on how this would be done methodologically. Similarly, the Hungarian Government's strategy mentions a system used to monitor progress but does not specify the methodology by which such data would be collected. These approaches should be analyzed in context of the two nation's general approaches to data collection. In both countries, different governments have interpreted the international standards for processing personal data according to a very narrow scope, claiming that the state has no right to collect data on ethnicity as this would violate an individual's right to privacy. To date, the reported progress of Roma policies has been based only on estimates and surveys. In light of this narrow interpretation, serious doubts can be raised toward policies that utilize data collection in the Czech Republic and Hungary as well as other states. At the same time, the Romanian Government Strategy makes no reference at all to data collection, even though data collection is a considerable challenge for those who drafted the strategy. Some of the data

on which policy-makers based their analysis was more than ten years old and, very probably, inaccurate.

One might conclude that the three states' stances seem to suggest little interest on their part in data collection. In the interest of better coordination on the European level, the logical solution would be for European institutions to propose a generally agreed upon methodology throughout all Member States concerning the collection of sensitive data, such as ethnicity. In order for the EU Roma Framework to succeed, this methodology is essential.

The practice of some countries, as well as regional government and private initiatives, shows that various solutions exist already. Romania, for example, successfully utilizes affirmative action to increase access to higher education for Roma. To avoid imposing a "tag" on individuals applying for these special places, the state opted to allow applicants to prove their Roma identity via both self-declaration and recognition of their ethnicity by a Roma social actor, in this case a legally constituted Roma organization. Although there have been a few complaints of alleged abuses of this method, the problems were mostly related to the process's transparency and how the organizations recommending the applicant were verified.

Another solution successfully applied by the Roma Education Fund has been when granting scholarships to request a notarized statement from Roma applicants including a declaration of the truth regarding their ethnicity and willingness to engage in various activities for the collective benefit of Roma. The success of this practice suggests that association with the Roma should not remain private, but should be declared publicly in certain circumstances, and applicants must assume this responsibility. These practices show that solutions do exist to the problems inherent to collecting ethnicity-based data according to international standards, including those of the ECHR.

It is my opinion that policy-makers have to consider two important aspects in defining a methodology for data collection: who exactly should be included within the term Roma, and what procedure should

be used for identifying the target group. While self-identification should obviously serve as the basis for data collection, the individual's declaration of self-identification should be credible and must fulfill the following criteria of being public, continuous, and consistent.

Assessing How the EU and National Governments Have Failed

The importance of the EU Framework for Roma must not be underestimated. Within the realm of policy-making, the EU Framework for Roma is a historic milestone for guaranteeing the official rights of Roma on both the international and national level. Never before have national governments and international organizations attempted to improve the situation of Roma this much. As the most complex policy arrangement directed toward Roma, the EU Framework for Roma demands a high degree of coordination between national governments and significant financial resources from the EU. After more than half of the time allocated to the EU Framework for Roma has come to end, the results still remain uncertain, at least according to recent evaluations (Mirga 2017; EC 2017; EC 2018a). Even the annual reports of the European Commission in 2015 and 2016 on the implementation of the EU Framework for Roma show that no significant results have been achieved (EC 2015; EC 2016).

What are the causes of such a failure in policy? Considering the EU's extensive strategic goals for development, any observer comes to the same logical question: how can a political and economic organization that aims to become the number-one economy in the world have failed on so many levels? In order to answer these questions, the numerous policy failures within the design and implementation of the EU Framework for Roma must be analyzed.

The EU Framework's first policy failure is its failure to define the policy's target group in a clear manner. The EU Framework defines

Roma as a generic term encompassing a variety of groups that might share certain cultural features to varying degrees: “The term ‘Roma’ is used—similarly to other political documents of the European Parliament and the European Council—as an umbrella which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc. whether sedentary or not; around 80% of Roma are estimated to be sedentary.” By neglecting to enumerate what cultural characteristics these groups share, the definition becomes so vague that almost anyone in Europe could fit under its “umbrella.” In this particular context the reference to a sedentary lifestyle is peculiarly strange, as living in one place seems to be taken as a cultural characteristic. The EU also failed to communicate whether the EU Framework targets just those Roma groups considered “local” to a particular area, or instead targets all Roma, irrespective of their citizenship or where they are from originally.

The second failure was both the EU and national governments’ failure to provide good data regarding the situation of Roma. No EU member state has a reliable or effective data collection mechanism for sensitive issues like ethnicity (Huddleston 2017).¹ Worse, when not using estimates, authorities rely on proxies for ethnicity. (Huddleston 2017).² Even the United Kingdom, where data collection by ethnicity is regulated and reliable, the available data for Roma is far from accurate as reports from different sources provide vastly different figures for Roma living in UK.

¹— “Available equality data in most EU Member States raises major issues of data validity except on the ground of age” (Huddleston 2017, 14).

²— “Proxy-based ethnicity data is more often available from national survey and administrative sources, but often not comparable across countries” (Huddleston 2017, 17).

As was previously stated in this book, the EU Framework for Roma was based on a study produced by a group of researchers who had unreliable estimates of the Roma population (Bartlett et al. 2011, 39). Chapter IV provides a detailed analysis of the shortcomings in this data as well as in information used throughout the entire policy-making process, from that study and the resolution by the European Parliament to the final document by the European Commission that was later approved by the European Council. Both the EU and the national governments share the responsibility for this failure as the policy was based on unreliable estimated data. In addition, both EU and national governments have a long history of accepting unverifiable results of policy implementation long before the EU Framework was ever established.

The third policy failure is the lack of participation of Roma in the policy-making process, an issue long noted by scholars and activists. As discussed in Chapter IV, Roma activists expected that such a mechanism would be an essential component of the next EU policy arrangement for Roma. Roma participation would have been a key ingredient to policy success, a lesson EU and national governments should have learned from previous policy-making cycles. The fact that the Roma community's voice remains unheard during policy processes and the lack of any mass representation of Roma interests in broader society necessitates their inclusion in policy-making.

The fourth policy failure of the EU and national governments is their failure to provide adequate time for debate and consultation. The EU rotating Presidency of Hungary played a specific role in this failure. In the rush to establish its EU leadership legacy and with the agreement of EU institutions as well as other EU member states, the Hungarian government provided a very tight timeframe for the adoption of the EU Framework for Roma and the subsequent national strategies that came out of it. This time crunch did not allow for sufficient consultation with Roma groups, local authorities, or other stakeholders. As a result, strategies were drafted without providing the relevant stake-

holders a sense of ownership over the process and, understandably, the commitment of these stakeholders in implementing the strategies was limited.

The fifth policy failure refers to how the issue itself was framed and the policy was subsequently designed. During the policy design process, problem definition was very limited and did not accurately reflect the challenges faced by the target group on a daily basis. As has been repeatedly stated by Roma stakeholders and demonstrated by a variety of research conducted by the Fundamental Rights Agency and other institutions, combating antigypsyism effectively should have formed the backbone of the EU-wide strategy. Considering the extent to which majority populations reject Roma in all European countries, issues related to culture and identity should have been an essential part of the strategy. Poverty, a significant feature of the everyday life of Roma, was not seen as a result of different forms of oppressions but as an independent consequence of the low professional qualifications of Roma and their limited ability to compete in the labor market. The problems Roma face could have been framed as issues of inequality and social justice, focusing on removing different forms of oppression against Roma: racism, marginalization, economic exploitation, powerlessness, and violence. Instead, Roma were framed as a social group that faces issues in education, employment, housing, and health, with the systemic issue connecting them being the Roma's lack of integration with the rest of society. Integration, used interchangeably with inclusion by the European Commission, was thus treated as socio-economic concern, the assumption being that if Roma have jobs and access to education their inclusion in other areas of society will follow naturally.

The sixth policy failure had to do with the policy design generally, beyond the problem definition. The EC and national governments failed to establish an effective monitoring and evaluation mechanism for the implementation of their policies. Lacking such a mechanism, policy-makers cannot uncover their shortcomings and mistakes in or-

der to readjust policies. The monitoring and evaluation of policies was a serious challenge during previous Roma policy cycles. Ingram and Schneider have shown the impact of constructing the target group and the distribution of burdens and benefits in the policies (Ingram and Schneider 1993; 1997). The EU Framework frames Roma mostly in positive or neutral terms as a group entitled to some benefits, because of the failure in policy design at EU and national level the benefits distribution will not reach Roma. Thus, the failure in policy design shows that even when policy-makers have good intentions, the social construction of target population impacts in policy design and on the fact that social groups that are negatively perceived by society and have very limited political influence, would not enjoy the indented benefits distributed through policy-making. As Ingram and Schneider have shown (1993, 1997) these groups will receive through policy-making rather disproportionately burdens and sanction than benefits and rights.

The very limited if any level of coordination between central and local administrations is another failure of the EU and national governments. Policies are designed at the central level and implemented at local level by local administration. Without the full support of local authorities, policies fail to achieve their intended aims and objectives. Clearly, the EU did not consider the need for such coordination between central and local administration when gave such a short deadline for the drafting of national strategies for Roma, less than nine months, from April to December 2011. The national governments, however, did not object to such a tight deadline and complied without coordinating or consulting with local authorities. There should be no surprise that local authorities, the state institutions that are the most knowledgeable on the issues faced by Roma, were not enthusiastic in implementing measures that they did not have a say in and were not provided with the necessary resources for that implementation. The lack of coordination between different levels of administration did not allow for a bottom-up approach and, more often than not, the meaning

of the Roma policies were distorted as they descended from Brussels all the way down to the local level.

The eighth policy failure is the failure of the regulative framework. The regulative framework is a complex one, as issues faced by Roma fall within the domain of different laws and regulations. At the EU level, social inclusion policies are in the domain of soft policies governed by the Open Method of Coordination (Rostas and Ryder 2012). Considering the objectives of the EU Framework, it is unrealistic to regulate those areas where the EU has no competency. In this sense, some governments perceived the EU Framework as a commitment rather than a bona fide regulation within the *aquis communautaire*. The EC did not update its legal framework for antidiscrimination, which proved inefficient in combating the segregation of Roma in education, housing and other sectors (Farkas 2010). The case of Maria in Greece and that of the two Roma children abducted by the social services in Ireland showed that racism towards Roma is deeply embedded within social services and the legal framework is not efficient in dealing with anti-gypsyism (McGarry 2013). Contradictory provisions of different laws and regulations as well as the gap between legal provisions and their implementation impacted policies towards Roma. In Romania and the Czech Republic, school segregation legal provisions did not produce changes at the local level, as these measures were not implemented at local level. In Hungary, despite the anti-segregationist discourse of top officials, the segregation of Roma in education continued and was further promoted by new government regulations, as many segregated schools are currently considered "religious education" institutions and as such do not fall under the purview of the anti-discrimination law. The forced eviction of Roma families continues in Romania, Italy, France, and other countries and no alternative housing as stipulated in international legal binding documents is provided.

To sum up, the EU and national governments contributed to Roma policy failure because of the following:

- Failure to adequately define the target group
- Failure to provide reliable information and data
- Failure to establish a mechanism for the effective participation of Roma in the policy-making process
- Failure to allow adequate debate and consultation
- Inadequate problem definition and framing of the Roma situation
- Limited or none existent coordination between central and local administrations
- Failure of the regulative framework
- Policy design without monitoring and evaluation

As a result, it would be a miracle for the EU Framework for Roma to succeed in bringing its intended social change to European society.

What is Next

In support of my argument that policies towards Roma in Europe fail because of a lack of ethnic relevance of these policies—that is, their failure to take into adequate consideration the crucial importance of Romani ethnic identity as a causal factor in policy-making. I analyzed policy-making towards Roma in Europe from multiple perspectives, employing an interdisciplinary approach and using critical social theories—critical race theory, policy design theory—and methods—policy analysis, discourse and content analysis, interviews, and legal analysis. Inspired by Critical Race Theory, I approached the issue of Romani identity both as a social category and a process, one that provides meaning to its members and to those that interact with it, and that acts as a locus of power which needs to be set in a particular context to be correctly analyzed. In defining this Romani identity, I dedicated special attention to antigypsyism as a particularly important form of oppression against Roma. I departed from the definition provided by Abdelal and his colleagues, proposing a new definition of ethnic

identity in policy-making as a social category and a process that varies across four dimensions: participation of the ethnic group, ethnic claims and grievances, representation of the groups and the framing of their problems, and causal relationships.

In the second chapter, I enlarged my analytical framework by using policy design theory in approaching policies towards Roma. Policy design focuses not only on the content of the policies but also on how target groups are socially constructed. Using policy design theory as a larger evaluative framework of the policies towards Roma, and focusing on issues of justice, democratic institutions, citizenship and problem solving, I showed the theoretical difficulties in framing the Roma as part of broader policy paradigms in Europe: recognition and redistribution paradigm, equality, ethnic conflict management, and multiculturalism. I moved on to analyze the social construction of Roma within different policy models proposed by experts and I analyzed the discourses and concepts used in policy-making towards Roma since the fall of communism. I found that the social construction of Roma within policy-making is consistent with the negative portrayal of Roma in broader society. In addition, the way Roma are socially constructed within policy-making as well as in a broader societal context influences the design, the implementation, and the impact of policies targeting Roma.

In the third chapter, I examined policies towards Roma in the Czech Republic, Hungary, and Romania during the pre-accession period and the Decade of Roma Inclusion (2005–2015), as processes that led to the EU Roma Framework. The goal of this section was to impart a better understanding of the context in which these policies have emerged, the history of how these Roma policies were developed in the three countries, the external and internal factors that affected that development, and the specific approaches that policy-makers employed. Policy evaluations conducted within the Decade of Roma Inclusion provided a clearer picture of government performances when it came to policy-making towards Roma. The chapter included

an analysis of the factors that influenced the development of policies towards Roma: internal factors specific to each country, Euro-Atlantic integration, the international migration of Roma and the development of Roma transnational activism coupled with the soft policy governance at the EU level.

In the fourth chapter, I analyzed the EU Framework as the most complex policy arrangement targeting Roma in Europe by looking both into how it was adopted at the EU and national level and the content of its proposed policies. In doing so, I relied on the conceptual framework developed within the first two chapters. I showed that the most important resort for adopting a specific policy for an ethnic group in Europe was the increasing pressure of some states to deal with Roma migration. While the adoption of the EU Framework is a historical development in policy-making at international level, the analysis of the process and the content of the policies indicated serious challenges and failures. Due to time pressure, the EU institutions rushed the adoption of a policy document on Roma, disregarding Roma participation and previous experiences of policy-making towards Roma. I showed that this fast procedure had similarly negative consequences when the EU Framework was translated at a national level. Because member states had only a short time to submit their national strategies, the participation of Roma and local authorities in the policy-making process were both quite limited. Content analysis of the proposed national policies showed significant inconsistencies, major contradictions with other laws and policies, and outright policy failures.

After the EU Framework, the logical question is what comes next? Is there going to be a policy change on Roma at the EU level or in different countries? Although predicting the future is not a typical habit of the social sciences or humanities, I would bet that by the end of its implementation period in 2020 the EU Framework will not have improved the situation of Roma in Europe to any significant extent and will rather lead to an increase in antigypsyism. Indeed, the EU Framework might instill a great degree of dissatisfaction both among Roma

and society at large if it continues to be communicated as poorly as it is today.³ In publicizing their own success, EU officials tend to advertise the amount of money that has been spent on Roma instead of showing the real work that has been done on the ground level. Moreover, these reported amounts are estimates of what has been spent on Roma initiatives, and do not reflect the actual money that has reached Roma communities. The few examples that are provided by EU officials are small, isolated projects, not the large-scale policy measures that actually impact a significant number of Roma. The secrecy around the EC's evaluations of PHARE programs and EU funded projects in general is a source of much distrust of its projects. Currently, there is no independent monitoring and evaluation of how the EU spends money on Roma. Anecdotal evidence from different member states indicates that the EC continues to support segregated schooling for Roma by funding segregated schools and has no plans to bring an end to this egregious form of institutional discrimination. By emphasizing the funds spent on Roma without providing other relevant information, EU officials and politicians at the national level burden Roma and Roma organizations who will ultimately be blamed for their failure to integrate.

Another question that might be raised is whether there will be any changes to current policies given the numerous policy failures I have pointed to in this book. My answer is simple: no, there will not be a policy change until 2020. First, because EU officials are unaware of these policy failures, or simply ignore them. Second, as James Walsh has shown, because policy change only happens when policy-makers are

³— On August 30, 2017, Commissioner Jourova announced her intention to review the expenditures on anti-discrimination for the period 2014–2020 in an effort to revitalize the EU Framework for Roma integration, allocating 42 billion Euros for 2014–2020. <https://www.euractiv.com/section/eu-priorities-2020/news/commission-to-review-funds-for-anti-roma-discrimination/>

persuaded both of their policy failure and by the other policy alternatives available to them:

The failure of a policy to achieve its goals is often an important reason for the decision to replace it. Failure alone, however, is rarely a sufficient explanation of the timing and direction of policy change. Change follows failure when alternative policies exist that are politically viable—that is, able to garner support from powerful actors—and that can explain past failure persuasively, and offer new policy prescriptions (Walsh 2006, 490).

Currently, there are no policy alternatives for Roma proposed by any stakeholder. At the EU level, there are talks of a policy plan for Roma after 2020 when the EU Framework for Roma comes to an end. The European Parliament adopted a resolution calling for a post-2020 plan.⁴ Based on the conceptual framework I developed in this book, I can say with a high degree of certainty that a policy change on Roma will require a paradigm shift. Without such a shift, policies towards Roma will continue to fail, producing very limited results on the ground and no positive social change in society.

In the paragraphs below, I will expose what I mean by paradigm shift in policy-making towards Roma. The paradigm shift relates to three main issues. First, the situation of Roma and Roma claims should be regarded political issues and part of a reconciliation process. Second, policy-makers should frame the issues that Roma face as part of a larger agenda of equality and social justice. Third, Roma should become part of the political community and be involved in the exercise of power, especially at the local level, as a way to ensure their protection as an oppressed group.

⁴— European Parliament resolution of 12 February 2019 on the need for a strengthened post-2020 Strategic EU Framework for National Roma Inclusion Strategies and stepping up the fight against anti-Gypsyism, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2019-0075+0+DOC+XML+V0//EN&language=EN>.

Roma situation as a political issue

Problems faced by Roma are political issues by their very nature. Claims made by Roma or on behalf of Roma are claims for equality and, ultimately, claims for social justice and social change. Claims for equality are political in nature because they imply a redistribution of resources, an action only achievable by those in power. What Roma activists promote is a change in the status quo so that Roma have equal access to resources and power. These claims for social justice and equality are at the core of the political competition between groups over power. As Simon (2011, 137) put it, "Struggles for or against social change in society are typically political power struggles between social groups. In these struggles people engage primarily as group members and not as individuals." The fulfilment of Roma claims requires acknowledging the racist treatment of them in the past and the oppression Roma have faced over the centuries. The acknowledgment should be part of a wider social reconciliation process which should include sanctions for mass violation of human rights and commemoration for the losses but also compensations and respect for the victims and their survivors.

Equality and social justice

Equality is about power relations in a society. In order to achieve a society where each individual has equal rights, has the opportunity to exercise those rights, and enjoys equal protection of the law, structural factors that produce and reproduce inequality should be removed. Without removing structural inequality, no progress in improving the situation of a group and in providing social justice in society is possible. Policy experts have defined structural inequality "as a condition that arises out of attributing an unequal status to a category of people in relation to one or more other categories of people, a relationship that is perpetuated and reinforced by a confluence of unequal rela-

tions in roles, functions, decision rights, and opportunities” (Dani and Haan 2008, 3). In the case of Roma in Europe, structural inequality is a result of historical influences as well as of certain factors that reproduce the status quo. Historically, Roma have been subjected to policies of exclusion and assimilation, unequal roles and function in regard to power structures and majority populations, with far less opportunities than other groups and a very limited participation in decision making that concerns them. More recently, different organizations have identified factors that reproduce the status quo: less opportunities for a group to exercise their rights; frequent violations of those rights, especially by police and law enforcement agencies; segregation in education, housing and health; and limited involvement in decisions affecting them. Governments should attempt to limit these forms of oppression faced by Roma and other groups in society as much as possible. Without consistently addressing these issues and removing these obstacles toward equality, the authorities could invest trillions of Euro and will still not change the status quo.

Exercise of power and collective identity

Political equality is the basic principle of democracy (Dahl 1989). Equality is about power and claims for equality by oppressed groups are inherently claims for recognition and access to power. Such groups want to be recognized as political actors that have a say in policy-making so that policies are not designed for them by other groups but through direct negotiations between competing groups in society. One might question this statement as liberal democracy is based on the principle of individualism and rights that belong to individuals as human beings and citizens. The rights provided by a liberal democracy are positive rights, but there are no constitutional and political guarantees that it also provide the conditions to exercise these rights on equal footing (Dahl 2006).

However, in a democratic system, power is accumulated through the collective exercise of individual rights—freedom of association, free speech, and voting. A citizen still votes for a collectivity, for a party list or candidate to become representative of its constituency, and parties and coalitions then govern as collectivities. In this sense, democracy is about groups and competitions among social groups. Political parties take over certain societal interests and, through state institutions and the democratic exercise of power, those interests are aggregated to provide for the best common interest of the society.

Because of their long history of exclusion, and the strong negative feelings towards them by the rest of the society, Roma have not developed a mechanism to aggregate their interests (Rostas 2009). Political parties prefer to avoid taking over issues related to Roma as they risk losing votes from other electors. Roma have set up their own political organizations but have never been successful in electoral competition. As a result, the most effective representation of their interest in the public sphere is through non-governmental organizations (Rostas 2012; McGarry 2010).

A proper answer to this issue would be to set up a mechanism to ensure that the voice of Roma is heard throughout democratic processes, especially in policy-making targeting Roma. There should be such a mechanism to ensure that Roma interests are part of the general mechanism for aggregating interests in society not only for moral reasons, or because of past discrimination, or for the purpose of social solidarity, or to build trust, or for integration, or because of the need for diversity management in effective governance. Beyond all of those reasons, a truly strong argument should rely on how the aggregation of Roma interests would legitimize the policies that concern them, as the democratic exercise of power requires that those governed should have a say in matters regulating their access to resources, their behavior and their status.

The arguments in support of Roma participation are based on democratic theory (Sartori 1987; Dahl 1989). However, using the same

theory, one might effectively challenge the legitimacy of such special measures. Should ethnicity constitute a criterion for policy-making in a democratic society? Wouldn't it be better to create those conditions so that Roma interests will be part of the diverse groups that make up society? Wouldn't decisions based on ethnicity lead to deeper divisions in society between Roma and non-Roma? Or, as often heard in the discourse of politicians, why should a state have special policies on Roma when they face similar problems as other groups, like poverty, unemployment, access to social services, etc.? Why should Roma receive a special treatment when the government should be impartial?

To answer these questions, I have to return to the issue of power and framing. In my vision, Roma in Europe constitute a politically insular minority. The concept of discrete and insular minorities, developed by the United States Supreme Court in the case *United States v. Carolene Products*, set a standard for strict scrutiny of those statutes in which states use suspect classifications such as race, creed, or religion, and have the potential to abridge individual liberties. The reason for the Court to adopt such strict scrutiny was to protect the integrity of political processes. While footnote four of the *United States v. Carolene Products* generated technical debates on its meaning, I find Bruce Ackerman's definition of political insular minorities simple and clear: those groups that are "systematically disadvantaged in the ongoing political process" and, as a result, "have little bargaining power that makes it especially difficult for them to strike bargains with potential coalition partners" (Ackerman 1985)

Because of the way Roma participate in political processes at national and EU level, the way their interests are aggregated at different levels, their long history of oppression in Europe, the lack of a kin-state, and the strong rejection of them—factors that limit their bargaining power compared to other groups in society—Roma in Europe constitute a politically insular minority that needs special protection.

In terms of policy content, accommodation should be the concept inspiring policies towards Roma. Accommodation emphasizes the

need to exercise power through collective decisions, making sure that citizens have not only the chance to participate, but also a very practical ability to participate in decision making. Accommodation imposes a positive duty on the state to ensure participation in decision-making. Moreover, in issues like culture, identity, or denomination of the ethnic group Roma should not only be part of decision-making process, they should have the power to veto decisions on which they do not agree.

To use accommodation as a policy concept requires there be power-sharing arrangements at the local level. Usually, power-sharing arrangements have been used at the central level to exercise power together with other groups (Horowitz 1985). My claim for power-sharing arrangements at local level is meant to strengthen local democracy by using deliberative methods. In this way, the policy-makers will ensure not only that the diversity of Roma groups is respected and the voice of each sub-group of Roma heard, but also the use of deliberative methods will ensure that the voice of other powerless and oppressed groups is heard within the policy processes. Hence, local democracy will be strengthened by designing power-sharing arrangements to accommodate Roma's interests as well as those of other excluded groups.

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Despite an increase in the number of EU and government initiatives in their favor, the situation of Roma in Europe has only worsened. This book explores the many miscalculations, misconceptions, and blunders that have led to this failure. For Hungary, the Czech Republic, and Romania, Rostas shows how policy makers in each country mishandled already confused EU policy, from failing to define "Roma" to not having a way to evaluate their own progress. Rostas further argues that the alleged successes of these policies were the product of poor information and sometimes outright deception. Examining perennial topics among Roma like school segregation and political representation, the author shows how often the so-called "success" of Roma policies can be fallacious and simply pave the way for further problems.

Rostas maintains that when the EU's *Framework for Roma* program comes to an end in 2020, there must be a fundamental shift in policy for there to be any real improvement for Roma. Policy makers will have to address Roma issues not only in terms of poverty and social exclusion but also in terms of the particular nature of Romani ethnic identity. This shift requires reconceiving Roma as a "politically insular minority" and rearranging the power dynamics of local government to ensure that when the new era of Roma policy begins Roma themselves will have a voice in its formulation.

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