

COSMOPOLITANISM AND EXCLUSION

ON THE LIMITS TRANSNATIONAL DEMOCRACY  
IN THE LIGHT OF THE CASE OF ROMA

By

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## Statement

I hereby state that the thesis contains no materials accepted for any other degrees in any other institutions. This thesis contains no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

# Abstract

The dissertation studies the normative relevance of transnational solidarities within the broader debate on the desirability and feasibility of transnational forms of democracy. By studying the case of Roma, the normative relevance of different transnational attachments is analysed including transnational political and civic solidarities, trans-border ethnic and national attachments, as well as hybrid and diasporic identities. Such analyses lead to more fundamental questions about the relation of political action and solidarity to self-determination, citizenship, and territoriality.

The study finds that the emergence of transnational solidarities in itself is not sufficient for the emergence of transnational forms of democracy. Trans-state forms of *democratic* solidarity have to be coupled with a capacity of authoritative self-rule in order for transnational forms of democracy to take root. The dissertation refutes both state-centric and global visions of democracy, as well as ethnic-neutral and nationalist conceptions, and argues for a difference-respecting trans-state approach that recognizes we are members of overlapping and nested polities, appreciates cultural diversity, but does not seek to accommodate it within nation-states. The thesis embraces a dynamic and open conception of culture that leaves room for multiple identities, voices of dissent and experimentation, as well as voluntary assimilation.

The dissertation exposes the proliferation of citizenship regimes as citizenship, nationality, and residency are increasingly detached; however, these developments in themselves are not sufficient for the emergence of transnational forms of democracy. On the contrary, by studying the case of Roma, the thesis identifies three dimensions of exclusion: ethnic stigmatization, social exclusion, and denial of citizenship. These forms of exclusion may reinforce each other and push the racialized poor and the racialized stranger to the margins of the polis.

Concerning the case of Roma, the dissertation provides a comprehensive analysis of the genesis of 'Roma issue' in international politics; develops a normative framework for studying options of state-bounded and trans-state forms of Romani political participation embracing both electoral and non-electoral forms; and situates Romani claims amongst those advanced by other trans-state and stateless nations including diasporas, immigrant and non-territorial communities. The dissertation argues that Romani self-determination (in the form of cultural autonomy) cannot substitute for effective anti-discrimination measures and the consolidation of democratic solidarity.

The study finds that the political participation of Romani citizens on the basis of formal political equality is not adequate, therefore special political rights may be accorded to them on both national and European levels for instance in the form of quotas or reserved seats. The thesis rejects the general vision of deterritorialization of political communities, but embraces the possibility of developing supplementary forms of transnational autonomy of trans-border nations and diasporas, for instance within the framework of European Union. Nonetheless, the dissertation demonstrates that the EU as a democratic community remains underdeveloped: in its current form it can neither protect the rights of its citizens, nor counterbalance their state-level political marginalization.

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## List of abbreviations

CEE	Central and Eastern Europe
CoE	Council of Europe
CPRSI	Contact Point for Roma and Sinti Issues within the Organization for Security and Cooperation in Europe
EP	European Parliament
ERIO	European Roma Information Office
ERPC	European Roma Policy Coalition
ERRC	European Roma Rights Centre
ERTF	European Roma and Travellers Forum
EU	European Union
INGO	International non-governmental organization
IR	International relations
IRU	International Romani Union
MG-S-ROM	Committee of Experts on Roma and Travellers within the Council of Europe
MEP	Member of the European Parliament
MP	Member of the Parliament
NGO	Non-governmental organization
OSCE	Organization for Security and Cooperation in Europe
OSI	Open Society Institute
PER	Project on Ethnic Relations
RNC	Roma National Congress
UN	United Nations



# Introduction

## Field of research

Tying democracy to the nation state can be criticized in several ways. As numerous scholars have pointed out, the generalization of the state as the key unit of political organization is a very recent phenomenon. The principle of national sovereignty has never been a wholly accurate representation of the position of any given state, and it approximates less and less to the situation of the majority of states in contemporary world (Anderson 2002; Badie 2000; Hutchings 1999; Smith 2000).

In a similar manner, several scholars argue that ‘globalization’ undermines the legitimacy of territorially organized democracies. Individual states have little control over transnational actors and flux that exert profound influence on the lives of citizens. No citizen may hope that his or her vote cast at a national legislative election can have influence on global economic inequality or the degradation of biodiversity (Falk 1995; Held 1995; Scholte 2000). As a result, in the last approximately twenty years, a growing amount of ideas have been advanced on democratic participation and representation beyond state borders.

In the 1990s, a new field of research emerged at the borders of political theory and international relations (IR) theory that was labelled *international political theory*. Similarly to ‘traditional’ political theory, the approach of international political theory is *normative*, i.e. it does not aim at explaining phenomena – as political scientists would do – rather it evaluates them. While IR theories analyze primarily the rights and obligations of states, international political theory focuses on the *individual*. However, as opposed to ‘traditional’ political

theory that studies the fundamental questions of political philosophy in national contexts, international political theory analyses the transnational, sometimes global, forms of justice, democracy, authority, and liberty.

Certainly, philosophers investigated the transnational political and ethical standing of individuals before the 1990s: beginning with the Stoics, through Erasmus, Leibniz, and Kant, one could enumerate several authors. What has changed in the last circa twenty years is the context of cosmopolitan theories, often described with the ambiguous term of *globalization*. It appears that in the last two decades a rapidly increasing number of political and social actors have dealt with the questions of transnational justice and democracy. Breaking out from the discipline of philosophy, not only are more people interested in the questions of international political theory, but the discourse itself is increasingly taking transnational forms.

## **Focus**

Within the broad debate on the desirability and feasibility of transnational forms of democracy, the dissertation focuses on the role of transnational solidarities and attachments. Cosmopolitan theories are often criticized for downplaying the importance of national belonging and particular attachments in the functioning of democracies (Calhoun 2007; Kymlicka and Straehle 1999; Miller 1995). Other scholars, in contrast, cherish the emergence of transnational social movements, new forms of political participation, even a global civil society (Anheier, Kaldor, and Glasius 2001; Chandler 2004b; Cohen and Rai 2000; Della Porta, Kriesi, and Rucht 1999; Germain and Kenny 2005; Kaldor 2003; Khagram, Riker, and Sikkink 2002; Smith and Johnston 2002; Walzer 1995; Warkentin 2001).

By studying the concepts of solidarity, nation, and culture, the dissertation deconstructs the cosmopolitan-communitarian debate. On the basis of the case study, a more nuanced typology

of citizenship constellations is developed accommodating both state-bounded and trans-state attachments, as well as civic and non-civic (ethnic, religious, etc.) solidarities.

## **Objectives and methodology**

In order to analyse real existing forms of transnational activism and solidarity, the dissertation studies the case of Roma<sup>1</sup>. By bridging across the normative-empirical divide, the present work subscribes to *new institutionalist political theory* (Bauböck 2008). Going beyond the construction of ‘ideal theories’ often inspired by the groundbreaking work of John Rawls, the dissertation studies a non-ideal world in the form of case study by moving back and forth between ideal and real-world conditions. In other words, the case study not only underpins pre-established normative arguments, but it generates new normative insights.

By studying the case of Roma, the dissertation aims to respond to the following research questions:

1. What is the normative relevance of transnational solidarities for democratic theory, in particular for determining the boundaries of demos?
2. Under what conditions can transnational forms of democracy be justified?
3. On what normative grounds and under what conditions can claims of self-determination of Roma, and in general of trans-border nations<sup>2</sup>, be justified?

(1) My thesis is that the emergence of transnational solidarities in itself does not imply the development of transnational forms of democracy. However, under certain conditions, trans-state forms of *democratic solidarity* may take hold, which has to be coupled with the capacity of authoritative trans-state self-government in order for legitimate transnational democracies

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<sup>1</sup> I refer to the term ‘Roma’ as a category of ethnopolitical practice. The complex questions of terminology and ‘Who are the Roma?’ are addressed in the second chapter.

<sup>2</sup> I use the term ‘trans-border nation’ instead of the oxymoron ‘transnational nation’.

to develop. In the dissertation I reject both state-centric and global visions of democracy, as well as ethnic-neutral and nationalist approaches, and argue for a *trans-state difference-respecting* conception of democracy that recognizes overlapping and nested polities, appreciates cultural diversity, but does not necessarily seek to accommodate it within nation-states.

(2) Transnational forms of democracy can be justified if they are rooted in democratic solidarity and have the capacity of authoritative self-rule. Democratic solidarity implies a desire to collective self-rule, being aware of the rights and duties our membership implies, the fundamental norms and procedures of the community, as well as its boundaries and criteria for membership. These boundaries must be significant to its members as they have to be willing to cooperate; make decisions together; share power and resources with each other. An institutional framework for deliberation, decision-making and governance is also required. Furthermore, democratic solidarity implies the recognition of the equality of each citizen under the rule of law, i.e. the elimination of all forms of racial, religious, and gender-based discrimination. Other preconditions include shared discursive spaces, a culture of equality and diversity, democratic skills and knowledge, and minimal physical and economic security.

(3) As for the self-determination of Roma, my thesis is that the struggle for the recognition of Roma nation should not be dismissed altogether, rather a dynamic and open conception of Roma nation shall be embraced that allows for multiple identities, experimentation, and voluntary assimilation. Romani citizens should have the opportunity to recollect, negotiate, develop, and reaffirm their own identity and culture. However, Romani self-determination cannot substitute for effective anti-discrimination measures and the consolidation of democratic solidarity. Given the prejudice and discrimination Romani citizens face in various spheres of life, the Romani recognition struggle aims for *both* (legal, political and social) equality *and* the *freedom* to identify oneself and live as Roma.

Why the case of Roma? Roma are increasingly perceived as an avant-garde, non-territorial, trans-border nation challenging the so-called Westphalian international order. This vision poses a challenge for international political theory, and can be assessed in the framework of contemporary debates on the boundaries and nature of political communities. As long as non-Romani citizens can overwrite one's choice of identity, the struggles for democratic equality and recognition cannot and should not be disentangled.

By studying the case of Roma the normative relevance of different transnational attachments can be analyzed including transnational political and civic solidarities, trans-border ethnic and national attachments, as well as hybrid and diasporic identities. Such analyses lead to more fundamental questions about the relation of political action and solidarity to self-determination, citizenship and territoriality.

Assessing the political participation and representation of Roma is a real challenge for political theorists. A great diversity of transnational actors has emerged in the last three decades that claim to represent Roma, speak or advocate on their behalf. Such actors include expert bodies under the auspices of international organizations, various NGOs, worldwide or European Roma congresses, forums, platform, as well as self-appointed Gypsy Kings.

In the case of Roma, these theoretical issues are raised not only by scholars, but also activists, policy-makers, opinion leaders, politicians, as well as common people. How can we integrate 'them' into mainstream society? What does it mean 'to integrate them'? What is the role of local and national governments, and what role should the European Union and other international bodies play? Who speaks for Roma? Who are their legitimate representatives and on what grounds?

The preoccupation with Roma has deep historical roots, having taken both romantic and malevolent forms ranging from the adoration of pure and free *sauvages* to their expulsion<sup>3</sup>, forced assimilation<sup>4</sup>, enslavement<sup>5</sup>, or extermination<sup>6</sup> (Achim 2004; Clark 2004; Crowe 1995; Liégeois 2007; Mayall 2004). The scientific study of Roma has similarly deep roots (Acton 2006; Dupcsik 2009; Willems 1998) in disciplines such as linguistics, art history, sociology, anthropology, history, and more recently political science.

However, very few scholars reflected systematically on the questions of the social integration and political participation of Roma in the framework of normative political theory. The dissertation thus aims to contribute not only to political theory, but also a broader political and social dialogue.

### **Sources and perspectives**

The case study is primarily based on an extensive review of official reports, statements and other documents pertaining to the transnational political participation of Roma. I also reviewed the secondary literature and often refer to the pioneering works of political scientists who in the recent years have begun researching Romani political activism, namely Zoltán Bárány (2002a; 2002b), Ilona Klímová-Alexander (2005, 2007; 2002), Martin Kovats (2001a, 2001b, 2001c, 2001d, 2001e, 2003), Aidan McGarry (2009, 2010), Eva Sobotka (2001-2002, 2007), Nidhi Trehan (2009; 2009), and Peter Vermeersch (2001, 2003, 2005, 2006). I also reviewed and build on the works of anthropologists and sociologists, all of whom I cannot name here, but whose references can be found in the bibliography.

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<sup>3</sup> Roma have been banished from almost every European cities and states in late 15<sup>th</sup> and 16<sup>th</sup> century.

<sup>4</sup> For instance under Maria Theresa in the Hapsburg empire and in several Eastern European soviet satellite states

<sup>5</sup> In the principalities of Wallachia and Moldavia from the 14<sup>th</sup> century until 1840

<sup>6</sup> By the Nazi regime in the Second World War

The case study is also influenced by my personal experiences. As non-Rom, I have grown up in a mixed neighbourhood of Budapest, where approximately from five to ten percent of my elementary school classmates as well as our neighbours were of Roma origin. (However, we did not make such an ethnic distinction those years.) Later, during my university years I found out more about segregated and much poorer Roma communities when I worked as a volunteer in a ghetto of Usti Nad Laben, in the Czech Republic. I also had the chance to visit and talk with members of immigrant Roma communities who live in *campi nomadi* in Italy.

In the course of my doctoral studies, I have gradually been involved in the world of international scholars and activists. I worked as an intern for the European Roma Rights Centre, a key NGO in this field; observed the 8<sup>th</sup> World Romani Congress held in Zagreb in 2008 and the 5<sup>th</sup> European Roma Platform held in Budapest in 2011; attended (and presented at) numerous conferences, workshops and summer schools focusing on the Roma. As a teacher at the Roma Access Program of Central European University, I also assisted to the emergence of an English speaking, highly educated Roma elite.

However, I am aware of the limitations of my own perspective. As a non-Roma researcher, I can only highlight and analyze the normative dilemmas of the self-determination and social integration of Roma. These dilemmas can be turned into political projects or policy options on which all concerned parties, especially grassroots Romani organizations, should be able to deliberate.

### **Structure of dissertation**

The first chapter analyses the challenges of transnational solidarities for democratic theory. By elaborating the concept of democratic solidarity, the dissertation goes beyond both the post-political appraisal of transnational solidarities as well as their nationalist critiques. On

the basis of my concept of democratic solidarity, the chapter concludes that non-state forms of democracy are real, viable and legitimate; however, global democracy is neither feasible nor desirable.

The second chapter introduces the case study. It discusses the controversial question of 'who are the Roma' and clarifies appellations. These are not purely ethnographic problems but have direct and profound relevance for normative analysis. Next, the origins of Romani activism are presented alongside the genesis of the 'Roma issue'. Five developments are identified and studied that contributed to the genesis: the fear of Romani immigration, the emergence of transnational advocacy network, the inadequacy of international minority rights regimes, the changing role of the European Union, and the struggle for transnational recognition and self-determination.

The third chapter analyses and situates Romani claims. It identifies and studies three major discourses focusing on self-determination, human rights violations, and social inclusion. Next, options of state-bounded and transnational forms of political participation and representation are discussed including both electoral and non-electoral structures. The chapter identifies five interpretations of Romani cosmopolitanisms and situate them in the broader spectrum of claims advanced by other transnational and/or stateless groups including diasporas, immigrants, and religious communities.

Finally, the fourth chapter links the case study to the theoretical problems of transnational democracy. In the first part, Romani political claims and forms of political participation are assessed on five different levels including existing forms of Romani self-determination and pro-Roma solidarity, as well as the ideas of Romani self-determination, trans-border self-determination, and non-territorial self-determination. The second part draws lessons of the



case study for political theory, in particular concerning transnational solidarity, global civil society, citizenship and transnational democracy.

# Chapter 1

## The challenge of transnational solidarities for democratic theory

The aim of this chapter is to outline the normative importance of transnational solidarities for democratic theories. First, the post-political appraisal of such solidarities is discussed (namely global civil society and multitude theories) and refuted. Second, the communitarian and nationalist critiques of transnational solidarities are disentangled. I refute the former and partly embrace the latter. Third, I develop my own conception of democratic solidarity, on the basis of which I can approve the legitimacy of non-state democracies, but contest visions of global democracy.

### **1.1 Transnational and post-territorial forms of solidarity**

There have been and are numerous forms of transnational solidarity: both religious (think of the monotheisms) and secular (e.g. the international workers' or women's movements). Several authors diagnose the upsurge of such solidarities at the expense of national allegiances. At least five tendencies are foreseen.

First, the relative weight of state in the socialization of its citizens – primarily via public education and national media – is decreasing while alternative modes of socialization are becoming more important. Even in China, for example, where the authorities sought to restrict access to and use of Western media, films and the Internet, it has found this extremely difficult to do, especially with regard to young people (Held 2000, 23).

Second, – and in relation to the above – territorially defined and state-bounded political communities are increasingly suffering from a generic lack of cohering values and sentiments, expressed in regular discussions of the meaning and relevance of different national values, symbols and traditions (Chandler 2009, 53).

Third, people are more *aware* of regional and global developments than in previous generations. In 1892, an observer noted that an inhabitant of a village who reads a paper “interests himself simultaneously in the issue of a revolution in China, a bush-war in East Africa, a massacre in North China, a famine in Russia, and is accordingly, likely to be better informed about the world than the Prime Minister of a hundred years before” (Held 1995, 122).

Fourth, not only do transnational forms of awareness emerge, but a sort of *global moral consciousness*. Human rights violations and various forms of social exclusion and inequality are increasingly “perceived as our own problems, “and not only because we need each other to solve our specific problems but because we now have serious and legally binding claims for a global exclusion of inequalities” (Brunkhorst 2007, 107).

Fifth, transnational awareness and consciousness are coupled with new ways of *participating* in global developments. Technological developments and the growth of global communications open up new mechanisms of participation, identification, and solidarity transcending loyalties to the nation-state.

In sum, alongside economic, legal and bureaucratic forms of ‘globalization’, transnational and post-territorial identities and solidarities emerge. “It is a fact that globalization strengthens the need for the coordination of interstate politics, but it should be remembered that even if it were possible to re-establish the autonomous conditions of each state, the empathy of individuals for planetary issues would continue to flourish” (Archibugi 2004, 445).

[...] transnational solidarities, whether between women, lawyers, environmentalists, human rights activists, or other varieties of “citizen pilgrim” associated with globalization from below [have] already transferred their loyalties to the invisible political community of their hopes and dreams, one which could exist in future time but is nowhere currently embodied in the life-world of the planet (Falk 1995, 212).

## **1.2 The appraisal of transnational solidarities**

Political theorists and philosophers attach different weight to transnational solidarities. Two approaches rate them highly. They are centred around the concepts of (1) global civil society, and (2) multitude.

(1) The notion of global civil society emerged in the mid 1990s and was typically conceived as a progressive response to economic (or neoliberal) globalization and the hegemony of the United States<sup>7</sup>. International NGOs and transnational social movements were heralded for counterbalancing the logics of profit-maximization and power-politics; and advocating for the peoples of the world who would otherwise have no voice in the international arena.

Global civil society theories suggest that international political institutions and practices which depend on the established principles of inter-state politics enshrined in existing international law and institutions are effectively exhausted and a new form of politics is called for. Such theories focus on political agency and organization outside of the mechanisms of state and international law. “The emphasis is on ‘the struggle to reclaim space’ or to create ‘zones of autonomy’ and thereby to ‘create counter powers to the state’”(Chandler 2004a, 314).

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<sup>7</sup> See for instance Falk (1995) and the Global Civil Society yearbooks published by the Global Governance Institute at the London School of Economics. The first yearbook was published in 2001 (Anheier, Kaldor, and Glasius 2001).

These theorists assert that democracy and political community can no longer be equated with the territorial limits of nation-states: “democracy must transcend the borders of single states and assert itself on a global level” (Archibugi 2000, 144). Without this shift, the dominant relations of power and inequality will be perpetuated. For Falk, Western states “do not even purport to represent the great majority of women and men on the planet. Moreover, such states represent only the dominant class, gender and race within their own territorial space” (Falk 1995, 50).

(2) In a similar manner, the notion of multitude – revived by Hardt and Negri (2001) – denotes a new model of resistance against the *Empire* which is constituted by a monarchy (the US, the G8, and international organizations), an oligarchy (multinational corporations and nation-states), and a democracy (NGOs and the UN).

New figures of struggle and new subjectivities are produced in the conjuncture of events, in the universal nomadism [...] They are not posed merely against the imperial system—they are not simply negative forces. They also express, nourish, and develop positively their own constituent projects. [...] This constituent aspect of the movement of the multitude, in its myriad faces, is really the positive terrain of the historical construction of Empire, [...] an antagonistic and creative positivity. The deterritorializing power of the multitude is the productive force that sustains Empire and at the same time the force that calls for and makes necessary its destruction (Hardt and Negri 2001, 61).

The concept of multitude aims to capture the struggle against all forms of belonging and domination. “The multitude’s resistance to bondage—the struggle against the slavery of belonging to a nation, an identity, and a people, and thus the desertion from sovereignty and the limits it places on subjectivity—is entirely positive” (Hardt and Negri 2001, 361).

Hardt and Negri (alongside with other theorists often labeled as radical post-structuralists) categorically reject any participation in the political sphere of the territorial state seeing such forms inherently disempowering. They urge a “flight from sovereignty”, a retreat from

political community advocating a “conception of solidarity without community: one which does not assume any shared vision or views and, in fact, seeks to deconstruct universal perspectives as merely the project of hegemony” (Chandler 2009, 64).

Dissatisfaction [—] with nation, state, the international [—] comes from a bond between singularities. What binds me to an Iraqi or a Palestinian is not membership of humanity, citizenship of the world or of a community but a protest against citizenship, against nationality and thick community. This bond cannot be contained in traditional concepts of community and cosmos or of polis and state. What binds my world to that of others is our absolute singularity and total responsibility beyond citizen and human, beyond national and international. The cosmos to come is the world of each unique one, of whoever or anyone; the polis, the infinite number of encounters of singularities (Douzinas 2007, 295).

On the other hand, global civil society theories, although also cherishing post-territorial non-state actors, do not formulate such radical anti-political claims. They rather argue that state-actors could be ‘socialized’ by non-state norm entrepreneurs (Risse, Ropp, and Sikkink 1999).

So-called post-structuralists argue that even engagement at the level of advocacy is oppressive and that awareness of the Other is all that political engagement can constitute without new frameworks of domination. They focus on what we share with postcolonial societies, not offering the hierarchical ‘solidarity’ of development or political autonomy but instead the solidarity of learning from the poor and being marginalized as equals; once humbled: “through a practical politics based on the solidarity of the governed we can aspire to opening ourselves to the spontaneity of unpredictable encounters” (Duffield 2007, 234).

### **1.3 The critiques of post-political cosmopolitanisms**

Theories centred around the notions of ‘global civil society’ and ‘multitude’ envision a post-political world order. Conflating empirical and normative elements they simultaneously refer to an emerging phenomenon and a desirable new form of global agency.

However, as Walzer points out, civil society associations “run after problems; they react to crises; their ability to anticipate, plan, and prevent lags far behind that of the state. [...] civil associations at best are mitigating factors: their activists can do many things, but they can’t make peace in a country torn by civil war or redistribute resources on a significant scale” (Walzer 2004, 181).

Moreover, contrasting ‘bad politics’ with ‘good people’ (civil society, multitude) assumes that the interests and values of ‘the people’ are benevolent and harmonious. Such approaches posit a post-political consensus, a sphere free of power relations, and disregard the antagonistic dimension of politics (Mouffe 2005).

Dissolving political communities into a global civil society or multitude amounts to turning a blind eye to the problems of democratic deliberation and decision making. How shall members of a political community decide on matters of common concern? Who can take part in the decision-making? What institutions could make such a self-rule effective and binding?

Furthermore, global civil society theorists neglect less progressive civil actors, such as transnational crime and terrorist organizations; and exaggerate the global role of international NGOs that in reality are mostly concentrated in the metropolises of prosperous countries. In other words, the ‘globalization of political identities’ is selective. (Held 2003, 468) It is to be found “among the elites of the global order – the networks of experts and specialists, senior administrative personnel and transnational business executive – and those who track and contest their activities, the loose constellation of social movements [...] trade unionists and a (few) politicians and intellectuals. But these groups are not typical.”(468)

Habermas also rejects the “the politics of self-liquidation [i.e.] letting the state simply merge into postnational networks“(Habermas 2001, 81). He argues that that any political community that wants to understand itself as a democracy must at least distinguish between members and

non-members. “The self-referential concept of collective self-determination demarcates a logical space for democratically united citizens who are members of a particular community.”(107)

#### **1.4 Cosmopolitan democracy**

The by-now classical theory of cosmopolitan democracy developed by David Held attempts to answer those fundamental questions that post-political cosmopolitan theories overlook. Held offers a moderate cosmopolitanism that does not dispute the desirability and possibility of national (state-framed) forms of democracy but he argues that national forms are not sufficient to meet the challenges of ‘globalization’.

Held observes that the increasing economic, political, legal, military, and cultural interconnectedness of states and societies (1) challenges the regulatory capacities of nation-states; (2) creates chains of interlocking political decisions and outcomes; and (3) reshapes cultural and political identities.<sup>8</sup> (Held 1995, 136).

In Held’s view, the emergence of transnational solidarities and the corrosion of national allegiances are empirical developments that provide a reason for going beyond the model of state-framed democracy. However, such transnational identities and solidarities do not play a major role in his ‘reinvention’ of political communities.

His theory is rather centred around the notion of “communities of fate” that he derives from two assumptions “at the heart of liberal democratic thought” concerning the symmetry between decision-makers and decision-takers: (1) between citizen-voters and the decision-makers whom they are, in principle, able to hold to account; (2) between the ‘output’

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<sup>8</sup> Although the intensity and consequences of economic globalization are highly debated. See for instance Hirst and Grahame (2000).



(decisions, policies, etc.) of decision-makers and their constituents – ultimately the people in a delimited territory (Held 1995, 224).

Held argues for cosmopolitan democratic law which will institutionalize individual and collective rights and establish the principle of democratic autonomy in decision-making. The principle of democratic autonomy means decisions are made essentially by those that are affected by them. Where decisions have to be made at the global level, for instance with regard to ecological or military issues, global representative institutions will be created which are democratically accountable through elections and in response to critical public spheres in civil society.

Held believes that “each citizen of a state must learn to become a cosmopolitan citizen – a person capable of mediating between national traditions, communities and alternative forms of life” (Held 2000, 30). More precisely, he envisages multiple citizenship: “if many contemporary forms of power are to become accountable and if many of the complex issues that affect us all - locally, nationally, regionally and globally - are to be democratically regulated, people must have access to, and membership in, diverse political communities”(30).

## **1.5 Communitarian critiques**

Both post-political and democratic cosmopolitanisms are criticized for relying on too thin transnational solidarities that are insufficient to support functional transnational (let alone global) democratic institutions. Transnational attachments are perceived elitist (Calhoun 2002), detached from communities (Chandler 2004a), lacking ‘thick’ communicative embeddedness (Habermas 1999).

Such critiques contrast thin / weak transnational solidarity with thick / strong national attachments and posit a trade-off between the inclusiveness of institutions and their ability to generate the broad support necessary for robust collective action (Bader 2007, 113). I call such critiques communitarian, i.e. referring to all approaches that emphasize the importance of community in the functioning of political life, and in understanding human identity and well-being. In this sense, communitarianism can be compatible with liberalism, as discussed later in relation to liberal nationalism.

Accordingly, strong communal identity is – allegedly – essential for (1) public-regarding political action, (2) social justice and (3) political stability.

(1) Strong attachments *motivate* individuals to participate in democratic discourses and procedures, and equip them with the *competencies* necessary for such participation (Williams 2007, 231). In particular, collective political deliberation is feasible only if participants understand one another, i.e. they can speak a common language (Kymlicka 2004, 239).

Furthermore, deliberative democracy requires a high level of *trust*. On the one hand, people must trust that others are genuinely willing to consider one's interests and opinions (Kymlicka 2004, 239). On the other hand, strong solidarity is required for the acceptance of majoritarian democratic decision making as people need to rest assured that structural majorities will not behave in a manner that is mean and exploitative and that their fellow citizens will be reasonable to a certain minimum extent (Bader 2007, 114).

(2) Solidarity is also necessary for social justice, namely to install and uphold redistributive taxation and welfare transfers. A welfare state requires us to make sacrifices for anonymous others whom we do not know, will probably never meet, and whose ethnic descent, religion and way of life differs from our own. Liberal nationalists argue that national identity has provided this common identity and trust, and that no other social identity in the modern world

has been able to motivate *ongoing sacrifices* (as opposed to episodic humanitarian assistance in times of emergency) beyond the level of kin groups and confessional groups (Kymlicka 2004, 238).

(3) Finally, a sense of shared identity is necessary to preserve the stability of liberal democratic institutions. Although pluralism is a presupposition of liberal democracy, there is a limit to the degree of diversity democracy can withstand. Political liberals draw upon and develop John Rawls' argument that liberal democracy needs an *overlapping consensus* among citizens, a substantive moral agreement upon core principles, in order to have a genuinely stable democratic order rather than a contingent and unstable *modus Vivendi* (Rawls 1993, 147). More precisely:

What is necessary is everyone should be able to distinguish between appeals to principle that are *prima facie* valid—because the principle invoked is indeed one that the political community recognizes—and appeals that are to purely private convictions (or to interests dressed up as convictions). Unless that condition is met, no democratic deliberation will be possible, because the idea of making arguments that other people are bound to take on board, either accepting them or responding to them, will have no purchase (Miller 2009, 208).

In brief, democratic citizenship requires some sort of solidarity and shared identity. Consequently, the boundaries of democratic polities cannot be solely determined by the principle of all-affected-interests. Facing common problems and being entwined in social relations do not generate solidarity automatically.

The facticity of social relationships, however, is no guarantee that those relationships will be transformed into communities over which human beings exercise intentional political agency aimed at a common good. This transformation depends on a *dual act of imagination*: First, agents must develop a consciousness of the relationships as existing, ongoing structures of social interdependence. Second, they must imagine that the relationships can be made subject to conscious political agency, to regulation aimed at some common good (Williams 2007, 243).

Most communitarian thinkers (as opposed to many nationalist politicians) do not claim that pre-political solidarity is required for democratic citizenship and willingly recognize that political institutions shape identities, cultures, and solidarities. They even acknowledge manifestations and practices of transnational solidarity. Their main claim is rather that even if transnational (European, global) democratic institutions were created (e.g. European political parties, European courts, etc.), the *cultural preconditions* of transnational democratic citizenship would still be missing.

In other words, not only is there no global juridical public since legal institutions define a public with authority to act globally, there is no sociological global public either “because only a very small minority of people in the world would identify and communicate with other people on a global basis, or even follow world events very closely” (Grant and Keohane 2005, 34).

On the other hand, the proponents of transnational forms of democracy argue that growing interconnectedness results in the continuous strengthening of transnational solidarities. Communitarian critiques typically dismiss such progressivist, future-oriented views. “There can be no viable concept of political culture without history, and the history of liberal, democratic nations is inevitably embedded in particularist ethnic histories” (Bader 1997, 780). The real challenge is to find “a fair and sensible balance between past and future orientation and, more specifically, how much and what kind of particular ethnic history is required and morally tolerable” (782).

In sum, two opposing camps can be distinguished: cosmopolitans find the emergence of a global demos both conceptually and empirically possible and argue that in embryonic form it already exists; whereas according to the ‘pessimist’ or ‘impossibilist’ view the notion of

global demos is incoherent and as a political project neither feasible nor desirable (List and Koenig-Archibugi 2010, 78).

## **1.6 Solidarity, culture, nation**

(Liberal) communitarian thinkers rightly point out the members of a democratic community *must be willing and able to communicate* with each other, to deliberate on issues of common concern and to make decisions. Not only has to each member accept the equal political status of the other members, but they are also supposed to *recognize and endorse the equal access* of each member to social welfare and opportunities – even if it requires financial sacrifices for example in the form of progressive taxation.

The debate between so-called communitarians and liberals revolve around the sources of democratic solidarity. Communitarians emphasize the importance of particular communal attachments for sustaining the fellow feeling of a just community; whereas liberals posit that commitment to democratic equality and social justice generates sufficient political cohesion.

The promise of modern democracy is precisely bypassing ascribed communal ties by recognizing the equality of each citizen under the rule of law. In the framework of an imagined social contract, political allegiances are transferred from ascriptive to voluntary foundations (Pensky 2007, 170). The consolidation of democratic solidarity requires the elimination of all forms of racial, religious and gender-based discrimination. From the perspective of equal status of all citizens, religious, linguistic, cultural differences are irrelevant.

However, Habermas argues that the “dry ideas of human rights and popular sovereignty” were not enough to sustain the transition to democracy and had to be reinforced by the idea of nation.

Belonging to the » nation « made possible for the first time a relation of solidarity between persons who had previously been strangers to one another. [...] With the shift from royal to popular sovereignty, the rights of subjects were transformed into human rights and civil rights, that is, into basic liberal and political rights of citizens. [However] this political mobilization called for an idea that was vivid and powerful enough to shape people's convictions and appealed more strongly to their hearts and minds than the dry ideas of popular sovereignty and human rights. This gap was filled by the modern idea of the nation, which first inspired in the inhabitants of the state territories the awareness of the new, legally and politically mediated form of community. Only a national consciousness, crystallized around the notion of a common ancestry, language and history, only the consciousness of belonging to "the same" people, makes subjects into citizens of a single political community – into members who can feel responsible for one another (Habermas 1999, 111-113).

In other words, the nation consists of an imaginary solidarity amongst strangers that cements the otherwise fragile bonds of reasonable cooperation (Pensky 2000, 66). The myth of a common people with a common past and destiny thus provides "a cultural background for the transformation of subjects into citizens" (Habermas 1999, 109).

The functionalist argument centred around the notion of *nation* has to be distinguished from the hermeneutic conception of *culture* (embraced by Habermas and liberal nationalists alike). Accordingly, culture provides individuals with the specific sorts of background knowledge, vocabularies, shared historical experiences, and interpretative commitments that together constitute something like an enabling condition for the adoption of the abstract principles and procedures of the democratic constitutional state (Pensky 2000, 68).

The liberal ideal of autonomy is based on individual choice. However, life choices must have a meaning. Even in a modern setting, culture invests our choices with meaning and therefore can provide a context within which liberal autonomy, the freedom to make life choices, is worthwhile (Kymlicka 1995).

Such a hermeneutical observation is often coupled with the anthropological critique of liberalism. Sandel argues that liberalism rests on a mistaken view of the person failing to see the importance of constitutive attachments in forming individual identity and interests (Sandel 1984). In a similar manner, Taylor argues that recognition of our identity proves healthy to social exchange, and when it fails, the individual may be harmed (Taylor 1992).

Relying on earlier communitarian thinkers, Margalit and Raz used the idea of situated self to argue for the justice of national self-determination where there is a strong and encompassing collective identity (Margalit and Raz 1990). Kymlicka demonstrated that often under the banner of liberal neutrality, the policies and practices favoured the dominant majorities, thus liberal principles require us to level the playing field (Kymlicka 1995).

Such liberal nationalist arguments must be distinguished from conservative culturalist views that posit the primacy of collective over individual rights. Liberal nationalist (or multiculturalist) theorists argue for cultural accommodation within the framework of human rights; require that personal identity be understood as chosen and revisable; urge open public institutions and the opportunity to debate the features of shared identity; and call for social transformation of identities, which are expected to become ‘thinner’ or more accommodating of alternate forms of identity (Frost 2010, 219).

## **1.7 The critiques of liberal nationalist critiques**

Does recognizing the social and hermeneutic role of culture rule out transnational forms of democracy? The dissertation advocates a transnational approach that recognizes the political relevance of ‘deep allegiances’ and cultural differences.

The argument for cosmopolitan or postnationalist democratic institutions does not turn on the opposition between some heroic cosmopolitanism vision of a world emptied of troublesome partial attachments and an alternative vision of a richly diverse social world in which individuals associate and affiliate with others in pursuit of their various personal and common projects. If anything, a postnationalist world would, perhaps does, resemble more nearly the latter vision; it is not a world without communities and associations, but one in which these are not subordinated to the nation-state (McBride 2010, 161).

It is ironical that Kymlicka and other prominent ideologists of multiculturalism argue that the realization of liberal democratic principles (individual freedom, deliberative democracy and social justice) assumes a cohesive, quasi-homogenous national culture (Kymlicka 2004).

Most existing nation-states do not meet the above discussed communitarian criteria: they are multi-lingual and multi-ethnic. Our attachments, relations, and obligations are manifold, overlapping and include many subnational and transnational ones. The special status or priority of compatriots cannot be based on the requirements of common language, motivation, and trust.

Even in the case of ethnically quasi-homogenous societies, it is doubtful to what extent nationality in itself delivers civic trust and solidarity. Widely divergent understandings of nationality co-exist which in turn contribute to the persistence of diverse national identifications. States that seek to impose a particular understanding of identity are unlikely to achieve their goal of strengthening civic trust and solidarity. Moreover national governments' operations are too complex and removed from the citizenry for them to be in a position to form beliefs about its trustworthiness (McBride 2010).

Communitarian arguments are based on the supposition that the demos is a collective agent possessing a collective will prior to any formal political institutions, and depict these institutions as instruments translating the pre-formed will into action. However, "there is no



unified popular will to respond to, but only plurality of democratic institutions for constructing collective decisions and taking collective action, each performing its particular role in shaping and constraining this process. As the demos is plural, so too are the mechanisms available for ensuring democratic responsiveness , and only a plurality of mechanisms can deliver this responsiveness” (McBride 2010, 166).

By focusing on national attachments, liberal nationalists downplay the importance of fellow feeling arising from moral and political values, as well as social contact and living together. “Urban spaces can promote contact among strangers where Arendtian »words and deeds« might cross interest-based as well as identarian divides thus enable a sense of, not a common identity so much as a common world and common problems” (Hayward 2007, 194).

Several authors argue that communal attachments in themselves are not sufficient to maintain democratic solidarity. “Sharing a common identity and exhibiting some affective bonds are not the same as being able to generate a coherent collective stance on the issues in question, on which policy decisions can be based and enacted” (List and Koenig-Archibugi 2010, 84).

Mostov suggests that

allegiances to polities through which we enjoy public goods and participate to a greater or lesser degree in public life do not require long-shared histories or deep cultural ties. Ability and willingness to understand one another’s concerns and arguments about claims and interests, as well as “normal” ways of doing things, are key elements of political allegiance. These can be based on a common present and a potentially common future or a future likely to be linked through multiple layers of economic, social, and political interdependence (for example, through membership in an enlarged European Union). Commitment to principles associated with democratic practices of social choice and to values associated with respect for individuals as interdependent choosers supports democratic processes and strengthens citizen resistance to skewed relationships of social choice. Yet rather than being a “precondition” of allegiances, this commitment grows out of reiterated interactions among interdependent individuals in pursuing individual and public goods (Mostov 2007, 141).

Furthermore, communitarian nationalist thinkers appear to disregard the extensive literature on the development of modern capitalist societies, the integrative role of law and division of labour, and the construction of welfare states from above. The founders of sociology studied precisely how societies could maintain their integrity and coherence in the modern era, when shared religious and ethnic background could no longer be assumed.

Durkheim argued that as societies become more complex, evolving from mechanical to organic solidarity, the division of labour is counteracting and replacing collective consciousness (Durkheim and Coser 1984). According to Weber, the traditional forms of life are dissolved in the new structures of society marked by the differentiation of the two functionally intermeshing systems that had taken shape around the organizational cores of the capitalist enterprise and the bureaucratic state apparatus. Weber understood this process as the institutionalization of purposive-rational economic and administrative action (Habermas 1987, 2). Karl Polanyi writes about the ‘disembedding’ of capitalism from cultural life-worlds (Polanyi 1944); whereas Parsons and Luhmann relate the destruction of organic solidarity to the differentiation of functional systems (Luhmann 1982; Parsons 1971).

Brunkhorst argues that functional systems like the market economy or sovereign state power represent new forms of social integration without solidarity (Brunkhorst 2005, 83). “Democracy replaces the communicative solidarity of premodern class society that was destroyed in the process of functional differentiation. It makes solidarity egalitarian, expands it, *and* unleashes, by guaranteeing basic rights, the freedom potential of subjective productivity, which satisfies the insatiable selection requirements of functional systems by supplying the necessary variety”(96).

In sum, “modernization processes are intrinsically hostile to holistic cultures in the emphatic sense. Indeed the political accommodation [...] of all cultural groups can only be achieved

insofar as those groups are capable of adopting a de-centered, reflective attitude toward their own beliefs and practices - no matter how foundational those beliefs and practices may be (or may once have been).” (Pensky 2000, 71)

## **1.8 Democratic solidarity beyond post-political and nationalist perspectives**

The chapter so far outlined and disproved post-political cosmopolitan theories; and disentangled liberal nationalist and liberal communitarian critiques of cosmopolitanism: refuting the former and partly embracing the latter. In the following, a third way of dealing with transnational solidarities is outlined avoiding both their post-political appraisal as well as their nationalist rejection.

My own position is developed in three steps, responding to three questions: (1) why is solidarity required for democracy; (2) what kind of solidarity is required; (3) what are the preconditions for the emergence and consolidation of such solidarity?

(1) As noted above, communitarian thinkers rightly point out that democracies can only work if the citizens are *motivated* to take part in public affairs and have the *competencies* for such political participation. Individuals consider themselves citizens if they *believe in their political equality* and are *willing to accept unfavourable majoritarian decisions*.

However, in contemporary indirect democracies self-rule is exercised via elected representatives, which lowers the minimally required level of motivation, competency, solidarity, and trust. The republican conception of actively participating citizens – implied in the above communitarian arguments – is thus challenged by a liberal conception according to

which “democracy promotes welfare by ensuring that political decisions track the aggregate interests of its constituency”<sup>9</sup> (Miller 2009, 205).

In other words, a minimalist and a maximalist conception of democracy can be contrasted. According to the minimalist view, “ordinary citizen’s role is limited to a periodic choice between parties offering a different policy packages”; whereas the maximalist expects “citizens to be directly involved in the making of law and policy through assemblies that all are entitled to attend” (Miller 2010, 146). Nonetheless, even a minimalist conception of democracy requires citizens a sense of belonging to a political community and motivation to elect representatives.

(2) What kind of solidarity is required for democracy? Democratic solidarity must be delineated from both political and ethnic solidarity.

*Political solidarity* “unites individuals based on their shared commitment to a political cause in the name of liberation or justice and in opposition to oppression or injustice” (Scholz 2007, 38). Such solidarity implies identification with the lived situation of others and with an appreciation of the injustices to which they may be subject (Gould 2007, 156). By definition, the source of the bond that links the members and on which they can develop trust, concern, and loyalty are political values, not shared experiences or identity (Blum 2007, 63).

*Ethnic solidarity*, by contrast, is based on shared identity and/or common experiences. For instance, Asian Americans may well diverge greatly in their values, yet still feel a sense of solidarity and community. Ethnic – and, in general, identity based – solidarity is contextual, it may come to the forefront in certain situations and fade away in others.

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<sup>9</sup> Miller contrasts L-democrats and R-democrats (2009).

*Democratic solidarity* cannot be limited to either a shared commitment to justice or a common identity. Democratic solidarity stems from a desire to collective self-rule, i.e. (i) conscious, (ii) stable, (iii) institutionalized, (iv) inclusive, and (v) egalitarian form of self-government.

(i) Democratic solidarity can only be *active* and *conscious*. Citizens must be aware of being part of a political community, the rights and duties the membership implies, the fundamental norms and procedures of the community, as well as its boundaries and criteria of membership.

The boundaries of the demos must be significant to its members as they have to be willing to cooperate; make decisions together; share power and resources with each other. They must have a shared commitment to limiting the powers of their (self-)government, i.e. prefer to see it kept in check by general rules than to use governmental power to exploit or oppress rival groups. In brief, democratic solidarity implies a sense of belonging to a self-ruling community and the willingness to act according to its values and principles.

(ii) Democratic solidarity is supposed to be *stable*, as opposed to occasional, ephemeral manifestations of political solidarity. The stability of demos fosters trust and sincerity since decisions taken at one point can serve as reference points for future decisions, and participants can be expected to behave consistently. Moreover, stability over time allows greater scope to reciprocity and compromise (Miller 2009, 209).

State bounded democracies usually lay out the principles and institutions of the democratic community in a constitution; however, constitutions themselves are not sufficient to generate and maintain democratic solidarity: think of the so-called Stalin constitution adopted in 1936.

(iii) Democratic solidarity can only emerge in the framework of democratic *institutions* that permit deliberating about issues of common concern, making binding decisions and laws, and executing the laws. The desire of self-rule and its institutions are mutually constitutive.

In other words, there is iteration between democratic institutions and identities. It took centuries to develop national democratic institutions and identities, therefore the emergence of transnational democratic solidarities and institutions cannot be ruled out. “The main bottleneck for achieving nontrivial shifts towards more transnational [identities, solidarities and obligations] is the lack of appropriate institutional designs” (Bader 2007, 120).

(iv) Democracy entails the *rights-based inclusion* of all those who are addressed by political binding decisions, i.e. all those subjected to the law. Democratic solidarity calls on citizens to “transfer their binding loyalties from pre-modern attachments of family and clan, region and confession, to the larger and more abstract entity of the democratic polity under the rule of law” (Pensky 2007, 170).

Democratic solidarity implies that members of the *demos* manifest some degree of mutual support. “Democratic citizens must have sufficient empathy and respect for other citizens that they take umbrage when their »fellows« are excluded from the ability to participate in public life—whether through overt discrimination or through radical inequities in social resources and political power” (Schwartz 2007, 133).

Democratic solidarity also implies a continuous contestation towards broader horizons of fellow feeling. In the course of “democratic iterations” (Benhabib 2004) the hitherto suppressed or not yet present voice of *other* people finds its way into democratic procedures. Transgressed forms of exclusion include those based on race, religion, wealth, gender, and education.

(v) Democratic solidarity is rooted in the recognition of the *political equality* of members of the demos. “Democratic social cohesion is a product of the recognition that citizens give to one another as equal partners in social and political practices, as bearers of equal rights and responsibilities, or as participants in a game played according to the same rules” (Mostov 2007, 141).

In modern democracies, four spheres of equality may be distinguished: legal, political, social and economic. Strict equality is called for in the legal sphere of civil freedom: all citizens must have equal general rights and duties. These duties have to be grounded in general laws applying to everyone (Gosepath 2011). In the other spheres, the nature and measure of equality are hotly debated.

Concerning political equality, maximalist or republican conceptions can be contrasted with minimalist or elitist approaches. The former advocates that citizens should have the same claim to participation in forming public opinion, and in the distribution, control, and exercise of political power; whereas the latter argue that robustly egalitarian, deliberative, and participative forms of democracy in large and complex societies are neither desirable nor feasible.

In the social sphere, equally gifted and motivated citizens should have approximately the same chances at offices and positions, independent of their economic or social class and native endowments. Economic equality refers to equalizing the well-being or welfare of citizens beyond equalizing their opportunities (Gosepath 2011).

On the whole, indubitably modern states have been the most successful democratic polities in excluding inequalities with respect to individual rights, political participation and equal access to social welfare and opportunities (Brunkhorst 2007, 106).

(3) What are the preconditions for the emergence of democratic solidarity? As noted above, democratic identities and *institutions* are mutually constitutive. In the absence of democratic institutions, democratic solidarity cannot be practiced.

Self-rule requires the creation of institutional structures capable of securing the rule of law, the legitimate authorization of decision makers by the community, and the accountability of decision makers to the community. Self-rule also depends upon the existence of *shared discursive spaces* within which individuals can participate in deliberation over the good of the community and of its members (Williams 2007, 249).

Furthermore, a *culture of equality and diversity* is required. Citizens must recognize each other equal minimally in legal and political terms. They also have to accept and take into account the different preferences and values of their fellow citizens. Toleration and recognition of difference are prerequisites of democratic solidarity; whereas any form of fundamentalism impedes its emergence.

Common pre-political – ethnic, national, clan, etc – attachment is not required for democracy. On the contrary, they may hinder the emergence or consolidation of democratic solidarity. However, *understanding each other* (having a common language), the procedures of democracy, as well as each citizen's rights and duties are vital. A specific education is required for the development of basic *democratic skills and knowledge*.

A *minimal physical and economic security* is also required for democratic solidarity. The former implies “the freedom from domination by the force of the community in question or of its members” whereas the latter entails “the capacity to generate sufficient wealth within the boundaries of the community, and to prevent the excessive outflow of that wealth, such that the community's members' basic material needs are met and that there are sufficient resources



to finance the institutions through which members exercise self-rule and self-protection” (Williams 2007, 249).

The emergence of the democratic consciousness has *technological prerequisites*, such as print capitalism (Anderson 1991), railway, extensive commerce and improved means of communication (Marx 1950). Contemporary technological innovations, such as social networks in Internet, may facilitate the emergence of transnational forms of democracy (Warkentin 2001).

Having outlined my conception of democratic solidarity, I can now refute the main arguments of both state-centric (sometimes called realist) and globalist conceptions of democracy: (1.9) there is an inherent link between democracy and the nation-state; (1.10) state-framed democracies are to be enclosed into a global democratic structure.

## **1.9 The legitimacy of non-state democracies**

The United Nations recognizes 192 sovereign states reflecting the so-called Westphalian order, i.e. the division of humanity into distinct, territorially bounded nations. As Bauböck illustrates, this conception of the world has “a quality of simplicity and clarity that almost resembles a Mondrian painting. States are marked by different colors and separated from each other by black lines. [This] modern political map marks all places inhabited by people as belonging to mutually exclusive state territories” (Bauböck 2005, 1).

It has to be noted that most of present-day states are not democratic. Their sovereignty is rather external than internal. Accordingly, the state-centrism of the so-called Westphalian and realist conceptions of the world are *not* rooted in a theory of democracy.

As discussed above, one may argue for tying democracy to the state on liberal nationalist grounds referring to the social and hermeneutic role of common national culture and solidarity. In the previous section I argued that this position confuses democratic with ethnic solidarity.

One may also argue for bounding democracy to states on (1) (non-liberal) nationalist and (2) liberal grounds.

(1) According to the nationalist argument, every ethno-nation has the right to self-determination in the form of having its own state. Such a conception of world is neither feasible nor desirable.

The division of humanity into distinct, territorially bounded nations is not possible. The boundaries of nations most of the time do not coincide with state boundaries. As a matter of fact, there are many more nations than states, so most nations are stateless. Furthermore, some nations are located on the territory of more than one state (trans-state nations), while others form minority-nations within a state (sub-state nations).

Not only does the great number of nations limit the realization of the universal nationalist program of every ethno-nation having its state, but also the territorial enmeshment of nations. In most cases, it is simply not possible to delimit a territory where only members of one specific nation live: there will always remain some ethno-national minorities.

The universal nationalist project is not desirable either. The struggle for the congruence between national boundaries and state borders is disaster-prone. Irredentist and secessionist movements seek to restore the trinity of nation-state-territory by changing state boundaries. Alternatively, the membership boundaries can be “corrected” by the extermination, expulsion or forced assimilation of those who are perceived as not belonging to the nation.

(2) Liberal political philosophers offer three arguments for the moral value of states (Bauböck 2007). First, states can be conceived as associations of their citizens. All associations that individuals form in the exercise of their fundamental liberties can be attributed some moral value, which derives from the basic value of individual autonomy. A second liberal argument grounds the moral value of state sovereignty in its functional necessity for individual autonomy and well-being in complex modern societies. Individual liberties and claims to basic social rights can be guaranteed only within legal orders created and maintained by states, and only states can offer their citizens domestic security and effective protection against aggression from outside (Bauböck 2007, 89).

A third argument emerges from the republican tradition, for which membership in a self-governing political community is not only instrumentally important for securing individual freedom, security, and well-being but is also an intrinsic value. The inherent value of self-government is shown, for example, by the fact that foreign and authoritarian rule would be illegitimate even if it were exercised in an enlightened way and secured all the negative and positive liberties of its subjects that may be invoked in support of the second argument.

However, none of these three arguments is sufficient to support the normative base of the Westphalian order. The first leads to a strange anarchic utopia that is far removed from the conditions of modern societies, while the second and third fail to explain why states should be the only building blocks of a normative global political order. Why should political communities that are not established as sovereign states be unable to realize the instrumental and intrinsic values of self-government (Bauböck 2007, 90)?

In brief, there are no reasons to exclude well-established sub-state (regional, municipal, local, city, village, etc.) and supra-state (e.g. the European Union) political communities from the global normative order.

Pogge suggests that the concentration of sovereignty at one level of the global political system is no longer defensible (Pogge 1992). As the history of federalist regimes show, sovereignty can be divided and dispersed vertically. There are no such core functions whose exercise would make the state the dominant political unit (60). Accordingly, he proposes the vertical distribution of sovereignty: “what we need is both centralization and decentralization, a kind of second-order decentralization away from the now dominant level of the state” (58).

### **1.10 Against global democracy**

What are the limits of the vertical distribution of sovereignty? Is it possible and desirable to have a global democratic political community?

Global democracy would imply that a global, conscious, stable, institutionalized, inclusive, and egalitarian demos would deliberate and decide on certain common matters. It would not necessarily imply a powerful world state as it is possible to shift only limited competencies to the global level and allocate other competencies to national and local levels in a federal structure.

Walzer identifies seven constellations on a continuum ranging from the conception of anarchy of states to global state (2004).

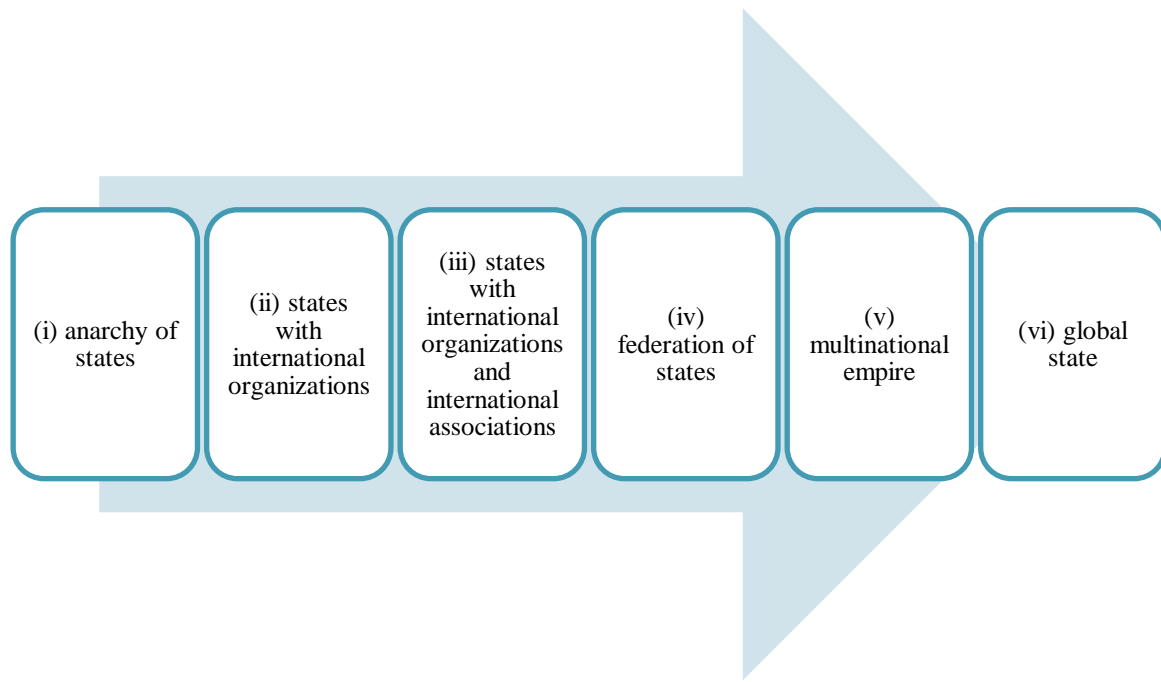


Figure 1 World orders on a continuum ranging from the anarchy of states to global state

(i) According to the concept of anarchy of states, there are no effective agents except the governments that act in the name of state sovereignty. (ii) Next, the plurality of international political and financial organizations are added, with a kind of authority that limits but does not abolish sovereignty. (iii) After that, a plurality of international associations is added operating across borders and serving to strengthen the constraints on state action.

(iv) The federation of nation-states envisions a United States of the World. (v) The multinational empire, conceptualizes the hegemony of a single great power over all the lesser powers of international society. *Pax Romana* was such an international regime. (vi) The notion of global state plainly refers to centralized rule of the whole world.

Hardly any cosmopolitan theorist argues for a world government at the price of elimination of all other political communities. Already Kant stated that “a cosmopolitan commonwealth under single head” could lead to “terrifying despotism” (Kant 1983 [1784], 310).

In particular, emigration and change of citizenship would be impossible in the context of a single global political community, as well as “peaceful competition and mutual learning between different constitutional traditions, political cultures and paths of development” (Bauböck 2007).

Contemporary cosmopolitan thinkers rather advocate a voluntary and growing confederation of democratic states willing to introduce the cosmopolitan democratic law (Held 1995, 229). “It would be a contradiction of the very idea of democracy itself if a cosmopolitan democratic order were created non-voluntarily, that is, coercively” (231).

Contemporary cosmopolitans pursue three specific goals: first, the creation of a new political status of “world citizens,” whose membership in world organizations would no longer be mediated through their nationality, but who would instead have popular representation in a world parliament through direct elections above the national level; second, the construction of a court of criminal justice with the usual competencies, whose decisions would be binding for national governments as well; finally, dismantling the UN Security Council in favour of a competent executive branch (Archibugi 1995).

However, such a constellation is (1) unlikely to be established, and (2) even if established, it would not function properly.

(1) In order to establish global democratic institutions, consensus must be reached amongst the pioneering “enlightened democratic states and civil societies” of global democracy (Held 1995, 232) on (i) the normative framework within which to deliberate together about a global common interest and (ii) the common domain as the proper subject of global collective decision-making (Buchanan and Keohane 2006, 416).

(i) As for the normative framework, there is unlikely to be consensus on how to divide humanity into *equal constituencies*. If we follow the logic of one-person one-vote one-value and suppose a global assembly were to have 1000 members, China would be entitled to over 190 delegates, India to nearly 170, the USA to 45, whereas countries such as Norway, Ireland, New Zealand, and Slovakia could only elect a delegate by forming a combined constituency with somewhere else (Miller 2010, 149). Certainly the principle of equal constituency sizes is not sacrosanct, but it is doubtful how many people would be prepared to put themselves under the authority of a body composed according to any formula derived from the size of population (Miller 2010, 150).

For global democracy to be possible, there must sufficient convergence of interests and belief among the whole humanity that minorities will be willing to accept the risks imposed by submitting to majoritarian decision procedures (Miller 2010, 145). In other words, the global demos should not be divided into discrete and insular groups with distinct preferences so that one or more substantial groups always lose out in a majority voting. There should not be permanent minorities (Christiano 2010, 130).

(ii) As for determining the *scope* of global democracy, consensus is likely to be reached only on a very limited range of issues, such as preventing wars of aggression and crimes against humanity (Habermas and Cronin 2006, 143). It is very improbable that national governments would subject themselves to a global authority in more divisive issues such as the reduction of greenhouse gases.

However, “where there is already substantial agreement on a body of rules, such as those prohibiting certain forms of war, or protecting human rights, we might suppose that what is needed in an impartial judicial body to apply these rules to particular cases, not a series of

democratic decisions which might turn out to be biased and inconsistent because of the interests of the parties involved” (Miller 2010, 151).

(2) Even if consensus could be reached on the normative framework and the scope of global democracy, its quality is bound to be poor. *Popular control* over democratic decisions would be entirely expressive and symbolic. It is unclear on what basis would citizens decide which candidate to support. If the global assembly is kept to a reasonable size, there would be no room to represent the diverging political affiliations of the citizenry of most states (Miller 2010, 152).

In order for global political parties to emerge, *global discursive places* are needed. The same “books, newspapers, pamphlets, speeches” (Mill 1861, 132) must reach all corners of the globe, if people are to understand what others are thinking. However, “differential resources give people differential capacities to reach beyond particular belongings to other social connections [...] the idea of escaping from particularistic solidarities into greater universality may look very different for elites and for those with fewer resources”(Calhoun 2003, 537).

Even if global political parties emerged along ideological lines and a dense global civil society connected individuals to the activities of the global legislative power, there would be very limited room for democratic deliberation and popular control. Understanding beyond instrumental-rational agreements would be difficult, as well as democratic deliberation, thus “a »naked« compromise formation would simply reflect back the essential features of classical power politics” (Habermas 2001, 109).

In other words, democratic deliberation requires distinguishing between appeals to principle that are *prima facie* valid (because the principle invoked is indeed one that the political community recognizes) and appeals that are purely private convictions (or to interests dressed



up as convictions) (Miller 2009, 208). On a global level few such principles could be accepted.

This chapter provided a critical review of the central theoretical problem of the dissertation: the normative importance of transnational solidarities for democratic theory. I refuted both the post-political appraisal of transnational solidarities (such as theories of global civil society and multitude) as well as their liberal, nationalist, and liberal nationalist (multiculturalist) critiques. Having developed my own conception of democratic solidarity, I argued that non-state forms of democracy are real and legitimate; however, global democracy is neither feasible nor desirable.

## Chapter 2

### The case of Roma: context and historical overview

This chapter introduces the case study. It discusses the controversial question of “who are the Roma” and clarifies appellations. These are not purely ethnographic problems but have direct and profound relevance for normative analysis. The bulk of the chapter analyses the genesis of the ‘Roma issue’ in the international arena.

#### 2.1 Who are the Roma?

Several scholars and activists argue that Romani people form a stateless dispersed nation potentially embracing 9-12 million people from all over the world tracing their origins (based on linguistic evidence) to the Indian Subcontinent (Gheorghe 1997; Guy 2001; Hancock 2002).<sup>10</sup> It is assumed that Roma left India in different waves from around 1000 AD and crossed the Bosphorus into Europe in the late 13<sup>th</sup> century.<sup>11</sup>

Between 1350 and 1500, while war was being fought in the Balkans, many Romani speakers fled the area and settled throughout Europe, from the Mediterranean to Scandinavia (Matras 2002). Different dialects have emerged; the subgroups converted to different religions, and developed different customs. Some groups have assimilated linguistically and culturally to a large extent (e.g. Romungro in Hungary or Gitanos in Spain) whereas others still speak a dialect of Romani (e.g. in Romania and Bulgaria).

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<sup>10</sup> It is to be noted that there are alternative ethnomythologies, for instance some communities trace the roots of Roma to Egypt.

<sup>11</sup> The first evidence of Romani presence in Europe is from 1283 in a document from Constantine referring to taxes collected from “the so-called Egyptians and Tsigani”.

However, some scholars and activists dispute that Romani people constitute such a diaspora and argue that certain allegedly Romani groups do not belong to or identify with the Roma nation (Gay y Blasco 2002; Okely 1997; Stewart 1996; Willems and Lucassen 2000). It is debated – for instance – whether Gitano, Kale, Manouche, Sinti, and Traveller groups belong to the Romani diaspora. Michael Stewart argues on the basis of his anthropological study of a Vlax Roma community in Hungary (who do speak a dialect of Romani):

The Gypsies of Europe have not thought of themselves as a diaspora population, eking out an existence of exile until blessed by the chance to return to the homeland. They are homeless and quite happy thus. [...] While for intellectuals the common ethnic origin of the Gypsies is genuinely felt and imagined, this is not so for ordinary Gypsies. For them only an identity rooted in joint action in the present is significant. Thus they know that their ancestors are said to come from India but display no interest in this fact. (Stewart 1996, 92)

Mayall (2004) distinguishes five components on the basis of which Gypsy ethnicity is constructed in academia: (i) the above discussed Indian origin, migration to Europe, and dispersion; (ii) common ancestry, descent and kinship; (iii) shared culture including self-employment, knowledge of a dialect of Romani, ideology of travelling, distinctive habitat, dress, rituals and codes of behaviour; laws and customs relating to pregnancy, childbirth, baptism, puberty, virginity, clothes, food, cooking, hygiene, marriage, death, funerals; special institutions such as the Gypsy council, the Council of Elders or Gypsy Law (*Romani Kris*).

(iv) Roma ethnicity can also be constructed on the basis of a distinctive spirit, character, state of mind or worldview. For instance Stewart refers to their sense of egalitarianism and individualism, the Gypsy way of doing things, the ethos of sharing and the idiom of brotherhood (1996).; (v) Finally, reference to the history and present persecution and discrimination of Roma is an important ethnic marker. “The illusion of ethnic unity is created by the existence of a common threat - racism” (Acton and Gheorghe 2001, 59).

Academic definitions and conceptions permeate political and civic activism. The roots of the nation-building project unifying various ethnic groups under the label 'Roma' can be traced back to the first World Roma Congress held in 1971 near London. Delegates from Western, Central and Eastern Europe as well as Asia and North America adopted a national flag, a hymn, and agreed on the dissemination of the term 'Roma' to replace such typically pejorative appellations as *cigány*, *cikan*, *Zigeuner*, *tzigane*, *zingaro*.<sup>12</sup>

It is difficult to assess the success of the nation-building. On the one hand, transnational forms of Romani solidarity have emerged; on the other hand, (sub-)group differences remain important, even within one village. However, the majority (non-Roma) society is generally not aware of those differences.<sup>13</sup>

To further complicate matters, the group of those who identify themselves as 'Roma' do not usually overlap with the group of those stigmatized as '*cigány*', '*tsigane*', etc. In general, the number of persons *perceived* as Roma is much higher than the number of those who *self-identify* as such (in the context of sociological researches or official censuses). The ethnic boundaries are more rigid in certain countries: in Bulgaria almost three quarters of those perceived as Roma also identify themselves Roma, whereas in Hungary only one third (Szelényi and Ladányi 2001).

It has to be noted that although in several countries Roma are still associated with an itinerant way of life, only five percent of all 'Roma' have nomadic or semi-nomadic lifestyle. Furthermore, administrative, occupational and legal categories such as Travellers, Gens du Voyage, Camimanti, Nomadi are ethnicized under the umbrella term of 'Roma', thus nowadays embrace sedentary communities as well. For instance, Italian authorities label

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<sup>12</sup> All of them are derived from the Greek term '*athinganos*' meaning outcast.

<sup>13</sup> For instance in Hungary very few *gajo* (non Roma) are aware of the fact that three different Roma communities live in their country: Romungro (speaking only Hungarian), Vlax Roma (speaking both Romani and Hungarian) and Boyash (speaking Hungarian and an old dialect of Romanian).

immigrant (sedentary) Eastern European Roma ‘nomads’ and put them in caravans in *campi nomadi*.

Accordingly, the common answer to who the Roma are – i.e. who are perceived Roma – depends on local and national contexts. For instance, in ethnically largely homogenous Hungary, Roma form the only visible ethnic minority thus darker skin colour is an important marker. In more heterogeneous countries, such as the UK, skin colour is not relevant at all, Roma are rather identified with caravan occupation, self employment, knowledge of Cant or Romani language and the observation of certain taboos (Ryder and Greenfields 2011).

Activists and scholars alike argue that persons perceived ‘Gypsy’ (cigány, cikán, etc.) face a range of prejudices and racism in contemporary Europe and beyond. Physical, symbolic, and epistemic<sup>14</sup> forms of anti-Roma violence are persistent in both Eastern and Western Europe and have deep historical roots (Clark 2004; Hancock 2002; Heuss 2000; Kóczé 2011).

It is similarly widely accepted and documented that the transition from state socialism to capitalism had dramatic consequences for most Roma (Ivanov 2003; Ringold, Orenstein, and Wilkens 2005; Szelényi and Ladányi 2006). With the collapse or privatization of state companies, masses of Roma lost their legal and stable source of income and sank from decent working class living conditions to the margins of society. Their massive impoverishment was coupled with the strengthening of anti-Roma sentiments, leading to increased segregation (in education and housing), and even physical violence.

In brief, being Roma in most contexts means being stigmatized, discriminated, and looked down upon. For many it is an ascribed identity and they can neither get rid of it, nor hide it,

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<sup>14</sup> Gayatri Chakravorty Spivak, postcolonial theorist evoked the term of 'epistemic violence' which refers to the domination of western ways of understanding in contrast to non-western ways of knowledge production. The destruction and marginalization of one's way of understanding is always distorting the subaltern reality. Spivak's concept is based on Pierre Bourdieu's notion of symbolic violence accounting for the tacit almost unconscious modes of cultural/social and gender domination or racism occurring within the every-day social spaces. (Spivak 1988)

nor change it. On the other hand, being Roma, Musician, Boyash, Sinto, or Manoush also entails a rich cultural heritage, customs, traditions, language, or gastronomy.

The following map recapitulates the estimated absolute and relative number of Romani populations in Europe.

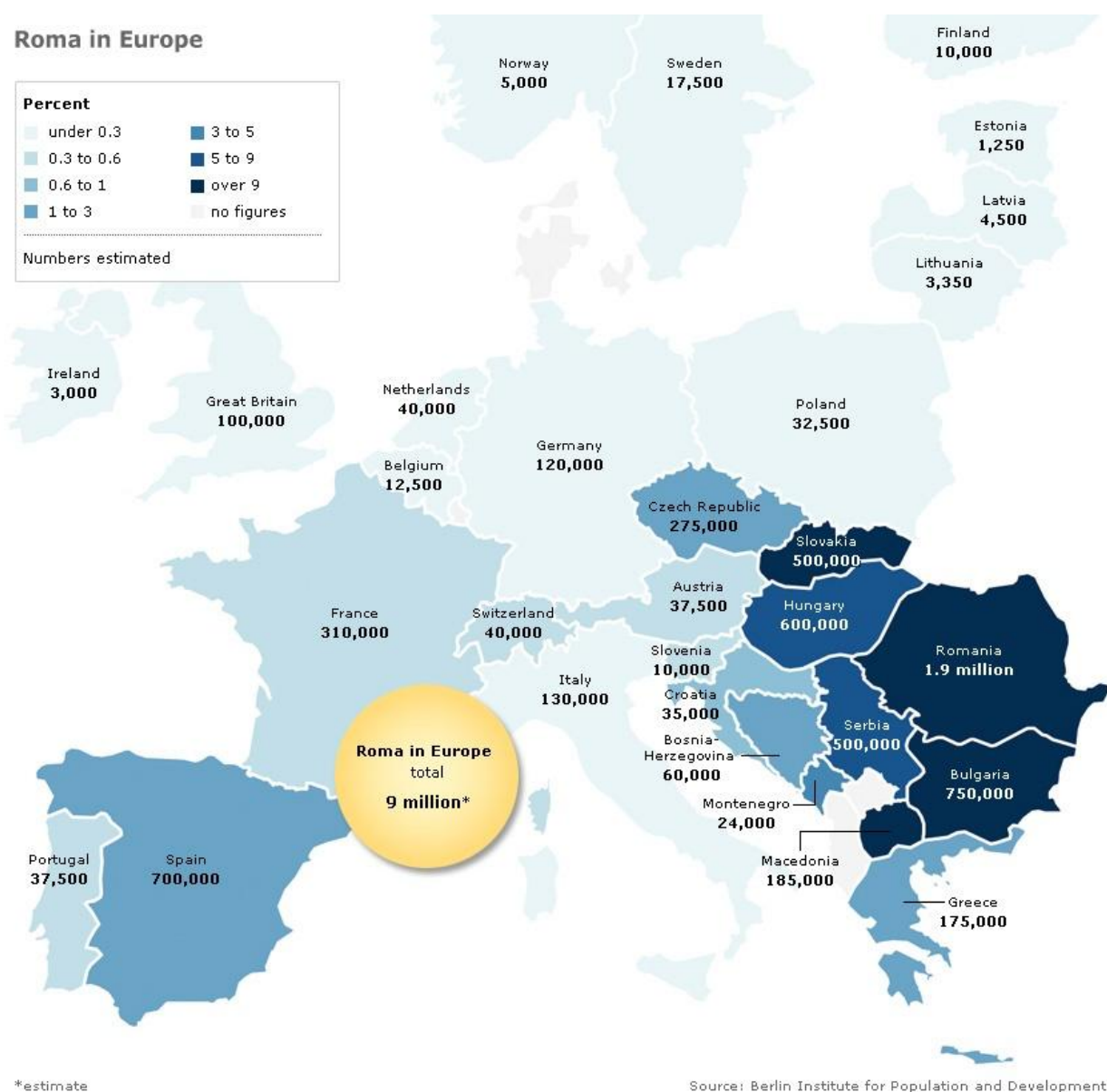


Figure 2 Romani populations in Europe

## 2.2 Appellations

As noted above, the First World Roma Congress agreed on the dissemination of the term 'Roma'. However, before the 1980s it was scarcely known, so the term 'Gypsy' was used – even by organizations that Roma had founded. It was the geopolitical upheaval after 1989 that brought the term 'Roma' to the fore. This was reflected in the European institutions' texts and reports where usage shifted around 1995 from 'nomads' and 'Gypsies' to 'Roma' and 'Travellers'. Over the years, it has become the practice of scholars, activists and official bodies to use the term 'Roma' followed by a note to the effect that it should be understood to include other designations, of which Sinti, Gypsies, and Travelers are just a few (Liégeois 2007, 11).

Nicolae Gheorghe, a key figure of the international Romani movement, argues that 'Roma' is mainly an administrative and institutional term that serves the needs of policy making above all.

The Roma category is constructed by the very act of categorization which pulls together a huge variety of different groups and individuals. Imbuing such forms of categorization with institutional power means to reify rather fluid belongings and realities. However, public policy making has to be based on the definition of a target group which is supposed to benefit from funds, programs and rights. It is an ongoing process to create a concept of Roma that encompasses the vernacular identities and all the people who share the experience of discriminatory or racist treatment since they are defined by others as *Gypsy* or *Tsigan*. All who had been labelled this way can be automatically redefined by the concept of Roma (Gheorghe 2011).

Some scholars argue that the term should apply only to those groups who either speak, or used to speak, one or more of the various dialects of the Romani language, and use the word Rom/ Romni (masculine /feminine singular) and Roma (plural) as an ethnonym. In some Romani dialects, 'Roma' only means 'husbands' and is not an ethnonym. The adjective

'Romani' has, however, a much wider ethnonymic application than the nouns 'Rom/Romni/Roma'. The word 'Roma' is sometimes also used as an adjective (Klímová-Alexander 2005, 31).

The words 'Gypsies' (Gitanos, Tsigane, Zingari, Cikani, Zigeuner, Ciganyok, Cingene, etc.) are also sometimes used as worldwide umbrella terms. They were originally coined by majority societies and may have been carried along by Roma to new countries where the majority may have believed them to be exonyms. They are now often considered pejorative by those who accept the self-appellation 'Roma'.

Nevertheless, they are embraced by many who reject the term 'Roma,' with some groups or individuals using these terms interchangeably (Klímová-Alexander 2005, 31). For example, in several contexts linguistically assimilated Romungro or Musician communities in Hungary prefer to distinguish themselves from Vlax Roma and call themselves 'cigány'.

Other groups which are considered Roma (by international organizations) but have other self-appellations include Sinti (in Germany, Austria, Northern Italy, Belgium, France, etc.), Manush (in France), Kale (in Spain, Portugal, Latin America, and the USA), and Romanichal (England, North America, Australia, France, Basque country, Scandinavia).

In brief, ethnic labelling takes place in specific contexts and reflects power relations. In most contexts appellations cigány, zingari, or zigeuner have negative connotations, that is why most international bodies prefer to use the term 'Roma'. However, we should bear in mind that in specific contexts this umbrella term may marginalize the voice of those who – for various reasons - prefer not be labelled 'Roma'.



In the case study I refer to 'Roma' as a category of ethnopolitical practice and analyze the processes through which it has become institutionalized and entrenched in international relations.

### **2.3 The origins of Romani activism**

The history of Roma organizations is not linear and the organizations' roots, though deep, are sparse. In an effort to adapt to, and imitate, surrounding society, Romani groups in 15<sup>th</sup> century France claimed to be led by *comtes* or *dues*; later the terms changed to *capitaine* and *lieutenant*. Common equivalents in Hungary and Poland were *voivode*, *vajda*, *wojt* and *vataf*, in Scotland 'lord' was occasionally used. Gypsy 'chiefs' could be created or appointed by local princes wanting someone to take charge of keeping order, getting families to work, or collecting taxes. Gypsy 'kings', for their part, belong to the realm of myth, though some have tried - both for personal ends and in an effort to elicit respect from those around them - to draw on the myth and to boost its credibility with the outside world (Liégeois 2007, 207).

The first grassroots Romani organizations emerged in the first half of the 20<sup>th</sup> century on the Balkan Peninsula given that in the Ottoman Empire Gypsies had civil rights since the 15<sup>th</sup> centuries – unlike the Gypsies in Central and Western Europe who achieved this status much later - and possessed civil consciousness and ability to fight for their rights (Marushiakova and Popov 2004, 72).

By the 1920s-30s Romani organizations of more collective form started to function in Bulgaria, Yugoslavia<sup>15</sup>, Romania and Greece. These organizations published their own periodicals, offered mutual assistance in sickness and death, or promoted the education of Gypsy youth (Marushiakova and Popov 2004, 74).

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<sup>15</sup> More precisely it was called the "Kingdom of Serbs, Croats and Slovenes" that time.

In the second half of the 19<sup>th</sup> century and the first decades of the 20 century, ample waves of migration changed the landscape of Gypsy politics. In Wallachia and Moldavia, the founding principalities of Romania, Roma – *Kalderash* and *Vlax Rom* communities - were enslaved until the 1840s and 1850s. The abolition resulted in massive migration of Gypsies. It is among the *Kelderara* settled in Poland that the idea about a Gypsy state occurred for the first time in the 1920s.

This idea is related to the so called ‘Gypsy kings’ from dynasty (or rather family) Kwiek. The institution of the so-called ‘Gypsy kings’ (or rather an imitation of an institution for the sake of the surrounding population) is a phenomenon, which is well known in history. Since the Gypsies came to Western Europe in the 15th century the historical sources noted their “king Sindel, the dukes Andrash, Mihali and Panuel”, and other “princes of Little Egypt”. This is a case of presenting their leaders according to the general terminology in order to mislead the European rulers into granting privileges for the Gypsies. Later on, the institution of the ‘Gypsy kings’ appeared in the Polish Commonwealth in the 17th–18th century. It was most often headed by non-Gypsies who were responsible to the state for collecting taxes from the Gypsies (Marushiakova and Popov 2004, 76).

The Kwiek dynasty was something totally new in the history of Roma. It was closely related to the ideas about an independent state, *Romanestan* (land of the Roma). Initiatives were taken in search for territory for the state. In 1934 the newly elected Gypsy king Jozef Kwiek sent a delegation to the United Nations to ask for land in Southern Africa (namely Namibia) so the Gypsies could have their own state there. At the same time the ‘alternative’ king Michal II Kwiek travelled to India in order to specify the location of the future Gypsy state (somewhere along the shores of the river Ganges). After his trip he began to support the idea that the state should be in Africa (namely Uganda) and travelled to Czechoslovakia and England to seek support for his idea. In 1936 the next king, heir to Joseph, Janusz Kwiek, sent

a delegation to Mussolini asking for some land in Abyssinia (at that time occupied by Italy) where the Gypsies could have their own state (Marushiakova and Popov 2004, 77).

In the interwar period, the leaders of the General Union of Roma in Romania fathered the idea of creating a permanent international body in the form of an international pan-Romani Congress. The Union decided to form committees and affiliated societies in every country, and planned to obtain travel grants for Romani delegates to attend international Romani congresses. However, such congresses never took place in the interwar period (Klímová-Alexander 2005, 15).

Both national and international Romani political aspirations were crushed during the Second World War. The systemic persecution and extermination of Roma left the nascent modern Romani activism paralyzed for over a decade after the war (Klímová-Alexander 2005, 15).

## **2.4 The World Romani Congresses**

From the 1960s, the UN has inspired the creation (although often only on paper) of a number of international Romani umbrella organizations that wanted to advance the interests of the world's Roma through UN discourse, instruments and structures. These organizations enlisted mostly European but also some Middle Eastern and North American members.

The main goal of the early organizations was to establish a Romani state with the help of the UN and through money to be gained by collective Holocaust reparations, or alternatively to at least win a recognized international status for Roma with the issuing of international Romani passports. Along with this goal, the organizations worked towards legitimization of Roma as a nation with the right to a state by creating and promoting national culture. Although the goals of improving living standards and cultural and moral uplifting of the Roma were usually

declared, they have always remained secondary to the nationalist aspirations (Klímová-Alexander 2005, 16).

By the 1970s these attempts crystallized into the First World Romani Congress held in April 1971, near London, attracting participants from Western, Central and Eastern Europe as well as Asia and North America.<sup>16</sup> The Congress was formally organized by the *Comité International Rom* (an organization that had been founded in Paris in 1965) (Acton and Klímová-Alexander 2001, 158), and it was funded by the World Council of Churches<sup>17</sup> and the Indian government (Fosztó 2003, 112).

The delegates of the First World Romani Congress adopted a national flag and a hymn, and agreed on the dissemination of a new ethnic label. Hence the term 'Roma' was constructed as the official name to encompass a variety of communal based identities across different countries. The leading concept was the principle of "amaro Romano drom" (our Romani way) and the phrase "our state is everywhere where there are Roma because Romanestan is in our hearts" (Marushiakova and Popov 2004, 78). Expressing a powerful feeling of unity, they declared that "All Roma are brothers" (Liégeois 2007, 213).

In addition, commissions for social affairs, war crimes, language standardization and culture were established (Fosztó 2003, 112). It was also decided that 8 April, the date on which the Congress had opened, should become Roma Day, henceforth to be celebrated annually. A single slogan summed up the Congress: "The Roma people have the right to seek out their own path towards progress" (Liégeois 2007, 214).

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<sup>16</sup> According to Acton and Klímová, representatives of 14 countries participated, whereas Marushiakova and Popov argues that "documents of the congress listed delegates from 8 countries, 2 out of which from Eastern Europe (Yugoslavia and Czechoslovakia) and observers" (2004, 78).

<sup>17</sup> The first congresses were organized « with the support of Evangelical churches working among the Gypsies, the Pentecostal church in particular. Later on the different Evangelical churches lost interest in the world Romani movement though they are still active among the Gypsies. » (Marushiakova and Popov 2004, 79)

After the death of its president, Slobodan Berbersiki, the role of the *Comité International Rom* was taken over by a new organization, the *International Romani Union (IRU)* that was founded in 1977 to hold a new congress. Hence IRU organized the second World Romani Congress that was held in Geneva in 1978 (Acton and Klímová-Alexander 2001, 160).

The second World Romani Congress was marked by the reinforcement of relations and mutual recognition between the Roma and India. On the one hand, the congress declared that India was the “mother-country” of the Roma (Marushiakova and Popov 2004, 79). On the other hand, India expressed its support for the demands of the Roma at the United Nations. As a result, in 1979, IRU was granted observer status in the 'Roster' category, which brings together nongovernmental organisations (NGOs) from time to time to enable them to contribute their expertise to the Economic and Social Council and to other bodies within the UN system<sup>18</sup> (Liégeois 2007, 214).

In 1981 the *German Sinti League* in Göttingen organized the third World Romani Congress, with the support of the Association for Threatened Peoples. The main topic for discussion was the fate of the Roma under the Nazi regime, and the problems related with reparation demands. Organizations from Germany shared their experiences with the German government and administration (Fosztó 2003, 113).

After the congress the activities of IRU became practically non-existent until the end of the cold war and the changes in Eastern Europe (Marushiakova and Popov 2004, 79).

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<sup>18</sup> Fourteen years later, in March 1993, its status was upgraded to Category 11: Consultative. This category consists of NGOs with acknowledged international expertise in their field, and it recognises them as being able to contribute to the Economic and Social Council on an ongoing basis: the weight that their proposals to the Council carry is correspondingly enhanced (Liégeois 2007, 214).

## 2.5 The emergence of the ‘Roma issue’ in the international arena

International actors play a crucial role in the codification, spread and acceptance of norms in relation to Roma. International governmental and non-governmental actors can promote three kinds of norms: the protection of fundamental human rights, generic minority rights, and Roma-specific norms.

First, after the Second World War, the human rights regime emerged based on the Universal Declaration of Human Rights. Next, a comprehensive international legal and institutional framework has developed in the last 15–20 years aiming at the protection of the rights of minorities.

Until the 1990s, European international organisations paid little attention to Roma. The few documents that these organisations produced referred to Roma as ‘travellers’, ‘nomads’ or ‘a population of nomadic origin’.<sup>19</sup> However, in less than a decade, from nomadic people Roma developed into “a true European minority”,<sup>20</sup> specialised committees and organs were set up within European organisations to deal specifically with Roma,<sup>21</sup> and one of the central issues in the process of the EU’s Eastern enlargement was the position of Roma in candidate countries.

By the mid 1990s, a separate network of institutions has emerged dealing specifically with the Roma—comprising special bodies under the auspices of international organisations such as

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<sup>19</sup> See, for instance, the following documents of the Council of Europe: Assembly Recommendation 563 (1969) on the situation of Gypsies and other travellers in Europe; Committee of Ministers Resolution (1975) 13 on the social situation of nomads in Europe; Recommendation (1983) 1 on stateless nomads and nomads of undetermined nationality; Standing Conference of Local and Regional Authorities of Europe Resolution 125 (1981) on the role and responsibility of local and regional authorities in regard to the cultural and social problems of populations of nomadic origin.

<sup>20</sup> Council of Europe, Assembly Recommendation 1203 (1993) on Gypsies of Europe.

<sup>21</sup> Such as the Contact Point for Roma and Sinti Issues within OSCE and the Group of Specialists on Roma within the Council of Europe.

the Council of Europe, the OSCE and the EU, as well as international NGOs such as the European Roma Rights Centre (ERRC) and the European Roma Information Office (ERIO).

At least five factors contributed to the emergence of the 'Roma issue' on a European and global level: (1) fear of Roma immigration; (2) transnational advocacy; (3) inadequacy of the minority rights regime; (4) the changing role of the EU; and (5) the continuing struggle for transnational recognition and self-determination.

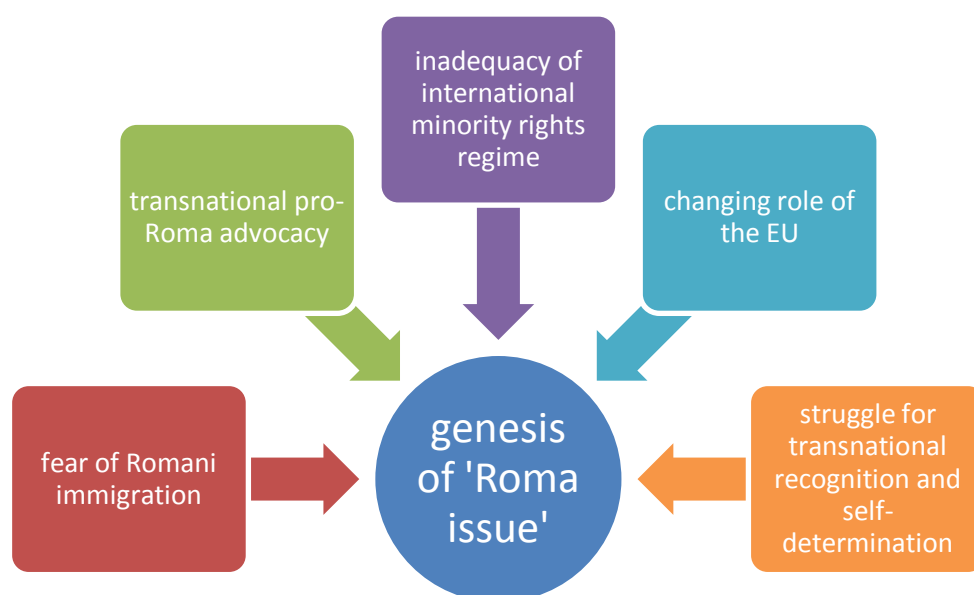


Figure 3 Genesis of the 'Roma issue'

### 2.5.1 Fear of Roma immigration

Above all, the fear of Romani immigration prompted European governments to promote their integration in their home societies. In the early 1990s, Roma fled primarily from Romania, Bulgaria, and Yugoslavia to escape discrimination, persecution and economic hardship. They sought asylum principally in Poland and Germany (Bárány 2002b, 243).

In the late 1990, the United Kingdom, Ireland, Belgium, Denmark, Finland, France, Sweden, Norway, and Canada also received Romani asylum-seekers. The response of many of these

governments was reimposing visa requirements for citizens of the sending countries and repatriating illegal Roma immigrants. Meanwhile skinhead and neo-Nazi groups regularly attacked immigrant Roma and Western European tabloids envisioned the invasion of “Gypsy hordes” after the adhesion of Eastern European countries to the European Union.

With the enlargement of the EU, most Eastern European Roma became European citizens whose movement cannot be controlled by visa regulations. They enjoy the freedom of movement and can freely stay up to three months in any EU Member States.<sup>22</sup> The repatriation of immigrant Roma, however, continues.

In particular, the expulsion of immigrant Roma from Italy in 2007 and from France in 2010 attracted international attention. In both cases – similarly to the *Kristallnacht* – a homicide committed by a person of Romani origin led to the persecution, police harassment, and deportation of masses of Roma. In Italy the criminal was an immigrant Romanian Roma; however in France, a clash between a group French *gens du voyage* (French Travelers) and the police led to official stigmatization of all Roma and the increasing expulsion of immigrant Roma.

Several international actors - including the Vatican, the Commissioner of Human Rights of the Council of Europe, the European Parliament, and the European Commissioner for Justice, Fundamental Rights and Citizenship - called for ending the openly discriminatory French rhetoric and expulsion of Roma. However, the French state was not sanctioned for breaching EU law (the Charter of Fundamental Rights): the European Commission did not refer the case to the Court of Justice in Luxemburg. The European Commission only informed France that it did not fully implement to so-called Citizenship Directive into its domestic law<sup>23</sup>, which

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<sup>22</sup> and longer with a residence permit

<sup>23</sup> According the report of the EU Fundamental Rights Agency, not a single Member State has “transposed the Directive effectively and correctly in its entirety.” (34) “In the thirty months since the Directive has been



France recognized and corrected within half a year. Nonetheless, the well publicized “French affair with the Roma” opened a window of opportunity for Roma and pro-Roma activists to push for - the below discussed - European Roma Strategy.

### **2.5.2 The emergence of a transnational advocacy network**

Roma activism boomed after the collapse of the state socialist regimes which had limited rights of assembly and association. After 1989, Roma could themselves establish various associations, foundations, political parties, and even minority self-governments in certain countries.

At the same time, pro-Roma NGOs, run by non-Roma but advocating on behalf of Roma, burgeoned. After the fall of the Berlin Wall, well-established NGOs such as Amnesty International<sup>24</sup> and Human Rights Watch<sup>25</sup> began publicizing the violations of Romani people’s human rights. By the mid 1990s, national human rights NGOs had emerged - such as the Human Rights Project in Bulgaria, the Citizen’s Solidarity and Tolerance Movement in the Czech Republic, the Union for Peace and Human Rights in Slovakia, and the Office for the Protection of National and Ethnic Minorities in Hungary. Their determination to pursue legal cases has led to dismissals and criminal proceedings against corrupt or abusive policemen and other officials, to the prosecution of those responsible for attacks against Roma, and the like (Bárány 2002b).

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applicable, the Commission has received more than 1800 individual complaints, 40 questions from the Parliament and 33 petitions on its application. It has registered 115 complaints and opened five infringement cases for incorrect application of the Directive.”, European Commission, Report on the application of Directive 2004/38 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, COM(2008) 840 final, Brussels, 10 December 2008

<sup>24</sup> Torture and ill-treatment of Roma, 1993; Bulgaria: Turning the blind eye to racism, 1994; Romania: Broken commitments to human rights, 1995

<sup>25</sup> Struggling for Ethnic Identity: Czechoslovakia’s Endangered Gypsies, 1992; Struggling for Ethnic Identity: The Gypsies of Hungary, 1993.

A key pro-Roma actor is the Open Society Institute (OSI). The OSI provides financial and institutional support for Roma-related activities and organisations, operates its own programmes aimed at directly building Romani representation and leadership, and plays a key role in international initiatives such as the Decade of Roma Inclusion and the EU Roma Framework Strategy<sup>26</sup>.

The leading international NGO to specifically combat human rights abuse of Roma, the European Roma Rights Centre (ERRC), was founded with the financial support of OSI in 1996. Their activities comprise strategic litigation to reverse patterns of human rights abuse, submitting shadow reports to international bodies monitoring international conventions and organizing various forms of human rights education.

The US based Project on Ethnic Relations (PER), operating in Eastern European countries, has organised roundtable discussions on key issues (self-government, governmental policies, migration, etc.), brought together activists, experts, and politicians, and thus played a vital role in the emergence of pro-Roma network of organizations.

Due to both the advocacy activity of the strengthening pro-Roma microcosm and the fear of Westward mass migration of Roma, international organisations have turned their attention to the ‘plight of Roma’ as well. First, the Council of Europe (CoE) and the Organisation for Security and Co-operation in Europe (OSCE) produced reports and formulated recommendations and established special bodies called to tackle the ‘Roma issue’.

Initially so-called expert bodies were created such as the Contact Point for Roma and Sinti Issues within OSCE and the Committee of Experts on Roma and Travellers within the Council of Europe (both were founded in 1995). Later attempts were made to create more ‘representative’ bodies comprising Roma themselves thus the European Roma and Travellers

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<sup>26</sup> Both are discussed below.

Forum was created in 2004 under the auspices of the Council of Europe and the Platform for Roma Inclusion in 2008 within the EU.

Local, national and international NGOs alongside with the special bodies formed a transnational advocacy network aiming at influencing government policies vis-à-vis Roma. In the last 10-15 years, the engaged international organizations produced myriad reports, declarations, recommendations and resolutions in relation to Roma (or nomads—as they were called until the 1990s) (Majtényi and Vizi 2006; Marchand 2001; O'Nions 2007).

These, often inconsistent<sup>27</sup>, documents attempt to identify the specific problems that Romani communities face and make non-binding propositions and general recommendations to remedy these problems.

### **2.5.3 The inadequacy of the minority rights regime**

In addition to the general human rights regime based on the Universal Declaration of Human Rights, a comprehensive international legal and institutional framework has developed in the last 15–20 years aiming at the protection of the rights of minorities.

The United Nations adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 1992 and other intergovernmental organisations, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization and the World Bank, have also developed norms on minority or indigenous rights. Declarations have also been drafted by organisations at the regional level, such as the Council of Europe's 1995 Framework Convention for the

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<sup>27</sup> Early documents, such as the 1995 Report on *The Situation of Gypsies (Roma and Sinti) in Europe* prepared for the Council of Europe contained romantic and essentialist views such as “the increasing mobility since 1990 [...] is merely a return to the normal mobility of Gypsies.” Later documents were more balanced, although they also talk about Roma in general (usually recognizing their heterogeneity in only a footnote).

Protection of National Minorities, or the Organization of American States' 1997 draft Declaration on the Rights of Indigenous Peoples.

All Romani individuals' right to culture is guaranteed by Article 27 of the UN's 1966 International Covenant on Civil and Political Rights.<sup>28</sup> In addition, on a European level, the Council of Europe's Framework Convention applies to countries that ratified the treaty and recognize the Roma as ethnic or national minority.<sup>29</sup>

However, the "the right to enjoy one's culture" is clearly not sufficient to promote the social inclusion of Roma. The above discussed Roma specific bodies and recommendations have grown out of the recognition that the present minority rights regime is not sufficient to struggle either against the discrimination of Roma or for their social integration. As Pogány observes

The rhetoric of minority rights has failed to arrest the erosion of what were already grossly unsatisfactory living conditions for Roma in the Central and Eastern European states or assure them equal access to public services. Nor have minority rights instruments reversed the escalation in anti-Roma sentiment and violence that has been a feature of the CEE region since the ousting of Communist administrations.(Pogány 2006)

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<sup>28</sup> *In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.*

<sup>29</sup> It is to be noted that Belgium, France, Greece, Luxembourg, Moldova and Turkey have yet to ratify the Framework Convention.

#### **2.5.4 The special role of the European Union**

An international organization, the European Union, has had significant leverage on Eastern European governments<sup>30</sup>, as it has measured “the progress” of Eastern European candidate countries against the Copenhagen criteria<sup>31</sup>.

After the fall of the Berlin Wall, the EU promoted democracy and human rights externally as a way of ensuring stability in neighbouring countries that were experiencing, or could be subject to, violent transitions (Ram 2010, 208). Meanwhile, the European Economic Community developed into a European Union with the entry into force of the Treaty of Maastricht in 1993. From the common European market and economic cooperation, a European political community is emerging that is aimed to uphold human rights norms.

The EU’s growing preoccupation with Roma from the mid 1990s is supposed to demonstrate its changing identity. Being concerned with the plight of a marginalized, stateless European minority group is supposed to expose and justify the political role and commitment of the European Union.

In the course of the Eastern enlargement of the EU, NGOs prepared well-researched and focused submissions on the situation of Roma communities for the European Commission that sometimes transposed verbatim passages from the NGO reports to the so-called EU country reports<sup>32</sup>. More importantly, the Commission explicitly formulated the improvement of the situation of Roma communities as criteria for joining the EU. As a response, the

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<sup>30</sup> The EU has a similar leverage on current (potential) candidate countries, namely as Albania, Bosnia-Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Turkey.

<sup>31</sup> The Copenhagen criteria are the rules that define whether a country is eligible to join the European Union. The criteria require that a state has the institutions to preserve democratic governance and human rights, has a functioning market economy, and accepts the obligations and intent of the EU. These membership criteria were laid down at the June 1993 European Council in Copenhagen, Denmark, from which they take their name.

<sup>32</sup> The ERRC continues to prepare submissions for the European Commission on the situation of Roma in currently candidate countries such as Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, and Turkey.

Eastern European governments produced medium and long term “Roma strategies” as a sign of political commitment, however, in the daily lives of Roma little has changed.

Relying on the by-now classic schema of Risse-Ropp-Sikkink (1999), the following chart recapitulates the flow of norm socialization in the case of the Hungary (Rövid 2004):

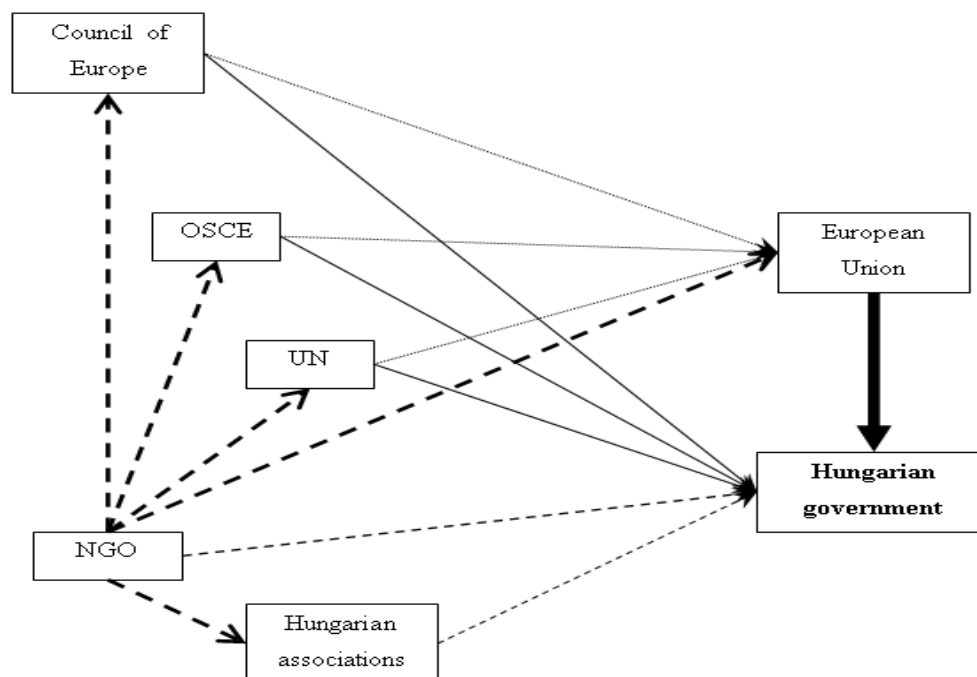


Figure 4 Transnational norm socialization in the course of EU enlargement

In a paradoxical way, after their adhesion to the EU, the influence of pro-Roma international actors on Eastern European governments decreased. To maintain the governments’ political commitment, the Decade of Roma Inclusion 2005-2015 programme (hereafter Decade) was launched. The Decade is a unique international initiative formulated by the most important non-governmental and intergovernmental actors<sup>33</sup> to which states were encouraged to join on a voluntary basis.

<sup>33</sup> Namely the Open Society Institute, the World Bank, the United Nations Development Program, the Council of Europe, Council of European Development Bank, the Contact Point for Roma and Sinti Issues, the European Roma Information Office, the European Roma and Traveller Forum, and the European Roma Rights Centre.

Decade Member States have to demonstrate political commitment to improve the socio-economic status and social inclusion of Roma by developing a national Decade Action Plan specifying goals and indicators in four priority areas: education, employment, health, and housing. Learning from the failures of national Roma strategies Eastern European governments drafted in the enlargement period, the Decade incorporated a “transparent and quantifiable” review of the progress of Decade Action Plans.

However, the Decade Secretariat realized halfway the programme that “the lack of data about Roma communities remains the biggest obstacle to conducting any thorough assessment of how governments are meeting their Decade commitments, despite widespread agreement among participating governments about the crucial need to generate data disaggregated for ethnicity in order to assess and guide policies”<sup>34</sup>. Moreover, sociological research results revealed deterioration, not progress, in certain priority areas in Decade countries.<sup>35</sup>

By 2008-2009 the very limited achievements of the Decade become apparent<sup>36</sup> (Popkostadinova 2011) and the pro-Roma microcosm turned its attention and invested its hopes in the EU again. The most influential NGOs in this field<sup>37</sup> - with the support of Open Society Institute - formed the European Roma Policy Coalition and called for more active involvement of the EU.

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<sup>34</sup> No Data – No Progress, Open Society Foundations, 2010.

<sup>35</sup> For instance, a survey research carried out by the Open Society Institute in 2009 suggest that in some Member States, only a limited number of Roma children complete primary school. According to the research Roma children tend to be over-represented in special education and segregated schools. *International Comparative Data Set on Roma Education*, Open Society Institute 2008.

<sup>36</sup> Although George Soros, the founder of Open Society Institute, and one of the initiators of the Decade identified the following achievements of the Decade in 2011 “It has elevated the importance of tackling the interrelated problems of poverty and discrimination. The Decade has involved the Roma communities and provided a forum to discuss what works and what doesn’t. It has encouraged civil society to provide independent evaluation. And it has attracted other states and international organizations to join.” (Speech at the 20<sup>th</sup> the International Steering Committee of the Roma Decade held in Prague, on 27 June 2011)

<sup>37</sup> Amnesty International, European Roma Rights Centre, European Roma Information Office, Open Society Foundations, European Network Against Racism, Minority Rights Group International, European Roma Grassroots Organizations Network, Policy Center for Roma and Minorities, Roma Education Fund, Fundación Secretariado Gitano

The EU, as sui generis international actor, possesses legal and financial means like no other international organizations to coordinate and facilitate common policies. As for the former, the EU provides a comprehensive legal framework complementing regular international public law. The so-called Anti-discrimination<sup>38</sup> and Citizenship<sup>39</sup> directives are of particular importance in relation to Roma.

The EU also possesses substantial financial instruments overshadowing those of inter-governmental organizations. The Structural and Cohesion Funds redistribute 347 billion euro in the period 2007-2013. Within the Structural Funds, the European Social Fund - with an overall budget of 76 billion euro for the same period – is supposed to endorse the social integration of Roma. In addition, the EU provides an institutional framework for policy coordination and learning in such crucial areas as social inclusion, employment, health care, and education.

In 2008 and 2010, top level politicians expressed their commitment to the cause at the Roma Summits. In 2011, after several resolutions and recommendations, under the Hungarian EU Presidency, the main EU bodies (the Parliament, the Commission and the Council) launched the EU Framework for National Integration Strategies up to 2020.

The recent efforts represent the third wave of Roma strategies developed by Eastern European governments under the pressure of the pro-Roma actors and the EU. Similarly to the first EU pre-accession phase, joining the recent initiative is quasi-mandatory of Eastern European states, but at the moment it seems unlikely that Western European states with significant Roma populations (UK, France, Italy, Spain) will get on board. The EU Framework strategy

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<sup>38</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

<sup>39</sup> Directive 2004/38/EC of The European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States



can be seen as a revival of the Decade of Roma Inclusion which now will be transformed into an EU policy agenda.

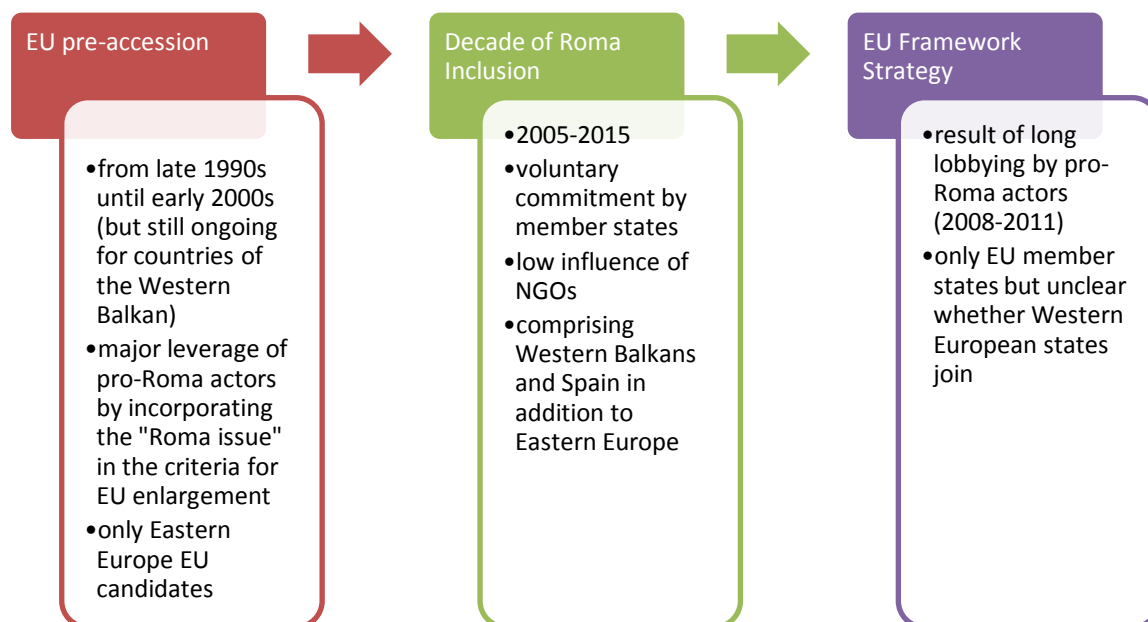


Figure 5 Three waves of external pressure on national governments to tackle the plight of Roma

## 2.6 The struggle for transnational recognition and self-determination

In the 1990s and 2000s, Romani actors continued to struggle for the transnational recognition and international recognition of Roma nation. The International Romani Union elaborated its concept of Romani non-territorial nation, while new actors emerged challenging IRU's monopoly on representing 'the Roma of the world', namely the Roma National Congress (RNC) and the European Roma and Travellers Forum (ERTF).

### 2.6.1 The emergence of the notion of non-territorial nation

The fourth, World Romani Congress in 1990, was symbolically placed in Eastern Europe. It was held in Serock, near Warsaw and was sponsored partially by UNESCO. According

different sources Roma representatives from 18, 20, 24 or 28 countries attended the congress. An important presence was the great number of Roma from Eastern Europe. The majority of Roma live in Eastern Europe and during socialist times a new Roma elite was formed in these countries, more or less distant from the Roma in Western Europe. The influx of this fresh power gave new dimensions to the international Roma movement.

Among the materials approved by the Fourth Congress of IRU of interest to us is the concept that the Roma are citizens of the countries they live in and at the same time they have to look for their own place in the future united Europe. The first part of this concept was determined by the relatively higher degree of social integration of the Gypsies in Central and Eastern Europe, while the second part is a response to the trends for future development of these countries and their aspiration to become part of the new Euro-Atlantic realia.

The process of searching for a place for the Gypsies in European integration saw the emergence of the concept of the Roma as a 'trans[border]-national minority'. This concept was introduced for the first time at the meeting in Ostia near Rome (Italy) in 1991. At that time a lot of hope for improving the social status of the Gypsies and solving their numerous problems in Central and Eastern Europe, which appeared or were aggravated as a result of the hard period of transition, was directed towards international law and the European institutions in particular. When the countries of Central and Eastern Europe joined the Framework Convention for national minorities and the Roma were given the status of national minority in most of the countries without any considerable positive changes for them, their disappointment led them to seek new ideas for the development of the Roma community (Marushiakova and Popov 2004, 81).

The concept of the Roma as a 'nation without a state' was a logical consequence of these developments. The concept of the Roma as a nation without a state was suggested and

developed in many articles by a non-Roma, Paolo Pietrosanti from Italy, an influential member of the Transnational Radical Party co-opted in the IRU leadership as early as the mid 90s. Others trace back the idea of ‘transnational or non-territorial minority’ to the French sociologist Jean-Pierre Liégeois (Guy 2001).

After the Fifth Congress of IRU in July 2000 in Prague, this concept became the leading one. The program of the future activities of the organization is dedicated to the concept of the Roma as a ‘nation without a state’. IRU presented itself officially as a leading institution representing the Roma nation before the international institutions. Recognizing that only states represent nations in the international fora, IRU attempted to transform itself into a state-like body by establishing such organs as Congress, Parliament, Presidium, and Court of Justice.<sup>40</sup>

Aspiring for equality with nation-states, IRU launched a complex diplomatic offensive in various international arenas. On the 4th of April 2001, they signed “Memorandum of understanding and co-operation between IRU and Czech Ministry of Foreign Affairs”, met with the heads of state of the Czech Republic and Bulgaria, members of the governments of Italy and Yugoslavia, attended the meeting of the leaders of the EU in Nice, opened IRU office (de-facto Transnational Radical Party office) in Brussels, made official proposal to the Bulgarian president for preparation of joint projects of IRU and the Republic of Bulgaria (i. e. two equal sides) for solving the problems of the Roma (Marushiakova and Popov 2004, 82).

Moreover, IRU demanded a seat in the General Assembly (GA) of the UN. Although they did not get this seat, the IRU did achieve a Permanent Observer Status at the GA and a consultative status at various other UN bodies (Economic and Social Council, Secretariat, Children’s Fund, treaties supervisory bodies) (Klímová-Alexander 2005).

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<sup>40</sup> See the International Romani Union Charter cited in (Acton and Klímová-Alexander 2001).

### 2.6.2 The role of the Roma National Congress

In the 1980s, activists and organizations struggling against the deportation of Roma refugee families (mainly from Poland and Yugoslavia) from Germany formed a network. A prominent figure of the network was Rudko Kawczynsky (himself a stateless Rom who migrated from Poland to Germany) and his Hamburg-based organization *Rom & Cinti Union* (Matras 1998, 57). Their activist repertoire encompassed marches, occupations of churches and former concentration camps, hunger strikes, and border blockades.

Members of this network criticized the main Roma and Sinti organization of Germany (*Zentralrat Deutscher Sinti und Roma*) for advocating only on behalf of German Roma and Sinti, but neglecting immigrant Roma. The *Zentralrat* maintains that Roma and Sinti are ethnic German communities; whereas their critiques struggled for granting ‘de facto stateless’ Roma the right to apply for residence permits outside the formal framework of asylum or immigration procedures (55).

The main division between *Zentralrat* and their critiques was that the former advocated the integration of Roma and Sinti into German society as equal citizens, whereas the latter argued that Roma are ‘de facto stateless’ and developed a “pan-European Romani nationalism which crossed the traditional boundaries of clan-structure, tribal affiliation, and country of origin” (58).

“The new movement sought outside intervention on the part of European, American, and Israeli politicians, international human rights organisations and multilateral institutions such as the Council of Europe and the United Nations, defining itself in opposition to state policy and even to some key constitutional concepts in Germany, such as the coupling of nationhood, citizenship and ethnicity”(58). *Zentralrat*, on the other hand, “regarded the

statelessness argumentation as a setback and return to the undesirable image of Roma as »homeless nomads«, and as one which in effect challenged the reintegration ideology upon which the *Zentralrat* was founded.”(59)

Matras notes that “in Germany pan-European Romani nationalism did not emerge via the intellectual channel of the International Romani Union or the World Romani Congress in Gottingen in 1981, but ultimately through independent, local grassroots work with refugees” (60). In 1990, at a congress in Mühlheim/Ruhr, there was an attempt to create a European Romani umbrella organization under the name EUROM. In 1993, RNC called for a European Romani Rights Charter which would grant Roma political representation as a European nation (62).

Kawczinsky, however, did have a relation with IRU, since Gheorghe notes that with his followers he broke away from IRU as early as the mid-1980s. In May 1990 he openly confronted the IRU leadership during the Fourth World Roma Congress held in Serock-Warsaw. The same year he initiated the establishment of the Roma National Congress (RNC) (Gheorghe 2011), i.e. the *Rom & Cinti Union* renamed itself for international purposes (Matras 1998, 62).

Only in the late 1990s could Kawczinsky develop RNC into an international umbrella organization. In 1997-1998, while being the director of Open Society Institute’s Roma Participation Program, “he turned RNC into a broader international network comprised mostly of activists whose NGOs were funded by the same OSI office” (Nirenberg 2009, 101).

It is important to underline that the roots of RNC go back to advocating on behalf of asylum seeker Roma who do not enjoy citizenship rights, being *de jure* or *de facto* stateless. Transnational recognition and protection is of particular importance for such groups (Meyer 2001).

Gheorghe argues the main role of radical RNC in the 1990s was to remind the Roma movement of its initial rights-oriented, militant agenda. RNC contributed to the reform and revitalization of IRU, as well as the reinforcement of political symbolism and the adoption of the manifesto *Declaration of Nation* at the fifth World Romani Congress (Gheorghe 2011).

### 2.6.3 The ‘Declaration of Nation’

The fifth World Romani Congress adopted<sup>41</sup> the text ‘*Declaration of Nation*’.<sup>42</sup> The manifesto advances three interrelated claims.

First, the text calls for the international recognition of the stateless Roma nation. The manifesto pronounces that “we are Nation of individuals” who share the same origin, traditions, culture, and language.<sup>43</sup> The text also alludes to a shared history of discrimination, marginalization, and persecution, as well as the “forgotten Holocaust.” The Declaration calls for a new way of representation of Roma “apart from their belonging to one or to another nation.” In other words, the authors deem insufficient the representation of Roma by those states in which they live. The manifesto declares that Roma want to make their voice heard and wish to participate in international politics.

Second, the manifesto claims that the Roma nation offers to the rest of humanity a new vision of stateless nationhood that is more suited to a globalized world than is affiliation to traditional nation-states. The authors explicitly refer to contemporary debates on the “adequacy of the State to the changing needs of the global society” involving “prominent personalities in Europe and in the entire UN Community”.

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<sup>41</sup> Although according to Acton and Klímová, the manifesto was issued after the Congress itself so the delegates did not approve it (Acton and Klímová-Alexander 2001, 198).

<sup>42</sup> See the manifesto in appendix.

<sup>43</sup> This way more than half of the population considered in general Roma by the International Romani Union is excluded as they do not speak any dialect of Romani (Matras 2002).

Furthermore, the manifesto points out that coupling state with the nation “has led and is leading to tragedies and wars, disasters and massacres.” The Roma nation offers an alternative vision of stateless non-territorial nationhood demonstrating that national identity can be maintained and cultivated without creating a nation-state.<sup>44</sup> The manifesto implies that all (trans-border) stateless nations should have the right to international recognition and representation.

Third, the manifesto envisions a cosmopolitan order which is able to “assure democracy, freedom, liberty to each and everybody” i.e. a “world in where the international Charters on Human Rights are Laws, are peremptory rules, providing exigible (sic!) rights”. The manifesto claims that the Romani experience testifies to the need for creating a truly global – not interstate – law, since the international community has not been able to implement their individual and collective rights when they are not mediated by states.

The Declaration does not specify what institutions should protect the exercise of human rights, but the authors believe that the Romani request for representation as a stateless non-territorial nation could become a catalyst for the debate on the reform of existing international institutions and rules, in a search for a world in which the rights of all individuals will be ensured by laws enforced by adequate supranational institutions.

#### **2.6.4 The quest for legitimacy**

The discourse of Roma representing a unique non-territorial nation has gradually been embraced by scholars, activists, and policy-makers alike. Prominent pro-Roma activist-scholar, Thomas Acton, with key Romani activist and policy-maker, Nicolae Gheorghe,

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<sup>44</sup> It is to be noted that the second claim is based on the dubious declaration that Roma have never looked for a territory or an own state. As discussed above, several (self-appointed) Roma leaders actively sought the creation of an independent state, *Romanestan*, the land of the Roma.

declared in 2001 “Unlike the common situation of ethnic minorities who are more or less confined to certain territories or regions, Romani communities are dispersed both within and across the boundaries of countries, states and continents in a world-wide diaspora”(Acton and Gheorghe 2001, 63).

Similarly, Zoltán Bárány, author of a monograph on Romani activism maintains: “The uniqueness of the Gypsies lies in the fact they are a transnational, non-territorially based people who do not have a ‘home a state’ to provide a haven or extend protection to them” (Bárány 2002b, 2). In 1993, the Parliamentary Assembly of the Council of Europe declared: “A special place among the minorities is reserved for Gypsies. Living scattered all over Europe, not having a country to call their own, they are a true European minority, but one that does not fit into the definitions of national or linguistic minorities. As a non-territorial minority, Gypsies greatly contribute to the cultural diversity of Europe.”<sup>45</sup>

The proliferation of recommendations and resolutions on Roma has been coupled with the mushrooming of private and public bodies advocating on behalf of Roma. By the end of the 1990s, such private bodies were the International Romani Union, Roma National Congress, European Roma Rights Centre; public bodies included the Contact for Roma and Sinti Issues (within OSCE) and the Committee of Experts on Roma and Travellers’s (within CoE). The democratic legitimacy of these bodies has increasingly been questioned. On whose behalf do they speak, and on what grounds?

Concerning IRU, few of the ‘delegates’ at the World Roma Congress were democratically elected; it remains obscure who they represent and on what grounds. Furthermore, the delegates’ role in the World Congresses is limited: it is a small circle of activists who deliberate and make decisions (Bárány 2002b, 258). Nirenberg claims the IRU “has always

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<sup>45</sup> Council of Europe, Assembly Recommendation 1203 (1993) on Gypsies of Europe.



had an engaged membership limited to less than one hundred persons [...] as the organization has gone years at a stretch without meeting for its general membership, its active members were typically less than ten people” (Nirenberg 2009, 99) .

Concerning pro-Roma NGOs, their overwhelming majority do not have membership, they are funded by private foundations (mostly the Open Society Institute), and they are comprised of professionals. Furthermore, the hegemonic human rights approach of pro-Roma NGOs was criticized for neglecting the real needs of Romani communities. Critiques pointed out that such NGOs are accountable to their donors, but not the communities on whose behalf they advocate; consequently they have no mandate to speak for Roma (Bárány 2002b; Trehan 2001, 2009).

In the place of political organizations, rapidly developing Romani civil society groups are often taken to represent the community’s interests. A variety of advocacy network has been substituting for genuine political representation that is accountable to its constituency.<sup>46</sup>

The public bodies are administrative units within international organizations comprised of international public servants. Although such experts are appointed public officials, they are still often seen as providing ‘the voice of Roma’ in policy-making processes.

The lack of accountability of these pro-Roma bodies resulted in an increasing demand - from Roma activists, international policy-makers, and scholars - for the creation of a legitimate body. Project on Ethnic Relations (PER), a US-based NGO, brought together Romani activists and politicians on several occasions to discuss the main challenges of Romani

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<sup>46</sup> Project on Ethnic Relations, Roma and EU Accession: Elected and Appointed Romani Representatives in an Enlarged Europe, 2004.

political participation and representation<sup>47</sup>. Two prominent Romani activists, Gheorghe and Mirga, already in 1997 wrote:

The Romani movement itself will need to create a legitimate representation that can bridge the gap between the narrow and often self-appointed Romani elites and the inactive Romani masses. Democratic procedures offer a possible solution; the Romani community should select representatives at all levels via democratic elections. And legitimate representation at the international level should be drawn from among those elected to national parliaments. Such a core group of Romani parliamentarians can be rightly recognized as legitimate partners for international organizations (Gheorghe and Mirga 1997).

In addition to the primary objective of creating an elected representative body, some people wanted a new organization to redistribute aid to the poor, whereas “Kawczyński believed the end goal to be the establishment of a European-wide charter that would commit all European governments to affording the Roma certain collective rights. He saw a unified and legitimate (elected) European-level body of Roma as the best means of drafting and arguing for such a charter” (Nirenberg 2009, 103).

### **2.6.5 The European Roma and Travellers Forum**

In the 1990s, two organizations competed for representing Roma: the IRU and the RNC. In 2000, at the initiative of CPRSI (and Nicolae Gheorghe) the International Roma Contact Group was set up involving the representatives both IRU and RNC, as well as other prominent Romani figures and experts (Liégeois 2007, 250). This structure began negotiations with the Finnish diplomacy about creating a pan-European Roma body. From

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<sup>47</sup> Self-Government in Hungary: The Gypsy/Romani Experience and Prospects for the Future (1997); State Policies Toward the Romani Communities in the Candidate Countries to the EU: Government and Romani Participation in Policy-Making (1999); Roundtable Discussion of Government Policies on the Roma in Romania (1999); Political Participation and the Roma in Hungary and Slovakia (1999); Roma and Elections in Romania (2000) Leadership, Representation, and the Status of the Roma (2002); Romani Representation and Leadership at National and International Levels (2001); Roma and the Question of Self-Determination: Fiction and Reality (2003); Roma and EU Accession: Elected and Appointed Romani Representatives in an Enlarged Europe (2004); Romani Politics Present and Future (2006).

2001, the Finnish government represented the cause in front of various bodies of the Council of Europe, which finally resulted in the creation of the European Roma and Travellers Forum (ERTF) in 2004.

Although some wished the ERTF to become a European Parliament of Roma similar to the Saami Parliament which members could join on a voluntary basis to be able to vote (Gheorghe 2010), eventually – under the influence of French diplomacy – ERTF was registered as an international NGO being a “special partner” of the Council of Europe aiming to establish similarly close relations with the EU, OSCE, and UN.<sup>48</sup>

ERTF “represents the populations of Roma, Sinti, Kalé, Travellers and related groups in Europe”<sup>49</sup>. “The Forum is based on the principle of representative democracy where national umbrella organisations and international Roma NGOs selected their delegates who represent their interests at the plenary assembly in Strasbourg. Their decisions are enacted by the Executive Committee and the Forum's President who sets the guidelines of the Forum's work.”<sup>50</sup>

In practice, each Council of Europe Member States having a Romani population can delegate one national umbrella organization to ERTF. Those national umbrella organizations are supposed “to represent at least 75% of all established and officially registered and representative structures [of Romani] populations.”<sup>51</sup> Each umbrella organization has up to three delegates depending on the size of Romani population in the given country.

Since representative umbrella organizations or elected Roma leaders exist in few countries, the democratic legitimacy of several present national delegates is dubious. It was hoped ERTF

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<sup>48</sup> <http://www.ertf.ro/viz/About%20ERTF/1-0/en> (accessed 14 September 2011)

<sup>49</sup> Article 1.2. of the Statute available <http://www.ertf.ro/viz/Statute/4/en> (accessed 14 September 2011)

<sup>50</sup> *ibid.*

<sup>51</sup> Article 5.1. of the Statute of ERTF

created standards and precedents for Romani associations on how to form a national forum appointing a select number of people to attend the general assembly of ERTF (Gheorghe 2010; Nirenberg 2009).

In addition, there are international members, which are INGOs “whose aims are compatible with those of the Forum, which have been active for at least four years, have affiliates/members in at least 10 member States of the Council of Europe and are financially independent of government funds.”<sup>52</sup>

Today, ERTF is the single largest and most representative Romani institution in Europe. Several hundred local organizations spread over almost every CoE country chose to affiliate to it (Nirenberg 2009, 107). However, the ERTF suffers from various deficiencies.

First and foremost, being a consultative partner of CoE, its powers are limited. It may only have influence on an international organisation whose leverage over national governments is very limited compared to that of the European Union. Moreover, not even the Council of Europe seeks its expertise, let alone bases its work upon its recommendations. In practice, CoE policies towards Roma are still made by the MG-S-ROM expert body. “The ERTF is formally recognized as nothing more than one of many Romani NGOs out there which may at times be asked for an opinion” (107).

Second, the unique shape of the forum remains unclear, even to many of the delegates. Nirenberg notes that “members of the RNC and IRU often misunderstood or misinterpreted their role in and in relation to [national umbrella] organization. [...] Most ERTF participants do not know the structure, the rules or terminology of the organization” (106). “Many ERTF

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<sup>52</sup> Currently ERTF has the following international members: International Romani Union, Roma National Congress, East Meets West - Roma Youth Network, Forum of European Roma Young People, International Roma Women Network, Gypsies and Travellers International Evangelical Fellowship, The Romani Churches of the International Roma Evangelical Mission

participants first joined the organization assuming that the ERTF had money to distribute; they had little formal education that would help them make sense of European politics and institutions” (112).

Third, ERTF, similarly to other Romani international bodies, “rapidly developed honorary titles to every ego” (106) and also granted permanent seats in the general assembly to the original founders and board members who were meant to hold their special status only until the day of the ERTF’s first general assembly. Although the general assembly is supposed to be made up of representative national delegates, “in practice it is made up largely of individuals with a kind of emeritus status” (107).

Fourth, democratic deliberation and decision-making, as determined in the statute, are not working. “The policies and statements of ERTF are almost decided by a small circle of top function-holders, such as the president, two vice presidents, treasurer and secretary general. [...] ERTF usually chooses its policies, advocacy strategies and priorities without its membership” (109).

Similarly to earlier international Romani bodies, there is a perverse ‘reverse legitimacy’: ERTF delegates’ legitimacy is not based on their national constituency, but Romani leaders seek ‘the title’ of ERTF to gain prestige and the attention of governments, donors and journalists (110).

At the 2006 annual assembly, delegates repeatedly asked the ERTF’s top leadership to give out identity cards that delegates could use to prove that they ‘represent the ERTF.’ The board members explained again and again – without success – that delegates do not represent the ERTF. They represent their national fora *to* the ERTF (Nirenberg 2009, 110).

### 2.6.6 ERTF Charter on the Rights of the Roma

One of the main achievements of ERTF has been the adoption of the *Charter on the Rights of the Roma*<sup>53</sup> in 2009. Such a charter was first proposed by RNC in 1994.(McGarry 2010, 144)

The Charter follows the structure of human rights declarations being divided into a preamble and a list of rights, although several claims are formulated in both parts.

The text affirms that Roma form a “pan-European national minority, without kin-state”<sup>54</sup> having its roots in the Indian subcontinent. The Charter defines Roma in the first article as “who avows oneself to the common historical Indo-Greek origin, who avows oneself to the common language of Romanes, who avows oneself to the common cultural heritage of the Romanipe.”<sup>55</sup>

The text underlines the right to self-determination including “the right to cultivate one’s cultural autonomy, the right to freely promote our economic, social, and cultural development and to select our partners, projects, and programmes on our own and, where appropriate, implement them as well; the right to decide on our representation free of any kind of obstruction or discrimination and to vote on it democratically.”<sup>56</sup>

The Charter explicitly criticizes the view regarding Roma “as a social fringe group, as a social problem that is to be »integrated« by means of disciplinary measures and state repression.”<sup>57</sup>

On several occasions, the Charter stresses that “the traditional adherence to experts and

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<sup>53</sup> See the whole text in appendix.

<sup>54</sup> ¶ 23

<sup>55</sup> Article 1

<sup>56</sup> Article 6

<sup>57</sup> ¶ 4

specialists deciding on our fate constitutes a blatant infringement of any kind of peoples' right of self-determination.”<sup>58</sup>

Most articles request States to guarantee the fundamental rights of Roma, such as the physical and mental integrity, liberty and security of Roma<sup>59</sup>, the right not be subjected to forced assimilation or to abandonment or destruction of their culture<sup>60</sup>, measures the counteract stereotypes, prejudices, and hate campaigns<sup>61</sup>, the right to establish own media in their mother tongue<sup>62</sup>, including Roma history and culture in mainstream school curricula,<sup>63</sup> ending school segregation<sup>64</sup> and discrimination in employment<sup>65</sup>.

Furthermore, some articles address the EU, OSCE, and CoE to support Member States to guarantee the fundamental rights of Roma<sup>66</sup>, to act as role models by employing more Roma.<sup>67</sup> The Charter requests the EU “to ensure that Structural Funds, as well as Social Funds, are used to support disadvantaged regions of the EU in which particularly large number of Roma live.”<sup>68</sup>

The Charter calls upon Roma “to actively participate in the political processes in their states”<sup>69</sup> and upon states to ensure the forming of national Roma umbrella alliance/forum which should be granted a seat in the national state’s parliament!<sup>70</sup>

In brief, similarly to the *Declaration of Nation*, the ERTF Charter embraces the vision of a unified stateless non-territorial Roma nation. However, as opposed to the radical

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<sup>58</sup> ¶ 20

<sup>59</sup> Article 8

<sup>60</sup> Article 9

<sup>61</sup> Article 11, 12

<sup>62</sup> Article 14

<sup>63</sup> Article 15

<sup>64</sup> Article 18

<sup>65</sup> Article 19

<sup>66</sup> Article 16

<sup>67</sup> Article 17

<sup>68</sup> Article 16

<sup>69</sup> Article 20

<sup>70</sup> Article 24

cosmopolitanism of the *Declaration*, the *Charter* perceives the state as the main guarantor of the rights of Roma and recognizes the importance of state-level policies and politics.

### **2.6.7 Participation in drafting the EU Framework Strategy for Roma Inclusion**

Although the ERTF appears to be the most representative European Roma body, its role was very limited in the most important recent development, the adoption of an EU Framework Strategy for Roma Inclusion. In neither the minutes of the first five platform meetings<sup>71</sup> nor the annual reports of ERTF<sup>72</sup> could I find any evidence of that the ERTF was officially represented at any of the platforms<sup>73</sup>; although at the Second European Roma Summit (held in Cordoba in April 2010) the President of ERTF urged the European Commission to cooperate with the ERTF in the drafting of a comprehensive European Roma Strategy with the aim of placing the Roma on the same footing as their fellow non-Roma citizens.<sup>74</sup>

The EU did not recognize ERTF as a special negotiating partner representing the Roma of Europe, but rather signed a partnership framework agreement with the European Roma Information Office (ERIO), a Brussels-based pro-Roma advocacy organisation, and created its own consultative structure, the EU Platform for Roma Inclusion.

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<sup>71</sup> [http://ec.europa.eu/justice/discrimination/roma/roma-platform/index\\_en.htm](http://ec.europa.eu/justice/discrimination/roma/roma-platform/index_en.htm) (accessed 18 September 2011)

<sup>72</sup> <http://www.ertf.org/en/documents/reports-position-papers.html> (accessed 18 September 2011)

<sup>73</sup> The 2009 Annual Report of ERTF confirms that the President of ERTF was not invited the second platform meeting held in September 2009 in Brussels, [http://www.ertf.org/images/stories/documents/ERTF\\_Annual\\_Report\\_2009.pdf](http://www.ertf.org/images/stories/documents/ERTF_Annual_Report_2009.pdf) (accessed 18 September 2011).

<sup>74</sup> Annual Report on the European Roma and Travellers Forum Activities covering the period from 1<sup>st</sup> November 2009 to 30<sup>th</sup> September 2010, [http://www.ertf.org/images/stories/documents/ERTF\\_Annual\\_REP\\_2010\\_EN.pdf](http://www.ertf.org/images/stories/documents/ERTF_Annual_REP_2010_EN.pdf), (accessed 18 September 2011).



The platform is an open and flexible environment organised by the Commission and the EU Presidency at the request of the Council in which key actors – EU institutions, national governments, international organisations, NGOs and experts – can interact and formulate strategic advice for decision-makers on the effective inclusion of Roma aspects into European and national policies. It is not a formal body, but rather a process driven by participants.<sup>75</sup>

In 2008, the most influential NGOs in this field<sup>76</sup> formed the European Roma Policy Coalition (ERPC) to advocate for the more active involvement of the EU. ECPR has been involved in the work of the Platform since its meeting held in April 2009 under the Czech Presidency where the ten Common Principles of Roma Inclusion<sup>77</sup> were accepted. Ever since, the second principle has since oft been cited: ‘explicit but not exclusive targeting’. “It implies focusing on Roma people as a target group, but not the exclusion of other people who share similar socio-economic circumstances.”<sup>78</sup> This essentially means that the EU subscribed to the above discussed social inclusion approach concentrating on “the poverty of geographically concentrated post-transitional rural and suburban underclass to which the majority of EU’s Roma population is directly subject to or indirectly threatened by.”<sup>79</sup>

The EU bodies evaded the Europeanization of the ‘Roma issue’, i.e. proclaiming the primacy of a European solution for instance in the form of a European Roma policy. Rather, the Platform affirmed the primary responsibility of Member States for Roma inclusion, and designated a more restrictive role for European bodies in supporting and coordinating

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<sup>75</sup> EU Platform for Roma Inclusion, Press Release, MEMO/09/193, Prague, 24 April 2009.

<sup>76</sup> Amnesty International, European Roma Rights Centre, European Roma Information Office, Open Society Foundations, European Network Against Racism, Minority Rights Group International, European Roma Grassroots Organizations Network, Policy Center for Roma and Minorities, Roma Education Fund, Fundació Secretariado Gitano

<sup>77</sup> 1. Constructive, pragmatic and non-discriminatory policies; 2. Explicit but not exclusive targeting; 3. Inter-cultural approach; 4. Aiming for the mainstream; 5. Awareness of the gender dimension; 6. Transfer of evidence-based policies; 7. Use of Community instruments; 8. Involvement of regional and local authorities; 9. Involvement of civil society; 10. Active participation of the Roma

<sup>78</sup> Conclusions on the inclusion of the Roma, Employment and Social Affairs Ministers of the EU, 10394/09, 28 May 2009.

<sup>79</sup> Working Document on the EU strategy on the social inclusion of Roma, Committee on Civil Liberties, Justice and Home Affairs, Rapporteur: Livia Járóka, 28. 9. 2010.

Member States in implementing policies to improve the situation of Roma. “This coordination of national policies supports benchmarking and mutual learning and considerable resources in the framework of the EU Structural Funds can be mobilised to implement these policies. Also, the European Commission is determined to act where it has the competence, in particular by ensuring that the legislation already in force (the Race Equality Directive) is properly applied.”<sup>80</sup>

In sum, various Romani and pro-Romani actors have participated in the shaping EU’s Roma Framework Strategy: Romani MEPs, ERIO, ERPC, and great variety of other actors in the Platform meetings.



Figure 6 Romani participation in the drafting of the EU Framework Strategy for Roma Inclusion

This chapter provided background analyses for the case study. First, the controversial question of “who are the Roma” was discussed which will be of crucial importance when assessing Romani claims of self-determination in the fourth chapter. Next, the emergence of the ‘Roma issue’ was studied. In particular, five developments were analysed: the fear of Romani immigrants, pro-Roma transnational advocacy, the inadequacy of the international minority rights regime, the changing role of the European Union, and the struggle for the

<sup>80</sup> EU Platform for Roma Inclusion, Press Release, MEMO/09/193, Prague, 24 April 2009.

transnational recognition and self-determination of the Roma nation. Having presented the main actors, developments, and political claims, the next chapter will proceed with the analysis of the main discourses, a systematic overview of options of political participation for Roma, as well as situating Romani claims amongst those of other trans-border groups.

## Chapter 3

### Analysing and situating Romani claims

This chapter analyses and situates Romani claims. It identifies and studies three major discourses focusing on self-determination, human rights violations, and social inclusion. Next, options of state-bounded and transnational forms of political participation and representation are discussed. The chapter subsequently identifies five interpretations of Romani cosmopolitanisms and situates them in the broader spectrum of claims advanced by other transnational and/or stateless groups including diasporas, immigrants, and religious communities.

#### 3.1 Shifting discourses

The historical reconstruction of the previous chapter reflects a shift in the focus of dominant discourses. (1) In the 1970s-1980s claims of self-determination were on the forefront; (2) from 1990s until the early 2000s the focus shifted to human rights violations; (3) from the late 2000s the social and economic integration of Roma has been the main priority (Rövid 2011).

(1) The *self-determination* approach underscores the importance of recognizing that Roma are different and advocate a form of autonomy. Roma may enjoy either may enjoy (i) territorial or (ii) personal autonomy.

(i) Territorial autonomy would imply that a certain territory where Roma form the majority population is vested with the jurisdiction over substantial number of minority issues and exercises this jurisdiction in its own responsibility. As far as I am aware of, there exists no such territorial form of Roma autonomy. There are several settlements where Roma form the

majority of the population (for instance in Gadna in Hungary, or in the Šuto Orizari district of Skopje in Macedonia); however, they do not enjoy special collective rights, the mayors and local self-governments have the same rights and duties as all the others in that country.

As discussed in the previous chapter, there have also been attempts to create a country for the Roma (*Romanestan*). Such claims have been advanced either by self-appointed “Gypsy kings” or extreme right nationalist politicians / activists who wish to get rid of the Roma living in their country.

(ii) Personal or non-territorial autonomy appears to be more suited for dispersed Roma communities. This form of autonomy is granted on the basis of membership in a minority, not residence. Probably the most well-known functioning non-territorial autonomy is enjoyed by the ethnic and national minorities in Hungary, including the Roma. The real challenge for political theory and institutional design, whether such non-territorial form of autonomy is desirable and feasible on a transnational level.

(2) The *human rights* approach promotes the civic equality and the protection of the fundamental rights of Roma. Accordingly, Roma are to be fully integrated into mainstream political and social institutions.

The human rights or anti-discrimination approach is adequate for minorities that were involuntarily excluded from common institutions on the basis of perceived race or ethnicity. However, numerous minorities are in the opposite position: they have been involuntarily assimilated, stripped of their own language, culture and self-governing institutions.<sup>81</sup> These groups need counter-majoritarian protections not solely in the forms of anti-discrimination

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<sup>81</sup> Oft cited examples are the Catalonians and the Hungarian communities living in Hungary’s neighbouring countries.

and undifferentiated citizenship, but rather various group-differentiated minority rights (Kymlicka 2007, 90).

On the whole, at the bottom of the hierarchy of minority rights is the principle of non-discrimination and of equal rights. The next step is special, group-differentiated rights which take into account the differences of minority members, and can be granted as individual or collective rights. If the collective rights amount to some form of essential self-determination (political, cultural, other) they become an autonomy. Autonomy can be either territorial or personal (Brunner and Küpper 2002, 17).

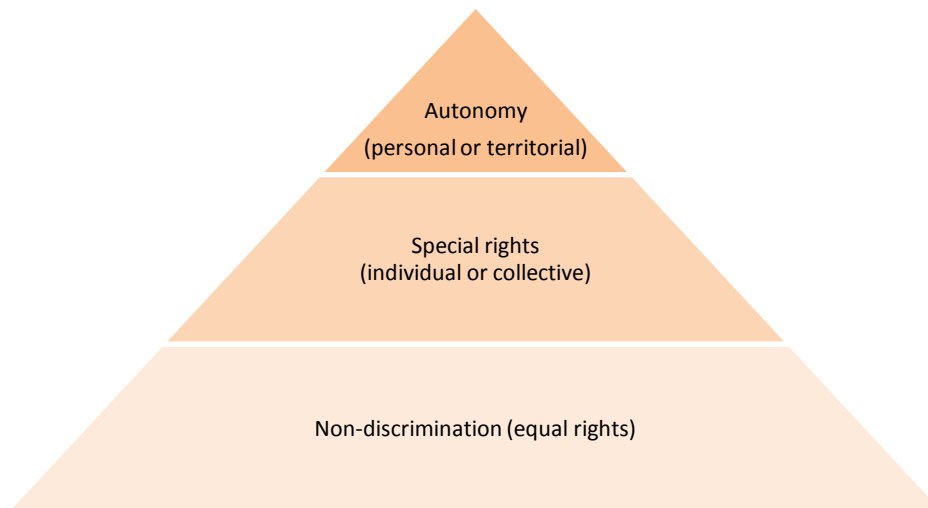


Figure 7 The hierarchy of rights

(3) The focus on the *social inclusion* of Roma has grown out of the critiques of the (i) self-determination and (ii) human rights approaches.

(i) Focusing on self-determination and minority rights have been criticized for downplaying the issues of segregation and exclusion from common institutions, such as schools, workplaces, hospitals, etc. Having the right to establish Roma schools does not facilitate

overcoming the exclusion of those Roma students who would like to attend mainstream mixed schools, classes.

Furthermore, the discourse of self-determination may be easily interpreted as contributing to the ethnicisation of social problems, thus undermining inter-ethnic solidarity.

The promotion of some essential 'difference' between 'Roma' people and everyone else in society exploits traditional prejudices and low expectations. 'Difference' is used to explain Roma impoverishment, social tension and conflicts, migration, and the failure of 'integration' initiatives. It conserves the political isolation of 'Roma' people and supports the ideology of segregation (Kovats 2003).

Moreover, it is cheaper to promote the ethnic difference of Roma than to improve the living conditions of the masses of Roma who lost their jobs and provide access to decent education, housing, and healthcare.

(ii) In return, it is common to criticise the human rights/antidiscrimination discourse for neglecting economic and social processes other than discrimination that contribute to the marginalisation of Roma. Focusing exclusively on discrimination imposes a very simplistic vision of social relations, blaming only the prejudiced majority. Such an approach is insensitive to the diversity of local inter-ethnic relations, as well as human rights violations within Romani communities for instance domestic violence, human trafficking and usury.

Furthermore, extreme (and even moderate) right wing political forces may exploit such simplifying approaches, turn it inside-out, and blame the Roma for increasing crime, aggression and other social ills. Attributing social disadvantage to racism also diminishes the elite's responsibility by blaming popular prejudices for their failure to act (Kovats 2003).

National and European policy makers gradually realized that the misery of huge proportions of Roma cannot entirely be explained by racism. Following the collapse of communism and

the restructuration of national economies, most Eastern European Roma suddenly fell out of the legal labour market and started gradually sliding out of society. The neo-liberal transition led to the formation of an underclass, i.e. both economically and socially excluded populations being locked outside civil society and class structure (Szelényi and Ladányi 2006).

(iii) Each wave of the above discussed Roma strategies (EU pre-accession, Decade of Roma Inclusion, EU Framework Strategy) has aimed at the social and economic inclusion of Roma. Each initiative attempts to improve the coordination, monitoring and financing of national strategies.

Concentrating on “the poverty of geographically concentrated post-transitional rural and suburban underclass to which the majority of EU’s Roma population is directly subject to or indirectly threatened by”<sup>82</sup> is a legitimate and vital policy focus. Developing the isolated and extremely poor micro regions in Eastern Europe is a crucial policy objective and will hopefully improve the living conditions of many Roma.

However, not all difficulties faced by Roma communities throughout Europe are related to post-communist transition. The recent EU Framework strategy explicitly excludes “the complex phenomena of ethnicity-based discrimination [and] issues of migration”<sup>83</sup> and implicitly the social difficulties of all other “Roma” groups who do not live in impoverished post-communist regions, such as itinerant groups struggling for adequate stopping places or Ashkali immigrants forced into concentration camp like *campi nomadi* in Italy– to mention only two blind spots.

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<sup>82</sup> Working Document on the EU strategy on the social inclusion of Roma, Committee on Civil Liberties, Justice and Home Affairs, Rapporteur: Livia Járóka, 28. 9. 2010.

<sup>83</sup> Ibid.



Furthermore, aiming for common European objectives may result in reaching the lowest common denominator. For instance the EU Framework strategy aims to ensure all Roma finish primary school, a very modest objective most EU countries already accomplished and should rather aim for increasing the number of Roma students in secondary and tertiary education.

Moreover, identifying Roma with misery and social exclusion reproduces precisely those stereotypes that contribute to the exclusion of Roma. Associating Roma with unemployment and calling for their social assistance stigmatizes the whole group as “social burden” and may lead to dangerous policies aiming at disciplining “workshy” Roma (Szalai 2000).

### **3.2 Options of state-bounded political participation and representation**

The pyramid of rights can be translated into options of political participation. (i) At a fundamental level, Roma participate in given political community on the basis of their formal political equality. Such a colour blind approach relegates ethnic differences to the private sphere and advocates the individual equality of each citizen.

Accordingly, Roma citizens participate in the demos on the same footing as any other citizen. They have supposedly the same claim in the distribution, control and exercise of political power as any other member of the political community. As equal citizens, they participate in elections, and can also be elected as representatives.

However, in practice, such a citizenship regime does not seem to provide for the political participation and representation of Roma. Studies suggest that Roma are largely underrepresented on local, national and European level (Bárány 2002b; Klímová 2002; McGarry 2009; Vermeersch 2006). Considering their proportion in the general population, there should be dozens of Romani MPs across Eastern Europe. Instead, in 1999 Barany

counted five MPs of Roma origin in the whole of Eastern Europe who were elected on their own or on the lists of mainstream parties (Bárány 2002a). For instance, in Slovakia (where Roma are estimated to give 9 -10 % of the population) no Roma candidate has ever been elected to the parliament!

Colour blind citizenship regimes may allow ethnic / minority organizations to participate in local and national elections either as political parties or as associations. For instance in Bulgaria, parties based on ethnic identity are constitutionally forbidden to register; nonetheless, it is possible to register as political party if the organization does not explicitly disclose its ethnic focus (as in the case of *Free Bulgaria* and *Democratic Congress Party* - both having predominantly Roma membership) (Bárány 2002b, 213).

Only those Romani parties managed to secure seats in the national legislatures that allied themselves with mainstream parties and risked becoming their satellites. Overall, the number of Roma elected to national parliaments either on mainstream or Roma party tickets has been minimal, far below their demographic proportion.

While there is no visible progress in terms of parliamentary representation, the situation is more encouraging on local level, as there are now Romani mayors and councillors in all the Central European countries except Poland. In Romania, for example, the number of elected Romani members of local councils grew from 106 in 1992 to 136 in 1996 and 160 in 2000 (Klímová 2002, 119).

Romani citizens may also further their interest in non-electoral forms such as private bodies (association, foundations, charities); public bodies (consultative and expert bodies, governmental agencies, etc.) and via so-called traditional leaders. As for private bodies, Klímová identified 120 registered Romani associations and foundations in the Czech Republic, 280 in Hungary, six to ten in Poland, 150 in Romania, and almost fifty in Slovakia

(Klímová 2002). Romani citizens may also engage in informal activism, take part in demonstrations, social movements, and online political organizing.

Most Eastern European states established public bodies to deal with the 'Roma issue'. These Roma specific organizations include inter-ministerial commissions and committees, plenipotentiary or secretary of state, personal advisors to the prime minister or president, ministerial coordinators, etc. All these Roma-specific institutions have only advisory and consultative functions.

Both Roma and non-Roma may work in such public bodies. Although they are typically appointed civil servants, they are also supposed to represent Roma and give voice to their interest. The non-electoral and electoral field may also be linked. In the 2000 Romanian elections, a Romani MP from the Romani Party gained a seat (in addition to the reserved one) through a coalition agreement with the Social Democratic Party which also guaranteed the Romani Party the posts of Adviser on National Minorities Issues in the Presidency Office and the Head of the Office for Romani Issues with the title of Sub-Secretary of the State at the Ministry of Public Information (Klímová 2002, 117).

As for traditional Roma leaders (such as *vajda* and *bulibasha*), they were historically appointed by local authorities to take charge of keeping order and collecting taxes in Roma communities. There still exist such traditional leaders whose status is usually dependent on charisma and wealth and passes from father to son. In addition to local leaders, one can find in Romania the self-appointed King (Florin Cioabă), Emperor (Iulian Rădulescu) and President (Bercea Mondialu) 'of all Roma'. Such leaders are recognized only by a handful of followers, although some authorities still see them as negotiating partners thus giving them an aura of legitimacy.

Some of the traditional leaders find their way into electoral politics and become members of local governments or fulfil positions in national or supranational bodies. Cioabă, for instance, formed the Christian Centre of Roma party, and ran – unsuccessfully – in the 2000 national elections for the Chamber of Deputies, but was elected as representative on the Sibiu City Council and he is also the President of the Plenary Assembly of the European Roma and Travellers Forum. It is important to underline that most Roma see such leaders, even if elected, by aversion and find their actions detrimental to Roma.<sup>84</sup>

(ii) Some countries accord special rights to minorities to facilitate their political participation and representation. In Romania a seat in the Lower Chamber of the Parliament has, since 1990, been reserved for a Romani representative. Each representative occupying the reserved seat has come from the Roma Party (now officially called Roma Party Pro-Europe).

The system of reserved seats for Roma representatives in national or local assemblies have been tried in Bosnia and Herzegovina, Croatia, and Slovenia as well. However, the system does not preclude the election of more than one MP. In the 2008 Romanian parliamentary elections two Roma were elected for the first time: one elected for the reserved seat, and another on list of a mainstream party (McGarry 2010, 91).

Other electoral techniques intended to improve the political representation of minorities include exemption from certain electoral rules (such as minimum threshold), the overrepresentation of defined ethnic/national regions, race conscious districting, and quotas for party lists (Reynolds 2006).

(iii) Roma enjoying a form of autonomy have an additional sphere of political participation and representation. In particular, in Hungary minorities enjoy collective rights in the fields of

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<sup>84</sup> For instance the biggest Romanian Romani Party (Partida Romilor Pro-Europea) refuses to take part in the work of the European Roma and Travellers Forum as long as Florin Cioaba chairs its Plenary Assembly. <http://www.ertf.ro/viz/About%20ERTF/10-0/en> (accessed 9th September 2011)

education, media, culture, and the use of minority languages. The bearers of collective rights are minority self-governments on local and national level that are intended to be partners to local self-governments and the national government, respectively.

The powers of local minority self governments include the right to ask for information, make a proposal, initiate measures and object to a practice or decision related to the operation of institutions that violate the rights of the minority; it can define within its authority the circle of protected monuments and memorial sites; its own name, medals, decorations; the holidays and festivities of the minority; it can establish institutions, companies, schools, media, or scholarships.; most importantly, it must consent on any act of the local government affecting the minority population in their capacity as such.

Each minority group can establish one national minority self-government or national assembly. These represent the interests of the local minority self-governments on the national level. The local is not subordinated to the national level, nor are local minority self-governments obliged to report to the national one. The national assemblies have similar powers as the local minority self-governments but with a national scope.

The following table recapitulates the options of state-bounded political participation of Roma in both electoral and non-electoral arenas.

	electoral	non electoral		
		private body	public body	traditional
<b>autonomy</b>	minority self-government	associations, foundations, activism	consultative and expert bodies, governmental agencies, Ombudsman	traditional leader (vajda, bulibasha, etc.)
<b>special rights</b>	communal reserved seats			
	exemption from rules (e.g. lower threshold for ethnic parties)			
	over-representation of minority territories			
	race-conscious districting			
	quotas of mainstream parties			
<b>formal political equality</b>	Roma political party			
	Roma MP of mainstream political party			

Table 1 Options of state-bounded political participation and representation

### 3.3 Options of transnational political participation

The ‘Roma issue’ has also emerged – for the above discussed reasons – in the international, above all European, political arena. Citizens of Romani origin have a range of options for participating in international / European politics that may fit into the above tripartite scheme.

(i) Similarly to any other members of democratic polities, citizens of Romani origin are supposed to be represented in international politics principally by their own state. Bilateral and multilateral agreements are drafted, agreed upon, ratified, and implemented by bodies of participating states. International organizations have also been founded by and are primarily composed of states.

Ram – based on her empirical study – found that, indeed, most Romani activists and leaders had little interest in gaining international attention or in lobbying at the international level for

improving their rights. Some Romani activists explicitly told her that not civic associations should speak with the EU, but it is the role of their government (Ram 2010, 201).

However, as demonstrated above, Roma are not adequately represented on national level so their respective states are not likely to represent their interests in the international arena. Romani citizens may seek non-electoral forms of transnational political participation or engage in the only existing form of international electoral politics, the European Parliament.

The European Parliament has been actively involved in the struggle against the discrimination and social exclusion of Roma. The first MEP of Romani origin was Juan de Dios Ramírez Heredia who was elected three times on the party list of the Spanish Socialist Workers' Party in 1987, 1989, and 1994. From Eastern Europe, Viktória Mohácsi was elected in 2004 on the list of the Hungarian Alliance of Free Democrats; and Livia Járóka was elected in 2004 and 2009 on the list of the Fidesz – Hungarian Civic Union.

The Romani MEPs have played a vital role in putting the plight of Roma on the EU's agenda, as well as in the drafting and adoption of various EU level resolutions and recommendations<sup>85</sup> including the recent EU Framework Strategy for Roma Inclusion.

It is to be noted that EU citizens can only vote for national party lists, therefore citizens of Romani origin cannot vote for individual Romani candidates. However, the underrepresentation of Roma in the European Parliament appears to be even more severe than in most national legislatures as currently only one out of 736 members is of Romani origin.

(ii) Granting special political rights to Roma on a transnational level appears to be a utopia at the moment. However, there are several plans on reforming the European electoral system. Introducing a Roma quota on national party lists of Member States with significant Romani

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<sup>85</sup> For a detailed overview of all Roma related international documents see Majtényi and Vizi (2006).

population is one option to improve the representation of Romani citizens. It is theoretically also possible to have reserved seats for stateless minorities/nations in the European parliament. Furthermore, if European political parties and their candidates were allowed to form and run at elections, Romani candidates may also consider forming their own European party.

(iii) Having a transnational form of autonomy would imply that Romani citizens living in various states could have jurisdiction over substantial range of issues pertaining to them. This would essentially entail a form of self-determination and self-governance of dispersed stateless groups.

Meyer argues that Roma have a legitimate claim to transnational autonomy being a transnational non-territorial minority that have been persecuted for centuries (Meyer 2001). A special status of transnational minority may provide protection from the discriminatory treatment by national states under which they have suffered for so long, as well as *de jure* statelessness resulting from the disintegration of multi-ethnic Eastern European countries<sup>86</sup> (2001, 300). As for the institutional setting of transnational autonomy, Meyer remains vague:

Although it is not easy to see how the special status of being a trans-national minority could be incorporated into the existing present-day legal frameworks, there can be no doubt that the efforts of the Roma to gain trans-national cultural and political autonomy is a legitimate aspiration. In the light of the Saami experience, gaining such autonomy is best seen as a long-term goal whose realization presupposes, *inter alia*, the success of the Roma in establishing democratically legitimate elected bodies of representation. (Meyer 2001, 301)

Kímová, relying on the national-cultural autonomy concept of Karl Renner and Otto Bauer and the agonistic patriotism of Ephraim Nimni, argues for transnational cultural autonomy for indigenous and Romani communities (Klímová-Alexander 2007). She outlines that the two

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<sup>86</sup> The breakup of Yugoslavia and Czechoslovakia left thousands of Roma stateless, as the citizenship laws of the new countries discriminated against them.



groups has three characteristics in common: (1) they have a strong sense of feeling different or even separate from the majority societies that surround them, and - unlike national minorities – they still operate under their own laws and customs outside those of the majority society; (2) they have dispersed settlement pattern; (3) they are severely alienated due to the treatment from majority societies.

Referring to the deep mistrust between majority societies and Roma, Klímová argues that “internal citizenship-based solutions” are not feasible. “The citizenship rights fail to do justice because they emanate from a state that has subordinated the Romani and indigenous laws, autonomy and forms of political organization. They are merely an instrument of absorption and assimilation” (Klímová-Alexander 2007, 399). As an alternative, Klímová embraces the radical vision of deterritorialization of all nations promoted by Nimni:

If the roof that each nation seeks becomes non-territorial, if each nation can be sovereign without claiming exclusive territorial control, the infusion of politics with culture and nationalism on its own is not dangerous. If territory cannot become an exclusive property of a particular ethno-national group, we do not need to fight over it. If we have no minorities and majorities, we do not need minority protection (Klímová-Alexander 2007, 411).

It appears that the drive for trans-state forms of autonomy – of both scholars and activists – is largely driven by mistrust towards state legislation and policies based on negative experiences. Minority rights are granted by, dependent on, and oft misused by state authorities. As a consequence, several Romani activists are seeking a form of self-determination and self-government outside the mechanisms of state.

	electoral	non electoral	
		private body	public body
<b>autonomy</b>	transnational (cultural) autonomy?	IRU, RNC, ERTF, OSI, ERRC, ERIO, informal activism	EU Platform, CPRSI, MG-S-ROM
<b>special rights</b>	reserved seat in the European Parliament?		
	quotas of mainstream/European parties?		
<b>formal political equality</b>	global: via states		
	EU: Romani MEP, European Romani political party?		

Table 2 Options of transnational political participation for Roma

### 3.4 Romani cosmopolitanisms

At least five, not necessarily mutually exclusive, interpretations of Romani cosmopolitanism can be distinguished focusing on five different elements: (1) instrumental considerations; (2) nationalism, (3) statelessness, (4) deterritorialization, (5) emergence of a transnational elite.

(1) Several authors argue that the claim to be a stateless transnational non-territorial nation was made for *strategic purposes*. By raising the ethnic status of Roma from minority to nation, with its own parliament, the International Romani Union aimed to increase its power of leverage with both national governments and international bodies. The hope is that this strategy will lead to increased funding to improve the material conditions of Roma, thus strengthening their social identity (Guy 2001, 22).

In other words, Romani cosmopolitan claims are stemming from the failure of states to protect the fundamental rights of Romani citizens and to include them in mainstream political, social and economic processes. One can argue that although the Roma are striving for

recognition as a nation, their real political motive is not Roma statehood, but a greater say in how their own problems are solved, i.e. greater political participation (Thelen 2005, 46).

(2) In a seemingly paradoxical manner, Romani cosmopolitanism stems from the *nationalistic claims* of the recognition and self-determination of Roma nation. It can be “interpreted in accordance with the traditional, 19th century concept of national ‘awakening’. After centuries in the subpolitical recesses of society, ‘Roma’ have finally reached the stage of being able to claim recognition as an ethnic minority, even as a nation of equal standing with those already established” (Kovats 2003).

However, “exactly because the Roma are latecomers to the nation-state universe, they may be the forerunners of new forms of exercise of power and power participation” (Petrova 2004). According to the above discussed manifestos, Roma form an avant-garde non-territorial nation providing a more adequate mode to the globalized world than that of the nation-states.

(3) The claim to *statelessness* may also originate from experiences of exclusion and hostility either in the “home country” or as refugees and asylum seekers in a “receiving country”. It is to be remembered that tens of thousands of Roma found themselves *de jure* stateless after the disintegration of Czechoslovakia and Yugoslavia. *De facto* and *de jure* stateless Roma thus strive for international protection demanding international bodies to act like a quasi kin state (Gheorghe 2011).

Such a *moderate cosmopolitanism* goes beyond the objective of exerting pressure on governments. On the contrary, it is driven by mistrust towards state authorities based on experiences of state persecution, exclusion and marginalization. Romani cosmopolitanism stems from the conviction that state-bounded policies and politics failed to tackle the plight of Roma therefore a global (in the case of *Declaration of Nation*) or European (in the case of *ERTF Charter*) legal order is envisioned guaranteeing the liberty, self-determination and

fundamental rights of Romani citizens throughout the world/Europe without the mediation of states.

(4) In its most radical form, Romani cosmopolitanism stands for the *detrterritorialization* of national attachments, the deconstruction of the idea of majority nations, and the abolition of nation-states.

Romani activists are stuck with their cosmopolitanism; they cannot cop out from it with an imitation Zionism or any other kind of ethnic particularism. In fact, while Jews can still imagine that they have learnt from the Holocaust that only having a place of their own can protect them from a repetition, for Roma the lesson is the opposite. For them the twentieth-century Holocaust abolished the protection of the *mehalla*, the ghetto, the segregated pariah nomadism, and the other sanctuaries that emerged as refuges after the holocaust of the sixteenth century.

There is no substitute for having human rights everywhere; this is the logic of seeking to define Roma as a transnational rather than a national minority. It is not so much that the rights of ethnic minorities must be protected, as that ethnic majorities must be in themselves deconstructed. The foundation of global human law must shift from the self-contradictory illusion of national self-determination to a new bedrock of individual human self-determination. The unfolding agenda of Gypsy activism may be nothing less than the abolition of the nation-state. (Acton and Gheorghe 2001, 68)

(5) Finally, the cosmopolitanism of Roma can also be seen as the *class consciousness* of the minuscule transnational Romani elite (Calhoun 2002). Well educated Romani activists working in NGOs or international organizations project their own cosmopolitan experiences to the whole Roma nation. Gheorghe, one of the main ideologists of Romani cosmopolitanism, in a recent paper acknowledges:

I decided at a certain moment of my life that I am a Rom although I was not necessarily obliged to be. Activism meant an opportunity to come into terms with the meaning and heritage of being *țigăni*. To relax the tensions that went along with the usage of this category, I affirmed my social and cultural background and projected it onto Roma social histories and culture. [...] After the fall of Communism I started to argue for a cosmopolitan, or at least European perspective in Roma activism on these grounds. Following the international proletariat, my self-portrayal as part of this widespread Roma diaspora was another form of imagined cosmopolitanism. My mobility between international organizations and various places has been part of this: I thought I have my own adaptive techniques, as I know languages, I have people to meet in many places in the world and I know how to deal with my life in a luggage (Gheorghe 2011).

The following figure recapitulates the five interpretations of Romani cosmopolitan claims.

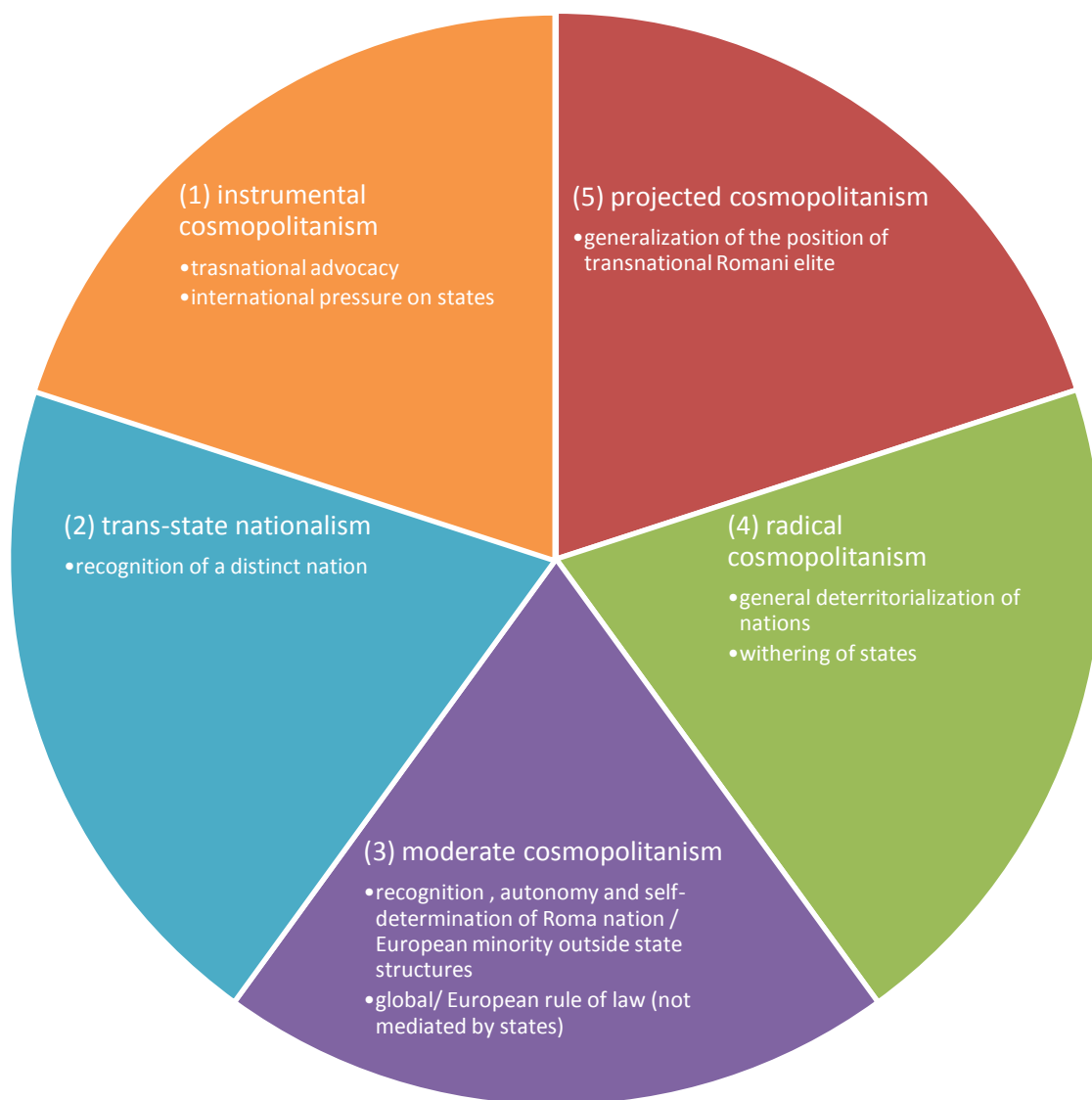


Figure 8 Romani cosmopolitanisms

### 3.5 Situating Romani cosmopolitanisms

The cosmopolitan claims advanced by Romani actors can be located in the broader spectre transnational solidarities challenging the Westphalian international order, in particular the trinity of state-nation-territory.<sup>87</sup>

Four types of challenges can be distinguished: (1) pro-Roma activism and advocacy represent forms of transnational solidarities, (2) the nationalistic claims draws our attention to the phenomenon of trans-state nation, and *inter alia* of (3) trans-border stateless nations, comprising (4) non-territorial stateless nations.

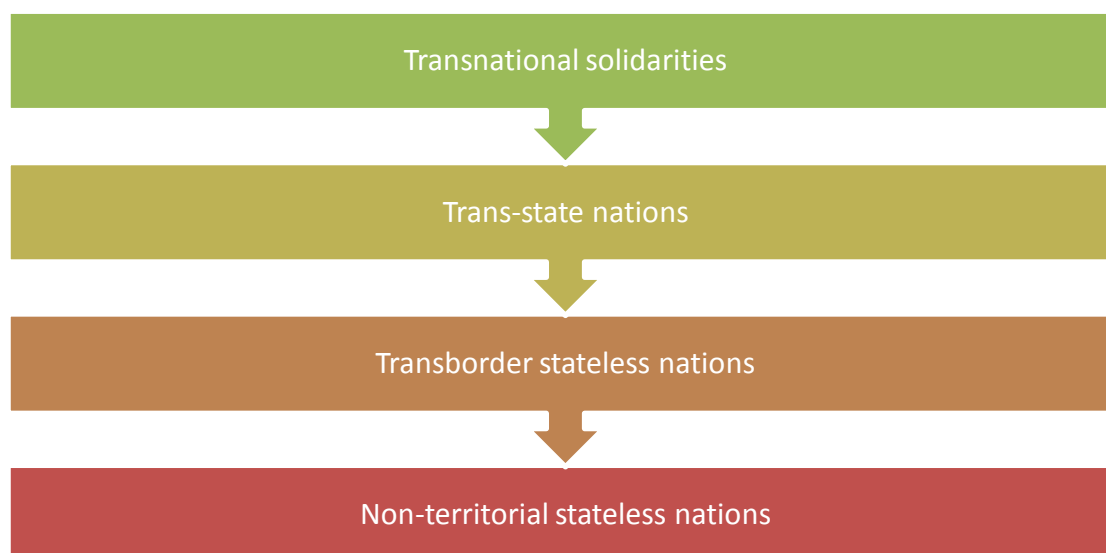


Figure 9 Situating Romani cosmopolitanisms

(1) The strategic considerations behind cosmopolitan claims may focus on promoting either the self-determination, or human rights or social inclusion of Roma. All of these entail transnational forms of pro-Roma advocacy, i.e. *transnational solidarity*. This interpretation captures the transnational pro-Roma microcosm that has developed in the last two decades.

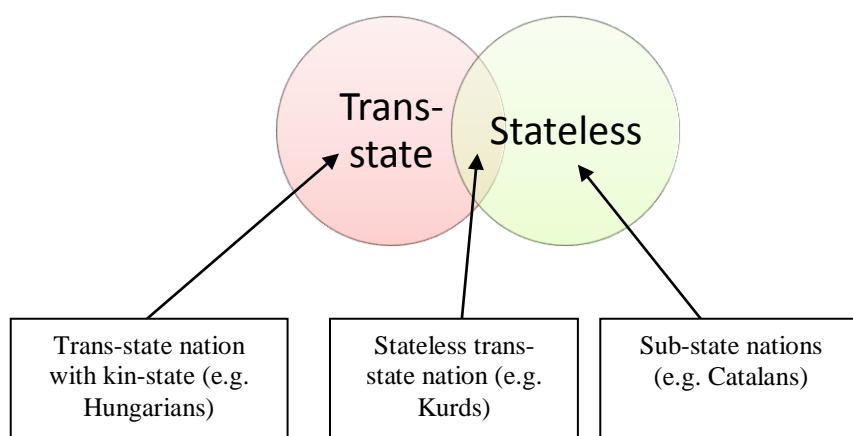
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<sup>87</sup> Expression of Hannah Arendt (1973)

(2) The nationalist interpretation highlights the importance of *trans-state national* attachments that has largely been ignored<sup>88</sup>, until recently<sup>89</sup>, by the literature on transnational identities and political action.

The boundaries of nations most of the time do not coincide with state boundaries. As a matter of fact, there are many more nations than states, so most nations are stateless. Furthermore, some nations are located on the territory of more than one state (trans-state nations), while others form minority-nations within a state (sub-state nations).

Figure 10 Trans-state and stateless nations



Not only does the great number of nations limit the realization of the universal nationalist program of every ethno-nation having its state, but also the territorial enmeshment of nations. In most cases, it is simply not possible to delimit a territory where only members of one specific nation live: there will always remain some ethno-national minorities.

In a similar manner, Bauböck identifies two possible mismatches between territorial and membership boundaries: political communities can be distinct and separate with regard to their membership, while their territorial jurisdictions overlap (e.g. personal-cultural autonomy

<sup>88</sup> A seminal exception is Arendt's *Continental Imperialism: the Pan-Movements* in Arendt (1973).

<sup>89</sup> Two recently published edited volumes focus on trans-state national attachments: Bauböck and Faist (2010), Benhabib, Shapiro, and Petranovic (2007).



of minorities), or, conversely, polities may have territorially separate jurisdictions while their membership overlaps (e.g. international migration). He calls the former nested, the latter overlapping communities (Bauböck 2007, 92).

However, Bauböck's typology focuses on territorial jurisdiction and membership in political communities, i.e. it cannot capture such national attachments that do not imply membership in a specific and legally recognized political community. For instance, members of a stateless trans-state nation, such as the Kurdish nation, do not belong to one specific political community, i.e. the mismatch is not simply between the boundaries of state territory and political community.

Trans-state nationalisms may either (a) negate, (b) rectify, or (c) transform the trinity of state-nation-territory.

(a) Trans-state nationalisms may advance radical critiques of the nation-state system, to some extent similar to those of global civil society theorists. In relation to the pan-Slavic and pan-German movements, Hannah Arendt points out that

Hostility to the state as an institution runs through the theories of all pan-movements. [...] Slav superiority was felt to lie in the Russian people's indifference to the state, in their keeping themselves as a corpus separatum from their own government. This is what the Slavophiles meant when they called the Russians a "stateless people" [...] The Pan-Germans, who were more articulate politically, always insisted on the priority of national over state interest and usually argued that "world politics transcends the framework of the state," that the only permanent factor in the course of history was the people and not states; and that therefore national needs, changing with circumstances, should determine, at all times, the political acts of the state (Arendt 1973, 237).

(b) Trans-state nations may rectify the Westphalian international order by 'correcting' the state or membership boundaries, aiming for the congruence between national boundaries and state borders. Irredentist and secessionist movements seek to restore the trinity of nation-state-

territory by changing state boundaries. Alternatively, the membership boundaries can be changed by the extermination, expulsion or forced assimilation of those who are perceived as not belonging to the nation.

(c) Finally, trans-state nations may also seek self-affirmation across national borders by accepting and promoting pluralism within state borders. Typically, the homeland government of a trans-state nation aims at the extension of the national community beyond the border through extraterritorial membership policies such as dual citizenship. These policies extend the project of nation-building beyond the state territory in which the nation is already dominant<sup>90</sup>. Trans-state nationalisms may also be seen as a logical consequence of the liberalization of citizenship regimes. As Kastoryano argues

The emergence of transnational communities is a logical next step in cultural pluralism and identity politics. The liberalism that favors ethnic pluralism has privileged cultural activities that are guided by associations of immigrants, at the heart of which lie reappropriated identities, organized and redefined, to place them before the state, in order to gain legitimacy. Minority identities repressed at the time of the creation of the unitary nation-state, which tends towards political and cultural homogeneity, re-emerge due to a multiculturalism applied in Western democracies in which state-recognized associations have a privileged ability to organize and speak on behalf of such identities (Kastoryano 2007, 161).

(3) The radical interpretation of Romani cosmopolitanism relies on the concept of *non-territorial nation*. Non-territorial nations can be identified by further deconstructing the categories of trans-state and stateless nations. The literature distinguishes at least four types of trans-state ethnic groups: (i) diasporas, (ii) trans-migrants, (iii) trans-nations, and (iv) non-territorial groups. The last three may not have a kin/ home/ sending/ original state, i.e. they may also fall into the category of stateless ethnic groups.

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<sup>90</sup> Concerning the case of Hungarian trans-state nationalism, see the edited volume (Ieda 2006).

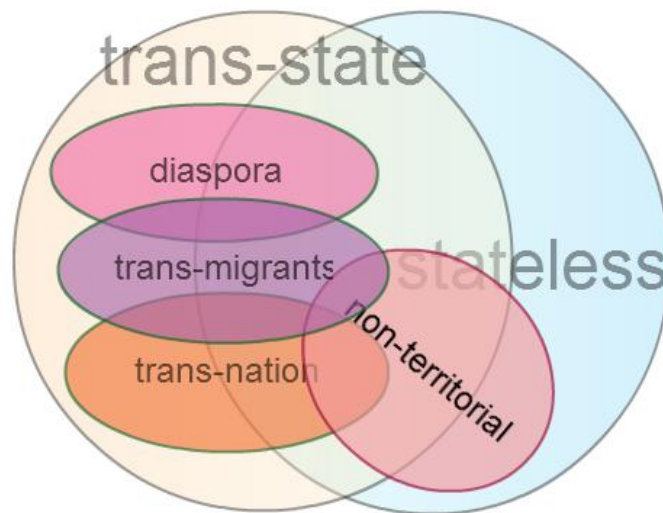


Figure 11 Diasporas, trans-migrants, trans-nations, non-territorial groups

(i) The term *diaspora* has traditionally been applied to ‘victim’ populations suffering from expulsion, persecution, and forced migration for religious, political, and economic reasons. The dispersion originates at a centre – an ancestral land or place or origin, a homeland. Diasporization operates when the population in question feels excluded from their surrounding host society. Retaining the memory of the centre – now idealized and mythologized – it makes plans to return there (Kastoryano 2007, 164).

(ii) *Trans-migrants* are distinguished from diasporas by lacking a perspective of reunification and re-territorialization; having chosen to migrate to another country; being more integrated in host society thus having more hybrid identities; and maintaining continuous linkages with the homeland. Nota bene: several trans-migrants form only a minority in their sending country, hence in this sense they are also stateless.

(iii) The category of *trans-state nations* comprise all sorts of ethnic, national, indigenous communities that live on the territory of more than one state. Some of them have their own kin state, such as Hungarians; others do not form a dominating majority in any states, such as Kurds or Basques.

(iv) *Non-territorial* communities do not have territorial attachments and they may live on the territory of one or several states. Most of the religious communities are non-territorial, and religious identity has often an ethnic dimension – for instance in the case of Islamic ummah. Furthermore, some members of dispersed trans-migrant, transnational or sub-state communities may not have strong attachments to a real or imagined homeland either.

In general, these four trans-state groups – as discussed above – may either negate, or rectify, or transform universal state-centric nationalism. Let us call these positions: anti-Westphalian, new Westphalian, and post-Westphalian, respectively.

	Diasporas	Trans-migrants	Trans-nations	Non-territorial
<b>Anti-Westphalian</b>	Very rarely	Very rarely	Occasionally	Occasionally
<b>New Westphalian</b>	Typically	Very rarely	Occasionally	(antithetical)
<b>Post-Westphalian</b>	Occasionally	Typically	Usually	Typically

Table 3 Trans-state nationalisms

(i) *Anti-Westphalian* claims, i.e. the total negation of the (inter-)state system are very rarely advanced. The radical cosmopolitanism of Romani claims may fall within this category.

(ii) *New-Westphalian* claims are typically advanced by diasporas that by definition seek the re-unification and reterritorialization of a certain dispersed community. Trans-national and stateless nations may also aim at ‘correcting’ territorial and membership boundaries. Dominant ethnic groups may also pursue such homogenizing policies by trying to ‘eliminate’ undesirable minorities.

(iii) Most claims are *post-Westphalian* i.e. they seek the accommodation of trans-state ethnic groups *within* the inter-state system by rejecting the trinity of state-nation-territory. Trans-migrants typically aim at retaining some of their cultural traditions without being discriminated against by the dominant society for their decision. They want to integrate into, and function successfully within, the institutions of the majority society.

Diasporas and trans-nations, on the other hand, rather than seeking political and social integration into the mainstream society, typically desire some form of autonomy. In contrast to accommodationist groups, most autonomist minorities were coercively incorporated into the state and once practiced autonomous governance in the territory now controlled by the dominant society, i.e. they did not immigrate into the country in which they live (Valadez 2007, 309).

Trans-state stateless autonomist groups may advance claims that cannot be easily accommodated by individual (pluralist) states. Such post-Westphalian claims challenge state-centric multiculturalism and urge some form of transnational citizenship.

As Bauböck notes, the term *transnationalism* has two meanings: it may refer to the ideology of nationalism projected across borders, and to the transcendence of nationalism by widening the reference framework for political membership to transnational, regional or global constellations (Bauböck 2010, 309).

The two sorts of transnationalisms are in dynamic interrelation, since transnational claims are made in a four-dimensional space that comprises the host country, the country of origin, the ethnic community, and international organizations (Bruneau 2010, 44). As cited above, Kastoryano observes a correlation between the liberalization of citizenship regimes and the emergence of transnational claims (Kastoryano 2007, 161).

The liberalization of citizenship refers to the institutional transformation of membership and legal rights such as recognizing (some sort of) autonomy of minorities; turning naturalization from a discretionary decision of authorities into an individual entitlement; and tolerating dual citizenship acquired at birth or through naturalization (Bauböck 2010, 297).

In a similar manner, the notion of *non-territorial* refers to two phenomena: particular claims of non-territorial political autonomy (for instance advanced by Roma organizations), and the general process of de-territorialization – seen by some authors – as “the central force of political modernity” implying that delocalized populations invent themselves within new, non-localized imaginary “ethnoscapes” (Appadurai 1996).

The distinction in the literature between old and new diasporas (Faist 2010), community and hybrid diasporas (Bruneau 2010), modern age and global age diasporas (Koinova 2010) reflects the co-evolution of non-territorial claims and constellations. The old / community / modern age diasporas are the results of forced dispersal, imply identity boundary maintenance and the desire to return to homeland. New / hybrid / global age diasporas, on the other hand, may originate in any kind of dispersal, imply continuous linkages with the homeland (if any), cultural hybridity, and that the imagined homeland can be non-territorial.

In brief: several authors argue that “non-territoriality is part of a larger process of globalization” (Kastoryano 2007, 174) entailing the emergence of transnational communities whose self-determination does not imply cultural autonomy on territorial foundations [but ] personal autonomy manifested through the network of individuals’ relationships (169).

The aim of this chapter was to provide an analytical framework for studying Romani political claims. First, I presented the hierarchy of rights ranging from the principle of non-discrimination (i.e. equal rights) to special rights and outright autonomy. Then, I translated this hierarchy into options of state-bounded and trans-state forms of political participation, embracing both electoral and non-electoral forms. Next, I studied specifically cosmopolitan Romani claims and distinguished five interpretations. Finally, I situated these Romani claims amongst those advanced by other trans-state and stateless nations, including diasporas,

immigrant and non-territorial communities. In the next chapter, I will relate these political claims to the theoretical problems of transnational democracy I discussed in the first chapter.

## Chapter 4

### From cosmopolitan claims to theories, and back again

The previous two chapters overviewed, analysed, and situated Romani political claims. This chapter links the case study to the theoretical problems of transnational democracy. First (4.1), Romani claims are assessed in the light of my own theoretical position outlined in the first chapter. Second (4.2), the case study's lessons are drawn for cosmopolitan theories.

#### **4.1 Assessing Romani cosmopolitanisms**

Romani claims and forms of political participation can be assessed on different levels. First, existing forms of Romani self-determination and pro-Roma solidarity have been criticized on various grounds. Second, focusing on the self-determination of Roma has widely been debated. Third, the idea of Roma nation / diaspora itself and claims of its self-determination can be questioned. Forth, the idea of self-determination of trans-border nations / diasporas can be discussed. Finally, the idea of non-territorial trans-border self-determination is studied.

Each step enlarges the scope of criticism. Criticizing existing forms of Romani self-determination does not necessarily imply rejecting the idea of the Roma nation. In a similar manner, one may argue for the self-determination of trans-border nations without accepting the idea of non-territorial trans-border self-determination. The below figure summarizes the levels of critiques.



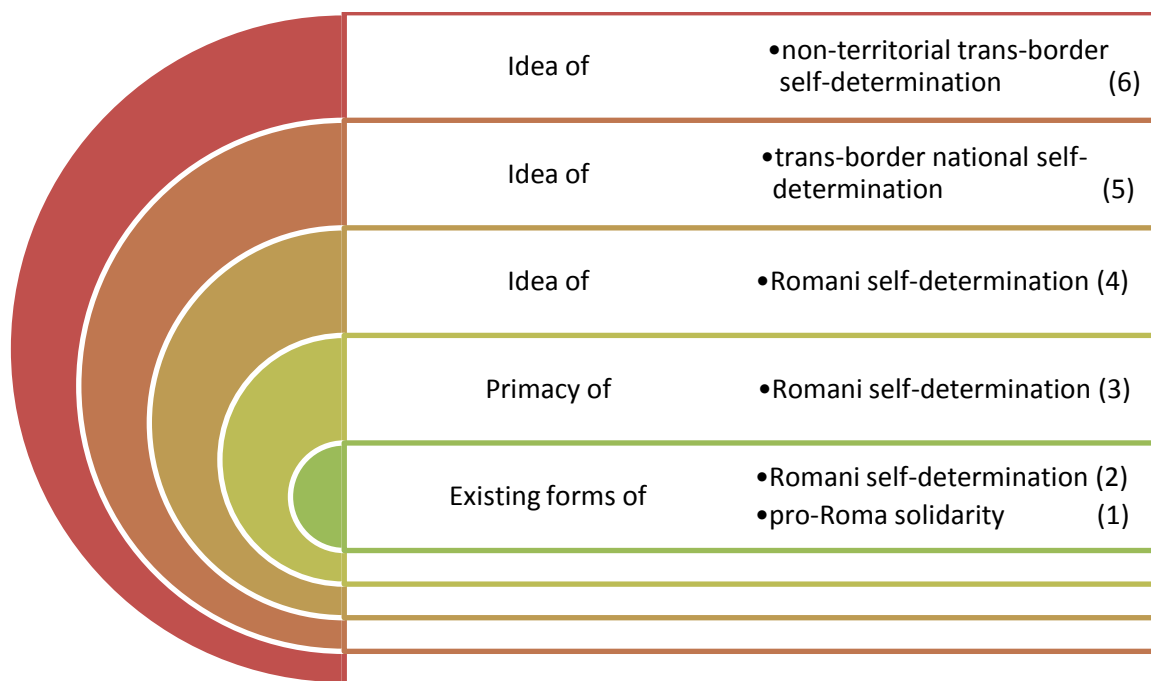


Figure 12 Levels of assessment of Romani claims

#### 4.1.1 Critiques of existing pro-Roma global civil society

As discussed above, over the past two decades, the ‘Roma issue’ has emerged in international relations, alongside a network of bodies and organizations specialised in this ‘issue’. Let us call this microcosm the pro-Roma global civil society (Rövid and Kóczé 2012). As with other segments of global civil society, within the pro-Roma microcosm there are tensions between moderate service providers and radical activists, small grassroots associations and big international NGOs, formal political parties and civil actors that criticise the establishment.

However, such divisions take a different form in the case of the pro-Roma microcosm, since the major international actors (such as the ERRC and the OSI) are often labelled ‘white’ or ‘gajo’ (meaning non-Roma) by their critics. Accordingly, ‘white civil society’ is contrasted with the Romani subaltern (Trehan 2009). The former is criticised on at least three grounds:

(i) ‘White’ NGOs are accused of promoting a hegemonic discourse on human rights, thus downplaying both macro-economic and macro-sociological processes (such as the enormous rise of unemployment after the fall of state socialism and the retrenchment of the welfare state), as well as the local sources and context of inequalities and conflicts.

Focusing exclusively on discrimination imposes a very simplistic vision of social relations, blaming only the prejudiced majority. Such an approach is insensitive to the diversity of local inter-ethnic relations, as well as to human rights violations within Roma communities, such as domestic violence, human trafficking and usury. Furthermore, extreme (and even moderate) right wing political forces may exploit such simplifying approaches, turn them inside-out, and blame the Roma for increasing crime, aggression and other social ills.

(ii) International actors are accused of being accountable to their donors and not to the Roma communities that they work for. In particular, a good number of Roma and pro-Roma NGOs are financed by OSI so they have to align to foundations priorities. Membership-founded and voluntary-based Roma associations – especially in Eastern Europe - are almost non-existent.

Moreover, international advocacy efforts are very remote from the daily struggles of many Roma. Professional NGOs are often perceived as technocratic and removed from such traditional civic values as altruism, community service and cooperation (Trehan 2001).

In brief, pro-Roma actors often patronise Roma in their desire to help them and impose patterns of development which they consider the best for them. Such a patronage could “in the long run kill the natural mechanisms of community preservation, thus turning the community into a constant social customer of professional benefactors” (Marushiakova and Popov 2004, 96).

(iii) International NGOs create a kind of brain-drain, offering high salaries and attracting the brightest Roma from local associations, further weakening grassroots initiatives. Several ‘traditional’ Roma activists or leaders argue that Roma working for international bodies are detached from their roots and live a ‘gajo’ way of life.

However, such ‘traditional Roma leaders’ (*vajda*, *bulibasa*, *etc.*) have, in the past, been empowered by non-Roma leaders in order to control and tax Roma communities. Therefore, although they may be able to resolve some local conflicts, such authoritarian, non-elected leaders/mediators also are, to an extent, responsible for preventing Roma from becoming autonomous citizens.

Such critiques draw attention to important *empirical* limitations of the pro-Roma global civil society and demonstrate that solidarity can easily turn into hegemony. It is vital to strengthen grassroots Roma associations. However, the invaluable work NGOs undertake in specific fields of human rights violations (such as police abuse, domestic violence, educational segregation or the recent mass expulsion of Roma from France) must also be acknowledged.

The hegemony of ‘white’ NGOs is not the only reason for the weakness of Romani grassroots mobilisation. The puzzle of weak Romani political and social mobilization has been addressed by a couple of authors (Bárány 2002a; Klímová 2002; Vermeersch 2006). Explanations refer – amongst others things – to closed political opportunity structures; the stigmatized and fragmented nature of Roma identity; internal organizational weaknesses; meagre financial resources; lack of access to supportive media and communication platforms, lack of widely accepted unifying symbols; divided leadership; lack of realistic, coherent, and pragmatic political programs.

Three factors - historical, organisational, and socio-psychological – are of particular importance. First, Roma communities in most societies have been pushed to the margins of

society. They have never been part of the community of equal citizens, and in certain epochs even faced systematic exclusion, slavery or extermination. The example of African-Americans demonstrates that such a historical disadvantage is gradually surmountable; however, presently in most societies a Roma middle class (including not only activists and politicians but also engineers, doctors, lawyers, teachers, etc.) exists only in embryonic form.

‘Internal’ organisational weaknesses also contribute to the fragility of Romani grassroots. Romani associations are criticised for lack of transparency and poor internal democracy. Their sources of funding, and details of the members of their boards are often not public. The organisational structure is typically highly hierarchical, dominated by an authoritarian leader, who appoints family members or close friends (Rostas 2009).

Many of them “tend to be rigid and unadaptable; have simple structure and few, often ill-defined, objectives; and are marked by disunity” (Bárány 2002a, 292). The majority of Roma associations are “poorly organised and have difficulty getting along with each other, let alone working together – in large part because of their intense competition for scarce resources”(294). Consequently, it is no surprise that “amongst Roma the level of trust in NGOs is generally low, a common opinion being that these organisations benefit of [*sic*] their difficulties” (Rostas 2009, 119).

The weakness of Romani mobilisation can also be attributed to the fragmented and stigmatised nature of Roma identity. On the one hand, there is no strong overarching pan-Roma identity: individuals perceived as Roma/Gypsy belong to diverse groups (such as Kalo, Romungro, Boyash, Vlax, Kelderash, Gitano, Manoush, Romanichels, Traveller, Sinti, Caminante, etc.) speak different languages, belong to different religions, and have different citizenships.

On the other hand, being perceived as ‘Gypsy’ is in most contexts a stigma. Non-Roma frequently associate ‘Gypsies’ with crime, laziness, filth, shouting and aggression. Such stereotypes have deep historical roots, and are reproduced both by public education and the mass media. Extreme right parties are joined by ‘moderate’ governing right-wing parties (think of Sarkozy’s *Union pour un Mouvement Populaire* and Berlusconi’s *Il Popolo della Libertà*) in stigmatizing ‘Gypsies.’ Consequently, the strong desire for (voluntary) assimilation amongst most Roma comes as no surprise. Leaving behind or hiding one’s Roma origin<sup>91</sup> makes life a great deal easier: one has a better chance to get into decent schools, take up reasonable jobs, have access to standard health care or simply do the shopping without being humiliated by security staff.

In sum, the pro-Roma global civil society has a mixed record. On the one hand, it has managed to raise the attention of international organisations and national governments to the plight of Roma communities; on the other hand, their social status has not improved significantly, with a large proportion of Roma still living at the margins of society. Professional NGOs dominate pro-Roma civil society, often speaking in the name of ‘Roma’, while grassroots Romani associations remain weak and fragmented. A very thin layer of transnational Romani activist and professional elite has emerged, but an educated and well-off Roma middle class that could serve as the backbone of an autonomous Roma civil society is hardly perceptible. The case of the pro-Roma movement demonstrates that solidarity can easily turn into hegemony. Roma actors must lead the struggle for equality. Pro-Roma allies may support them in various ways, but replacing or outweighing Roma activists is counterproductive; it can only result in the further marginalisation and de-mobilisation of Roma.

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<sup>91</sup> In different societies, non-Roma identify ‘Gypsies’ in different ways. In most (but not all!) all countries, darker skin colour is considered as an important marker limiting the possibilities of voluntary assimilation.

#### **4.1.2 Critiques of existing forms of Romani self-determination**

The self-determination of Roma can be realized in some form of autonomy. Most authors criticize the primacy (and the idea itself of) granting autonomy to Roma. However, the existing forms of Romani self-determination (particularly in Hungary) has also been widely debated (Burton 2007; Dobos 2007; Kállai 2002; Koulis 2005; Kovats 1997, 2001d; Schafft and Brown 2000; Szalai 2000).

The Hungarian minority self-governance system, presented in the previous chapter, has been criticized on several grounds. Above all, such ‘cultural parliaments’ are not meant to address the most urgent social and economic problems Roma face, thus they have to confront both the constituency’s and the (common) local governments’ unrealistic expectations.

A parallel system of political participation has emerged for Roma; however the elected representatives have neither the power to tackle issues of social exclusion, nor the financial means to enjoy their supposed cultural autonomy. As the state does not provide resources to practice the rights to establish kindergartens, schools, museums, and theatres; cultural autonomy remains hollow for the poorest minority of Hungary (Szalai 2000, 564).

Furthermore, the opposition does not have a significant role in the minority self-governments, thus the system seriously undermines the status of unsuccessful candidates. The winning organization takes control, marginalizes its opponents, thus the diversity of Roma communities is not represented (Kovats 2001d).

The accountability of the National Roma Self-government has also been debated. Its members are elected by an electoral college composed of local minority self-government representatives. This college exists only for one day and there is no mechanism by which it can be reconvened. The deliberation and decision-making of the National Roma Self-

government are not transparent; the actual role of its representatives remains unclear. Thus Romani citizens and organizations have very limited means to make the National Roma Self-government accountable (Kovats 2001d).

In addition, the president of the National Roma Self-government is often seen as the only legitimate negotiating partner of the government, thus all other Romani organizations are marginalized. Such consultations are often tokenistic, and the Romani representatives' role is restricted to agreeing on and legitimizing the government's Roma policies.

In sum, the Hungarian system of minority self-governance can be criticized for installing a tokenistic<sup>92</sup> and overtly decentralized regime of political representation. The inadequate form of autonomy hinders the development of a genuine Romani civil society and deters a nationwide dialogue on the historical submission and disenfranchisement of Roma as well as the nature of proper historical compensation and contemporary forms of recognition (Szalai 2011).

#### **4.1.3 Critiques of prioritizing the self-determination of Roma**

Going beyond criticizing existing forms of Romani autonomy, one may debate the primacy of the self-determination of Roma. Such critiques either (a) affirm the inadequacy of the minority rights / self-determination approach for tackling the social exclusion of Romani citizens; or more generally (b) question the necessity of special policies for Roma, i.e. the emergence of the "Roma issue".

(a) As discussed above, special minority rights and cultural autonomy are adequate for minorities that have been involuntarily assimilated and need counter-majoritarian protections

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<sup>92</sup> Similar tendencies can be observed in Romania where the Romani MP of the reserved seat may marginalize dissenting Romani voices (McGarry 2010).

beyond forms of anti-discrimination and undifferentiated citizenship. In contrast, Romani citizens generally seek equal access to common institutions, such as schools, workplaces, hospitals, or restaurants.

The criticism of *focusing* on issues of self-determination reveals that the right to establish Romani schools does not facilitate overcoming the exclusion of those Roma students who would like to attend mainstream mixed schools, classes. However, it does not imply that some form of self-determination is not desirable; it only advocates the *primacy* of accessing common institutions!

(b) One may criticize in general any efforts to create separate policies for Roma including recent attempts aiming primarily at their social inclusion. Critiques rightly point out that such Roma policies may ethnicize social problems and undermine inter-ethnic solidarity.

Although the EU Framework Strategy for Roma Inclusion attempts to avoid this pitfall by subscribing to the principle of “explicit but not exclusive targeting”, it still associates Roma with extreme poverty and social exclusion thus unintentionally reproduces the stereotypes it wishes to fight.

Furthermore, it is easier to adopt ‘Roma policies’ than to tackle the pervasive challenges blocking the social integration of Roma such as the omnipresence of black economy and corruption, the failures of state administration and regulation, the perverse taxation system redistributing money from low income taxpayers to high income ones – just to name a few.

It is vital to point out the inadequacy of the minority rights (and cultural autonomy) approach for the social inclusion of Roma, as well as the hollowness of adopting “Roma policies” without effective education, employment, and social policies providing tangible and equal social rights for each citizen.



The recognition of Roma culture and identity, as well as the historical disenfranchisement of Romani populations are no less urgent. However, given the prejudice and discrimination Romani citizens face in various spheres of life, they struggle for being recognized both as an equal citizen and as a member of the Roma community.

In other words, the Romani recognition struggle aims for *both* (legal, political and social) equality *and* the *freedom* to identify oneself and live as Roma. The long road of the struggle for equality and recognition leads from being stigmatized as ‘gypsy’ to the freedom to identify oneself and being accepted as Roma, i.e. the majority accepts your choice of identity and does not overwrite it!

#### **4.1.4 Critiques of the idea of Romani self-determination**

Going one step further, one may debate the idea itself of Roma enjoying some form of autonomy. Such critiques refer to the controversies of designating a single Roma nation or diaspora.<sup>93</sup>

First, the social reality of the Roma nation can be debated. As discussed above in the section *Who are the Roma?*, several anthropologists have pointed out that certain allegedly Romani groups do not identify with the Roma nation. Accordingly, the supposed Roma nation in reality consists of a great diversity of groups that speak different languages, belong to different churches, have different customs, traditions, and self-appellations. Such critiques recognize the project of Roma nation building, but contrast the discourse of the transnational

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<sup>93</sup> I do not aim to provide a comprehensive overview of the multifarious debate on the question of Roma nation. Important contributions include (Acton 2006; Acton and Klímová-Alexander 2001; Acton and Mundy 1997; Binder 2006, 2008; Clewett 1999; Feys 1997; Fosztó 2002, 2003; Gay y Blasco 2002; Goodwin 2004; Hancock 1991; Kenrick and Poulton 2001; Klímová-Alexander 2007; Kovats 2003; Lauritzen 2004; Liebich 2007; Marsh and Strand 2006; Marushiakova 2008; Marushiakova and Popov 2004; McGarry 2009, 2010; O’Nions 2007; Pogány 1999; Popov 2008; Simhandl 2006; Stewart 1996; Szalai 2003; Szuhay 1995; Tamás 2007; Toninato 2009; Willems and Lucassen 2000).

Romani elite with those of ordinary Kale, Gitano, Manouche, Sinti, Traveller, Boyash, or Musicians.

[...] whether in sociological or anthropological terms, talk of a Gypsy or Roma national identity remains premature. However, in political and legal terms the notion of a Roma nation is undoubtedly a valuable tool for securing enhanced recognition of, and provision for, Europe's Roma peoples. The concept of a Roma nation is also a useful means of promoting cohesion amongst the often fractured Roma communities which exist at the present time and of encouraging greater pride and self-worth amongst the Roma in general. The obvious artificiality of the concept of a Roma nation in no way detracts from its potential usefulness, or from the possibility that it may become a reality at some point in the future. (Pogány 1999, 158)

Second, several scholars argue that Roma nation-building is based on a negative identity as it attempts to embrace all those who have been stigmatized as gypsy, cigány, nomad, vagrant, etc. These populations have historically been marginalized and commonly played the role of the 'Other' in the formation of nation-states.<sup>94</sup>

Willems and Lucassen argue that the categories of 'vagrants' and 'gypsies' were created in the 15<sup>th</sup> century by restricting the poor relief to local inhabitants thus excluding travelling groups (Willems and Lucassen 2000). About demonstrates that the fear of the mobile poor was one of the main reasons for the professionalization of police in France and Italy (About 2005, 2009). The vagabond was depicted as the prototype of criminal, because of his alleged refusal to work and to accumulate possessions. Accordingly, contemporary Romani nation-building reacts to past persecution<sup>95</sup> and marginalization, as well as present forms of discrimination and racism:

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<sup>94</sup> For instance, see the role 'Gypsies' in the Finnish nation-building in Tervonen (2012).

<sup>95</sup> For the special role of remembering persecution under the Second World War in Romani nation-building see (Blumer 2011; Kapralski 1997, 2004; Marushiakova and Popov 2005; Stauber and Vago 2007; Stewart 2004; van Baar 2011; Vidra 2005).

In a way it works like a boomerang: we are one, because they say we are one. So let's unite by using that frame. In the end, not the cultural similarities, now or in the past, have to be decisive, but the common experience of persecutory and genocidal racism - taking as a fact that this was indeed what historically happened with all these so-called Gypsy-groups. Actually we are talking about an anti-racist movement (Willems and Lucassen 2000, 266).

In a paradoxical way, anti-racist and emancipatory struggles have been reinforced by contemporary fears of Romani migration as well as the development of a transnational pro-Roma advocacy network. All of these developments contributed to the emergence of the 'Roma issue', as well as the spread and legitimation of the discourse of Roma nation (diaspora, transnational minority).

Third, the risk of developing a homogenizing and reactive national identity has to be underscored. National cultures generally emerge by suppressing innumerable smaller languages, customs, traditions, and ways of life. Although the 'belated' Roma nation building is not coupled with the development of its own state institutions that could enforce and disseminate 'true' Roma national culture, the 'host' state's established institutions may facilitate homogenizing attempts. For instance, national school curricula may embrace the teaching of standardized Romani language and history that would appear alien to many allegedly 'Roma' pupils. The threat of being incorporated into the Roma nation against their will looms over supposedly Romani groups and individuals.

Furthermore, promoting the idea of an encapsulated Roma nation downplays (or even denies) the importance of multiple identities and detaches Romani citizens from their home countries and cultures. For instance, most Hungarian citizens of Romani origin consider themselves Roma *and* Hungarian.

In sum, primordial conceptions of the Roma nation that leave room for neither multiple identities nor voices of dissent and experimentation, nor voluntary assimilation are rightly

criticized. However, in my opinion, the struggle for the recognition of the Roma nation should not be dismissed altogether. Although nationality is not an inherent attribute to humanity, not all “men must have a nationality as a nose and two ears”<sup>96</sup>; Romani citizens should have the opportunity to recollect, negotiate, develop, and reaffirm their own identity and culture. The intelligentsia has always played a special role in such processes, and no one knows how many intellectuals are sufficient to create a nation.<sup>97</sup>

#### **4.1.5 Critiques of the idea of trans-border national self-determination**

So far, the chapter distinguished the empirical assessment of existing forms of Romani self-determination and pro-Roma solidarity from theoretical critiques of the primacy or the idea itself of Romani self-determination. Next, the desirability and feasibility of self-determination of *any* trans-border ethnic or national groups are discussed.

Trans-border forms of self-determination are primarily criticized and feared for their *new Westphalian*<sup>98</sup> tendencies. According to the universal nationalist program, each individual belongs to one homogenous nation that is to be protected by a nation-state. Consequently, territorial and/or membership boundaries have to be ‘corrected’ so that the given trans-border nation becomes a ‘proper’ nation-state.

As discussed previously, the universal nationalist program is neither feasible, nor desirable. It is not feasible, since – in most cases - it is impossible to delimit a territory where only members of one specific nation live: there will always remain some ethno-national minority.

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<sup>96</sup> Stewart cites Gellner: “nowadays it seems a man must have a nationality as he must have a nose and two ears [...] having a nation is not [in reality] an inherent attribute of humanity, but it has come to appear as such” (Stewart 1996, 85).

<sup>97</sup> I owe this comment to Imre Szilágyi from the Hungarian Institute of International Affairs.

<sup>98</sup> I distinguished anti-Westphalian, new Westphalian, and post-Westphalian claims in the previous chapter.

It is not desirable, since it relies on a primordial conception of nationality and confuses ethnic and democratic solidarity.

In a similar manner, *anti-Westphalian* forms of self-determination cannot be justified. The *Declaration of Nation* evokes the discourse of stateless nationhood resembling pan-Slavic and pan-German claims discussed by Arendt (1973). However, as opposed to the pan-movements, the Romani anti-statist vision is coupled with the aspiration for a ‘truly’ global rule of law, i.e. enforceable human rights even against state authorities.

The radical Romani cosmopolitanism has grown out of the rejection of the universal nationalist program. Coupling state with the nation “has led and is still leading to tragedies and wars, disasters and massacres” – reads the *Declaration of Nation*. The manifesto rightly points out the futility of each nation seeking to have its own state. However, offering the example of stateless Roma nation to the rest humanity may also be interpreted as replacing the demos with ethnos thus promoting a non-territorial version of universal nationalism.

#### **4.1.6 Critiques of the idea of non-territorial trans-border self-determination**

The idea of non-territorial self-determination may refer to (i) trans-border forms of personal autonomy or (ii) a general vision of deterritorialization of *all* political communities.

(i) The trans-border non-territorial autonomy of dispersed communities would imply that individuals belonging to a given diaspora but living on the territory of various states could have jurisdiction over a substantial range of issues pertaining to them.

In the course of transnational flows of migration, such constellations have already emerged. Immigrants keep their original citizenship in the receiving country thus non-territorial and overlapping political communities have developed. “Democratic citizenship has a sticky

quality: it clings to individuals, and they cling to it as well when moving across international borders” (Bauböck 2010, 297).

The cases of old diasporas and trans-nations<sup>99</sup> are different as they are primarily citizens of their ‘host’ country. These groups may also pursue extraterritorial membership policies. Having a kin-state, dual-citizenship may facilitate trans-border self-determination. However, stateless diasporas do not enjoy the support of a kin-state and cannot seek dual-citizenship.

The moderate cosmopolitanism of some Romani actors is based on the claim of *de facto* statelessness of excluded and persecuted Romani populations. Lacking a kin-state, they demand protection and support from international organizations asking them to act like a *quasi* kin-state (Gheorghe 2011).

The main theoretical and political dilemma is how to relate to the ‘home countries’ where members of the diaspora live. Referring to the deep mistrust between majority societies and Roma, Klímová-Alexander argues that “internal citizenship-based solutions” are not feasible. “The citizenship rights fail to do justice because they emanate from a state that has subordinated the Romani and indigenous laws, autonomy and forms of political organization. They are merely an instrument of absorption and assimilation” (Klímová-Alexander 2007, 399).

However, such claims of transnational self-determination assume an encapsulated Roma nation, thus downplay both the heterogeneity of allegedly Roma groups, and the multiple attachments of citizens of Romani origin. For instance, according to the 2001 Hungarian census, in several villages nearly all citizens declare belonging to *both* the Hungarian and the Roma nation (Szarka 2003).

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<sup>99</sup> I distinguished diasporas, trans-migrants, trans-nations, and non-territorial communities in the previous chapter.

Furthermore, detaching Romani citizens from their respective state are likely to undermine struggles for democratic equality. Despite ‘processes of globalization’, states have indubitably been the most successful democratic polities in excluding inequalities with respect to individual rights, political participation and equal access to social welfare and opportunities (Brunkhorst 2007, 106). Excluding “internal-citizenship solutions” implies withdrawal from the most capable polity.

Nonetheless, claims for non-territorial stateless autonomy do not necessarily negate state-bounded inclusion. Romani citizens could enjoy supplementary autonomy, similar to the Hungarian model, but on a transnational, possibly European, level. Accordingly, European organizations, above all the EU, could provide the legal framework for transforming the European Roma and Travellers Forum into a genuine European Roma Parliament having sufficient power and resources to effectively exercise trans-state non-territorial cultural autonomy thus, for instance, establish Romani TV station, radio channel, museum, research institute, or teacher training programmes.

(ii) Arguments for non-territorial trans-border self-determination are often part of a broader vision of the deterritorialization of *all* political communities. Observing the transnationalization of social and political relations, some authors diagnose the end of territoriality (Badie 1995), while others predict the pluralisation of territoriality:

Territory persists, but it becomes less compelling: a voluntary set of spatial arrangements. Territories are no longer mutually exclusive divisions of two-dimensional global space, but transparent overlays. [...] a sense of diaspora identity, or at least a sense of multiple homelands, will become increasingly generalized among the affluent of the globe, who can choose it, and among the poor of the world, who must choose it. In between, so to speak, will fall those who ever more defiantly will insist on the sufficiency of their original territory or homeland. But even for them orientation will become less spatially fixed. These changes come about not merely because of the increasing number of migrants and the commonness of travel, but because the underlying sense of territory will itself become plural and fugitive (Maier 2007, 83).

Arguments for decoupling citizenship from territorial states support – either implicitly or explicitly – cosmopolitan/ global/ post-national democratic theories. However, such theories are criticized on both normative and empirical grounds.

First, such cosmopolitan theories generally offer only a partial solution to the boundary problem in democratic theory,<sup>100</sup> since they do not discuss what institutions could make non-territorial democratic self-rule effective and binding (Williams 2007, 228). For instance, the principle of all-affected-interests – embraced by several cosmopolitans – is not sufficient alone to determine the boundaries of demos. The demos should not only be affected, but also be able to exercise self-rule.

Second, and in relation to the first critique, the juridical-institutional boundaries of citizenship require a political unit that is capable of delivering authoritative and binding definitions of citizens' rights, backing those decisions with the legitimate use of force, and providing the framework for participation in self-rule (Williams 2007, 240). For instance, Held's vision of cosmopolitan democracy focuses primarily on novel arenas of democratic decision-making but pays little attention to what institutions could execute such decisions and sanction the failure to comply with the decisions.

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<sup>100</sup> The idea of democracy, the rule of the people, does not by itself tell us which people, which demos, should rule.



Third, Kymlicka observes that the promotion of non-territorial recognition as a universal model is completely unrealistic since numerous minorities do claim territorial forms of autonomy. What is more, there are well-established models of territorial autonomy (for instance in Spain and Canada) that cannot and should not be de-territorialized (Kymlicka 2007).

#### 4.2 Lessons of the case study

On the basis of the case study, three distinct but interrelated developments can be distinguished: transnational political and ethnic solidarities come forward; post-Westphalian citizenship constellations thrive; and claims of transnational forms of democracy are being advanced. Accordingly, lessons can be drawn concerning transnational solidarity, post-Westphalian citizenship, transnational democracy, and political theory in general.

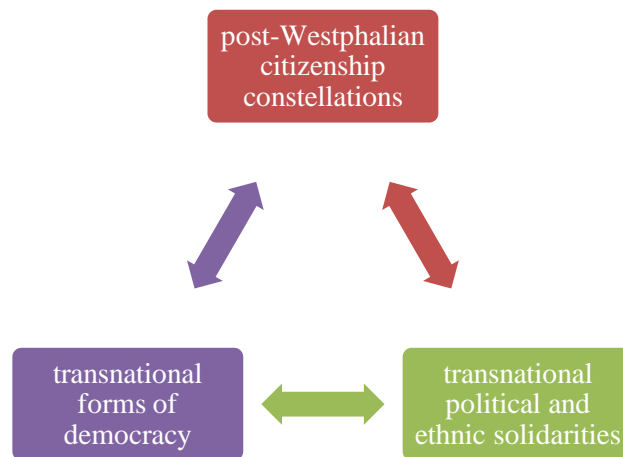


Figure 13 Democracy, citizenship, solidarity

#### **4.2.1 Lessons on transnational solidarity and global civil society**

Transnational solidarities, movements, and advocacy networks take diverse forms and advance various claims. On the basis of the case study, three common critiques of the concept of global civil society can be reflected upon.

First, global civil society is frequently conceptualised as a progressive response to economic (neoliberal) globalisation and to the hegemony of the United States. Pro-Roma global civil society, in contrast, is often perceived as being under American influence (namely US foundations), supporting the neo-liberal agenda by focusing on human rights violations and downplaying more complex social economic processes that have pushed a vast number of Roma to the margins of society.

However, by the early 2000s the human rights approach proved insufficient and even backfired as it reinforced anti-Roma prejudices. Pro-Roma global civil society and the involved international organisations recognised that the misery of large numbers of Roma could not entirely be explained by racism. Consequently, the most recent efforts of the EU<sup>101</sup> centre on the struggle against the economic and social marginalisation of *all* vulnerable and deprived groups.

The case study demonstrates that the agenda of a segment of global civil society is dynamic: it is not fixed on a one-dimensional, anti-neoliberal programme. The focus of pro-Roma global civil society shifted from a focus on self-determination to human rights violations, and finally to social and economic inclusion. Each reflects upon an important segment of reality; however none of them are sufficient in themselves. For instance, the most recent focus on

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<sup>101</sup> The 'EU Framework for National Roma Integration Strategies up to 2020' was accepted by all EU bodies (Parliament, Commission, Council) in 2011.

social exclusion identifies Roma exclusively with misery thus it – unintentionally – reproduces stereotypes that hinder the social integration of Roma.

Second, global civil society is often conceived as political agency outside the mechanisms of state and international law. Global civil society associations are often criticised for running after problems and reacting to crises, not being able to anticipate, plan, prevent, and redistribute (Walzer 2004, 181). Pro-Roma global civil society, by contrast, recognises its limits in terms of redistribution and implementation of the nationwide policies; that is why, instead of ‘running after problems’, they are the catalyst of change and attempt to influence national governments by – amongst other means – developing a regime of soft international law pertaining to Roma.

The Pro-Roma global civil society developed over the past twenty years in response to the extraordinary deterioration of the social situation of Roma in Eastern Europe. Romani citizens face a range of prejudices and racism which in the process of post-Communist transition resulted in their increasing residential and educational segregation. The case of pro-Roma advocacy demonstrates that transnational solidarity may not weaken the capacity of states; on the contrary, it seeks to influence and empower states so that they can integrate citizens of Romani origin more effectively.

Third, the case study illustrates the strengths and weaknesses of transnational solidarities and activism. On the one hand, the pro-Roma global civil society has managed to raise the attention of international organisations and national governments to the plight of Roma communities; on the other hand, their social status has not improved significantly, with a large proportion of Roma still living at the margins of society.

Transnational advocacy exerted significant pressure on states to tackle the plight of Romani citizens. To demonstrate their political commitment, Eastern European governments produced

so-called Roma integration strategies. However, the good intentions remained on paper; they were not turned into effective policy measures. More importantly, external pressure and transnational advocacy did not facilitate the strengthening of democratic solidarity *within* European societies on national and local levels.

Furthermore, the case study revealed dynamics of power and domination *within* a transnational movement. Professional NGOs dominate pro-Roma civil society, often speaking in the name of ‘Roma’, while grassroots Romani associations remain weak and fragmented. The case of the pro-Roma movement demonstrates that solidarity can easily turn into hegemony. A very thin layer of transnational Romani activist and professional elite has emerged, but an educated and well-off Roma middle class that could serve as the backbone of an autonomous Roma civil society is hardly perceptible.

#### **4.2.2 Lessons on citizenship**

Concerning citizenship constellations, the case study demonstrated that the Westphalian conception of citizenship positing the congruence of state, nation, and territory is not tenable. Citizenship, nationality, and residency are increasingly detached resulting in a great variety of constellations. The following Venn diagram and table recapitulate the simplest discrepancies in the case of Hungarian citizenship, nationality, and residency.

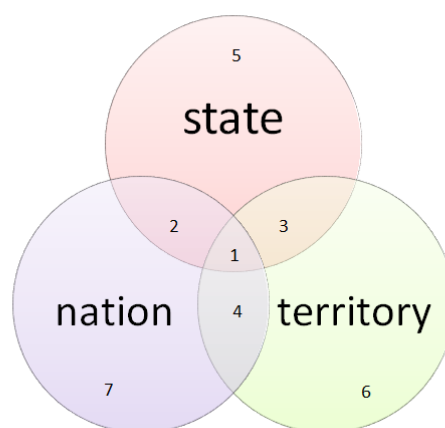


Figure 14 Nation, state, territory

constellation	description	Hungarian citizen	Hungarian national	living in Hungary
1	Hungarian citizen, Hungarian national, in Hungary	+	+	+
2	Hungarian citizen, Hungarian national, abroad	+	+	-
3	Hungarian citizen, non-Hungarian national, in Hungary	+	-	+
4	non-Hungarian citizen, Hungarian national, in Hungary	-	+	+
5	Hungarian citizen, non-Hungarian, national abroad	+	-	-
6	non-Hungarian citizen, non-Hungarian national, in Hungary	-	-	+
7	non-Hungarian citizen, Hungarian national, abroad	-	+	-

Table 4 Example of citizenship constellations

The case of Roma demonstrates that the citizenship perspectives are even more complex for members of an ethnic minority and/or stateless nation. The following Venn diagram and table incorporate Romani perspectives, allowing for double, Hungarian-Roma national attachment.

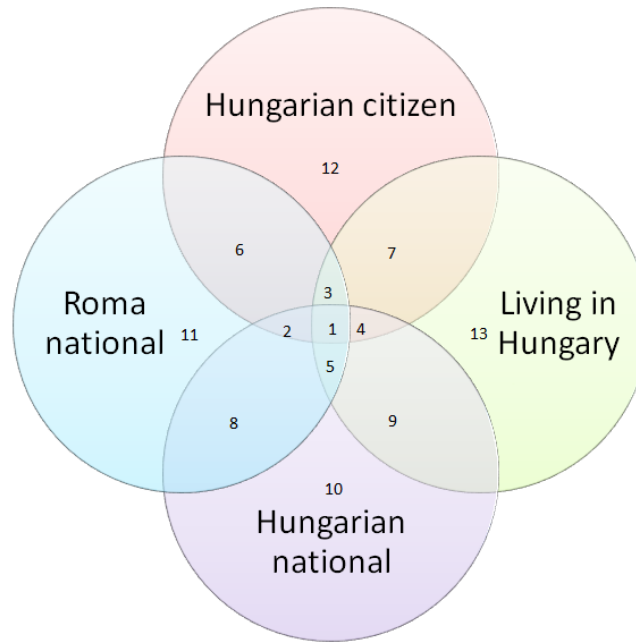


Figure 15 Example of citizenship constellations including members of a minority

constellation	description	Hungarian citizen	Hungarian national	Roma national	living in Hungary
1	Hungarian citizen, Hungarian-Roma national, in Hungary	+	+	+	+
2	Hungarian citizen, Hungarian-Roma national, abroad	+	+	+	-
3	Hungarian citizen, Roma national, in Hungary	+	-	+	+
4	Hungarian citizen, Hungarian national, in Hungary	+	+	-	+
5	non-Hungarian citizen, Hungarian-Roma national, in Hungary	-	+	+	+
6	Hungarian citizen, Hungarian national, abroad	+	+	-	-
7	Hungarian citizen, Roma national, in Hungary	+	-	+	+
8	non-Hungarian citizen, Hungarian-Roma national, abroad	-	+	+	-
9	non-Hungarian citizen, Hungarian national, in Hungary	-	+	-	+
10	non-Hungarian citizen, Hungarian national, abroad	-	+	-	-
11	non-Hungarian citizen, Roma national, abroad	-	-	+	-
12	Hungarian citizen, non-Roma non-Hungarian, abroad	+	-	-	-
13	non-Hungarian citizen, non-Roma non-Hungarian, in Hungary	-	-	-	+

Table 5 Example of citizenship constellations including members of a minority

In reality, citizenship constellations are even more complex and differentiated including the options of having dual, even triple citizenships; being permanent resident in more than one country; and being part of nested jurisdictions (local, national, European). Such complex constellations are difficult to represent.

The following Venn diagram, based on the case study, illustrate the difficult situation of those who left disintegrating Yugoslavia in the midst of bloody ethnic wars and persecutions in the 1990s. They failed to get the citizenship of the successor Serbian state, and also their ‘host’ country (Italy) denied asylum and residency rights.

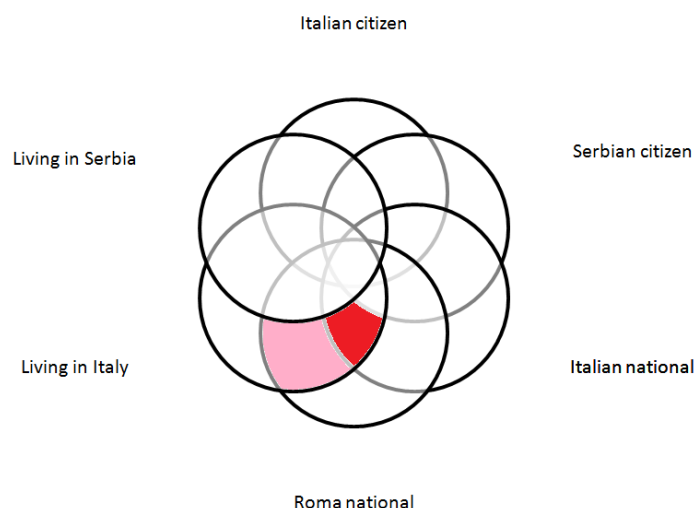


Figure 16 Citizenship constellations with two residencies, two citizenships, and two nationalities

Italian authorities, relying on age-old stereotypes, stigmatized immigrant Romani people as *nomadi* and put them in *campi nomadi* blocking their integration into Italian society by eliminating the perspective of permanent residency (later possibly followed by Italian citizenship). Some of these ‘immigrants’ have been living in Italy for two decades. Their children are born in Italy, speak Italian, would like to integrate into Italian society, but they remain stateless, their civic equality is denied.

The de jure and de facto statelessness of vast Romani populations is the main driving force behind looking for protection and support beyond states. Experiences of state persecution, exclusion, and marginalization feed the mistrust of a significant part of Romani activists vis-à-vis state authorities and official “Roma policies”. They rather seek self-determination and

the protection of their fundamental rights beyond states, in the framework of European or cosmopolitan democracy.

#### **4.2.3 Lessons on transnational and European democracy**

A fundamental lesson of the case study is that emerging citizenship constellations and transnational solidarities do not necessarily result in transnational forms of democracy. On the contrary, the case of pro-Roma advocacy demonstrates that transnational actors struggle primarily for the legal, political and social equality of citizens of Romani origin *within* state-bounded democracies.

The most developed transnational democracy, the European Union, has demonstrated an increasing interest in tackling the plight of Romani citizens. It provides important legal, financial and policy frameworks for Member states. Roma and pro-Roma organizations learnt to master these frameworks and have successfully used the EU's leverage over Member states.

However, as a democratic, i.e. self-ruling, rights-based political community, the EU remains underdeveloped. Its complex deliberative, decision-making, and governance structures are dominated by Member states. As the case study demonstrates, the rights of EU citizens remain obscure and fragile, and their direct access to EU bodies is very limited.

The 'French affair' of the summer of 2010 tragically demonstrated the limitations of European rights. Above all, it is unclear for most European citizens what our European rights are, which bodies protect them, and how violations of these rights can be remedied. The so-



called Citizenship directive<sup>102</sup> on the right of European citizens and their family members to move and reside freely within the EU was adopted in 2004; however, by 2008 not a single Member State has “transposed the Directive effectively and correctly in its entirety.”<sup>103</sup>

Having targeted and expelled thousands of Romani EU citizens, the French state was not sanctioned for breaching EU law, but was only asked to fully implement the Citizenship directive. In early 2011, the French senate made the required legislative modification. However, French authorities keep expelling Romani EU citizens now clearly breaching the transposed EU law. It appears that EU can neither protect the fundamental rights of its citizens nor sanction effectively the breaching of European rights.<sup>104</sup>

In a similar manner, European democratic deliberation and decision-making are dominated by Member States. The dissertation demonstrated that members of the ‘largest European minority’ are extremely underrepresented in national legislatures. Although a truly European Parliament could counterbalance the political marginalization of Romani citizens, in reality the present electoral system further reduces the political weight of Roma.

Since European citizens can only vote for national party lists in the course European Parliamentary elections, only a couple of MEPs of Romani origin have been elected. The present electoral system does not allow for European parties and their candidates to form and run at EP elections, therefore the largest ‘European minority’ or ‘stateless nation’ comprising 10-12 million European citizens remain underrepresented on both national and European levels.

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<sup>102</sup> Directive 2004/58/EC of The European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States

<sup>103</sup> Fundamental Rights Agency, The situation of Roma EU citizens moving to and settling in other EU Member States, November 2009.

<sup>104</sup> For a detailed discussion of the lessons of the ‘French affair’ see Carrera and Atger (2010).

The case study exposed the serious limitations of European states in guaranteeing the legal, political, and social equality of Romani citizens. In the course of post-communist transition, the neoliberal restructuration of Eastern European societies has resulted in the marginalization of hundreds of thousands of citizens. Integrating into the EU could not compensate for or reverse such tendencies.

Although states' sovereignty has been curbed by growing transnational economic interconnectedness and European integration; they remain the principal actors guaranteeing fundamental rights of their citizens and the only polities having genuine capacity to reduce inequalities amongst citizens. The case study demonstrated that even in the increasingly integrating European Union, states remain the primary and essential sites of democracy. In general, in the world of overlapping and nested jurisdictions, states provide the principal framework for democratic deliberation, decision-making, and governance.

#### **4.2.4 Lessons for political theory**

Democratic theories may respond in several ways to the challenges of transnational civic and ethnic solidarities and the diversification of citizenship constellations.

Nationalist thinkers may either insist on the apparently unfeasible project of universal state-centric nationalism, or may give up on enshrining each nation into a state and embrace *trans-state forms of nationalism*. Alternatively: one may accept the proliferation of several cultures within states and argue in favour of *state-centric multiculturalism*. Multiculturalist thinkers may also transcend state-centrism and promote *trans-state or even cosmopolitan forms of multiculturalism*.

Furthermore, liberal thinkers may argue in favour of ethnic-neutral approaches, thus promote *state-centric, trans-state, or cosmopolitan forms of liberalism*. The following table summarizes these options:

ETHNOS	LOCUS			
		State-centric	Trans-state	Global
	Ethnic neutral	State-centric liberalism	Trans-state liberalism	Cosmopolitan liberalism
	Difference-respecting	State-centric multiculturalism	<i>Trans-state multiculturalism</i>	Cosmopolitan multiculturalism
	Nationalist	State-centric nationalism	Trans-state nationalism	(impossible)

Table 6 Two dimensional typology of democratic theories

On the basis of the case study, the dissertation advocates a difference-respecting theory of transnational democracy, i.e. *trans-state multiculturalism*. It recognizes the primacy of state-bounded democracies, but rejects both state-centric and global visions of democracy. States are not the only site of democracy: we are members of overlapping and nested polities: local, national, European.

As discussed in the first chapter, a global democratic polity is unlikely to emerge. Even if consensus was reached on the normative framework and proper subject of global collective decision-making, democratic control over global decisions is bound to be entirely expressive and symbolic.

Concerning the ethnic ‘thickness’ of citizenship, complete ethnic neutrality is not feasible. For instance, each polity has to adopt at least one language to serve as the official medium of communication. Although the EU adopted twenty-three official languages and translates all official documents into these languages, in practice the knowledge of English language is highly required for following European level deliberations, decision-making, and governance.

It has to be noted that the mother tongue of millions of EU citizens are not recognized as official EU language, including Romani, Turkish, and Russian.

In a similar manner, conservative nationalist and liberal nationalist conceptions of citizenship were rejected in the first chapter. Instead, the dissertation advocates a difference-respecting conception of citizenship based on the notion of democratic solidarity, i.e. *trans-state multiculturalism*.

The above typology can be further elaborated by incorporating the ‘thickness’ of political culture ranging from thin liberal to thick republican conceptions.<sup>105</sup> The former extreme assumes limited political involvement, mostly in the form of periodic choice between political parties; whereas the latter expects direct involvement in democratic deliberation and decision-making. Combining the dimensions of locus, ethnos, and demos is recapitulated in the following three-dimensional table.

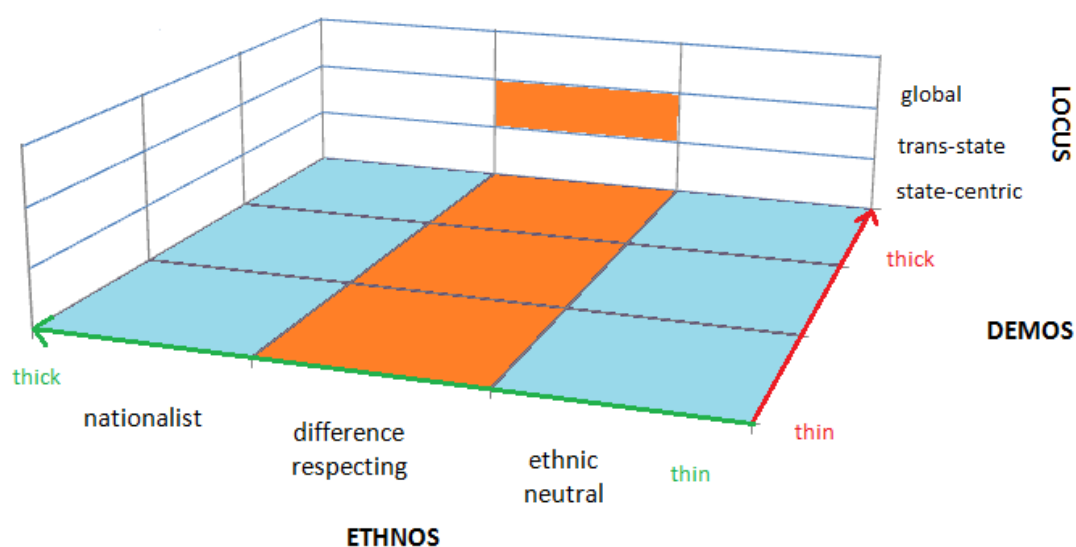


Table 7 Three dimensional typology of democratic theories

<sup>105</sup> Distinguishing the ethnic and political ‘thickness’ of citizenship was inspired by Bader (1997), although he identifies slightly different constellations.

On the basis of case study, I argue that the boundaries of demos are determined by three factors: the principle of all-affected-interests; democratic solidarity amongst members; the capacity of authoritative self-government implying capability to deliver authoritative and binding definitions of citizens' rights, backing those decisions with legitimate use of force, and providing the framework for participation in self-rule.

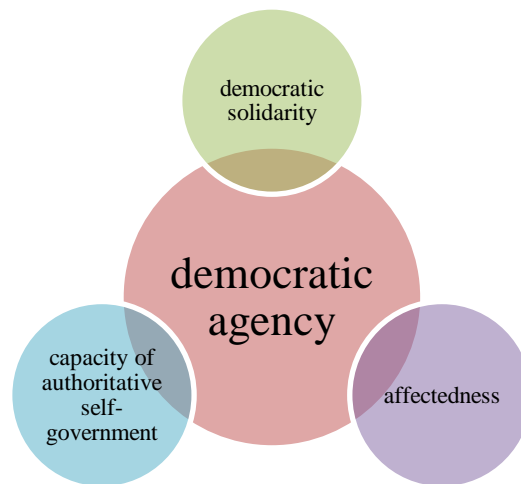


Figure 17 The boundaries of demos

Democratic solidarity, as I argue in the first chapter, stems from the desire to collective self-rule, i.e. conscious, stable, institutionalized, inclusive and egalitarian form of self-government. It requires an institutional framework, shared discursive spaces, a culture of equality and diversity, democratic skills and competencies, physical and economic security, and the availability of certain technological innovations.

All three factors are necessary for determining the boundaries of demos. Cosmopolitan theories tend to emphasize the importance of affectedness, whereas republican and liberal nationalist thinkers may accentuate democratic solidarity. Neither of them are sufficient in themselves, the demos must also be able to define and guarantee the rights of its members and to provide a framework for authoritative self-government. The political communities most cosmopolitan theories envisage do not meet this criterion.

A fundamental lesson of the case study is that difference respecting (i.e. multicultural) citizenship cannot take root in the absence of democratic solidarity. In particular, the freedom to choose one's identity has to be respected by each member of the demos in order to be able to recognize the *voluntary* cultural difference of certain members.

The case of Roma reveals that externally imposed ethnic markers stigmatize and exclude. The reinforcement of democratic solidarity is required to shift from ascribed ethnic categories to the freedom to choose one's identity and the respect of this choice. Although one may argue it is no use 'to hide' being Roma, a wide range of anthropological and sociological studies reveal the dynamics of constructing Roma/Gypsy ethnicity.<sup>106</sup>

One can be stigmatized 'Gypsy' (depending on the context) if living in extreme poverty or in segregated neighbourhood, or having darker skin. On the other hand, one may cease being perceived 'Gypsy' if living in a decent middle class neighbourhood and having 'proper' job. As Ladányi and Szelényi demonstrated, in the process of neo-liberal transition, economic and social exclusions reinforce each other and an *underclass* develops (Szelényi and Ladányi 2006).<sup>107</sup>

In addition to the economic and social dimensions of exclusion, a third, legal dimension can be added. As the case study demonstrated, several Roma are de jure or de facto stateless. Generations of Romani 'immigrants' live in 'host countries' without any legal recognition.

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<sup>106</sup> see for instance: (Durst 2011; Gay y Blasco 2002; Horváth 2011; Horváth and Kovai 2010; Marsh and Strand 2006; Marushiakova 2008; Mayall 2004; Nicholas and Susan 2004; Okely 1996, 2011; Pulay 2011; Stewart 1998; Szelényi and Ladányi 2001; Szuhay 2002; Tauber 2006; Tesar 2011)

<sup>107</sup> The thesis of underclass is often misinterpreted. Ladányi and Szelényi do not claim that Roma form an underclass in neo-liberal regimes. They only claim that Roma (more precisely those perceived 'Gypsy') are more likely to suffer from both economic and social exclusion thus become "the ethnically marked poor in spatially segregated ghettos, locked outside civil society and the class structure" (2006, 26). However, neo-liberal regimes, (as opposed to neo-patrimonial regimes) "tend promote mobility into middle class even among members of ethnic groups, like the Gypsies" (26).

For instance in Italy, being forced into *campi nomadi*, the possibility of becoming permanent resident (and later Italian citizen) is blocked by the authorities themselves.<sup>108</sup>

Following the terminology of ancient Athens, resident aliens having no hope to become citizens can be called *metics*.<sup>109</sup> Their lower status is not based on their socio-economic status; they could even be the wealthiest residents of the polis. Having no access to the rights of citizens, their exclusion is legal, although they might be completely integrated into the social economic life of the demos. For instance, members of highly mobile transnational (business, academic, etc.) elites may have comfortable lives being *metics*.

Those suffering from all three forms of exclusion may be called *athinganoi*. As noted in the case study, most scholars maintain the terms tsigan, cigány, etc. were derived from the ancient Greek term of *Athínganos* meaning outcast or untouchables.<sup>110</sup> Romani individuals may suffer from any or all of these forms of exclusion. On the basis of the case study, I argue that being excluded in social, economic, and legal terms provides sound reasons for looking for cosmopolitan alternatives of participation and inclusion.

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<sup>108</sup> The *campi nomadi* is not recognized as an official residence on the basis of which one may apply for permanent residency.

<sup>109</sup> In contemporary political philosophy, Michael Walzer revived this concept (1983).

<sup>110</sup> Achim argues the term *Athínganos* referred to a heretical sect or to newcomers to the Byzantine Empire (Achim 2004). The Jewish Encyclopedia says "the *Athinganoi* may be regarded as Jews."

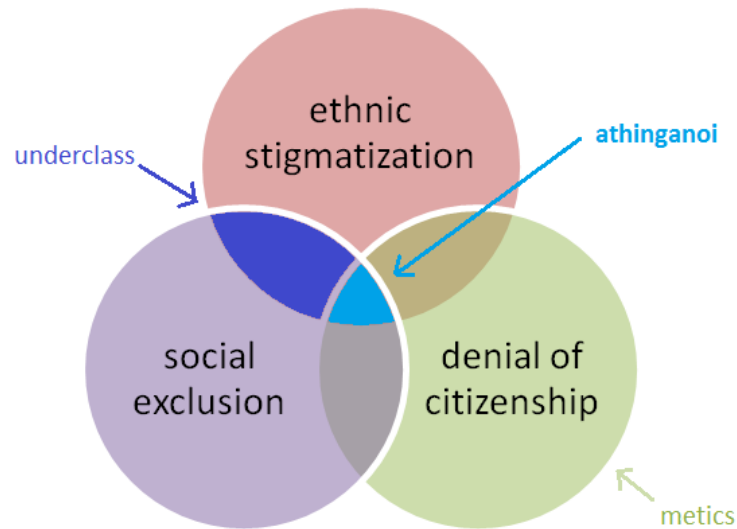


Figure 18 Dimensions of exclusion

The inverse of the chart reveals three dimensions of inclusion. The privileged have full access to citizenship rights, have a respected and legal job, and can choose freely their own identity. The circles of inclusion are nested and overlapping. Citizenship rights are primarily determined and guaranteed on state level; however, local and European citizenship regimes may also be vital, especially if the state fail to protect the rights of its citizens. The primary arena for recognizing one's *voluntary* ethnic identity may comprise the immediate local, residential, and work environment. However, as the case of Roma demonstrated, international recognition may equally be important.



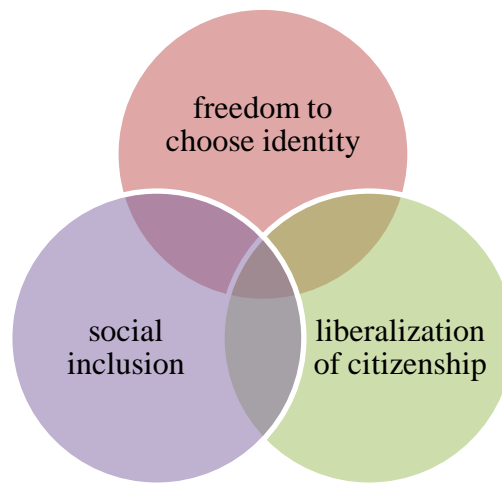


Figure 19 Dimensions of inclusion

Finally, in terms of social inclusion, it appears that states are the most capable actors for providing inclusive educational, labour, and welfare systems. However, the case study revealed the failures of states in terms of social inclusion. Cosmopolitan claims advanced by the excluded often aim for international support in order to promote more efficient social inclusion on local and state levels. It is to be seen whether the recent efforts within the European Union will indeed to promote the social inclusion of European Romani citizens.

The final chapter of the dissertation related my arguments on transnational democracy outlined in the first chapter to the case of Roma; and drew conclusions from the case study for cosmopolitan theories. As for the former, I analysed the limitations of *existing forms* of pro-Roma solidarity and Romani self-determination; argued for coupling claims of recognition with demands for (legal, political, and social) equality, as well as an open and dynamic conception of Romani nation that allows for multiple identities and voluntary assimilation. Furthermore, I rejected the general vision of deterritorialization of political communities, but embraced the possibility of developing supplementary forms of transnational autonomy of trans-border nations and diasporas, for instance within the framework of European Union.

Concerning lessons for international political theory, I put forward a more nuanced conception of global civil society that does not necessarily aim to counterbalance the inter-state system, but seeks to reinforce states' capacities for diminishing the social inequality of their citizens. I also offered a new typology of citizenship constellations that takes into account the increasing disentanglement of citizenship, residency, and nationality, as well as multiple citizenships, places of residence, and national attachments.

As for democratic theory, I outlined a three dimensional model of theoretical options including the required thickness of ethnicity, political culture, and the locus of citizenship. Rejecting state-centric and global conceptions of democracy, as well as the nationalist and ethnic neutral approaches, I argued in favour of *difference-respecting trans-state* forms of democracy. Furthermore, I maintained that the co-existence of three factors determine the boundaries of demos (affectedness, democratic solidarity, and capacity of authoritative self-rule); and offered a tripartite typology of exclusion embracing legal, social, and economic forms of exclusion.

# Conclusion

The concluding chapter summarizes the answers to the main research questions, makes explicit the contribution of the dissertation, and outlines the perspectives of the study.

## Summary of findings

The dissertation sought to answer three questions concerning the desirability and feasibility of democracy beyond state borders in the light of the case of Roma.

(1) Concerning the normative relevance of transnational solidarities for democracy, I argue that they are necessary but not sufficient for the emergence of transnational forms of democracy. I refuted theories of global civil society and multitude for being post-political, i.e. evading the problems of democratic deliberation and decision-making. They do not provide sufficient answers to either how citizens shall decide on matters of common concern or how to determine the boundaries of demos.

On the other hand, I also rejected communitarian and nationalist arguments advocating the primacy of communal and national attachments. I argued that democracy requires neither long shared histories nor deep cultural ties rather it entails *democratic solidarity* amongst members of the polity. Democratic solidarity, I maintain, stems from the desire to collective self-rule, i.e. conscious, stable, institutionalized, inclusive and egalitarian form of self-government. It requires an institutional framework, shared discursive spaces, a culture of equality and diversity, democratic skills and competencies, physical and economic security, and the availability of certain technological innovations.

Relying on my conception of democratic solidarity, I deconstructed the cosmopolitan-communitarian divide, rejected both progressivist and impossibilist perspectives, and developed a three dimensional typology of democratic theories distinguishing the dimensions of ethnos, demos, and locus.<sup>111</sup> As for the role of ethnic attachments, I differentiated ethnic-neutral, difference-respecting, and nationalist approaches. Based on the case study, I demonstrated that ethnic-neutral and nationalist conceptions of democracy are neither feasible nor desirable. The dimension of demos refers to the ‘thickness’ of political culture ranging from thin liberal to thick republican conceptions.

Concerning the locus of citizenship, I refuted both state-centric and globalist approaches. I argued that global democracy does not necessarily imply a powerful world state as it is possible to shift only limited competencies to the global level and allocate other competencies to national and local levels in a federal structure. Nonetheless, a global democratic polity is unlikely to emerge. Even if consensus was reached on the normative framework and the proper subject of global collective decision-making, democratic control over global decisions is bound to be entirely expressive and symbolic.

Consequently, I argue for a *trans-state difference-respecting* conception of democracy – in other words: *trans-state multiculturalism* - that recognizes we are members of overlapping and nested polities (local, national, European) and appreciates cultural diversity but does not seek to accommodate it within nation-states. It is important to underline that I embrace a dynamic and open conception of culture that leaves room for multiple identities, voices of dissent and experimentation, as well as voluntary assimilation.

(2) The second question addressed the conditions under which transnational forms of democracy can be justified. On the basis the above typology, the question can be précised:

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<sup>111</sup> See table 7 on page 140.

under what conditions can *trans-state difference-respecting* democracy be justified? I argue that three factors determine the boundaries of effective and legitimate democratic agency: the principle of all-affected-interests; democratic solidarity amongst members; and the capacity of authoritative self-government i.e. capacity to deliver authoritative and binding definitions of citizens' rights, backing those decisions with legitimate use of force, and providing the framework for participation in self-rule.

Democratic solidarity implies a desire to collective self-rule, being aware of the rights and duties our membership implies, the fundamental norms and procedures of the community, as well as its boundaries and criteria for membership. These boundaries must be significant to its members as they have to be willing to cooperate; make decisions together; share power and resources with each other. An institutional framework for deliberation, decision-making and governance is also required. Furthermore, democratic solidarity implies the recognition of the equality of each citizen under the rule of law, i.e. the elimination of all forms of racial, religious, and gender-based discrimination. Other preconditions include shared discursive spaces, a culture of equality and diversity, democratic skills and knowledge, and minimal physical and economic security.

The case of Roma reveals that difference respecting (i.e. multicultural) citizenship cannot take root in the absence of democratic solidarity. As long as ethnic stigmatization prevails in various spheres of life, the recognition of *voluntary* cultural difference remains a hollow promise. Furthermore, a democratic polity shall not only guarantee the freedom to choose one's identity, but also continuously renegotiate the relation between democratic solidarity, social exclusion, and the citizenship regime.

Although most states perform poorly measured against the criteria of democratic solidarity and capacity of authoritative self-rule, they function relatively still better than alternative

(local, European, etc.) polities. Even though their sovereignty has been limited by growing transnational economic interconnectedness and European integration; they are still the principle guarantors of the fundamental rights of their citizens and the only polities capable of substantially reducing inequalities. Even in the world of overlapping and nested jurisdictions, states provide the principal framework for democratic deliberation, decision-making and governance.

The allegedly most advanced existing form of transnational democracy, the European Union, remains underdeveloped. Its complex deliberative, decision-making, and governance structures are dominated by Member States. As the dissertation demonstrates, the rights of EU citizens remain obscure and fragile, and their direct access to EU bodies is very limited. The targeted expulsion of Romani immigrants from France in the summer of 2010 tragically demonstrated the limitations of European rights. Moreover, the European electoral system does not allow for counterbalancing the political marginalization of Romani citizens. On the contrary, it further reduces the political weight of Roma since only one or two MEPs are supposed to represent the largest ‘European minority’ comprising 10-12 million European citizens.

(3) The last question addressed the self-determination of Roma, and in general of trans-border nations. Reviewing the vast literature on the topic, I argued that most critiques address existing forms of Romani self-determination or the primacy of self-determination over social inclusion, not the idea itself of Romani or trans-border national self-determination. Concerning existing pro-Roma activism, I demonstrated that solidarity can easily turn into hegemony and hinder the development of autonomous Romani civic initiatives. As for existing forms of Romani self-determination, I analysed the Hungarian system of minority self-governance, and criticized it for being tokenistic, inadequate, overtly decentralized, and poorly accountable.

Furthermore, I pointed out the inadequacy of the minority rights (and cultural autonomy) approach for the social inclusion of Roma, as well as the hollowness of adopting ‘Roma policies’ without effective education, employment, and social policies providing tangible and equal social rights for each citizen. The recognition of Roma culture and identity, as well as the historical disenfranchisement of Romani populations are no less urgent. However, given the prejudice and discrimination Romani citizens face in various spheres of life, the Romani recognition struggle aims for *both* (legal, political and social) equality *and* the *freedom* to identify oneself and live as Roma. As long as non-Romani citizens can overwrite one’s choice of identity, the struggles for democratic equality and recognition cannot and should not be disentangled.

The *idea* of Romani self-determination has been debated on the grounds of either questioning the social reality of Roma nation or underscoring its reactive character. Acknowledging the dangers of developing a homogenizing and reactive national identity, I argue that the struggle for the recognition of Roma nation should not be dismissed altogether, rather a dynamic and open conception of Roma nation shall be embraced that allows for multiple identities, experimentation, and voluntary assimilation. Romani citizens should have the opportunity to recollect, negotiate, develop, and reaffirm their own identity and culture.

Concerning the idea of trans-border national self-determination, I identified *new Westphalian*, *anti-Westphalian* and *post-Westphalian* claims. The first implies the ‘correction’ of territorial or membership boundaries so that the trans-border nation becomes a proper nation-state. This view is based on the universal nationalist program according to which each individual belongs to one homogenous nation that is to be protected by a nation-state. This program is neither feasible nor desirable. In a similar manner, *anti-Westphalian* self-determination, i.e. negating states, cannot be justified.

Romani cosmopolitanism originates from experiences of exclusion and hostility either in their 'home country' or as refugees and asylum seekers in a 'receiving country'. It implies the rejection of the universal nationalist program and the demand for a global or European legal order guaranteeing the liberty, self-determination, and fundamental rights of Romani citizens throughout the world (or Europe) without the mediation of states.

However, offering the example of stateless Roma nation to the rest humanity may be interpreted as replacing the *demos* with *ethnos* thus promoting a non-territorial version of universal nationalism. I demonstrated that the general vision of deterritorialization of *all* political communities is neither feasible nor desirable. On the other hand, dispersed nations and diasporas, such as the Roma, could enjoy supplementary non-territorial cultural autonomy, similar to the Hungarian model, but on the European level. Accordingly, the EU could provide the legal framework for transforming the European Roma and Travellers Forum into a genuine European Roma Parliament having sufficient power and resources to effectively exercise trans-state non-territorial cultural autonomy.

Finally, the dissertation demonstrated the immense proliferation of post-Westphalian citizenship constellations. Citizenship, nationality, and residency are increasingly detached. Multiple national affiliations, dual citizenships, parallel residencies and nested jurisdictions open new perspectives of democratic solidarity and participation. However, the case of Roma revealed novel mechanisms of exclusion as well. In the post-Westphalian order, ethnic stigmatization and social exclusion are coupled with the discriminatory practices of national and European citizenship.



## Contributions

The dissertation contributes to two fields of study: international political theory and Romany studies. The contribution to international political theory is threefold. First, I deconstructed the cosmopolitan-communitarian divide and offered a more sophisticated three dimensional typology of democratic theories distinguishing the dimensions of ethnos, demos, and locus. I rejected both state-centric and globalist visions of democracy, as well as ethnic-neutral and nationalist conceptions, and argued for a *difference-respecting trans-state* approach.

Second, I outlined the shortcomings of theories envisioning a global civil society, multitude, or cosmopolitan democracy alike. None of them provide sufficient answer to the problem of boundaries of demos. On the basis of the case study, I argue that three factors are essential for determining who belongs to a democratic community: democratic solidarity, affectedness, and capacity of self-rule. I demonstrated that citizenship constellations proliferate as citizenship, nationality, and residency are increasingly detached; however, these developments in themselves are not sufficient for the emergence of transnational forms of democracy.

Third, I revealed three dimensions of exclusion from demos: ethnic stigmatization, social exclusion, and denial of citizenship. By studying the case of Roma, I revealed spheres of double and triple exclusion. As these forms of exclusion reinforce each other, the racialized poor and the racial stranger are pushed to the margins of the polis.

As for Romany studies, at least four contributions can be mentioned. First, the dissertation provides – to my knowledge – the most comprehensive analysis of the genesis of ‘Roma issue’ in international politics. I studied five distinct but related factors: the fear of Romani immigration, transnational pro-Roma advocacy, the inadequacy of the international minority

rights regime, the changing role of the EU, and the struggle for transnational recognition and self-determination.

Second, the dissertation provides a comprehensive framework for analyzing Romani political claims. I fitted the three dominant discourses (focusing on self-determination, anti-discrimination, and social inclusion) in the hierarchy of rights ranging from the principle of non-discrimination (equal rights) to special rights and autonomy. I translated this hierarchy into options of state-bounded and trans-state forms of political participation embracing both electoral and non-electoral forms. I argued that Romani self-determination (in the form of cultural autonomy) cannot replace effective anti-discrimination policies. However, political participation on the basis of formal political equality does not appear to be adequate, therefore special political rights may be accorded to Romani citizens on both national and European levels for instance in the form of quotas or reserved seats.

Third, the dissertation situated Romani claims amongst those advanced by other trans-state and stateless nations. By relating the literatures on diasporas, immigrants, and trans-border nations to the case of Roma, the dissertation provided a novel typology of nationalist claims, and opened the way for comparative studies. Fourth, I provided a comprehensive normative analysis of Romani claims of self-determination. I argued for coupling claims of recognition with demands for (legal, political, and social) equality, as well as an open and dynamic conception of Romani nation that allows for multiple identities and voluntary assimilation. Furthermore, I rejected the general vision of deterritorialization of political communities, but embraced the possibility of developing supplementary forms of transnational autonomy of trans-border nations and diasporas, for instance within the framework of European Union.

## **Perspectives**

The dissertation provided a comprehensive but broad normative vision of democratic solidarity and exclusion. This theoretical framework could be further elaborated by studying existing discourses, practices, and institutions of European solidarity and exclusion. Is it possible and desirable to have democratic solidarity on a European level? What are the limitations and deficiencies of the present forms?

The case of Roma could be compared to the case of Muslim citizens. European states and institutions appear to have a Janus-faced relation vis-à-vis both Romani and Muslim European citizens. On one hand, they are paying increasing attention their ‘integration’; on the other hand, anti-Roma and Islamophobic discourses and political parties are thriving.

Political theorists have largely neglected xenophobic and nationalist approaches deeming them primitive, having no serious theoretical relevance. However, such discourses gained strength and are no longer limited to extreme right movements. Reflecting upon democratic solidarity, the foundations of European democracies, and the project of European integration is the duty of not only political thinkers.

# Appendix

## 1. Declaration of Nation<sup>112</sup>

### WE, THE ROMA NATION

Individuals belonging to the Roma Nation call for a representation of their Nation which does not want to become a State. We ask for being recognized as a Nation, for the sake of Roma and of non-Roma individuals, who share the need to deal with the nowadays new challenges. We, a Nation of which over half a million persons were exterminated in a forgotten Holocaust, a Nation of individuals too often discriminated, marginalized, victim of intolerance and persecutions, we have a dream, and we are engaged in fulfilling it. We are a Nation, we share the same tradition, the same culture, the same origin, the same language; we are a Nation. We have never looked for creating a Roma State. And we do not want a State today, when the new society and the new economy are concretely and progressively crossing-over the importance and the adequacy of the State as the way how individuals organize themselves.

The will to consubstantiate the concept of a Nation and the one of a State has led and is still leading to tragedies and wars, disasters and massacres. The history of the Roma Nation cuts through such a coincidence, which is evidently not anymore adequate to the needs of individuals. We, the Roma Nation, offer to the individuals belonging to the other Nations our adequacy to the new world.

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<sup>112</sup> The manifesto is taken from (Acton and Klímová-Alexander 2001). Acton and Klímová-Alexander reproduced verbatim the text distributed at the Fifth World Romani Congress in 2000.

We have a dream, the political concrete dream of the rule of law being the rule for each and everybody, in the frame and thanks to a juridical system able to assure democracy, freedom, liberty to each and everybody, being adequate to the changing world, the changing society, the changing economy. We have a dream, the one of the rule of law being a method, and not a "value". A pragmatic, concrete, way how individuals agree on rules, institutions, juridical norms, adequate to the new needs. A transnational Nation as the Roma one needs a transnational rule of law: this is evident; we do believe that such a need is shared by any individual, independently of the Nation he or she belongs to.

We do know that a shy debate regarding the adequacy of the State to the changing needs of the global society - a global society which should not be organized exclusively from above - is involving prominent personalities in Europe and in the entire UN Community.

We are also convinced that the request itself of a representation for the Roma Nation is a great help to find an answer to the crucial question regarding the needed reforms of the existing international institutions and rules. Our dream is therefore of great actuality and it is very concrete. It is what we offer the entire world community. The International Romani Union Roma Nation, each and every individual belonging to it look for and need a world where the international Charters on Human Rights are Laws, are peremptory rules, providing exigible rights. Such a will is a need for the Roma; is it so only for Roma?

We are aware that the main characteristic of the Roma Nation, the one of being a Nation without searching for the establishment of a State, is today a great, adequate resource of freedom and legality for each individual, and of the successful functioning for the world community.

We have a dream, and we are engaged in the implementation of it: we offer to the humanity a request, the one of having a representation as a Nation, the Nation we are. Giving an answer to such a request would let the entire humanity make a substantial step forward.

We know democracy and freedom to equal the rule of law, which can be assured only through the creation of institutions and juridical rules adequate and constantly adjusted to the necessarily changing needs of individuals.

We are to offer our culture, our tradition, the resource which is in our historic refusal of searching for a state: the most adequate resource of awareness to the nowadays world. That's why we look for a representation, and new ways of representing individuals apart from their belonging to one or to another nation. Nowadays politics is not adequate to the nowadays needs of individuals in a changing world; and to the needs of all those persons still suffering starvation and violations of their fundamental human rights. And we offer, we propose a question, while proposing and offering a path, a concrete, possible, needed path, on which to start walking together.

We, the Roma Nation, have something to share, right by asking for a representation, respect, implementation of the existing International Charter on Human Rights, so that each individual can look at them as at existing, concrete warranties for her or his today and future.

## **2. ERTF Charter on the Rights of the Roma<sup>113</sup>**

1. More than seven centuries ago, our People were enslaved in the Indian subcontinent in the course of the Islamization of India and expelled towards Europe during the Islamic wars.
2. For more than six centuries, we Roma have lived here in Europe. Our history has been marked by Antiziganism, slavery, discrimination, persecution, expulsion, violence and genocide; this history has been written with our people's blood.
3. Hundreds of thousands of our people were victims of the Parrajimos, the Holocaust on Roma, murdered in the name of the Nazi race mania, abused for pseudo-medical experiments and gassed in concentration camps. This injustice and crime against our people has too often been concealed, ignored, treated as a footnote to history, or simply forgotten.
4. We Roma have been deprived of recognition as a national minority group so far. Traditionally, we are regarded as a social fringe group, as a social problem that is to be "integrated" by means of disciplinary measures and state repression.
5. Our fate has been determined by self-appointed experts and specialists; our history has been written by linguists and gypsyologists.
6. Our people live in deplorable conditions comparable with the Third World, often segregated from the rest of society and subjected to rejection and discrimination.
7. Our people are frequently denied equal access to public health services. Our people's life expectancy is far below the European average; our infant mortality is much higher than average. Our everyday life is determined by segregation in every area of life;
8. Our children are regularly denied access to education or segregated from other children in so-called "special schools".
9. Discrimination at work is commonplace; our people's unemployment rate is 80 per cent and in some parts of Europe even higher.
10. Hate campaigns against us in the media are increasing year by year; the public image of our people as a criminal and unwanted menace has long been current. Balanced media accounts of the conditions of the Roma are infrequent. Positive media images of Roma are few and far between.
11. Expulsions and expropriations of our people are not condemned by the International Community; on the contrary, authorities are encouraged by the Public Opinion to continue their antigypsy policies through silence and reward.
12. Millions of our people are forced to live in ethnic slums, with no future, with no hope.
13. Thousands of our people were sent to battle against each other in European wars; brothers and sisters, parents and relatives were forced to fight against each other in different armies.

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<sup>113</sup> [http://www.ertf.org/images/stories/documents/ERTF\\_Charter\\_EN.pdf](http://www.ertf.org/images/stories/documents/ERTF_Charter_EN.pdf) (accessed 15 September 2011)

14. Instead of fighting the causes for fleeing, international institutions are fighting Roma refugees. Our people's attempt to flee from discrimination and Antiziganism is interpreted as nomadism, as asocial behaviour.

15. Romani women are exposed to triple discrimination: as women in society; as Romani women in the women's rights movement; and often as scapegoats in our own community. Young women and girls are particularly vulnerable to violence and lack of life opportunities.

16. After centuries of expulsion and exclusion, some of us have chosen the path of cultural self-determination and a travelling way of life and are particularly affected by prejudices, defamation, violence and rejection.

17. By discrimination against our language, customs, tradition and culture, by falsification of our history and our identity, the breeding ground for European Antiziganism was created.

18. Thousands of Roma children have been taken away from their parents, forced to be adopted and torn away from their roots: a measure that runs like a red thread through our people's history.

19. The defamation of our people as a social fringe group is the basis of deprivation of our rights as a national minority and lack of equal treatment with other people and nations.

20. The traditional adherence to experts and specialists deciding on our fate constitutes a blatant infringement of any kind of peoples' right of self-determination; this discriminatory practice is an integral part of our problem. This kind of neo-colonialism is actually to blame for Europe's failure to insure Human Rights and Civil liberties to our People.

21. We Roma, as well as our organisations, live in an atmosphere of general suspicion; the system of general suspicion is the most striking feature of Antiziganism and has to this day led to self-appointed experts being entrusted with making decisions concerning Roma instead of Roma themselves.

22. The behaviour of European States towards the Roma in the 21st century will be a critical test of their implementation of the human rights and civil liberties of minorities, as well the sincerity of their commitment to combating any kind of racism, anti-semitism, discrimination xenophobia and antiziganism.

23. The Roma occupy a unique position in Europe, both historically and politically, as a pan-European national minority, without kin-state. Efforts to improve the situation of the Roma in Europe must acknowledge this special position.

24. A constitutional, democratic and just Europe must include the participation of Roma in all areas of society. The participation process needs to draw on common roots and common perspectives beyond citizenship, group affiliation, or country of residence. Ensuring the participation and contribution of Roma in decision-making processes is one of the principal aims we wish to achieve.

25. A Europe in which Roma suffer from Antiziganism and segregation should not be allowed to exist for any longer. Yet we will only succeed in reducing this xenophobia, prejudice, stereotyping and fear emerging from ignorance through systematic and continuous education.



26. The Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, as well as the Vienna Declaration and Programme of Action,<sup>114</sup> affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development

27. Considering that every attempt to decisively improve the Roma's situation to date has been unsuccessful, a collaboration of the states, international institutions and the Roma's legitimate representatives based on equal rights is urgently needed. Furthermore, it is our obligation and duty to ensure that societies, as well as states and international institutions, revise their opinions;

28. Recalling the spirit of the partnership agreement signed on December 5 2004 between the Council of Europe and ourselves the European Roma and Travellers Forum (ERTF), we the Roma in Europe declare the principles of this Charter on the Rights of Roma as binding for all Roma Representations, Initiatives and particularly for the ERTF, as the only legitimate representation of Roma in Europe authorised by democratic processes, and actively commit ourselves to promote the implementation of the rights and principles in this Charter, in collaboration with all Roma and everyone of good will.

29. The Roma are a European national minority and citizens of the countries they live in; their participation process needs to draw on common roots and common perspectives beyond citizenship, group affiliation, or country of residence.

30. We, the ERTF as the only legitimate representation of Roma in Europe authorised by democratic processes, declare the principles of this Charter on the rights of Roma as binding and actively commit ourselves to promote the implementation of this charter in collaboration with all Roma<sup>115</sup> and everyone of good will.

As such, we proclaim the following:

### **Article 1**

Roma is; who avows oneself to the common historical Indo-Greek origin,

who avows oneself to the common language of Romanes,

who avows oneself to the common cultural heritage of the Romanipe,

### **Article 2**

We have a shared national identity as Roma, independent of citizenship, state and/or group and/or religious affiliation.

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<sup>114</sup> ACONF.157/24(Part I), chap. III.

<sup>115</sup> Reference to all peoples declared by Article 1

### **Article 3**

Every person of our people has the right to self-determined designation, identity and community<sup>116</sup>. Every person has the right to freely practice his/her religion, culture and tradition.

Romanipe is based on unity through diversity.

### **Article 4**

We Roma are a people equal to every other people in the world. We Roma live in every state of Europe and hereby declare ourselves to be a national minority in Europe without our own state or claim for a state.

### **Article 162**

As a national minority, we Roma engage in the rights and duties stipulated in contracts, agreements and declarations both collectively and individually. Roma have the right to the protection and opportunities as secured in the Charter of the United Nations, the Universal Declaration of Human Rights, the Treaties of the Council of Europe<sup>117</sup>, the OSCE<sup>118</sup> and the European Union<sup>119</sup>, as well as all further national and international civil rights.

### **Article 6**

We Roma have the right to self-determination in accordance with international law including: the right to cultivate one's cultural autonomy, the right to freely promote our economic, social and cultural development and to select our partners, projects, and programmes on our own and, where appropriate, implement them as well; the right to decide on our representation free of any kind of obstruction or discrimination and to vote on it democratically. We refuse any

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<sup>116</sup> Roma, Sinti, Kalé, Gypsy, Tsigans, Zigeuners, Travellers and related groups in Europe

<sup>117</sup> Particularly: All Recommendations of the Council of Europe Bodies on Roma, Convention for the Protection of Human Rights and Fundamental Freedoms, and all additional Protocols to the Convention for the Protection of Human Rights and Fundamental Freedoms, European Social Charter, Framework Convention for the Protection of National Minorities, European Code of Social Security, Protocol to the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors, European Convention on the Adoption of Children, European Convention on Social and Medical Assistance, European Agreement on the Abolition of Visas for Refugees, European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights, European Convention on the Repatriation of Minors, European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes, European Convention on the Legal Status of Migrant Workers, European Convention on Mutual Assistance in Criminal Matters, European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, European Agreement on Transfer of Responsibility for Refugees, Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, European Convention on the Compensation of Victims of Violent Crimes, European Charter of Local Self-Government, European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Convention on the Participation of Foreigners in Public Life at Local Level, European Charter for Regional or Minority Languages, European Convention on the Exercise of Children's Rights, European Convention on Nationality, Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Convention on the avoidance of statelessness in relation to State succession, Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

<sup>118</sup> Particularly the OSCE plan of action

<sup>119</sup> EC Treaty

kind of heteronomy; representations, experts or speakers on our behalf who are self-appointed or appointed by third parties,

#### **Article 7**

We Roma have the right to a nationality and citizenship, social life, to have access to public health services, the right to physical integrity, the right to freedom, the right to protection from defamation and prejudices. We Roma have the collective right to lead our lives in peace, to equal opportunities, security and equal treatment.

#### **Article 8**

We Roma have the right to life, physical and mental integrity, liberty and security of the person. We Roma have the collective right to live in freedom, peace and security and shall not be subjected to any act of genocide, pogrom or any other act of violence, including forced sterilisation, internment, compulsory expropriations, forced resettlement, all forms of hard labour or forcibly removing children. To protect our People we have the right to use all appropriate measures that are foreseen by the international community and in accordance with international law.

#### **Article 9**

Participation in all areas of society and contribution to their decision processes is one of the principal aims we wish to achieve.

#### **Article 10**

Participation in all areas of society and contribution to their decision processes is one of the principal aims we wish to achieve. We Roma, collectively and individually, have the right to not be subjected to forced assimilation or to abandonment or destruction of our culture. States shall provide effective mechanisms for prevention of and redress for: Any action which has the effect of depriving Roma of their integrity as distinct peoples, or of their cultural values or ethnic identities or language; Any action which has the aim or effect of dispossessing them of their land, housing or possessions; Any form of forced population transfer, resettlement or expulsion; Any form of forced assimilation or integration; Any form of incitement or promotion (by individuals, organisations the media or any other source) of discrimination, hatred, violence, humiliation, defamation or false reporting against them.

#### **Article 11**

States shall ensure by means of appropriate measures that the media cannot incite hatred and violence against Roma through false reporting and hate campaigns. Additionally, statutes shall be revised if, in the name of freedom of the press, they allow humiliation, defamation or incitement or commit offences that are punishable by existing international understanding.

#### **Article 12**

States and international institutions shall initiate appropriate education campaigns in their public authorities, departments and among their employees in order to counteract prejudices and stereotypes, as well as xenophobia and Antiziganism, and to raise awareness of injustice and sensitivity toward human rights and civil liberties and the values of the Council of Europe.

### **Article 13**

As our language, Romanes shall be equated with all other European languages. States, as well international institutions, shall therefore ensure by all appropriate means that Romanes is protected as a living European language. This includes taking measures to promote public acceptance of Romanes and all measures stipulated in the European Charter for Regional or Minority Languages, as well as support our own educational institutions and native-language classes at schools.

### **Article 14**

States shall ensure, by appropriate means, that Roma are able to establish their own media in their mother tongue. The mainstream media, both state and private and including television and radio, shall provide the Roma with the opportunity to report in their own language without discrimination; this particularly applies to state media.

### **Article 15**

States shall ensure that Roma history, origin and fate, persecution and community are included in school curricula. To this end, States and international institutions shall develop such curricula in collaboration with Roma institutions and integrate them without delay into their educational systems.

### **Article 16**

States shall, in collaboration with Roma institutions, develop effective solutions for the improvement of the living conditions of Roma. The EU and its institutions shall take all appropriate measures within their respective competencies to support the efforts of its Member States to carry out their duties under this Charter. The EU shall establish, in cooperation with the ERTF, a special aid fund for the stabilisation of Roma civil society. The European Commission shall take all possible measures to ensure that Structural Funds, as well as Social Funds, are used to support disadvantaged regions of the EU in which a particularly large number of Roma live.

### **Article 17**

Political parties, institutions and universities, public service and governments shall take measures, including where appropriate, positive action, to ensure that the proportion of the Roma in their states is reflected in the number of their Roma employees and/or members. The European Commission, the Council of Europe, the OSCE and other international institutions shall make particular efforts to act as role models in this regard. The ERTF also appeals to international corporate groups to show more courage and increasingly employ Roma.

### **Article 18**

States shall ensure that any kind of segregation and/or apartheid within their sphere of influence is removed and fought effectively and sustainably. This particularly applies to the education sector.

### **Article 19**

States shall implement and enforce strong and effective laws and action against discrimination in employment against Roma. These shall include provisions against direct and indirect discrimination, victimisation and harassment. They shall also allow employers to take positive action to prevent or compensate for disadvantages experienced by Roma. We explicitly refuse short-term projects which merely develop symbolic value. State sponsored programmes to increase the employment of Roma shall be long-term and sustained. The unemployment rate of Roma has to be reduced drastically by positive actions; this also includes the development of appropriate strategies as well as the cooperation of state, economy and Roma.

### **Article 20**

The ERTF calls upon the Roma in Europe to actively participate in the political processes in their states. This implies participating in elections actively as well as passively, becoming members of political parties or founding one's own party.

### **Article 21**

The ERTF shall instantly begin examining compensation claims to states or their legal successors, which are to blame for violence against the Roma in the past.

### **Article 165**

None of the articles of this Charter shall be interpreted in a way that infringes upon the Charter's spirit and positive intentions.

### **Article 23**

As pacifists who do not wish to participate in acts of war, we Roma shall not be forced into military service; though this does not affect the right of individual Roma to volunteer for military service.

### **Article 24**

States, as well as international institutions, shall support the establishment of independent civilian Roma society, both actively and financially. Based on the ERTF model, each national state shall ensure that existing Roma organisations are enabled to unite to form a national Roma umbrella alliance/forum which is free of state influence. Each national Roma umbrella alliance/forum shall then be granted a seat in the national state's parliament. The national state shall provide sufficient financial assistance to each national Roma umbrella forum/alliance. National umbrella organisations of Roma must be accepted, promoted and supported as legitimate representations of interests and partners of governments.

### **Article 25**

States shall ensure that Roma are granted pro bono legal advice, including on the implementation of existing human rights and civil liberties.

## **Article 26**

In order to succeed in the implementation of large parts of this charter, legally binding agreements of the member states of the Council of Europe, the European Union, the United Nations and the OSCE are necessary. These kinds of legally binding agreements only could contribute to the abolishment of the present unequal treatment of our people among the states and to the respect for the special situation of our people

## **Article 27**

Nothing in this charter may be interpreted as implying for any state, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states. In the exercise of the rights enunciated in the present declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this declaration shall be subject only to such limitations as are determined by law, and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

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