

Conclusion: reflecting on citizenship from the fringe

This book has contemplated the position of Roma as citizens in Europe. Whilst acknowledging ethnic discrimination and anti-Roma racism, as well as the socio-economic disadvantage that Roma face in some of world's most developed states,¹ it has explored the position of Romani minorities from the perspective of citizenship studies. Through a socio-legal analysis of (inter)national legislation and policies, it has focused on civic marginalisation: it has examined how states and international organisations have contributed to making the citizenship of Romani individuals devalued, precarious and irregularised. Despite usually possessing EU citizenship (for a discussion of statelessness, see Chapter 4), Roma as marginalised minorities are often grouped together with non-European migrants. This reveals the complexities of bordering processes in Europe which not only work against newcomers (van Baar, 2016) but also create hierarchies within its own citizenry. The chapters have discussed how legislation and policies create invisible edges of citizenship. Despite manifestly benevolent attempts to include all citizens – be it by means of universal inclusion or nuanced, group-targeted rights – it is because of these invisible edges that Roma end up as marginalised citizens. The invisible edges of citizenship illustrate the dynamic nature of citizenship and minority rights legislation: legislation and policies are never just prescribed rules of conduct but are also enacted arrangements. Marginalisation does not arise solely through a failure to implement distinctly well-meaning legislation: it can, in fact, be the very implementation that creates the fringes of citizenship. The fringes of citizenship are not merely a location – that is, they are not simply 'out there' – but can be understood as a dynamic relationship, almost a power struggle, between states' authorities enacting legislation on

one side and those who have this legislation enacted upon them on the other.

I chose the perspective of citizenship studies to reflect upon the position of Roma because focusing only on ethnic discrimination and socio-economic disadvantage can imply that Romani minorities are an isolated European case and an exception to the otherwise universally inclusive citizenship (Vermeersch, 2006). It could also lend support to a simplistic inference that the civic marginalisation of Roma arises only because of socio-economic disadvantage. This is not the whole story. Using connected sociologies (Bhambra, 2014), I argued that whilst Romani identity can be considered unique (van Baar and Kóczé, 2020), states' approaches towards Roma as citizens are not: these approaches have been used with other marginalised minorities around the globe. In each chapter, when discussing the fringes of citizenship with respect to Roma, I have also drawn parallels with other cases (from Indigenous people to African Americans) of how states treat marginalised minorities on their territory. The aim of this book was not to create another ideal typology where Roma would fit 'better' but rather to unveil how current approaches have contributed to Roma not fitting within citizenry and hence becoming unequal. This is not because of their particular position *per se*, but because of the ways in which states have scrutinised and addressed this position through the invisible edges of citizenship.

In the Introduction I presented two concepts – the invisible edges of citizenship and the fringes of citizenship – as relevant to an understanding of both the position of Romani minorities in Europe and global citizenship studies more broadly. I claimed that the discussion of civic marginalisation should not only address how to improve the current position of marginalised citizens, but also should rethink what mechanisms led to such marginalisation. Civil marginalisation is not simply out there, but has been reproduced in the past and will continue to be produced if the assumptions underpinning the core of citizenship (such as who can be a citizen and what rights citizens have based on such status) are not addressed.

Chapter 1 maintained that Roma are visible as minorities but invisible as citizens. The chapter first looked at discussions of the naming and counting of Roma themselves. While derogatory names can lead to marginalisation, the chapter showed that opting for the more neutral names does not necessarily defeat marginalisation if

it is not substantiated by more profound changes. Furthermore, both scholarly and policy debates argue that without reliable data on how many Roma live in Europe, there can be no substantive policy change. However, more data do not necessarily lead to better policies and legislation against marginalisation. Both neutral names and more data on the position of Roma can still be a part of the invisible edges of citizenship that contribute to the civic marginalisation of Roma. The chapter argued that whilst many states in Europe have developed multicultural laws and policies for Romani integration, the very same states have continued to violate the basic rights that Roma should have, like all other citizens. Special group rights can coexist with fundamental rights violations for marginalised minorities. In some cases, the special group rights act as an invisible edge of citizenship to steer the view away from the violations of fundamental rights that marginalised minorities experience. Some profound violations of human rights, such as coerced sterilisation, have happened both to Native Americans in Canada and to Roma in Europe. The procedures behind such occurrences were strikingly similar despite their happening across different geographical and historical contexts. Moreover, for both Roma and Indigenous people, different international organisations have applied developmental and project-based logic (such as designated decades) to improve their position. Such logic had two adverse effects. First, it portrayed marginalised minorities as backward, frozen in time and having incompatible cultural traits with liberal democracies, leading to an assumption that they could participate as full citizens only when they were 'developed enough'. Second, the emphasis that European international organisations gave to Roma also created a specific backlash within the countries where Roma were citizens. Local politicians portrayed Roma as being a minority that international organisations favoured over other citizens (Vermeersch, 2012). The way in which the Copenhagen criteria (and overall EU conditionality) were established implied that the human rights of Roma were violated only in the postsocialist EU Member States. However, as the chapter demonstrated, this was not the case, as it became clear that even in Western Europe and the older Member States Romani minorities experienced a similar predicament. The invisible edges of citizenship that marginalised Romani minorities were present in both the newer and the older EU Member States.

One of the often-cited reasons why EU conditionality focused on the position of Roma in Central and Eastern Europe was the possible prospect of *en masse* migration towards the Western Europe (Guglielmo and Waters, 2005). While such massive Westward migration of Roma never happened, Romani migrants were in the spotlight in public debates especially after the so-called *l'affaire des Roms* in France. However, in Chapter 2, I called for a reconsideration of how we discuss Roma who are mobile within the EU. Instead of discussing migration as a particular trait of Romani culture, we need to consider why states restrict from Roma those citizenship rights that should be possessed by all EU citizens. In other words, the position of Roma should be primarily discussed as citizens and not as migrants. According to available data, very few Roma are migrants: most do not move beyond their country of citizenship. However, the overwhelming media discussion (and arguably the academic debate too) on 'Romani migration' gave the impression that Roma were more likely to migrate than any other majority citizens. Whilst Chapter 1 looked at how states create special targeted rights for Roma (which do not often work), Chapter 2 focused on how states hinder access to universal rights for those marginalised citizens whom they deem problematic. Here I drew a parallel between Roma in Europe and Aboriginal people in Australia by scrutinising the 2007 Northern Territory National Emergency Response Act. I argued that in both cases the states applied invisible edges of citizenship by constructing alleged specific cultural features of marginalised minorities as a justification for actively impeding the rights these minorities should have enjoyed as part of the wider citizenry. By not granting marginalised minorities the rights they were entitled to, they positioned them on the fringes of citizenship.

Chapter 3 focused on 'citizens in the making' and how the education system can contribute to inequality of opportunity rather than mitigating it. It scrutinised court cases that dealt with the school segregation of African American and Romani children. The strategic litigation on Romani school segregation took inspiration from the earlier American cases. The *D.H. v. the Czech Republic* case has been referred to as the 'European *Brown v. Board of Education* case' (Chang and Rucker-Chang, 2020). However, there were also significant differences. The American cases dealt with the segregation

embedded within *law*, while the European cases looked at the *practices* of school segregation. Whilst the *Brown* case concluded that spatial separation always constitutes discrimination, the European cases pondered whether spatial separation of an ethnic group was in fact discrimination at all (Arabadjieva, 2016). As such, the European cases took a step back from the earlier desegregation cases in the US (such as the *Brown* case), resembling more closely the outcomes of later cases like 1974 *Milliken v. Bradley*.

Chapter 3 was particularly interested in what justification state authorities gave for spatially separating Roma from other children. In all the cases discussed (*D.H.*, 2008 *Sampanis*, *Oršuš* and 2012 *Sampani*), the state authorities argued that there was no ethnic segregation and that the separation of Romani children was done with their best interests in mind. In the Czech Republic, Roma children were disproportionately represented in schools for children with special needs. The authorities argued that such classification was not undertaken according to ethnicity or race, but according to the children's intellectual abilities. Yet Roma were significantly and exponentially more likely to be classified as having learning disabilities than majority children. In the Greek cases, the authorities argued that they separated Romani children in order to protect them from the protests of non-Romani parents who did not want their children to attend school with their Romani peers. Instead of punishing the protesters, the authorities decided to grant their wishes by removing Romani children and placing them in separate school facilities. In the Croatian case, many Romani children were consigned into Roma-only classes. The reasoning of the authorities was that these were 'catch-up' classes for children who did not have a sufficient command of the Croatian language. However, it was only Romani children having these 'catch-up' classes, and there were no transfers into mixed classes despite some of the children's progress with the language. The authorities in this case even argued that they were taking a benevolent approach towards Romani children as they had celebrated International Romani Day in their schools. The discourse of the governments in question indicated how invisible edges of citizenship persist within the education system. Instead of offering equality of opportunity, it further cements the position of Roma at the fringes of citizenship. In all of these cases, the ECtHR decided there was ethnic discrimination in education.

In discussing these court cases, it is important to highlight the broader contexts within which they occurred. The US cases were decisively affected by the Cold War context, as racial segregation was damaging the US's international reputation and its geo-political goals (especially on the African continent; see Dudziak, 2011). Whilst some Roma segregation cases were related to postsocialist EU accession, the connection was not as straightforward: the segregation of Romani children was not simply a legacy of socialism, for it had occurred in older EU Member States too. Furthermore, EU conditionality did not end the segregation of Romani children in schools, and even now it continues to be a widespread practice across the EU. Even the court's decision to compensate the children who were segregated is facing a backlash: the Hungarian Prime Minister Orbán is suggesting that there should be a referendum to decide whether these children should even be compensated (Rorke, 2020).

Chapter 4 focused on the total infringement of citizenship: that is, the loss of citizenship status and (unrecognised) statelessness status coupled with the complete denial of rights associated with citizenship. UNHCR documents maintain that marginalised minorities are particularly vulnerable to statelessness around the globe. The most often cited reason for minorities ending up stateless is ethnic discrimination. I argued that it was not simply ethnic discrimination but racialised citizenship regimes that deprive certain minorities of both citizenship and the basic rights attached to it. I compared how Roma in different European countries and beyond have become stateless, discussing the Russian-speakers in the Baltic countries, the Dominicans of Haitian descent in the Dominican Republic, the Rohingya in Myanmar and the children of the Windrush generation in the UK. All of these cases were from different postsocialist and postcolonial contexts, yet they shared a common mechanism: states reinterpreted the belonging of these unwanted traditional minorities as if they were foreigners rather than co-citizens. In most cases (except for the Russian-speaking minorities in the Baltic states), this was accompanied by the loss of rights and any kinds of status, as statelessness status was commonly unrecognised.

Chapter 5 moved on to citizenship sabotage. As I explained in the Introduction, I did not intend to examine Roma as my 'research subjects' in this book, as some scholars have done in the past with a wide variety of marginalised minorities (Tuihawai Smith, 2012).

The book also does not speak on behalf of Roma. There are many extraordinary academic and activist texts written by Romani activists and scholars (see Chapter 1). My interest was in the structures that position Roma as marginalised citizens. However, in Chapter 5 I showed that even Romani individuals who are not part of organised civil society movements and do not consider themselves activists can enact and create ruptures in those citizenship structures. The way Romani individuals claim rights that they are denied in their everyday lives is problematic for authorities, who often interpret these actions as destructive behaviour. However, by highlighting some examples where Romani individuals have claimed denied rights, I argued that such behaviour could be interpreted as a special kind of citizenship enactment (Isin, 2009): that is, citizenship sabotage. Similar to workplace sabotage, citizenship sabotage is also a small individual act seemingly arising from despair, yet it can have broader political consequences. Scholarly thinking about citizenship sabotage is needed to stop the patronising and paternalistic approach towards Roma as ignorant (non-)citizens who are absolutely unable to understand their own position. This perspective also renders the notion of empowerment problematic as it usually entails empowerment, so that Romani minorities would become complicit in the very systems that are structurally creating their civic marginalisation.

This book has sought to provide some additional theoretical perspectives on how to contemplate civic marginalisation vis-à-vis Romani experience. It has promoted four concepts: the fringes of citizenship, the invisible edges of citizenship, the total infringement of citizenship and citizenship sabotage. These concepts have helped me to analyse the civic marginalisation of Roma and some other minorities around the globe. I hope that in the future the book's notions will be applied to other situations where civic marginalisation occurs for specific groups.

It is perhaps obvious that different marginalised minorities face a common struggle and should therefore fight on a common front at the fringes of citizenship. Minority activists are already very aware of this (Matache and West, 2018; Cortés Gómez, 2019), and it was not the intention of this book to instruct their future activism. Rather, the intention was to attempt to make state authorities and international organisations aware of the invisible edges of citizenship they engage and the fringes of citizenship they create. As the EU

NRIS Framework comes to an end in 2020, it should not be replaced by another developmental and project-oriented approach towards Romani minorities in Europe. Such approaches do not acknowledge the depth of civic marginalisation. Future policies addressing the position of Roma should first reflect not only on antigypsyism but also on the assumptions they are built on. Can citizenship in liberal democratic societies claim to be fully inclusive if certain populations are systematically positioned on its fringes? The structures of citizenship need to be re-addressed so that they prevent the production of any new marginalisation, and we should also think about why marginalisation of certain citizens has a negative effect on the wider citizenry as a whole. This should not stop at economic shortcuts, as some previous policy recommendations have stated, but should show that inclusiveness of citizenship has value in itself. The fringes of citizenship are not exceptions but are at the very core of what citizenship itself entails.

Notes

- 1 All the states where Roma live that are discussed in this book have been categorised as having a very high human development index (HDI) (Serbia, Bosnia and Herzegovina North Macedonia and Kosovo each have just a high HDI: United Nations Development Programme, 2019).