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Between Nation and State: Examining the International Romani Unions

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Between Nation and State: Examining the International Romani Union's
Claim to Non-Territorial National Recognition

Senior Project submitted to
The Division of Social Studies
of Bard College

by

Anna Fischer

Annandale-on-Hudson, New York
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To my family, for their continued support through all of my academic ventures.

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Table of Contents

Introduction	1
Chapter 1 —“A Brief History of the Romani Identity in Europe”	4
Chapter 2 —“The IRU and the Romani Nation”	34
Chapter 3 —“The Nation-State and the Non-State Nation”	66
Epilogue	103
Appendix I —Anthem of the International Romani Union	106
Appendix II —Figures	107
Appendix III —International Romani Union’s <i>Declaration of a Nation</i>	109
Works Cited	111

Introduction:

Since the nineteenth century, the nation state has been the predominant unit of organization in the global political arena. Its adequacy has been challenged, by individual thinkers, political movements, and by the emergence of other forms of organization, such as multinational states and empires, for example the Austro-Hungarian Empire or the USSR. For the most part, these anti-nation-state movements were suppressed, and most multinational states failed and subsequently divided into individual nation states. In 1945, the devastating capabilities of the nation state, to cause incredible destruction and to produce millions of stateless refugees, became apparent to the world. Building on what international systems existed before World War II, supranational organizations such as the Council of Europe and the United Nations (UN), emerged. These bodies reduced the sovereignty of individual nation states, but still kept them intact as the primary unit of organization in inter-state spheres.

At the same time as new interstate political spheres were emerging, improved technologies enabled the widespread phenomena of transnationalism and globalization: international trade, distribution of mass media, improved communications, and the flow of populations. The global dominance of capitalism initiated the opening of national markets and created a global economic system. As the spheres of politics, society, and economy have continued to merge with one another across the boundaries of nation states, the major issues that each nation state faces have increasingly become international.

In this context, nationality has become too fluid to be contained within the boundaries of a territorial nation state. It is not necessarily that nationality is fading as a

form of identity—for there are still strong nationalistic tendencies within and outside of the nation state—but rather that the nation state is failing more than ever to accommodate the multitude of identities in the human world.

The acknowledgement that some humans live outside of the nation state structure—a realization that came shortly after the Second World War—was one reason for the development of international safe guards of human rights. These have extended cosmopolitan norms of hospitality and equality to all human beings. However, as the primary unit of organization within the interstate system, the nation state is still the only guarantor of certain rights, including the right that often protects one's access to all other rights: the right to participate as a political being in the world.

In 2000, the International Romani Union (IRU) publically announced that the Roma people—the largest transnational minority in Europe—now constituted a Nation. This nation claims no state, nor territorial base, but rather seeks equal recognition with existing nation states in international political spheres.

At an audience with sixty or so Roma and non-Roma individuals in Ostia in 1991, Pope John Paul II made the following speech in support of the IRU's (then not yet officially articulated) desire to create a non-territorial nation:

Your history has been marked by marginalization and by episodes of discrimination or even violence. But we have now reached a moment in history which, even if some of its aspects are complex and contradictory, presents as never before certain hopeful possibilities. The fall of barriers which seemed till very recently inviolable offers the possibility of a new dialogue between peoples and nations. Minorities are seeking to be recognized as such, with the freedom of

their own responsible self-determination and the desire to participate in the destiny of humanity as a whole.

In this revitalized scenario of hopes and plans you are also invited to contribute to the building of a more fraternal world of an authentic ‘common home’ for us all. You constitute a minority which knows no territorial limits and which has repudiated armed struggle as a means of coercion; a minority paradigmatic in its transnational dimensions, which brings together in a single community people dispersed around the world and diverse in race, language and religion.¹

The Pope’s supportive response to the IRU’s proposal provides a compelling, albeit idealistic, idea of what the non-territorial national structure could represent for a global political society. In the current context of globalization and transnationalism, where the importance and impenetrability of territorial borders are decreasing, the IRU model may represent a viable way of ensuring a space for minorities to act politically, and of guaranteeing their human rights.

The task that the IRU has set for itself is an enormous one. Not only is it challenging a mode of social and political organization that has prevailed for over a century, but it is also constructing a nation across territories and cultures. All of this, resting on a base of no more than two hundred politically inexperienced individuals. Yet the unique perspective that the Roma offer, as a truly trans-territorial Nation, could be the voice that draws attention to the need to re-examine the current global political structure.

¹ Karol Wojtyła. (Pope John Paul II) (1991) “Di fronte alle minoranze etniche si consolida una cultura dell’accoglienza e della solidarietà,” *L’Osservatore Romano* CXXI (223), 37 September. Quoted in Nicolae Gheorghie and Thomas Acton, "Citizens of the World and Nowhere," in comp., Will Guy, *Between the Past and the Future: The Gypsies of Central and Eastern Europe*, (Hertfordshire: University of Hertfordshire Press, 2001), 57-58.

Chapter 1: A Brief History of the Romani Identity in Europe

The term “Roma” refers to a diverse group of ethnic identities commonly referred to as Gypsies. While Roma can be found residing in most regions of the world, their numbers are the greatest in Europe, where estimates of their population range from 7 to 12 million. As such, they are Europe’s most numerous minority. They are also its most vulnerable and persecuted. The term “Romani” is an adjectival form of the noun “Roma,” which is the plural form of “Rom,” meaning “man” or “husband” in some of the many Romani dialects. In this paper, the terms “Roma” and “Romani” will be used to designate individuals who self-identify as Romani or Gypsy, and in some cases individuals who are identified by individuals from the surrounding society as such.

The ethnic, cultural, and geographic diversity of the Romani ethnic group has led to them being called an “ethnic archipelago...formed by a mosaic of various groups speaking both different dialects of Romani as an oral language and a variety of languages of the surrounding societies.”² Often included among the islands of this archipelago are groups that vocally reject being classified as Roma. As the term “Roma” is sometimes thought to be derived from the Romanichal kinship group, other groups, most notably the Sinti, argue that it is patronizing for them to be subsumed under this term. Other Romani groups accept Roma as an umbrella term, but maintain that cultural differences exist between them and other Roma.

Due to this diversity, the task of uniting the Roma as a single national identity is an extremely difficult one. Yet, the Roma archipelago has been denoted by majority-

² Nicolae Gheorghe and Thomas Acton, “Citizens of the World and Nowhere,” in comp. Will Guy, *Between Past and Future: The Roma of Central and Eastern Europe* (Hertfordshire: University of Hertfordshire Press, 2001), 55.

national societies throughout history under the blanket term “Gypsy”—and its different translations in various languages. The Gypsy identity has been a product of several different cultural, historic and economic factors. A primary purpose of transforming this identity into a Romani National Identity is to take the power of identification out of the hands of a hateful majority society and put it into those of the Roma themselves.

The Roma as an “Objective” Identity

The scholarly literature dealing with the formation of the Romani identity in Europe can be divided into two categories: authors who characterize the Romani identity as a constructed identity, and authors who view the Romani identity as united by objective properties and characteristics. Peter Vermeersch further divides the second category into three different theories of an objective Romani identity: the Roma as a historical diaspora, Romani identity as a cultural lifestyle, and the Roma as an intact biological kinship group.

Arguments for the existence of a Romani historical diaspora rely largely upon linguistic links between the Romani language tree and languages of the Indian-Subcontinent. Romani academic and politician Ian Hancock has done extensive research and writing on this theory. He links the Romani language to an ancient *koïné*, or “a stabilized composite variety that results from the process of...mixing linguistic subsystems”³ or *koïneization*. The Romani *koïné* represents “a leveling of the medley of

³ Siegel, Jeff, 1985 “Koinés and Koineization,” *Language in Society*, 14(3): 375-376. quoted in Ian Hancock, “Introduction,” in Thomas Acton, ed., *Scholarship and the Gypsy Struggle: Commitment in Romani Studies* (Hertfordshire: University of Hertfordshire Press, 2000), 2.

languages spoken on the battlefields of north-western India.”⁴ It emerged as a *lingua franca* some time in the first quarter of the second millennium, in order to allow for communication among a group of people speaking disparate languages and dialects. In his research, Hancock discovered that the formation process for the Romani language continued after the arrival of the first Roma on European soil, in Anatolia, where Greek and, subsequently, Balkan languages further influenced the Romani language tree.⁵ Thus, while their roots can be traced to India, a crucial part of their cultural formation occurred on European soil, making the Roma (at least in Hancock’s mind) a definitively European people. Through the observation of linguistic influences, Hancock surmised that the Roma crossed into Europe on a common migratory path and subsequently divided into smaller kinship groups, settling in different areas of Europe or remaining nomadic. This split led to the development of many different Romani identities. The claim that Romani identity emerged from a diaspora historically links several disparate groups under the umbrella of Romani identity. Critics of this view have argued that it ignores factors such as self-identification within these ethnic subgroups, and plays into a tradition of tracing Romani roots to a limited and decidedly non-European origin, a tradition started by non-Roma “gypsologists,” and propagated by non-Roma state and religious authorities.⁶

The view that Romani identity can be defined as a cultural lifestyle is based on the persistence of a number of cultural customs practiced by the Roma. The most widely identified of these customs is their nomadic lifestyle. Roma have also often been

⁴ Ian Hancock, “Introduction,” in Thomas Acton, ed., *Scholarship and the Gypsy Struggle: Commitment in Romani Studies* (Hertfordshire: University of Hertfordshire Press, 2000), 1.

⁵ Ian Hancock, “Foreword,” in comp. Will Guy, *Between Past and Future: The Roma of Central and Eastern Europe*, (Hertfordshire: University of Hertfordshire Press, 2001), viii.

⁶ Peter Vermeersch, *The Romani Movement: Minority Politics and Ethnic Mobilization in Contemporary Central Europe* (New York: Berghahn Books, 2006), 13-15.

identified by their concentration in certain professions, such as musicians, blacksmiths, and sorcerers—practicing supernatural arts such as fortune telling and shamanistic healing. Categorizations such as these often preserve and spread racist stereotypes and limit the professional mobility of Roma. Furthermore, they contribute to a widely held belief in many European societies that Roma are inassimilable, uneducable and general leeches on the majority society.

Other classifications of Romani cultural customs are rooted in anthropological examinations of Romani practices. Hancock promotes the idea that there are clear and objective cultural differences between Roma and non-Roma society, and that these differences have been misinterpreted in literature and policy with the result of widening the divide between the Roma and non-Roma societies. He focuses on Romani cultural and religious practices such as traditional rules of cleanliness. These rules, when strictly followed, require using separate wash bins for personal hygiene, food preparation, and handling of animals. For those who follow these practices, non-Roma are viewed “as unclean since they do not observe...rules governing one’s state of personal cleanliness,”⁷ and direct contact with these individuals is limited. Hancock sees this as evidence that the Roma constitute a distinct cultural group. Proponents of the Romani lifestyle theory of Romani identity often advocate for the introduction of special rights and services for Roma, such as roadside schools that can educate children of nomadic families.⁸ While these measures may be positive in helping to improve Romani life and preserve a culture that has developed on the fringe of society, they further support the idea that the Roma

⁷ Hancock, "Introduction," in comp. David Crowe and John Kolsti, *The Gypsies of Eastern Europe*, (New York: M.E. Sharpe, 1991), 5-6.

⁸ Vermeersch, *The Romani Movement*, 15.

inherently belong on the margins of society, strengthening barriers that already hinder Romani integration.

Finally, the theory that the Roma represent an intact biological kinship group relies largely upon supposed phenotypic characteristics. This is an extremely controversial idea and is not well proven. It has been likened by critics to eugenic work done by the German psychiatrist Robert Ritter, one of the scientists responsible for the selection of the Romani ethnic group as a target during the Holocaust.⁹

Theories that the Romani identity can be definitively linked to objective factors rooted in history, biology, or cultural practices, are championed by some Romani politicians, such as Hancock, because they propose a concrete and factually justifiable starting point upon which to build a united Romani identity. These actors use vocabulary that is commonly used to describe existing ethnic groups in order to qualify the Roma as a single, united people or nation, and entitle them to recognition as such. As noted in the above discussion, linking the Romani identity to objective traits and characteristics has several negative effects, including hindering integration into mainstream society and limiting self-identification. Additionally, by confining the discussion of Romani identity to traditional anthropological and historical vocabularies, these theories limit the potential of the Romani identity to emerge as a new or different form of national identity. They ignore important questions about what national identities are comprised of in the first place, and skip to filling the roles already established by the current predominant understanding of nationality.

⁹ Vermeersch, *The Romani Movement*, 16.

The Romani Identity as a Construct

A more viable method for conceptualizing the Romani identity is to see it as the result of a centuries-long classification struggle between Roma and non-Roma.¹⁰ In the Romani language, the term Roma has its counterpart in the term “gadje,” meaning “other” in the general sense of all non-Roma. In most widely spoken languages there is no universal term for people of other ethnicities, but rather specific terms for individual ethnicities. Hancock has traced the roots of “gadje” to “gajjha” meaning “civilian” in Sanskrit—further evidence of the military history of the Romani language. Romani Rights advocate Dimitrina Petrova noted, from her own experience, that many Roma use *gadje* quite often in conversation, and that it has definite connotations of exclusivity; or, a division of the world into “us” and “them.”¹¹ International law theorist Morag Goodwin takes this observation and from it draws the conclusion that: “it is not that Roma share a sense of being a single people but that the fundamental nature of Romani identity is the division of the world into Roma and *gadje* and that from this flows the related notion of *řromanipé* (‘Romani-ness’) – a ‘being Romani.’”¹² Thus, it is the *gadje* ocean that links the various islands of the Romani archipelago. Throughout centuries of oppression and isolation, this division of worlds has been internalized by Roma and non-Roma alike, creating a unique ethnic identity that in many cases can *only* be united by their shared sense of being other.

¹⁰ Vermeersch, *The Romani Movement*, 13.

¹¹ Dimitrina Petrova, "The Roma: Between a Myth and the Future," *Roma Rights Journal* (May 2004), par. 3, <http://www.errc.org/cikk.php?cikk=1844>.

¹² Goodwin, "The lessons of Romani national claims for conceptions of European Citizenship: from an imaginary community to an imagined one?" in *Fifty Years of European Integration: Foundations and Perspectives*, ed. Andrea Ott and Ellen Vos (The Hague: T.M.C. Asser Press, 2009), 17-18.

The transformation of the Roma identity into a national identity is also being used to unite a universally oppressed group of people and mobilize them politically. This strategy is implemented by the Roma Rights movement, which is largely responsible for disseminating the term Roma. Before the 1990's the term Roma was not widely used outside of the Romani languages. It was taken up by Romani figures and non-Roma rights organizations and given legitimacy through political correctness, endowing the more common term "Gypsy" with the pejorative meaning it holds in many academic and political circles today. Petrova calls the term Roma an "ethnocultural self-appellation,"¹³ and states that it was championed by the Romani self-determination movement, as a means of manufacturing a distance between the centuries of stigma attached to the term Gypsy and the people who are externally categorized as such. Through its association with political correctness, the term "Roma" has become legitimized as *the* proper way to refer to this minority in most official political discourse. As "Roma" emerged as a politically correct term, a parallel debate emerged about the perpetuated use of Gypsy as a pejorative term and the specific kind of racism directed against those perceived as Gypsies.

Anti-Gypsyism and the Western European Romani Experience

The study of anti-Gypsyism, as a distinct form of racism began in 1998 with the foundation of the *Gesellschaft für Antiziganismusforschung* (Society for Anti-Gypsyism Research) in Germany. As it is a relatively new field, the definition of anti-Gypsyism, and how it differs from other forms of racism, is still widely debated. Herbert Heuss, the

¹³ Petrova, "The Roma," par. 1.

2004 chair of the Eppenheim-based, *Projekt Förderung Sinti und Roma Initiativen* (Project for the Promotion of Roma and Sinti Initiatives), interpreted it as follows:

Anti-Gypsyism designates a construct, which hypothetically assigns social phenomena (mostly of an undesirable nature) to the minority group who call themselves the Roma. A causal relationship is posited between these phenomena and their presumed cause – the ‘Gypsies’. This presumptive causal relationship is so firmly anchored that it can neither be changed nor nullified by any empirical evidence. Such explanations derived from the long-term social construction of reality then give rise to bigotry and prejudice of extreme intransigence.¹⁴

Anti-Gypsyism appears to be an almost eradicable attitude, existing in various degrees and across vast spaces. It has the ability to adapt to various circumstances and surroundings, making it almost impossible for Romani individuals to escape the stereotypes of anti-Gypsyism, regardless of their individual achievements or behavior, unless they choose, and are able to completely abandon their Romani identity. As such, anti-Gypsyism is both “protean and polymorphous.”¹⁵

Anti-Gypsyism is unique in its ability to be based on assumptions whose very nature is such that they allow the perpetrators to deny the racism inherent in their assumptions. The racist acts which have led to and perpetuated the inferior status of Roma in society are justified as non-racist through anti-Gypsyist claims such as: “Roma drop out of school because they are poor” or “they are poor because they don't study

¹⁴ Herbert Heuss, “‘Anti-Gypsyism’ is not a new phenomenon’ Anti-Gypsyism research: the creation of a new field of study” in Thomas Acton ed., *Scholarship and the Gypsy Struggle: Commitment in Romani Studies* (Hertfordshire: University of Hertfordshire Press, 2000), 53.

¹⁵ Quoted from interview with Bernard Rorke, (2006), Valeriu Nicolae, "Towards a Definition of Anti-Gypsyism," in Valeriu Nicolae and Hannah Slavik ed., *Roma Diplomacy*, (New York: The International Debate Education Association, 2007), 22.

well.”¹⁶ These statements serve to deflect any blame for the abominable socio-economic status of the Roma away from the majority society and onto the Roma minority themselves, who are seen as inherently and irreparably inferior.

The Literary Gypsy

Current anti-Gypsyism is built upon a foundation of centuries of vilification of the gypsy figure in European literary tradition. Some researchers of anti-Gypsyism have claimed that it is specifically the Western European experience with Roma, and its interpretation in literature that spread most quickly, due to superior Western print industries, and thus solidified itself as the dominant perspective on the Roma in Europe.

Upon their arrival in Western Europe, estimated to be in the early fifteenth century, the Roma were initially welcomed. Thought to be religious pilgrims from Egypt, (the term “gypsy” is derived from little Egyptian) they were provided with protectoral privileges in most European Provinces. Unfortunately, differences between the Gypsy caravans and the settled people of the European lands soon began to cause friction. Levels of “Gypsy crime”—a pejorative term referring to a suite of criminal offenses that Roma are commonly accused of perpetrating, ranging from petty theft and “vagrancy” to fraud, kidnapping, and prostitution—rose, and anti-Gypsy laws were passed in many provinces.¹⁷ Fairly quickly, the villainous gypsy became a popular figure in contemporary literature and folklore, and this image spread across Europe. The literary gypsy has both negative and positive components. Consistency between these two aspects

¹⁶ Petrova, “The Roma,” par. 48.

¹⁷ Ibid., par. 14.

can be found in the assertion that Gypsies are inherently incompatible with the settled and stable life of the typical European society and that they are more animal than man.

While it is believed that the Roma do share a common migration out of India in, their nomadic tradition in Europe is largely a misinterpretation, and certainly a vast exaggeration. Consistent nomadic behavior by the Roma occurred primarily in Western Europe, where, beginning in the second half of the fifteenth century, practices designed specifically to keep the Roma on the move became widespread. For example, in the Rhine region there was a common practice of “paying [the Roma] to leave the vicinity and go elsewhere.”¹⁸ In the early sixteenth century, anti-Gypsy laws in England called for the killing of all Gypsy males. This penalty was later extended to any Englishman who befriended a Gypsy. With the coming of the Protestant Reformation in the early sixteenth century, tolerance of the beggar and the vagrant were purged, and all forms of non-productive labor were condemned. As the Roma were commonly associated with a nonproductive unsettled lifestyle, these emerging cultural norms further stigmatized them.¹⁹

The literary image of the gypsy brings into focus the darkest fears and deepest desires of the stereotypically restrained Victorian or Protestant sensibility. The literary Gypsy’s life has no stability or structure. It exists in an atavistic state of nature, actively opposing, and thus threatening, the “lifestyle of profit maximization” and the “post-Enlightenment requirement [that] people be educated above the state of nature.”²⁰ At the same time, the literary gypsy represents a degree of freedom unimaginable for the majority population. They have a totally carefree lifestyle, floating along the margins of

¹⁸ Petrova, “The Roma,” par. 19.

¹⁹ Ibid., par. 28.

²⁰ Heuss, “‘Anti-Gypsyism’ is Not a New Phenomenon,” in *Scholarship and the Gypsy Struggle*, 52.

society, coming and going as they please. A telling example of this belief is the common depiction of the “unrepressed Gypsy woman – ‘Carmen’ or ‘Esmeralda’ dancing in harmony with nature.”²¹ This woman represents the antithesis of the pious and chaste Protestant woman, who hides her natural or animalistic qualities and displays them only in complete intimacy.²² Thus, even the good or enviable qualities of the literary gypsy serve to further a major goal of anti-Gypsyism – dehumanization.

The view of the subhuman Gypsy still persists in the twenty-first century. A study in 2005 showed that in Romania, “the prejudice against the Hungarians was expressed in terms of negative human attributes (e.g., *hypocrite*), [while] prejudice against the Roma was expressed in terms of negative animal traits (e.g., *wild*).”²³ Similarly, Hancock reported in 2000 that “A Romanian woman, [when] asked about the murders [of Roma] in Hidareni , claimed that killing Gypsies wasn’t murder, because murder was committed when one killed human beings.”²⁴ In the same text, Hancock reports that a few years earlier, a member of British government had publically declared that Roma were “not human beings in the normal sense.”²⁵ All of these dehumanizing statements serve to deprive the Gypsies of any claim to human rights. When these statements leave the realm of the everyday citizenry and enter into political dialogue their severity becomes even more apparent, as in these cases the institutions responsible for ensuring the protection of these people are denying their very right to this protection.

²¹ Petrova, “The Roma,” par. 51.

²² See: Tracy Fessenden, “The Convent, the Brothel, and the Protestant Woman's Sphere,” *Signs* 25, no. 2 (Winter 2000), <http://www.jstor.org/stable/3175562>.

²³ Nicolae, “Towards a Definition of Anti-Gypsyism,” in *Roma Diplomacy*, 23.

²⁴ Ian Hancock, “The Consequences of Anti-Gypsy Racism in Europe,” *Other Voices* 2, no. 1 (February 2000), <http://www1.uni-hamburg.de/rz3a035//hancockracism.html>.

²⁵ *Ibid.*

The Western literary representation of the Gypsy has been so woven into European culture, such that “novels, folk tales, proverbs, songs, jokes, cartoons, nursery rhymes and so on have helped create an unreal and damaging image of the Gypsy in the minds of people who have never met one.”²⁶ For example: “opinion polls in Luxembourg...show that 25% of Luxembourgish people would not like to have Roma as neighbors, despite the fact that according to the census, no Roma live in Luxembourg.”²⁷ In the United States, the Americanism “to gyp,” has become a somewhat common term for “to steal or swindle.” Many individuals use this term without understanding that it pejoratively associates an ethnic group with a criminal activity.²⁸

Romani History and Identity in Central and Eastern Europe

The differences in the development of the Romani identity in Eastern and Western Europe can be attributed to differences in economic structure in the two regions:

To some extent, the development of capitalism in Western Europe helped to develop modern Romani nomadism in the form of ‘service nomadism’. By contrast, the persistence of a feudal type of economy in Central and Eastern Europe maintained the need for a large, coerced labour force which took various forms of servitude.²⁹

²⁶ Hancock, "The Consequences of Anti-Gypsy Racism in Europe."

²⁷ Nicolae, "Towards a Definition of Anti-Gypsyism," in *Roma Diplomacy*, 26.

²⁸ The Miriam Webster dictionary of English Usage (p489) contests whether this term should be considered offensive, though it states that the similar term “Jew down” (571) is offensive and its use should be avoided. See: "Stealing is wrong. But is this word?" Talkwordy, <http://talkwordy.com/2009/06/11/stealing-is-wrong-but-is-this-word/>

²⁹ Mirga A., and Gheorghe, N., *The Roma in the Twenty-First Century: A Policy Paper*, A Project on Ethnic Relations policy paper, (Princeton: PER, 1997), 5. Quoted in Will Guy “Romani identity and post-Communist policy” in comp. Will Guy, *Between the Past and the Future: The Roma of Central and Eastern Europe*, (Hertfordshire: Hertfordshire University Press, 2001), 6.

Laws regarding the settling or dispersion of Roma were developed with these differing economic requirements in mind, resulting in large, forcibly settled populations of Roma in Eastern Europe and smaller, semi-nomadic groups of Roma in the West.

In Eastern Europe and the Balkans the Romani identity was initially shaped around forced settlement and slavery. In the Romanian principalities especially, Roma were kept as slaves from the thirteenth century until the mid-nineteenth century. During that period Roma were treated as chattel property by most juridical codes. The cultural connection in Romania between gypsy and slave is so strong that even today, one hundred and fifty years after slavery was abolished, the Romanian word for Gypsy (*rób*) is synonymous with slave.³⁰

Elsewhere in Eastern Europe during the first few centuries after initial immigration of Roma, slavery was a less common practice. The Roma were similarly viewed as lesser than other members of society, but were usually considered to be “useful and made a contribution to the host economies where they lived.”³¹ In the Habsburg Empire, Maria Theresa and her son Joseph instituted laws requiring the assimilation of all Gypsies, and changing their official designation from “*cigány*” (“gypsy”) to “*uj Magyar*” (“new Hungarian”).³² The speaking of Romani was outlawed. As a direct result, many Hungarian Roma today do not speak Romani. Despite attempts such as these to incorporate the Roma into the majority as contributing members of the economy, they were still treated as marginal members of society, mainly due to the persistence of racist attitudes among the majority populations. As such, they formed a lower caste in the social

³⁰ Guy, “Romani identity and post-Communist policy” in *Between the Past and the Future*, 6.

³¹ Ibid.

³² Elena Marushiakova and Vesselin Popov, “Historical and ethnographic background: Gypsies, Roma, Sinti,” in comp. Will Guy, *Between the Past and the Future: The Roma of Central and Eastern Europe*, (Hertfordshire: Hertfordshire University Press, 2001), 43.

hierarchy within the towns and villages they resided in. As a pariah class in this feudalistic structure, stereotypes and prejudice directed at the Roma were allowed to be “constantly reconfirmed and thus perpetuated.”³³

In the nineteenth century in Csenyéte –at the time a typical rural village in northeastern Hungary–the Roma residents composed a distinct sector of the community. They often sold goods they had gathered or made by hand to local peasants, who would then take the goods to larger Hungarian markets. Some Roma occupied certain artistic vocations, primarily as musicians, or for the fortunate, as blacksmiths. In their extensive studies of this rural community János Ladányi and Iván Szelényi found from an 1857 census that as many as seven Romani families resided in homes within the borders of the village at that time. The census recorded that six of these families were supported by day labor. In the census the only families recorded as “day laborers” were Jewish or Romani. It is clear from these findings that during the mid nineteenth century, the Roma, and the Jews, were allowed to participate, albeit as unequal members, in the village community.³⁴ While they were treated as lesser citizens, there was some room for mobility, as a few families with Romani family names managed to shed the title of *uj Magyar*. Presumably this was due to intermarriage with non-Roma, or through improvement of their situation through professional achievement. After a certain level of accomplishment, it was clear that the villagers felt these families had earned the right no longer to be considered Gypsies. It is also important to note that the villagers allowed some Romani families to

³³ Guy “Romani identity and post-Communist policy,” in *Between the Past and the Future*, 8.

³⁴See: Table 2.1, “Csenyéte’s population by ethnicity according to the 1857 population census,” in János Ladányi and Iván Szelényi, *Patterns of exclusion: constructing Gypsy ethnicity and the making of an underclass in transitional societies of Europe*, (Boulder: East European Monographs, 2006), 48.

live within the village walls, while at the time in most Western European towns, Roma were forced to stay in temporary encampments outside of the villages.

The Eastern European Romani experience before the twentieth century was characterized by an involvement in settled society, and simultaneous discrimination justified along racial lines. This type of racism can be compared to that experienced by African Americans or Black South Africans in that their perceived racial or ethnic identity allowed for their economic and social subordination, creating a racialized underclass with little to no opportunity for socio-economic or political mobility.³⁵

A Universally Persecuted Minority – Being Romani in the Twentieth Century

The Romani experience in Europe has been dramatically impacted by major historical and political shifts. The Roma are often popular scapegoats for economic recessions and social problems. At the turn of the twentieth century, the growth of nationalism as a political ideology promoted extensive discrimination targeting the Roma. During this century, the experiences of the Eastern and Western European Roma were at times similar, and at other times very different.

In the Second World War, the Roma were subjected to the most devastating example of persecution due to their ethnic identity: the Holocaust. Robert Ritter, a German youth psychiatrist and physician, led genealogical studies identifying the gypsies as a distinct biological-racial group. His work tried to link hereditary factors with criminality, leading to the declaration that the Gypsies represented a threat to the

³⁵ See Gunnar Myrdal, *Challenge to Affluence* (New York: Pantheon Books, 1963).

functioning of the German social order.³⁶ Ritter concluded that individuals with as little as one-eighth Gypsy blood were more prone to criminal behavior than the average “pureblooded” German. Using the results of these studies as proof, Ritter and his colleagues argued that the disadvantaged position and non-productive attitude of the Roma was genetic and non-correctable. Based on this “science,” the Nuremberg Racial Laws of 1935 “classified Gypsies, along with Jews and blacks, as racially distinct minorities with ‘alien blood [*artfremdes Blut*].”³⁷ These laws –alongside an arsenal of further legislation– prohibited miscegenation, called for forced sterilization, and ordered the incarceration of Gypsies in encampments, ghettos, and concentration camps.

Estimations of the final Roma death toll from the Holocaust vary dramatically. Research on this figure is complicated by the fact that few national censuses mention the Roma before World War II. According to a summary of the academic literature on the Romani Holocaust by Martin Weiser, the lowest estimates start around 90,000, while a majority of authors argue it is closer to 500,000, and high approximations in the opposite direction have reached 1 million.³⁸ In regional terms, the middle range of these numbers represented a more than 50% loss of the Roma population in Poland, and Latvia, 70% in Austria and Germany, and nearly the entire Roma population in “Luxembourg, Lithuania, Estonia, the Netherlands, Belgium and Croatia.”³⁹

³⁶ Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*, (Chapel Hill: University of North Carolina Press, 1995), 251-252.

³⁷ Arthur Gütt, Herbert Linden, and Franz Maßfeller, *Blutschutz- und Ehegesundheitsgesetz* (Munich, 1937, 2d rev. ed.), pp. 16, 21, 150, 226; Wilhelm Stuckart and Hans Globke, *Reichsbürgergesetz vom 15. September 1935*, (Munich and Berlin, 1936), p.153 Quoted in Friedlander, *The Origins of Nazi Genocide*, (Chapel Hill: University of North Carolina Press, 1995), 259, fn. 69.

³⁸ Martin Weiser, *Roma Holocaust* (GRIN, 2007), doi:10.3239/ 9783638050234.

³⁹ *Ibid.*, 7.

Despite these huge percentages, the gravity of the crimes committed against the Roma during the Holocaust has largely been understated in history. In an extreme case, historian Yehuda Bauer denied that the Roma should even be called victims of the Holocaust, arguing that the Nazi program targeting them was less aggressive than that aimed at the Jews, and that they should therefore not be considered primary targets or victims.⁴⁰ The Roma are often seen as a secondary victim group, a necessary result of comparing the absolute numbers. Unfortunately, this attitude has also appeared in the practical treatment after the Second World War of the Romani Holocaust victims. In the early 1950's, German courts determined that all acts of persecution committed by the Nazis towards Roma prior to March 1943 "should not be considered as racial persecution, but rather as prosecution of alleged criminal elements."⁴¹ This conclusion was not revised until 1979.

As part of an effort to draw attention to the Romani aspect of the Holocaust, Ian Hancock is attributed with promoting the term "Porrajmos," a Romani equivalent to the Hebrew term "Shoah." Hancock states that he first heard the term used by a Kalderash Romani who spoke at a conference centre bar in 1993, in Snagov, Romania. "Porrajmos" translates to "devouring" in Romani, has been extended by Hancock, in his own writings, to "Baro Porrajmos," or "great devouring."⁴² Like the term "Shoah," "Porrajmos" allows

⁴⁰ Yehuda Bauer and Sybil Milton, "Correspondence: 'Gypsies and the Holocaust,'" *The History Teacher* 25, no. 4 (Aug., 1992): 513-521, <http://www.jstor.org/stable/494357>.

⁴¹ "District Court (OLG) München 8.9.1952 W-EG 30/52 in StA Bremen 4,54-08-13; OLG Muenchen 15.9.1952 W-EG 51/52 in StA Bremen 4, 54-08-13; OLG *Stuttgart Rechtsprechung zum Wiedergutmachungsrecht (RzW)* 1953, 285; OLG Muenchen *RzW* 1953, 286; OLG Oldenburg 17.12.1955, in Max Frenkel, *Entschadigungsrecht-Entscheidungen*, No. 327. Quoted in Gilad Margalit, "Antigypsyism in the Political Culture of the Federal Republic of Germany: A Parallel with Antisemitism?" SICSA: The Vidal Sassoon International Center for the Study of Antisemitism, <http://sicsa.huji.ac.il/9gilad.htm>, fn.36.

⁴² Ian Hancock, "On the Interpretation of a Word: Porrajmos as Holocaust," RADOC: The Romani Archives and Documentation Centre, http://www.radoc.net/radoc.php?doc=art_e_holocaust_interpretation&lang=ry&articles=true.

for a specification of Romani extermination during this time period, transforming this tragedy from a more general event (the Holocaust) to a particular kind of suffering experienced by a designated group of people. Hancock claims that this “has given an identity and a name to the most tragic event in our entire history, and moves it from the collective into the particular.”⁴³ Through this process, Hancock seeks to raise awareness of the suffering experienced by the Roma in the *Porrajmos*, in both the *gadje* and Romani communities, in order to promote understanding of the current situation of Roma, and encourage the granting of reparations for Romani families.

Communism and Post-Communism: Eastern and Central Europe after the Second World War

Following the Second World War, liberation from Nazi occupation by the Red Army brought what many Roma to this day view as an upturn in their situation. Will Guy states that this transformation was “hailed by many Roma as a ‘dawn’ – a complete reversal of their fortunes.”⁴⁴ Under Communism, ethnic differences between Roma and their non-Roma neighbors were de-emphasized as part of widespread policies to de-emphasize ethnic identity throughout the Soviet Bloc. Each individual’s primary allegiance was meant to be to the socialist state, not to an ethnic, national or religious identity. Assimilationist policies attempted, as Maria Theresa had during the reign of the Habsburgs, to transform the Roma into productive and conventional members of society. During this time, many Roma were coercively settled. The rapidly industrializing and expanding Soviet-inspired command economies of Central and Eastern Europe required

⁴³ Hancock, "On the Interpretation of a Word," RADOC.

⁴⁴ Guy “Romani identity and post-Communist policy,” in *Between the Past and the Future*, 9.

large numbers of unskilled laborers, providing employment opportunities and improving the economic prospects of many Roma.⁴⁵ On the other hand, it has been argued that Communism “forcibly proletarianized Roma and deprived many artisans of their independence as small-scale producers, by banning their trades as ‘parasitic’ as well as de-skilling them as craftworkers.”⁴⁶ However, as Guy points out in response to this claim, when performing craft work in pre-communist times, Roma were highly dependent on client-patron relationships and were generally paid in kind (i.e. foodstuffs) rather than wages.⁴⁷ In addition to an increased availability of work and a vague guarantee of receiving regular wages, the percentage of Romani children enrolled in primary schools increased.⁴⁸ Some Roma even pushed for opportunities in higher education, resulting in the creation of a group of influential intellectual Roma in Central and Eastern Europe. For these and many other reasons, a number of scholars view Communism as one of the happier periods in Eastern European Romani History. It was a time when the gap between Roma and non-Roma was, at least in some respects, lessened.

The increased levels of economic stability under the communist regime for Roma may lead one to assume that Romani culture is simply more suited for the social-political system of communism. However, while times were perhaps improved for many Roma under communism, they were never treated as equal within majority society, and in some cases their prosperity was directly due to their defiance of the communist system. Petrova points out that the Brezhnev era of economic stagnation, a time that caused serious

⁴⁵ Guy “Romani identity and post-Communist policy,” in *Between the Past and the Future*, 8.

⁴⁶ PER, *The Romanies in Central and Eastern Europe: Illusions and Reality*, Project on Ethnic Relations report on roundtable discussions in Stupava, Slovakia (April 30- 2 May), Princeton: PER, September 1992, 8. Quoted in Guy “Romani identity and post-Communist policy” in *Between Past and Future*, 9.

⁴⁷ Guy, “Romani identity and post-Communist policy” in *Between Past and Future*, 9.

⁴⁸ Zoltan Barany, *The East European Gypsies* (Cambridge: Cambridge University Press, 2002), 164.

shortages of basic goods in Soviet society, represented a great opportunity for the Roma in the Soviet Union.

It provided the highly mobile and flexible Roma with better opportunities to fill the niches of mediators and distributors in a parallel, unofficial economy of redistribution through what had been illegal commercial activities. The Roma bought in one place and sold many hundreds of miles away a variety of goods, from chewing gum to electronics smuggled from abroad.⁴⁹

Thus, within socialist society, the Roma were “too capitalist,” often punished for illegal trading, and kept out of, or confined to the lowest ranks of the socialist labor force.

The Roma of the mid-twentieth century existed in parallel positions on either side of the Iron Curtain. In both places they were represented as parasitic and undesirable elements of society, and in both their lifestyle was thought to be fundamentally in conflict with the prevailing economic system, though for essentially opposite reasons. The thread that connects these two seemingly opposite groups of Roma (those in Eastern Europe and those in Western Europe) is anti-Gypsyism. The view that the Roma are incompatible with the majority society or fundamentally subhuman allows for and perpetuates the perception of Roma as permanent outsiders, regardless of the structure of the society or their actual role within it.

The post-communist transition can be described as the beginning of a rapid downward spiral for the Roma into a permanent cycle of poverty. Will Guy expresses this sentiment well:

⁴⁹ Petrova, “The Roma,” par. 42.

While the moribund assimilation policies of the Communists lapsed, they were replaced by pandemic unemployment and destitution, verbal and physical racist attacks sometimes escalating to murders and pogroms, increasing segregation in education and housing, and wide-spread health problems aggravated by poverty.⁵⁰

Several factors contributed to this rapid decline in the position of Roma in Central and Eastern Europe. The demand for unskilled labor plummeted with the rapid industrialization of post-communist Central and Eastern Europe, and the Roma were always the first to be let go. Good levels of employment under communism were thus replaced by “pandemic unemployment.”⁵¹ Markets were flooded with mass-produced Western goods putting those Roma who had participated in the black markets out of business. As unemployment levels rose, so did crime rates. At the same time, freedom in the newly free media increased. In many cases local and national newspapers aggravated tensions between Roma and *gadje* populations by disproportionately reporting crimes perpetrated by Roma. Under communism, racist sentiment, while present, was kept out of the public eye in order to present an image of a united State. By contrast the new media of the post-communist era was allowed, and encouraged by popular demand, to use racism and foster stereotypes when discussing the Roma. Simultaneously, and often in response to antagonism initiated by the press, Roma were targeted in pogroms and acts of violence by majority nationals in many Central and Eastern European countries.⁵²

Ladnáyi and Szelényi note that after the fall of communism in Hungary, the Roma began to occupy rural villages that had been abandoned by the majority population, especially in Hungary. Their marginal status in society was thus transformed into an

⁵⁰ Guy, “Romani identity and post-Communist policy,” in *Between the Past and the Future*, 13.

⁵¹ *Ibid.*, 13.

⁵² See: *Ibid.*

actual physical distance between Romani rural ghettos and white or *gadje* towns and cities. This spatial organization—very common in Hungary—can also be seen in Romania, Bulgaria, and to an extent in other Central and Eastern European countries. The rural Hungarian village Csenyété became predominantly Roma after the fall of the Iron Curtain, and is now one of the poorest Roma communities in Hungary.⁵³ As the agricultural sectors in this area declined, and manufacturing and office jobs moved to bigger urban centers, Hungarian *gadje* villagers would relocate, abandoning their properties. As discussed earlier, prior to the twentieth century, some Romani and Jewish families had lived inside the village with national Hungarians. With the turn of the twentieth century and the two World Wars came a rise of Hungarian nationalism. The Roma and Jews were pushed out of the village, and those Roma that stayed in the area (or returned after World War II) constructed shantytown like camps outside of the borders of the village. After the fall of communism the Roma once again moved into the village, into homes abandoned by Hungarian peasants who had immigrated into larger rapidly industrializing cities. More Roma families migrated to the village when they heard there were abandoned houses. Without the peasants as mediators, the Roma of Csenyété were no longer able to access larger markets, and the somewhat symbiotic economy that had once existed in the village disintegrated. The Roma there were left with virtually no means of livelihood and entered into a “culture of poverty,”⁵⁴ observed by Ladnáyi and Szelényi. They describe this culture as being characterized by an extremely short-term economic horizon, distrust in authority, and strong communitarian tendencies. For

⁵³ See: "Csenyété: mindhalálíg MSZP," INDEX, accessed April 8, 2011, last modified August 6, 2009, <http://index.hu/video/2009/08/06/csenyete>.

⁵⁴ This term was first used by Oscar Lewis, in *Five Families: Mexican Case Studies in the Culture of Poverty*, (New York: Basic Books, 1959).

example, they reported that the poorest Roma families would burn the roofs of their homes for warmth in the winter, and empty houses were often dismantled for their materials, even though there was a housing shortage in the village at that time.⁵⁵ Furthermore, they reported that when a wood processing firm brought work—albeit extremely difficult and under-paid work—to the village, the Roma sold or traded the axes they had been provided with, at a significant loss (as the cost was deducted from their pay checks), rather than continue to work for the company, which they felt was exploiting them.⁵⁶ When a garland-twisting cooperative came to the village, the workers similarly distrusted the firm, who insisted on providing wages at a piece rate. “People resented piece rates since they saw it as an individualistic, inegalitarian means of remuneration...they also insisted that either everyone should get a job, or no one should have one.”⁵⁷

In the two decades since the fall of communism, the situation for most Roma in Central and Eastern Europe has not improved, and in many cases has worsened. They face discrimination in numerous areas including housing, education, healthcare, employment and police treatment.

The Roma as Refugees and Non-Citizens

A particularly salient problem for Roma, as constant outsiders of dominant society, has been the denial of citizenship. Huge numbers of Roma lost their citizenship after the fall of communism, particularly during the dissolution of the former Yugoslavia and Czechoslovakia. The successor states of these formerly multinational states created

⁵⁵ Ladnáyi and Szelnyi, *Patterns Of Exclusion*, 94.

⁵⁶ *Ibid.*, 96-97.

⁵⁷ *Ibid.*, 112.

new citizenship laws, many of which were designed explicitly to exclude Roma from membership, and all of which created difficult barriers to naturalization. In February of 1992 the Ministry of the Interior of the Government of Slovenia erased a large number of non-autochthonous Roma from the registers of permanent residents in Slovenia.⁵⁸ This process entailed moving the names of these individuals from the register of active permanent residents to the register of inactive—either dead or emigrated—permanent residents. Also known as the “Slovenian erasure,” it has been condemned by Roma rights advocates as “administrative ethnic cleansing.”⁵⁹

When Roma do hold citizenship they often do not easily receive the same benefits that other members may have. In recent years, with the accession of Central and Eastern Europe countries such as Hungary, Slovakia, Bulgaria, and Romania into the EU, the Roma from these countries have encountered discrimination from Western Europe. England, Germany, and France have all been criticized for expelling Romani EU citizens who attempt to migrate from the newer EU states, to which EU policies of freedom of movement are now conditionally extended.⁶⁰

In Western European and North American countries, refugee requests from Central and Eastern European Roma are usually dismissed. These countries generally argue that the political situations in Central and Eastern European countries, since the post-communist transition, are stable enough to prevent persecution. However, this has not been the case in the nations of the former Yugoslav republic. Thousands of Kosovar

⁵⁸ International Helsinki Federation for Human Right, “Human Rights in the OSCE Region: The Balkans, the Caucasus, Europe, Central Asia and North America Report 2001” (Events of 2000), p. 271. quoted in Jasminka Dedić, “The Erasure: Administrative Ethnic Cleansing in Slovenia,” ERRC Notebook (2003): <http://www.errc.org/cikk.php?cikk=1109&archiv=1#1>, fn. 20.

⁵⁹ Dedić, “The Erasure.”

⁶⁰ See: “Q&A: France Roma expulsions,” BBC News, last modified October 19, 2010, <http://www.bbc.co.uk/news/world-europe-11027288>.

Roma received refugee status in Western European Countries after the “humanitarian” NATO bombings in 1999. In the time since then, many national governments have determined that the political situation in Kosovo is stable enough and have begun returning Romani refugees. The role of Roma in the Kosovo conflict is extremely complex. Romani groups in Kosovo may identify as Romani-Albanian, Romani-Serbian, or both, and there are additional groups who identify as Kosovo-Egyptians, and reject classification as Roma. Many extradited Kosovar Romani have returned to a hostile environment, as the majority of Albanians view the Roma to be allied with the Serbs, regardless of their actual allegiance. Furthermore, many of their homes have been destroyed by the war and replaced with foreign funded developments that they cannot afford to live in. As a result, a large number of extradited Kosovar-Romani refugees have been forced to settle in temporary settlements or camps, that were created by the UN in the 1990s as an intermediary stop for refugees during the war. In recent years these camps have come under scrutiny, as many of the Roma who live there have been dying of lead poisoning.⁶¹ Western European countries responsible for deporting Roma back to these conditions have been harshly criticized for irresponsibly sending these individuals into life-threatening conditions, and violating non-refoulement, a principle of refugee law, which prohibits states from expelling or returning a refugee to a territory where their life or freedom may be unjustly threatened on the grounds of race, religion, nationality, political opinion or membership of a particular social group.⁶²

⁶¹ See: Isabel Fonseca, "Abused, driven out and poisoned: the scandal of the Kosovo Roma," *The Guardian*, June 21, 2009, <http://www.guardian.co.uk/world/2009/jun/21/kosovo-lead-mitrovica-poison>.

⁶² "Convention and Protocol Relating to the Status of Refugees," (aka. The Geneva Convention), UNHCR, last modified 1951, <http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf>. Article 33, p30. On the situation in Kosovo, See: Nicholas Wood, "Germany Sending Gypsy Refugees Back to Kosovo," *New York Times*, May 19, 2005, http://www.nytimes.com/2005/05/19/international/europe/19kosovo.html?_r=1.

The Emergence of a Romani Political Voice

Emerging from this history of persecution, here only briefly summarized, the Roma Rights movement in the 1990's took on the task of eradicating anti-Gypsyism and improving the position of Roma globally. Among the actors of the Roma Rights movement are a large number of non-Romani human rights activists, NGOs and IGOs, who work both with and independently of Romani groups or individuals. In the Central and Eastern European region, a strong civil sector emerged in the early 1990s as a major voice addressing the social and economic problems of the post-Communist transition. Roma have been able to utilize this growing frame to assert themselves as public figures and speak out for their communities. The Roma Rights movement is made up largely of human rights bodies and NGOs whose goals are not specifically the advancement of Romani self-determination or a Romani political voice. In some cases Roma individuals have little participation in these organizations. Nidhi Trehan writes, on the politics of Roma Rights NGOs in the Central and Eastern European region:

The hierarchical structure [of civil society] currently in place ensures that Romani NGOs receive a relatively modest share of the funding pie compared with those intermediary NGOs usually directed by non-Roma. Naturally, when access to material resources is limited, decision-making power is also constrained for Romani-led NGOs.⁶³

and "Document - Serbia: not Welcome Anywhere: Stop the Forced Return of Roma to Kosovo," Amnesty International, <http://www.amnesty.org/en/library/asset/EUR70/011/2010/en/91bd2fb8-ce25-47b5-8e7b-acb179978b59/eur700112010en.html>.

⁶³ Nidhi Trehan, "In the name of the Roma? The role of private foundations and NGOs," in comp. Will Guy, *Between Past and Future: The Roma of Central and Eastern Europe*, (Hertfordshire: Hertfordshire University Press, 2001), 140.

Where the Roma Rights dialogue has had self-determination as one of its goals, it has largely focused on establishing representation within national parliaments or civil society. Unfortunately, primarily due to negative pressure from majority national citizens and politicians, these efforts have generally been unsuccessful. This has fostered a cynicism towards electoral politics among the Romani community. Trehan observed that after a short-lived movement for representation in Czechoslovakia and Hungary before the mid-1990s, “Romani candidates are no longer on most electoral tickets and Roma are generally not sought out for votes.”⁶⁴ In Hungary, the National Gypsy Minority Self-Government (NGMSG) was founded in 1993 in an effort to politically mobilize the large Roma minority there. The goal of the Minority Self-Governments was to “represent the interests of the given national and or ethnic minority at the local or national level” and “guarantee [their] cultural autonomy.”⁶⁵ Unfortunately, the NGMSG was co-opted by the non-Roma population, who were somehow legally permitted to participate in the election, and hoped to suppress the Romani voice in their area. In 2002, four of the five members elected to the NGMSG in Jászladány, Hungary, identified as non-Roma. As a direct result, the local NGMSG allowed the creation of a private school, which only non-Roma children could attend, leaving the Romani children segregated in the majority-abandoned public school.⁶⁶

The Romani movement, in contrast to the Roma rights movement, is a self-determination movement taking shape primarily among a network of Romani intellectuals and politicians. The history of this movement can be traced farther back than

⁶⁴ Trehan, "In the name of the Roma?" in *Between the Past and the Future*, 136.

⁶⁵ Anita Danka and Nicole Pallai, "Legal but Illegitimate: The Gypsy Minority Self-Government in Jászladány," *Roma Rights* (February 2004), <http://www.errc.org/cikk.php?cikk=1302>.

⁶⁶ Ibid.

the Roma Rights movement, but has generally received less attention from majority societies and international governmental bodies. Romani-run political organizations appeared in many European states prior to World War II. These organizations were, for the most part, confined to the nation state in which they emerged. One example is the *Uniunii Generale a Romilor din Romania* (General Union of Roma of Romania). This organization started in 1933, and produced a newspaper that was circulated throughout Romania: *Glasul Romilor* (Voice of the Roma).⁶⁷ Organizations like this sought recognition and representation of the Roma minority within the nation state they resided in. Their primary goals were usually the peaceable integration of Roma within national society. During World War II, most of these organizations fell apart or were forcibly disbanded.

After the war ended, however, Romani organizations popped up virtually everywhere in Western Europe.⁶⁸ In Germany, brothers Oskar and Vinzenz Rose founded the *Verband der Sinti Deutschlands* (Association of Sinti of Germany) in 1952, and the *Verband rassisch verfolgter nicht-Juden* (Association of Racially Persecuted non-Jews) in 1956.⁶⁹ At this time in Eastern Europe, most Romani organizations faced uphill struggles for recognition, as most of the communist governments refused to recognize or cooperate with them. After the fall of the Iron Curtain, this region experienced an explosion in the number of both Roma Rights organizations, and Romani-run political organizations.

⁶⁷ Liégeois, *Roma In Europe*, 208.

⁶⁸ *Ibid.*, 209.

⁶⁹ Council of Europe, "Institutionalization and Emancipation," *Education of Roma Children in Europe*, <http://romafacts.uni-graz.at/index.php/history/prolonged-discrimination-struggle-for-human-rights/institutionalisation-and-emancipation>.

A Truly European People? – The Roma in the European Union

While EU enlargement has exposed racist attitudes in the West towards Roma, it has also served as a positive catalyst for the improvement and extension of Roma Rights. Waves of asylum seekers coming west have awakened the world to the situation of the Roma in Central and Eastern Europe. Many EU countries saw the Romani problem as a threat—if borders were opened they feared a sudden westward migration of Roma—and a barrier for eastward expansion. Numerous initiatives were begun to improve the Roma situation and allow for smoother integration of Central and Eastern Europe countries into the EU. These included the extension of the European Council Directive 2000/43, which required that all new EU member states adopt extensive anti-discrimination legislature by 2003,⁷⁰ and the “Decade of Roma Inclusion 2005-2015,” a commitment by twelve European countries (both in and outside of the EU) to drastically improve the situation of European Roma by 2015.⁷¹

The eastward expansion of the EU has sparked a large upturn in the political activity of Roma. Pressure from the EU has required that many Central and Eastern European countries provide more opportunities for political participation on the national level to Roma. Furthermore, the increasing internationalization of political organizations has allowed for the Roma question to be discussed on an international level. In 1996, a round table was held in Brussels at the initiative of Member of European Parliament (MEP) Edith Müller, on the theme: “The Roma – a truly European people.” Drawn from the conclusions of this meeting, the “Brussels Declaration” argued: “It is vital to ensure

⁷⁰ PER, "Leadership, Representation and the Status of the Roma" (proceedings from the PER conference at Krakow, Poland, March 9-10, 2001), <http://www.per-usa.org/Reports/PERKrakow.pdf>, 42.

⁷¹ See: "About," Decade of Roma Inclusion 2005-2015, <http://www.romadecade.org/about>.

that Roma and Gypsies are represented politically at [the] European level and they must be helped to link their organizations in a network...”⁷²

Through this newly opened door, Romani organizations have been able to make their voice more widely heard than ever before. They have drawn on aspects of shared identity, including historical events of Romani persecution, otherness expressed as anti-Gypsyism, and questions such as Holocaust reparations and the current struggles in Kosovo, to bolster a growing Romani national identity, that organizations such as the IRU are using as a national foundation for the request of Romani representation in the international sphere.

⁷² Liégeois, *Roma in Europe*, 250.

Chapter 2: The IRU and the Romani Nation

Internationalization of the Romani Movement

The movement for the establishment of an international Romani political organization began in 1960 in Paris, with the “Communauté Mondiale Gitane” (World Gypsy Community, CMG). The CMG was founded by Vajda Voivode, formally Ionel Rotaru. In 1959 Rotaru had himself crowned the Supreme Chief of the Gypsy People, and adopted this *nom de guerre*.⁷³ His surname was derived from the Slavic term for a military commander: *Voivod*, and his forename, *vajda*, from the equivalent of this title in Hungarian. The name as a whole signified his self-appointment as the international chief of all Eastern European Gypsies, despite his residence in Western Europe. Voivode managed to attract a great deal of media attention around his symbolic coronation, which he then used to promote his ultimate, utopian objective: the creation of a territorial Romani nation called “Romanestan.”⁷⁴ Voivode’s proposal generated a great deal of media attention, which he then used to garner the support of Roma leaders from all over the world and bring them into the CMG.

The proposal of founding a “Romanestan” sought to provide a direct and tangible motherland, something that the Roma had lacked since their dispersal from India. At this time much of the non-Roma population of Europe, and particularly the governments, assumed that since the Roma lacked a territory they did not constitute a true people. In Eastern Europe this opinion was spread by Stalinist policies, which asserted “Gypsies did not qualify as a national minority because they had no territory of their own and no

⁷³ Liégeois, *Roma In Europe*, 207.

⁷⁴ *Ibid.*, 208.

‘economic life.’”⁷⁵ Like the Jews prior to the creation of Israel, the Roma were a stateless minority and had no political power to speak for them. The proposal to found “Romanestan,” like the Zionist movement among the European Jewry, did not seek to become a territory for all Roma to escape to. Rather, it was a potential symbol for the territorially dispersed Roma to unify around, and would act as a representative for the Roma in international fora. In *The Minority Question*, Hannah Arendt writes of the national homeland as such a tool to “demand the rights of a national minority in all the other countries of the world.”⁷⁶ Perhaps because of its somewhat radical requests for territorial sovereignty, the CMG was outlawed and disbanded by the French Government in 1965. The plan of a territorial Romanestan was thus never actualized and remained a utopian dream among a select group of Romani political elites.

While short-lived, this plan served as a major stepping-stone for more realistic forms of Romani political organization. Jean-Pierre Liégeois states on the subject: “Utopianism would appear to be a transitory stage in a people’s process of self-discovery...the symbolic force of the territorial ideal was far more important than its actual existence.”⁷⁷ As such, the idea of “Romanestan” served to bring the reality of Romani political mobilization into the public eye and sparked a process of gathering Romani organizations and representatives together to form an international political body.

Shortly after its disbandment, the CMG was re-registered by Vanko Rouda—previously the first lieutenant to Voivode—as the “Comité International Tzigane”

⁷⁵ Liégeois, *Roma In Europe*, 208.

⁷⁶ Hannah Arendt “The Minority Question,” in *The Jewish Writings*, ed., Jerome Kohn and Ron H. Feldman, trans. John E Woods, (New York: Schocken Books, 2007), 127.

⁷⁷ Liégeois, *Roma In Europe*, 208.

(International Gypsy Committee, CIT). In this new organization, the goal of creating a territorial homeland was dropped. Instead the focus turned to uniting the various national Romani organizations, from the UK to the Balkans, into one transnational political organization. This transformation began with the First Romani World Congress, headed by the CIT in 1971.⁷⁸ The Congress, held just outside of London in Oprington, was attended by Roma and non-Roma sympathizers of the movement from fourteen different European countries. At the Congress they adopted the Romani anthem, “*Gel’em, gel’em*,” or “We Traveled On” (Appendix I) and the Romani Flag (Appendix II, Figure 1), which contains at its center a red chakra—an Indian spoked wheel representing the Roma’s migratory heritage. In his presidential address, Rouda outlined the general purpose of the Congress:

The goal of this Congress is to bring the Roma together and to encourage them to act throughout the world, to bring about our emancipation in accordance with our own intuition and ideals – to go forward to a rhythm that suits us...Everything that we do will bear the mark of our own personality, it will be *amaro Romano drom*, our own Gypsy way...Our people must plan and organize action at local, national and international level [sic]. Our problems are the same everywhere: we must make use of our own models of education, maintain and develop our Romani culture, encourage new dynamism in our communities and forge a future compatible with our lifestyle and beliefs. We have been passive for long enough and I believe that we can succeed – starting today.⁷⁹

⁷⁸ Grattan Puxon, "The Romani movement: Rebirth and the First World Romani Congress in Retrospect" in ed. Thomas Acton, *Scholarship and the Gypsy Struggle: Commitment in Romani Studies*, (Hertfordshire: University of Hertfordshire Press, 2000), 94-113.

⁷⁹ Vanko Rouda’s Presidential address at the First World Romani Congress. Quoted in Liégeois, 213.

With this speech, Rouda articulates the primary purpose of the CIT, a goal which remains at the core of the movement for international Romani mobilization: to unify around a common goal of improving the political, social and economic position of the Romani people, and create a world in which the Romani culture can thrive alongside other national cultures.

The IRU and The Second - Fourth World Romani Congresses

Shortly after the First World Romani Congress, the CIT became defunct due to the death of its president, Slobodan Berberski, and the inability of the other CIT members to organize any subsequent congresses. The International Romani Union, a largely Eastern European based organization, emerged in hopes of replacing the CIT in 1977. They hurriedly arranged for a Second World Congress to be held in 1978 in Geneva beating out many other Romani organizations that were hoping to fill the gap left by the CIT. With this, the IRU became the effective leaders of the World Romani Congress.⁸⁰ In Geneva, Dr Jan Cibula, the president of the IRU, became president of the World Congress, and extended the already existing IRU's statutes to apply to the World Congress. Acton and Klímová describe these initial statutes as being rather vague, and implemented in a "democratic centralist" manner—democratic in the decision making process but providing an unconditional united front in the execution of all decisions.⁸¹ Operating from within the still communist central and Eastern European Countries, where

⁸⁰ Acton and Klímová, "The International Romani Union: An East European answer to West European questions?" in comp. Will Guy, *Between Past and Future: The Roma of Central and Eastern Europe*, (Hertfordshire: University of Hertfordshire Press, 2001), 160.

⁸¹ Ibid, 160. Lenin described democratic centralism as "freedom of discussion, unity of action." Vladimir Lenin, "Report on the Unity Congress of the R.S.D.L.P.: A letter to the St. Petersburg Workers," Marxists Internet Archive, <http://www.marxists.org/archive/lenin/works/1906/rucong/index.htm>.

nation-state politics were run with a similar attitude, it is likely that implementing this strategy was the only way these Romani politicians knew how to function. This congress represented a significant shift in power on the Romani international political front. Operating from within the Soviet Bloc countries, the Eastern European Roma were managing to rise in significance within their own countries, and now made this strong move to dominate the international Romani movement.

The Third World Congress took place in Göttingen, Germany in 1981. This location was chosen with the intended goal of consolidating the IRU and the *Verband Deutscher Sinti und Roma* (VDSR). Evolved from the *Verband der Sinti Deutschlands*, the VDSR represented the largest organization of Roma in any single nation state. By gaining the support of the VDSR, the IRU hoped to access financial and political support from the German government. However, the union established at the Third World Romani Congress was short-lived; the VDSR split from the IRU shortly afterwards due to ideological and identity differences. The VDSR was troubled by the political functioning of the IRU, which at the time was chaotic and largely undemocratic, and by the IRU Constitution, which was that of a Communist front.⁸² Furthermore, the VDSR, as a predominately Sinti organization, felt that the use of the term “Roma” by the IRU signified a primary allegiance to the Romanichal group, and therefore would not properly represent the Sinti identity. Without the support of the German government or the VDSR, the IRU was left without any financial means to organize the next congress. At this point, the leadership of the IRU was largely made up of Yugoslavian Roma, who were facing

⁸² Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 160.

serious political and economic difficulties at home, and were unable to pool the resources necessary to hold a Fourth International Congress.

After a nine-year break, the Fourth World Romani Congress was finally held outside of Warsaw in 1990. It was hosted by the *Romani Baxht* Foundation, an organization coordinated by the Romani philologist Marcel Courtiade. The *Romani Baxht* foundation was devoted to the preservation and dissemination of a high or literary Romani culture. Because of this, the congress was focused on standardizing and disseminating a common language, raising educational standards, and fostering a common culture among the heterogeneous Roma, rather than on forging Romani political alliances as the previous congresses had done. Acton and Klímová called it: “truly a congress of the intellectuals.”⁸³ The primary achievement of this congress was the adoption of a standardized morphophonemic Romani alphabet that had been developed by Courtiade. The alphabet uses Latin characters with additional accents to create the non-Latin sounds found in spoken Romani.⁸⁴ The funding for the Fourth World Romani congress came largely from private interests, such as publishers, whose financial incentives were to promote a Romani literature, rather than fund the maintenance of political offices. As a result, financial resources generated from the congress all went to producing and disseminating the new alphabet and Romani publications, and no money was left to fund a Fifth Congress, or to maintain a secretariat between congresses.⁸⁵ Because of this, many individuals turned down nominations to fill administrative positions, leaving the presidency to the rather unpopular former secretary general, Rajko

⁸³ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 160.

⁸⁴ Peter Bakker and Khristo Kiuchukov, *What is the Romani Language?*, (Hertfordshire: University of Hertfordshire Press, 2000), 112.

⁸⁵ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 162.

Djuric. Dr. Emil Ščuka, a Czech Rom Lawyer who until then was a relative stranger to international Romani politics, replaced Djuric as the new secretary general.⁸⁶

Throughout the 1990's the IRU demonstrated increased efforts to gain recognition as representatives of the Roma minority in international circles. Nicolae Gheorghe and Ian Hancock, holding the IRU positions of Deputy President in charge of international relations and IRU Representative to the UN, respectively, made some major inroads into the international community in the early 1990's. Gheorghe helped create a negotiating partner for the OSCE in the form of the Standing Conference of Romani organizations which included multiple Romani organizations in addition to the IRU.⁸⁷ Also included in this conference was a rival organization of IRU, the Romani National Congress (RNC). The RNC defines itself as an umbrella organization for Romani NGO's, but also acts as a political organization in its own right, as can be demonstrated by its action within the OSCE and other international organizations.⁸⁸ Hancock made several inroads in the international community as well. In 1993 he successfully negotiated to get the IRU special consultative status as an NGO to the UN Economic and Social Council (ECOSOC).⁸⁹

Unfortunately, the political structure of the IRU remained chaotic throughout the 1990s. This made negotiations with international organizations difficult and postponed the organization of the next World Romani Congress until 2000. In the interim between the Fourth and the Fifth Congresses, conflicts between Hancock and Djuric emerged,

⁸⁶ Acton and Klímová, "The International Romani Union," in *Between the Past and the Future*, 162.

⁸⁷ Ibid.

⁸⁸ See: "Who We Are," Roma National Congress, <http://romanationalcongress.webs.com/whoweare.htm>.

⁸⁹ Ian Hancock, post to Roma Peoples in Americas Web forum, "Resignation from IRU," November 19, 2008, accessed April 8, 2011, http://groups.yahoo.com/group/Roma_in_Americas/message/693.

when the former complained of the lack of efficiency and transparency within the IRU. These tensions peaked when Djuric moved to replace Hancock as representative to the UN with a non-Roma: Paulo Pietrosanti. Pietrosanti was a member of the Transnational Radical Party or the Nonviolent Radical Party, Transnational and Transparty, a coalition created by Italian Politician Marco Panella in 1989.⁹⁰ Panella has been associated with the Italian Radicals since its first expression in the Italian Radical Party just after World War II. Shortly after this, Hancock temporarily broke with the IRU, and Djuric retired due to illness.⁹¹ In his new role as Representative to the UN, Pietrosanti became increasingly involved with the IRU during the 1990's and was a strong voice at the Fifth World Congress in Prague in 2000.

In addition to the internal problems that the IRU faced prior to the Fifth World Romani Congress, the 1990s witnessed a growth in external competition in the form of a rapid escalation in the number of nationally and internationally base Romani organizations. A major force for this wave of Romani political action came from the Western world, particularly the UK, the US, and Canada, where a small intellectual Romani population had been living, assimilated, for many years. They were made aware of the plight of their Romani brothers and sisters in the Central and Eastern European region by the waves of Romani asylum seekers or *asilante*, who fled west, escaping the difficult conditions of the post-communist transition and the ethnic conflicts in the former Yugoslavia:

⁹⁰ "About Us," Nonviolent Radical Party transnational and transparty, <http://www.radicalparty.org/en/about-us>.

⁹¹ Hancock later briefly rejoined the IRU, and then break with it again in 2008. See his official resignation at Hancock, "Resignation from IRU."

Roma in the West were shocked by what Eastern Roma had been forced to endure, and then again by the racist rejectionism of their own states. Canadian Romani politics virtually started from scratch over this issue as comfortable, invisible Romani intellectuals were driven by their conscience into taking a stand...⁹²

In the face of growing Romani activism outside of Central and Eastern Europe, and in order to hold on to its position of leadership at the congresses, the IRU, under Emil Ščuka quickly rushed to plan the Fifth World Romani Congress. Riding the momentum of recently surfaced issues of Romani Holocaust restitution funds, emerging after a Swiss bank stumbled upon assets thought to have been stolen by Nazis from Jewish or Roma victims, Ščuka called an emergency presidium in Oslo in May 2000. There, he preempted a proposed plan by the British Gypsy Council to hold the Fifth Congress in England the following year. Ščuka saw their offer as an attempt to wrangle control from the IRU and the Eastern European Romani. Instead, Ščuka proposed, to the full consent of those in attendance at the presidium, that the Congress should be held in his native Czech Republic. Ščuka managed to convince the Czech government to secure a venue at extremely short notice (two months), and the Congress was planned for early July 2000.⁹³

The Fifth World Romani Congress

In July of 2000, 122 delegates from all over Europe gathered at the former Czechoslovak Parliament building in Prague for the Fifth World Romani Congress

⁹² Acton and Klímová, "The International Romani Union," in *Between the Past and the Future*, 163.

⁹³ *Ibid.*, 168.

organized by the IRU.⁹⁴ The large majority in attendance was of Romani descent, though a few *gadje* were also present. At the Congress, Emil Ščuka was formally elected as president of the IRU and the Congress, and Hristo Kyuchukov was elected the new secretary general.⁹⁵ The Fifth Congress took a decidedly nationalist stance, focusing on measures for uniting the Romani community as a nation, with the IRU as its government. Several working groups were set up among the attendees, and initiatives for improving cultural solidarity and the improvement of Romani access to socio-economic and political rights were discussed.

The working groups included: “Education and Culture, Standardization of the Romani Language, Migration, Kosovo, the Media, International Politics and Relations, Economic and Social Issues, and the proposed new IRU Statutes and Charter.”⁹⁶

The Education and Culture group determined that more Roma should be encouraged to pursue careers in education, to provide positive role models for Romani school children, and help push public education systems to teach Romani history units. It also supported the establishment of an International Romani University, which would contain a cultural center for European Romani history, and a Romani museum. This discussion led to questions of whether this university would be all Romani, or open to *gadje* as well. The group ended in debates over the potential benefits and dangers of segregation in higher education, and whether Education and Culture should be divided into two separate commissions.

⁹⁴ The events of the Fifth World Romani Congress were under-covered by English reportage. This summary of the events of the Congress is therefore taken exclusively from a report by Thomas Acton and Ilona Klímová, who were both in attendance at the Congress. The report can be found in “The International Romani Union,” in *Between the Past and the Future*, 168-198.

⁹⁵ Liégeois, *Roma in Europe*, 215.

⁹⁶ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 173.

Courtiade reported on the Language and Culture workshop. He emphasized the success of the standardized alphabet, which he himself had developed, and stressed the need to promote a standardized Romani language. “In [Courtiade's] view...in order to survive in the modern world it was necessary for a language to be passed through literature and not just through the family.”⁹⁷ He promoted this agenda by “call[ing] for a campaign to further Romani language rights through United Nations Educational, Scientific and Cultural Organization (UNESCO) and to make money available for the distribution of [Romani] publications.”⁹⁸ Utilizing UNESCO funds for the propagation of the standardized Romani Language and thus for the dissemination of s shared cultural identity, would serve two purposes. First, it would remove the financial burden from the IRU, allowing for the faster and more efficient realization of the Romani Nation in a linguistic-cultural sense. Second, it would stake a claim to a cultural right in an International Political framework, arguing the right of the IRU to access funds from UNESCO, and other such international organizations. Similarly, Courtiade also suggested that the IRU should ask the EU Socrates Programme to “fund a seminar on making Romani a political language.”⁹⁹ A language recognized in international political spheres.

The Migration working group discussed a controversial stabilization program put forward by the IRU. They suggested that migration represented a serious barrier to gaining Romani representation in international politics. The Western Europe countries did want an influx of Romani migrants or refugees, but the current situation for most Roma, many of whom still lived in ghettos and whose economic situations would be improved by moving west, meant that upon opening these borders a mass westward

⁹⁷ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 175.

⁹⁸ *Ibid.*, 174-175.

⁹⁹ *Ibid.*

migration of Roma could hardly be stopped. The IRU representatives argued that fleeing Central and Eastern Europe would do little to improve the state of Roma there or in the West, and that programs should be put in place to stabilize Roma in the East. The hope was that providing them with democratic opportunities their situations would eventually improve enough that they would not want to migrate west. The harshest critic of this program was Swedish representative Stefan Kuzhihov, who argued that the IRU should support asylum-seekers. Nicolae Gheorghe spoke up, taking a middle road between Kuzhihov and the stabilization program by arguing:

Migration and travel now play a large part in the modern globalised economy and...Roma have as much right as anyone else in the modern world to aspire to and seek the most favorable environment...however, at present...rich countries [are] trying to close their borders, arbitrarily, to migrants from poor countries. In this situation...Roma [have] the right to be told the rules and to seek *legal* opportunities for migration.¹⁰⁰

Gheorghe's opinion was eventually overridden by Stahiro Stankiewicz, the IRU representative who was running the group. Stankiewicz, in what Acton and Klímová call an "all out riposte to his critics,"¹⁰¹ argued that the Roma had a democratic duty to stay put in the nation states where they resided. Stankiewicz, in a democratic centralist manner, seemed to see it as his responsibility to unconditionally support the program. The program itself also demonstrates a strategy that underpins many of the political activities of the IRU: improving their international standing through cooperation with existing national governments.

¹⁰⁰ Acton and Klímová, "The International Romani Union," in *Between the Past and the Future*, 175. Emphasis added.

¹⁰¹ *Ibid*, 176.

The Kosovo working Group made little progress as to how to approach the situation there, other than starting an impromptu collection raising around 130,000 Czech Crowns (over 3600 USD) for Romani victims in Kosovo.

Zoran Dimov, the director of a Macedonian Romani TV station, headed the Media working group. He emphasized the need for Roma to utilize existing nation state and interstate media structures to disseminate the Romani language. He also advocated for the broadcasting of future IRU meetings, in order to add transparency and legitimacy to the IRU's proceedings, and supported the development of a clear and accessible IRU website.

The working group on Economic and Social issues was presided over by Emil Ščuka's brother Milan Ščuka, who argued for the creation of a centralized Romani Bank, headed by the IRU. The bank would handle national financial issues, starting with the distribution of any holocaust reparation funds, to avoid this money falling into the hands of corrupt or discriminatory governments.

The International Politics and Relations Working Group was attended by very few delegates. Ilona Klímová, reported that the group split into two sub-groups, with the delegates from Lithuania and Croatia comprising one group, and the Czech speaking delegates another. She sat with the latter group, who argued for the establishment of a non-territorial Romani State "with its own government and embassies" and mass participation.¹⁰² Later, IRU representative Nicolae Bobu presented the report for the working group, though he had not been present at its meeting. He emphasized strengthening the IRU statutes so that they would appeal to all Roma, and could present

¹⁰² Acton and Klímová, "The International Romani Union," in *Between the Past and the Future*, 178.

the IRU itself as the leadership of a single coherent nation. He also suggested that the IRU should look into gathering tax revenues, either directly from Roma or through national governments.¹⁰³

President Ščuka presided over the working group on the IRU Statutes and Charter. He began the discussion by asserting that the importance of both the Statutes and the Charter lay not in specifics, but in their overarching philosophy: that the Roma comprised a Nation, and the IRU must represent this nation as a whole.¹⁰⁴ The structure of government outlined in the Charter and described by Ščuka represented a form of dual federalism: delegates would be elected to the Congress in numbers proportional to the Romani population in their resident nation states, and one representative from each country would be elected to the Romani Parliament. Congresses would be held every four years, and Parliament would meet biannually to promote the decisions of the Congress between its meetings. Commissions would be created by Parliament to handle specific issues, such as those addressed in the individual working groups. Elections for the major offices such as president would take place at the Congresses.

A lengthy debate ensued surrounding differing translations of the Statutes, their democratic merit, and their generally unwieldiness. Unfortunately, this debate was too much for the chaotic structure of the Congress to handle. After almost two full days of arguing, the Statutes were adopted, as they were written, by a majority show of hands. However, at this point it was late in the evening of the second day, and many of the delegates had already left the room due to their frustration with the proceedings. Many of

¹⁰³ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 178.

¹⁰⁴ *Ibid.*, 180.

the Western representatives who had remained believed that this impromptu vote was an inaccurate measure of the support for the existing statutes.¹⁰⁵

The final task of the fifth World Congress was electing individuals to each of the executive offices. Aside from Ščuka and Kyuchukov, other elected officials included Stahiro Stankiewicz, Nadezda Demetes, Viktor Famulson and Florin Cioaba who were all elected to the position of vice president.¹⁰⁶ Originally, there were meant to be only three vice presidents elected (each voter was allowed to chose three names), however, due to disputes over the initial ballots, a re-election was called. In the second election Viktor Famulson—who had been last in the first election—took the most votes. The votes for three other individuals were so close, with none over 50% of the vote, that all three were elected, spontaneously creating a fourth vice presidency. The elections were equally as chaotic as the rest of the Congress had been, and lasted until 10 pm on the third day.¹⁰⁷ The Fourth day was spent wrapping up the Congress with Romani cultural celebrations. Meanwhile, the newly elected officials met privately amongst themselves to plan their intended programs for the next two years.

“The Declaration of a Nation”

Just after the close of the Congress, Ščuka published the IRU “Declaration of a Nation” (Appendix III). The document was presented as being approved at the Congress, though Acton and Klímová claim that it did not appear on the agenda and was not included in the materials distributed to the delegates throughout the Congress.¹⁰⁸ The

¹⁰⁵ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 187.

¹⁰⁶ *Ibid.*, 195-196.

¹⁰⁷ *Ibid.*, 195.

¹⁰⁸ *Ibid.*, 198.

document was soon published in a handful of Czech Newspapers. Ščuka made rounds to national and international leaders, presenting the document and asserting the Romani National Claim. Paolo Pietrosanti began working on the international level, promoting “the Declaration of a Nation” in his position as Romani Representative to the UN, and garnering support for the IRU in the Transnational Radical Party and other international groups.

“The Declaration of a Nation” is a short, ten-paragraph, document. “We the Roma Nation,” it begins, “Individuals belonging to the Roma Nation call for a representation of their Nation, which does not want to become a State.”¹⁰⁹ Throughout the remainder of the text, three major points are made. First, it insists, the Roma *are a nation*, and have always been. It makes positive claims to a shared culture and language among the Romani people and implicitly argues that this necessitates the Roma being understood and recognized as a nation. Second, it claims that the Nation state, as a mode of political organization, has failed the Roma in the past and is, in the current global circumstances becoming obsolete as a unit of political organization in general. Third, it argues that the transterritorial non-State Romani nation is a better way to organize individuals in the contemporary world than the nation-state, and that it should be seen as a paragon for a new global community. Finally, “the Declaration of a Nation” forcefully requests that individuals, nations, and international institutions recognize the Romani Nation and provide it with representation in the international sphere. To do so, they

¹⁰⁹ IRU, “The Declaration of a Nation,” reprinted in Acton and Klímová, Appendix 3, 216-217. Included below, Appendix III, par. 1.

argue, will not only help the Roma but will “let the entire humanity make a substantial [sic] step forward.”¹¹⁰

The text of “The Declaration of a Nation” contains seemingly contradictory fragments of strong Romani nationalism, and of calling for an anti-national kind of global cosmopolitan government. The result is what Ilona Klímová-Alexander describes as “internationalist cosmopolitanism,”¹¹¹ advocating for semi-sovereign nations to replace the Nation state in a large structure of international government. The combination of these ideals in “the Declaration of a Nation” can be attributed to the different ideologies and political backgrounds of its two main contributors: Emil Ščuka and Paolo Pietrosanti.

The Men Behind the *Declaration of a Nation*: Ščuka and Pietrosanti

Ščuka first became an advocate for the Romani political movement on the Czechoslovakian national level during the Velvet Revolution. Along with two other Czech-Romanies, he founded the *Romska Obcanska Iniciativa* (Romani Civic Initiative/ROI) in November, 1989. The ROI was devoted to speaking up for Romani rights in a democratic framework, and ushering in a new era for the Roma as the Socialist government was ushered out. The ROI joined with the *Obcanske Forum* (Civic Forum), and became involved in the non-violent protests in Prague headed by Czech dissidents such as Vaclav Havel.¹¹² During this time, ethnic tensions between ethnic Czechs and Roma were put aside for the common goal of building a new democratic society, where, the hope was, all would be included. Ščuka and the ROI utilized this opportunity of

¹¹⁰ IRU, “The Declaration of a Nation,” Appendix III, par. 8.

¹¹¹ Ilona Klímová-Alexander, *The Romani Voice in World Politics: The United Nations and Non-State Actors* (Burlington: Ashgate Publishing Company, 2005), 22.

¹¹² Liégeois, *Roma in Europe*, 212.

alliance with a major political movement to make the Romani political voice heard. At a large non-violent protest in Prague, they made the following proclamation, articulating the ROI's goals of defending and strengthening the Romani identity:

Brothers and sisters, Rom! Arise! Let us awaken! Our day has come, the day we have awaited for so many years. The day is here. The Roma living in this country have for the first time, taken their destiny into their own hands. Now it is up to us, if we show ourselves capable of uniting and of doing something for the sake of the Civic Forum. The Civic Forum recognizes our party, ROI. The Forum and the ROI will defend all the Roma in the country. Let our *romanipen* [gypsiness or soul] lead us to a better life. Let us not forget the truth of our fathers: who gives respect receives respect!¹¹³

Here, claims of ethnic unity among the Roma are used to mobilize support for the one mainstream movement that would, once in power, allow the Roma to participate politically. Unfortunately, soon after the Velvet Revolution ended, the ROI fell apart. Though they were relatively successful in the first democratic Czech parliamentary elections, receiving nearly a dozen seats, the ROI Members of Parliament were too politically inexperienced: they accomplished very little and lost all of their seats in the 1992 elections.¹¹⁴ At the same time, the Czech government and citizens began to turn against the Czech Romani population. Through manipulation of the new Czech citizenship laws, administrators expelled many Romani-Czech residents to Slovakia, and

¹¹³ Liégeois, *Roma in Europe*, 212.

¹¹⁴ PER, "Leadership, Representation and the Status of the Roma."

denied Czech citizenship to many more.¹¹⁵ The early years after the Velvet Divorce were very bad for most Czech Roma. Levels of unemployment were high, and Roma faced discrimination as well as violent attacks. The new and relatively weak Czech government was unable and in many cases unwilling to repress the ethnic hatred and rampant nationalism in the populace.¹¹⁶ As a result, many Roma sought asylum in Western states. For the Czech-Republic, and other post-communist countries hoping to join the EU, this represented a serious obstacle.¹¹⁷ The EU did not want to expand to countries that 1) were accused by minorities within their territory of violating human rights norms, and 2) might prove to be sources of mass westward migration of Roma were their borders made more porous. Thus, for the Czech Republic, as for many of the former communist states, the option to join the EU was contingent on improving the treatment of Roma in their territory.

Acton and Klímová cite this international pressure as the reason why Ščuka was able to secure the support of the Czech Governments for the Fifth World Romani Congress in 2000. For the Central and Eastern European governments, non-territorial sovereignty for the Roma represented a positive solution to the Roma problem for several reasons. First, it would remove some of the financial and legislative responsibility for the Roma from the national level governments to an international structure, where EU, UN, IMF, and World Bank funds might be more readily accessible. Second, it looks good on the international level for those national governments to cooperate with Romani national

¹¹⁵ Eva Sobotka, "Human Rights and Roma Policy Formation in the Czech Republic, Slovakia and Poland," in ed. Roni Stauber and Raphael Vago, *The Roma - A Minority in Europe*, (Budapest: Central European University press, 2007), p143.

¹¹⁶ Acton and Klímová, "The International Romani Union," in *Between the Past and the Future*, 166.

¹¹⁷ The Czech-Republic, Slovakia, Hungary, and Slovenia were all part of the 2004 EU enlargement, which also included Poland and the Baltic states. Bulgaria and Romania joined the EU in 2007.

representatives and make steps to correct their shameful treatment of the Roma. Third, the lack of a territorial claim in the IRU's proposal guarantees that the majority government will not have to cede any of its own territorial sovereignty, while still lifting the burden of dealing with the Roma problem from their shoulders.

Several important political traits can be attributed to Ščuka's background as a political figure and as a Czech—coming from this nationally complex region. Ščuka is definitely a Romani nationalist. He almost always uses strongly nationalist language when discussing the Roma or the IRU. During the preliminary speeches for the Fifth World Congress, he stated that “the IRU should now no longer be considered a mere association, but as the leadership of a nation...Roma [are], above all, a nation in their own right, and should be seated as a nation in organizations like the UN and UNESCO.”¹¹⁸ Acton and Klímová reported that in this speech, Ščuka focused more on emphasizing the fact of Romani nationality, “while remaining vague on questions of democracy.”¹¹⁹ Thus, his immediate goal in realizing the Romani Nation is to gain recognition of the Roma nation as its own entity, within the current political framework of national and international organizations, rather than establish an alternate global-political system, as “the Declaration of a Nation” at times suggests. This attitude also represents the democratic centralism of the IRU, which Ščuka likely inherited from his upbringing in Communist Czechoslovakia.

From the 1989 speech at the Velvet Revolution quoted above, it can be seen that Ščuka believed that it was necessary and beneficial to work with whatever forces would be willing to recognize the Romani nation. The text of the speech pays little attention to

¹¹⁸ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 172.

¹¹⁹ *Ibid.*, 170.

the actual political philosophy of the Civic Union, and instead focuses on the benefits for the Roma nationalist message that will result from working with a rising political party. This attitude can also be said to extend to the Romani movement in general. Despite it's being, at this point in time, a more-or-less established movement with a 30-year history, the Romani political movement lacks any consistent or particular ideology. This is partially due to its internal factionalism, but it is also due to the lack of political experience among its leaders and their desire to ally themselves with current power holders in hopes of obtaining financial support or political legitimacy—as Šćuka has done, now twice, with the Czech government. Klímová-Alexander argues that in many ways the inability of individual political leaders of the Romani movement to commit to a political ideology has led to, “[the IRU’s] current ideology” being “somewhat incoherent and open to random influences...”¹²⁰ She conjectures that this is what led the IRU to Pietrosanti. Perhaps, it is also what attracted Pietrosanti to the IRU.

Pietrosanti comes from an extremely different political background from that of the Eastern European Roma who make up the majority of IRU delegates. Born in Italy in 1960, Pietrosanti joined the Nonviolent Radical Party Transnational and Transparty (also known as the Transnational Radical Party/TRP) in the late 1970s, before he was twenty years old.¹²¹ The TRP had emerged from the Italian Liberal Party in the 1950s, and was until the 1980’ known simply as the “Radical Party.” Through his work with the TRP Pietrosanti promoted ideals of non-violent activism, emulating Mahatma Ghandi and Dr. Martin Luther King Jr. He protested against the military draft and the death penalty in

¹²⁰ Klímová-Alexander, *The Romani Voice in World Politics*, 19.

¹²¹ "Paolo Pietrosanti Died on 6 January 2011..." Nonviolent Radical Party Transnational and Transparty, <http://www.radicalparty.org/en/content/paolo-pietrosanti-died-6-january-2011-radical-party-member-1970s-he-was-convicted-nonviolent>.

many countries, from the USA to Poland.¹²² After the fall of the Berlin wall, Pietrosanti revamped his devotion to the TRP and dedicated himself to promoting its political ideology globally.

The TRP ascribes to an ideology of “anti-globalization.” Anti-globalization literature is often given this title because it opposes globalization as it is embodied in neo-liberal policies that emerged as the dominant global economic system in the 1970s. All anti-globalizationists do not necessarily oppose the process of globalization in its broadest sense. Rather they oppose the neo-liberal economic policies that allow core nation states to economically and politically dominate peripheral nation states. Here, “core” nations include early industrialized and economically strong nation states such as the UK, the US, France and Germany. “Peripheral” refers to currently industrializing or non-industrialized nation states, such as the ex-colonial nations of Africa and South America, whose political institutions are less stable than the core and who are easily dominated economically and politically by the core.¹²³ Many anti-globalists argue that the effects of globalization –the spread of information and technology, increasing multiculturalism and transnationalism among populations, and the general blurring of social and economic borders– have much diminished the role of national sovereignty, with the result that the nation state has become less important as a mode of organization than at any prior time in modern history, allowing for a new world order of politics to emerge.

The semi-utopian prediction of the TRP is that a global political structure will, or should, emerge that would transcend the boundaries of territorial nation states to extend a

¹²² "Paolo Pietrosanti Died on 6 January 2011..." Nonviolent Radical Party Transnational and Transparty.

¹²³ Immanuel Wallerstein, *World Systems Analysis: An Introduction* (London: Duke University Press, 2004).

single global political sphere to all world-citizens.¹²⁴ In this respect, the TRP ideology is closely related to the philosophy of political cosmopolitanism, which generally argues that individual rights should be placed over national sovereignty. The TRP argues that all of the most pertinent political problems in the current world have become increasingly international and that the national political framework is no longer sufficient for addressing them. Instead they propose the creation of democratic transnational institutions:

The ideal would be the creation of a political organization capable of permitting in dozens of Parliaments - on the same day, at the same hour, and with the same laws and convergent large-scale nonviolent campaigns in different countries - the discussion and approval of laws fundamental to the life of our planet and to the freedom and rights of all.¹²⁵

Pietrosanti discovered the Romani movement in the late 1980s and became closely involved in the IRU after 1989. In the Romani movement he found a concrete example to apply to his TRP-influenced hopes for the world. Here was a large Europe-wide minority, which was completely left out of the dominant political structure, and completely lacking an ideological structure through which to frame their national hopes. Pietrosanti and the TRP's strong ideologies were thus easily translated to the Romani movement.

It is within the context of the TRP's political ideas that the IRU "Declaration of a Nation" argues that the model of the non-territorial Romani nation could, beyond providing necessary protection for the Roma people, act as a model for a more beneficial an effective form of global political organization:

¹²⁴ See "About Us," Nonviolent Radical Party transnational and transparty, and Wallerstein, *World Systems Analysis*.

¹²⁵ "About Us," Nonviolent Radical Party transnational and transparty, quote by Marco Pannella.

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.¹²⁶

This statement is at once nationalist and internationalist. It claims the superiority of the Romani Nation, while at the same time arguing for an international political order, not in the sense of a space for nations to negotiate their international interests while asserting their own definitive boundaries, but rather as a replacement for the structure of nation state politics.¹²⁷ The text of “the Declaration of a Nation” provides no concrete formulations of how a global government of non-state nations would function, or of how the IRU non-state nation would function in the current political order. Instead, in a style similar to that of Ščuka’s opening speech at the Fifth World Romani Congress, “the Declaration of a Nation” makes strong statements of nationhood, and of the superiority of an internationalist political order, while remaining vague on both particulars of organization and questions of democracy.

Picturing a Romani Nation

While “the Declaration of a Nation” itself lacks any hint as to the functioning of the proposed Romani nation, it is elaborated by Ščuka’s political advisor, Sean Nazerali, in a paper titled “The Roma and Democracy: A Nation without a State.”¹²⁸ This paper

¹²⁶ IRU, “The Declaration of a Nation,” (Appendix III), par. 5.

¹²⁷ “About Us,” Nonviolent Radical Party transnational and transparty.

¹²⁸ Sean Nazerali, “The Roma and Democracy: A Nation without a State,” in *Democracy Unrealized: Documenta11_Platform1*, ed. Okwui Enwezor (Vienna, Austria, and Berlin: Hatje Cantz Publishers, 2002).

contains Nazerali's personal views, and should not be considered to represent the opinions of the rest of the IRU. However, it helps to form an image of what the non-territorial Romani nation might look like.

At the start of his paper, Nazerali differentiates between two important ways of defining the Romani Nation. First, "a nation without a state," the ideal or ultimate goal of the *Declaration*. Second, "a territory-less state" which Nazerali seems to see as the more immediately possible transitional point on the road to becoming a nation without a state. The territory-less state would consist of "an institution of government, a population, but no specific territory."¹²⁹ The government would be able to defend the personal autonomy rights of the population regardless of their physical location.

In regards to the rights that the nation would be in charge of defending, Nazerali focuses specifically on basic rights outlined in international treaties and Charters. He claims that these agreements are currently mere "paper tigers" that the territory-less Romani state would "breathe life into."¹³⁰ Despite the adoption of global human rights norms, the retention of the nation state as the primary unit of power, and the "prerogatives of state sovereignty" have resulted in the inefficacy of human rights treaties and resolutions.¹³¹ As an example, Nazerali cites the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD). ICERD contains a provision that allows states party to the convention to report the behavior of other states to an expert committee. Nazerali states (in 2001) that since its ratification by the UN in 1965, this mechanism has never once been used. The territory-less Romani state would happily

¹²⁹ Nazerali, "The Roma and Democracy" in *Democracy Unrealized*, 134.

¹³⁰ *Ibid.*, 144

¹³¹ *Ibid.*, 143

employ enforcement mechanisms such as those outlined by ICERD, with the eventual effect of transforming international treaties into enforceable international law.

Regarding the organization of power in this system, Nazerali states that the nation “would be sovereign and autonomous, but would share that sovereignty with a wide variety of other institutions—national, regional, and international.”¹³² Each nation would have direct autonomy over all social and cultural affairs—that is, affairs dealing directly with the advancement and preservation of the national culture, for example education. The territory-less Romani state would disseminate cultural norms in nation state level elementary and secondary schools via the Internet and other technological media, and create a Romani University to provide specifically relevant education to Roma at the tertiary level. In the ideal nation-without-a-state model, the exact boundaries of each unit of power’s autonomy would be explicitly enshrined in agreements and treaties between each nation-without-a-state and each corresponding tier of political organization. In the transition period of the territory-less Romani state, bilateral agreements would be drawn between the Romani state and existing nation states. Within international fora such as the UN or the EU, the Romani state would have equal footing with these nation states. As a result, the Romani state would be able to initiate legal proceedings and negotiate for the enforcement of non-discrimination laws within territorial nation states.

In Nazerali’s vision, subscription to the Romani nation would be entirely based on voluntary self-identification. He argues that the costs (obligations) and benefits (protection) of membership to the Romani nation would act as a guarantee of sorts that the correct individuals would identify as Romani. “Indeed,” he argues, “this element of

¹³² Nazerali, “The Roma and Democracy” in *Democracy Unrealized*, 139.

choice would give the Romani state *more* legitimacy than a standard state, as each and every one of its citizens will have actively chosen to become part of its polis.”¹³³ Despite this, he argues that some provisions would have to be in place to ensure that non-Roma would not be able to co-opt the organization for their own purposes.

Official identification of national “subscribers” would eventually be provided, in order to hold elections and possibly collect taxes. While recognizing the difficulties of collecting votes from the territorially dispersed Romani citizens, Nazerali counters that this difficulty is currently experienced by nation states as well, whose populations have become increasingly mobile and transnational due to innovations in travel technologies. He argues that the IRU would provide the institutional structure that ensures the democratic legitimacy of the Romani territory-less state, with its “World Congress, parliament, presidium, president and international court.”¹³⁴ As subscription to the Romani Nation increases, so would the democratic legitimacy of these institutions.

Eventually, the non-territorial Romani nation would provide such a positive example that more nations would follow suit. Nazerali summarizes the various benefits the Roma nation could provide to the international community, as follows:

The existence of a Romani state would:

- Strengthen existing international documents and conventions like the ICERD by fully utilizing the provisions in ways only state parties are permitted to do.

¹³³ Nazerali, “The Roma and Democracy” in *Democracy Unrealized*, 147.

¹³⁴ *Ibid.*, 146.

- Press the international community to create a standing army for the UN, along with other international arrangements for the security of the individual.
- Develop a transnational system of justice.
- Develop and implement ways to cooperate with existing states to acquire tax revenues for transnational institutions.
- Develop transnational electoral processes.¹³⁵

Many of these goals could be achieved through providing the non-territorial Romani nation with representation in the current international sphere. This would result in the creation of a structure that would support the non-state national model. With this structure in place, other nations-without-states could emerge. Nazerali hopes, that eventually, with the Romani non-state nation as a model, the nation state would fade out of existence and a new world order of communing nations-without-states would take its place.

Global Cosmopolitanism or Multinational Federalism

Thus, Nazerali's vision of the non-territorial Romani state could act as a catalyst for the actualization of the TRP's desired global political order. This order has direct roots in anti-globalism, as discussed above, but also in the larger theoretical tradition of cosmopolitanism. Political cosmopolitanism advocates for international cooperation between states, encouraging all individuals to participate in a global political space. To Kant, this meant advocating for the formation of a league of states, without any coercive

¹³⁵ Nazerali, "The Roma and Democracy" in *Democracy Unrealized*, 147.

powers of its own.¹³⁶ However, more radical interpretations of this idea also exist. The most radical theory of political cosmopolitanism was formulated in eighteenth-century France by Anacharsis Cloots. Cloots argued for the abolition of all states and “the creation of a single world government, under which all human beings would be subsumed.”¹³⁷ Taking a middle ground between these two formulations, the TRP and the *Declaration*, propose what was described before by Klímová-Alexander as “international cosmopolitanism.” In this model, there exists a world government, and a world rule of law, but individual nations remain intact and able to democratically shape the functioning of the world government and the law it enforces.

Nazerali’s transitional model closely echoes a model of multinational federalism proposed by Otto Bauer and Karl Renner, two Austrian Marxists writing in the early twentieth century. They recognized the incompatibility of the ideal of a sovereign territorial nation state with their home polity: the multinational empire of Austria-Hungary. Renner argued that this multi-national complexity “rendered unfeasible any sort of simple territorial federalism... Instead, he called for a kind of portable, individualized autonomy built around the ‘personality principle.’”¹³⁸ This “personality principle” is the basis for personal autonomy in Renner’s model. Under this principle, the state recognizes the nation as a community of ethnic peers, regardless of their territorial concentration, and ensures their participation in state politics. Like Nazerali, Renner saw membership to

¹³⁶ See: Immanuel Kant, "Perpetual Peace: A Philosophical Sketch" (1795), in *Perpetual peace, and Other Essays on Politics, History, and Morals*, by Immanuel Kant, trans. Ted Humphrey (Indianapolis: Hackett Pub. Co., 1983).

¹³⁷ Pauline Kleingeld, "Six Varieties of Cosmopolitanism in Late Eighteenth-Century Germany," *Journal of the History of Ideas* 60, no. 3 (July 1999), 506, <http://www.jstor.org/stable/3654016>.

¹³⁸ Ian Reifowitz, "Otto Bauer and Karl Renner on Nationalism, Ethnicity & Jews," *Journal of Jewish Identities* 2, no. 2 (July 2009): http://muse.jhu.edu/journals/journal_of_jewish_identities/summary/v002/2.2.reifowitz.html, 3.

a given nationality as an individual choice. This choice was part of one's realization of their personal autonomy. In *State and Nation*, Renner proposes the creation of a supra-national Austro-Hungarian state. In this state, authority would be divided between the autonomous entities of various national groups, territorially organized bodies, and the state-level administration. The national bodies would have sovereignty over nationality-related issues, such as language, education, and culture. The territorial and state bodies would handle the social and material needs of the society, which Renner dubbed "international interests."¹³⁹ Renner developed a complex schema of federal, regional, and local parliaments, each containing dual chambers, one with seats assigned to each "*Volk* [personality or ethnic group] based on its percentage of the relevant population (federal, regional, or local), and the other with geographically defined electoral districts."¹⁴⁰ This brand of dual federalism in some ways echoes the internal organization of the IRU, and could perhaps serve as a structure to organize the nations-without-states that could emerge after the IRU model is implemented.

In *The Nationalities Question and Social Democracy*, Otto Bauer elaborates on the significance of Renner's model for Austria-Hungary, and ultimately for the global community. At the time, Marx asserted that socialism would have the effect of demolishing national boundaries, and uniting the global proletariat. Bauer instead believed that the creation of large socialist states would allow a multitude of intact national cultures to flourish.¹⁴¹ He argued that the form of organization outlined by

¹³⁹ Reifowitz, "Otto Bauer and Karl Renner on Nationalism, Ethnicity & Jews."

¹⁴⁰ *Ibid.*, 4.

¹⁴¹ *Ibid.*, 9.

Renner would foster a “*conscious internationalism*”¹⁴² in all peoples. Conscious internationalism would encourage individuals to recognize class similarities and respect cultural difference, with the result of uniting the global proletariat to support a diversity of national identities: “rather than disregarding the national diversity of the workers, we are showing how the workers of every nation have an interest in the satisfaction of the national cultural needs of the workers of other nations.”¹⁴³ Smaller nations could exist and voice their unique national needs within the larger multinational soviet states, allowing for their continued survival, as opposed to their being subsumed by the larger nation states of Germany or Russia.

Bauer’s concept of conscious internationalism is helpful for understanding the more cosmopolitan aspects of Nazerali’s claims. Instead of uniting disparate nationalities on a class level, Nazerali and the IRU seek to do so on a human level: acknowledging that all national cultures are valuable and that all individuals deserve to act as political beings with their national identity being represented. What Bauer rejects as “naïve cosmopolitanism”¹⁴⁴—the Marxist assertion that differences between individuals should be leveled to unite the proletariat—Nazerali, and the IRU also reject. Both the IRU and Bauer maintain that nationhood and culture are valuable to individual identity, and thus personal autonomy, and condemn the inherent damage to nations and thus personal identity that result from the rigidity of the nation state. For Nazerali and the IRU this means that national culture should be protected as part of protecting human rights, and with this that personal autonomy should be guaranteed to all nations.

¹⁴² Otto Bauer, *The Question of Nationalities and Social Democracy*, ed. Ephraim J. Nimni, trans. Joseph O'Donnell (1924; repr., Minneapolis: University of Minnesota Press, 2000), 420.

¹⁴³ Ibid.

¹⁴⁴ Ibid., 254 and 417.

Reception of the Romani Nation

The goal of “nationhood” has been a uniting thread of the International Romani movement since the 1970s. Even critics of the IRU have stated “it has been self-evident for a long time that the Roma are a nation.”¹⁴⁵ For example, representatives from the RNC argued that the concept of a nation has been embedded in the nature and name of their organization since its formation in the mid 1980s.¹⁴⁶ However, it was not until the release of “the Declaration of a Nation” in 2000 that Romani national claim gained a relatively significant amount of international attention (though there has still been very little). This is probably because “the Declaration of a Nation,” aside from its radical claims for global political reform, demands concrete international recognition and representation in an official and well-circulated document—which simply had never been done before. This model has led to an academic discussion of the Romani non-territorial nation, emerging largely under the pretense that this claim originated in 2000 with the IRU.¹⁴⁷ Despite an increased acknowledgement of the Romani nation in academic discourse, questions remain as to what shape this political movement will take. Is the *Declaration’s* model feasible? And if so, will it really be, as it claims, the answer to the problems of organizing and guaranteeing the rights of nationalities who lack any self-representative state?

¹⁴⁵ PER, “Leadership Representation and the Status of the Roma,” 35.

¹⁴⁶ See: “Who We Are,” Roma National Congress.

¹⁴⁷ Dimitrina Petrova et al., “The Romani movement: what shape, what direction?” (Panel Discussion, ERRC and HRSI, Central European University, Budapest, December 7, 2000), <http://www.tolerance.cz/courses/monnet/summer%202005/Unit3movement.doc>.

Chapter 3: The Nation state and the Non-State Nation

Understanding National Identity

In order to picture the IRU's proposal within the current interstate-system, it is necessary to understand the origins of this system. A commonly argued point of origin for the modern interstate-system is the Peace of Westphalia in 1648. Ending the Thirty Years War, this event was "the first of several attempts to establish something resembling world unity on the basis of states exercising untrammelled sovereignty over certain territories and subordinated to no earthly authority."¹⁴⁸ Leaders from the then existing European states agreed to adhere to certain foundations of social organization within and between them. Among the social norms adopted at the Peace of Westphalia was the acceptance that each state had sovereignty over its respective territory. In this act an international community was formed between distinct sovereign states, who each agreed to recognize and respect one another's autonomy by adhering to rules of non-intervention. The resulting world political order, referred to as the Westphalian system, preserves the supremacy of each state in a given territory while simultaneously creating a space between states for bargaining and political discourse.

In contemporary times, the Westphalian political system, like the nation state, seems to be fading. Some argue that the Westphalian system was eliminated in Europe with the creation of the European Union and other supranational organizations, which, at least in some areas, wield a measure of power over individual nation states. However, in many ways the Westphalian system of interstate cooperation is still alive within these institutions. While supranational bodies can now exert actual authority over nation states

¹⁴⁸See E.g.: Leo Gross, "The Peace of Westphalia, 1648-1948," *The American Journal of International Law* 42, no.1 (January 1948): 1, accessed April 6, 2011, <http://www.jstor.org/stable/2193560>.

by impose consequences for violations of international law, the system is still largely framed as a discourse between territorially sovereign states. In “the Declaration of a Nation,” and as evidenced by the programs discussed at the Fifth World Romani Congress, the IRU at times asks for recognition within this system, and at other times rejects the entire system as inadequate and calls for the emergence of a new political world order. Again, in many ways, this is a contrast between the voices of Emil Ščuka and Paulo Pietrosanti. The devotion to promoting Romani nationalism, and willingness to work with established nation states can be attributed to Ščuka, while the radical rejection of the international system can be attributed to Pietrosanti.

The most apparent way in which the IRU is trying to distance itself from the current international system is its separation of the concept of nation from that of state. In *Nations and States*, historian Hugh Seton-Watson provides definitions of these two concepts as distinct from one another:

A state is a legal and political organization, with the power to require obedience and loyalty from its citizens. A nation is a community of people, whose members are bound together by a sense of solidarity, a common culture, a national consciousness.¹⁴⁹

Seton-Watson argues that the popular belief that “every state is a nation, or that all sovereign nations are states” is a misconception that has generated a great deal of political confusion.¹⁵⁰ The use of the term “international relations,” as it currently stands—a dialogue between states—is one such confusion. In his paper, “The Roma and Democracy: A Nation without a State,” Nazerali claims that Romani nation should be

¹⁴⁹ Hugh Seton-Watson, *Nations and States*, (Boulder: Westview Press, Inc., 1977), 1.

¹⁵⁰ Seton-Watson, *Nations and States*, 1.

understood as peoplehood, rather than as a state-organized nation, because in the Romani language these two concepts are contained in the same word.¹⁵¹ According to these understandings, the nation as a common community of nationals, is capable of existing and flourishing without a state.

Academic discourse on the meaning of the terms “nation” and “national identity” is extremely diverse and multi-disciplinary. In an introduction to the 1996 anthology *Mapping the Nation*, Benedict Anderson states that “any anthology ‘mapping the terrain’ of nationalism finds the authors more often with their backs to one another, staring out at different, obscure horizons, than engaged in orderly hand-to-hand combat.”¹⁵² Each sub-discipline studying modern political and social organization tends to find different vocabularies for classifying strains of nationalism. Rogers Brubaker attempts to bring order into this discussion in his 2004 book, *Ethnicity Without Groups*. While admitting that “nationalism resists neat parsing into types with clearly contrasting empirical and moral profiles,”¹⁵³ he comes up with an argument that, in general, nationhood can be put into two categories of understanding: “*state-framed* and *counter-state*.”¹⁵⁴ Both of these categories allow for the presence of internal civic and ethnic values, but in the former category nationhood is seen as necessarily attached to and shaped by a state, whereas in the latter a nation is thought of as a distinct entity not attached to a state. Within the framework proposed by Brubaker, the IRU’s nation clearly falls into the category of *counter-state* nationalism.

¹⁵¹ Nazerali, “The Roma and Democracy” in *Democracy Unrealized*, 133.

¹⁵² Benedict Anderson, “Introduction,” in Gopal Balakrishnan, ed., *Mapping the Nation* (New York: Verso, 1996), 2.

¹⁵³ Rogers Brubaker, *Ethnicity Without Groups* (Cambridge: Harvard University Press, 2004), 144-6.

¹⁵⁴ *Ibid.*

However, the term “nation” can still mean a wide variety of things, from cultural to participatory to a purely kinship-based group. The IRU’s understanding of what comprises nationhood is expressed by the statement: “We are a Nation, we share the same tradition, the same culture, the same origin, the same language; we are a Nation.”¹⁵⁵ However, this statement is problematic. The terms: “tradition,” “culture,” and “language” are commonly applied descriptors of a nation, but none of them is a complete definition of nationhood. Furthermore, none of these things traits are easily identifiable for most Romani individuals. For example, is a Romani boy, born and raised in Hungary without learning a Romani dialect and educated in Hungarian history and culture in a Hungarian public school, a Hungarian national or a Romani national? Are these two statuses mutually exclusive? The IRU uses the above criteria as a definition or verification of their nationhood in the same way that many nation states do: to substantiate their own unity. In appropriating these terms the IRU seeks to legitimize their national claim by drawing a parallel between their nation and established nations.

To determine how to define the limits of nationhood outside of strict territorial boundaries, the concept of nationhood needs to be more closely examined. In *The Question of Nationalities and Social Democracy (Die Nationalitätenfrage und die Sozialdemokratie)* Otto Bauer finds that:

The nation is a *relative community of character*; it is a community of character because in any given era, a range of corresponding characteristics can be observed among the great majority of the nation’s members, and because, although all nations share a number of characteristics by virtue of their humanity, there is

¹⁵⁵ IRU, “The Declaration of a Nation,” (Appendix III), par. 1.

nevertheless a range of characteristics that are peculiar to each nation and distinguish it from other nations.¹⁵⁶

For nations of mixed descent—heterogeneous nations comprised of many ethnic sub-identities—Bauer argues that the struggle of certain cultural characteristics to survive through mixing and movement across territorial boundaries contributes to the eventual triumph of a given national character, and results in the formation of certain distinguishing national characteristics.¹⁵⁷ Bauer’s definition is particularly interesting for understanding the Romani national identity. Most Roma share identifying characteristics with members of the majority national or ethnic group in their countries of residence. However, there are also clear distinctions between Roma and their *gadje* counterparts virtually everywhere the two groups co-exist. Using Bauer’s definition, one can see the Romani nation as changing through time and space as its members come in contact with different nations, but still retaining a certain degree of *romanipe* (romani-ness) by fact of their shared struggle to survive historical persecutions and their perpetual existence as an other identity.

This view of nationality has been used as a mobilizing force for the Romani political identity. For example, the August 1935 Romanian Romani newspaper *Glusul Romilor* contained the statement: “[As long as] we follow the paths of justice, honour and duty, no one and nothing will divert us from our goal because we have an ally on our side which is as devoted as it is honorable – namely, suffering.”¹⁵⁸ Thus, while the Romani boy growing up in Hungary may have many characteristics in common with his Hungarian peers, he retains a certain *romanipe*. A part of this lies in his inability,

¹⁵⁶ Bauer, O., *The Question of Nationalities and Social Democracy*, 22.

¹⁵⁷ *Ibid.*, 33.

¹⁵⁸ Liégeois, *Roma in Europe*, 208-9.

regardless of personal achievements, to be fully accepted as a normal Hungarian, and another lies in his shared sense of suffering *as a Roma*—experienced either first hand or second hand, through the awareness of the suffering of those around him. These are the unique characteristics he shares with all other Roma. At a 2001 conference a representative of the Romani National Congress (RNC) drew a comparison between Romani nationalism and American nationalism: “‘We are all Americans, but we are all different’ . . . One must accept that the Roma are diverse, hold different traditions and cultures, and that any attempt to forge a unitary nationhood out of them is fruitless.”¹⁵⁹ Instead, recognizing the Roma as a community of others that are united by certain common experiences, would be a more appropriate way to recognize them as a nation.

While the Roma represent a unique form of national identity, the IRU is in many ways trying to shape the Romani nation to fit more neatly into the established roles of nation and state. In order to gain recognition of the Romani people as a nation and to solidify its role as the government of this nation, the IRU is seeking to generate favor for their movement among existing national governments. This includes making their nation recognizable as such, by appealing to familiar standards of typical European nations. It also includes the IRU at times donning the responsibilities of a state.

Building a Romani Nation: Applying a Modular Methodology of the European Nation State

Some of the IRU’s strategies of nation-building can be compared with those discussed by Benedict Anderson in his account of nation states as “imagined

¹⁵⁹ PER, “Leadership, Representation and the Status of the Roma,” 39.

communities.”¹⁶⁰ Anderson argues that national communities were first created by the dissemination of cultural information through printed material in a common vernacular, allowing for the imagining of common ties between spatially and experientially disparate co-ethnics, and resulting in the eventual transformation of these individuals into co-nationals.¹⁶¹ Here co-ethnic refers to a grouping of linguistically similar and most likely loosely territorially concentrated individuals. Anderson acknowledges that the formation of national communities is the result of “a complex crossing of discrete historical forces,” but asserts that “once created, [these forces] became ‘modular,’ capable of being transplanted...and to be merged with a correspondingly wide variety of political and ideological constellations.”¹⁶² Thus, while the specific historical circumstances of eighteenth and nineteenth century Europe were necessary for the creation of the first nation states, the modular formula for nation building was appropriated by nations formed after World War I, such as those in Eastern Europe and in the colonial countries, in their processes of political unification.

Anderson discusses how the emergence of print capitalism in Europe allowed hopeful political elites to quickly disseminate news in the dominant vernacular. The dissemination of language became a power competition—widely printed vernaculars achieved “a new politico-cultural eminence”¹⁶³ and subsumed languages spoken in nearby regions, until state-wide national languages emerged. After this, the languages of

¹⁶⁰ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (1983; repr., New York: Verso, 2006).

¹⁶¹ See *Ibid.*

¹⁶² *Ibid.*, 4.

¹⁶³ Anderson, *Imagined Communities*, 44.

nation states began to be in competition with one another; with the nations with more powerful print industries exercising political dominance over others.¹⁶⁴

A major goal of the IRU has been to standardize the Roma languages, and subsequently Romani histories, and experiences, in order to form a cohesive national culture. As historical and economic circumstances have changed, the IRU is now utilizing an existing technological framework to disseminate the Romani language and to assert itself as leaders of the Romani nation. It hopes to use media, such as television, radio, and the internet and to use UNESCO funds to distribute a Romani language print literature. At the Fifth World Romani Congress, Zoran Dimov, who reported for the Media Working group, advised the IRU leadership to begin broadcasting all subsequent meetings, to create an image of the IRU leadership among Romani viewers, as well as provide transparency on the functioning of the organization. Through the establishment of a Romani Media, and the broadcasting of IRU congresses, the IRU government would make their political efforts nationally relevant, transforming their elite politics into a national one. The IRU is also planning to distribute Romani national news across territorial boundaries in order to create common issues for the Romani nation. Dimov also suggested that the IRU support a strategy of appealing to *gadje* in Romani-run media, which would serve to publicize the Romani nation among non-Roma, and foster better understanding of the Romani population.

The push to create a Romani University also exhibits the desire of the IRU to broadcast the Romani language and cultural traditions, as well as develop a high or intellectual Romani culture. The creation of a National University would be important for

¹⁶⁴ See: Anderson, *Imagined Communities*.

symbolic reasons as well. In its earliest stages, the University represented the pinnacle of higher civilization and the quest for enlightenment:

...the university is certainly a place where youth are taught, but its existence, its many-sided activity, and its wide-spread [sic] influence give evidence of the purpose of mankind to make new conquests of the unknown and new uses of those conquests.¹⁶⁵

The creation of a young Romani intellectual elite would serve to legitimate the Romani national culture in the eyes of Western European nations with longstanding national academic traditions. By providing an academic setting specifically geared towards the enrichment of Romani education, the University would prepare young Roma to contribute to a larger academic and political dialogue. It could also act as a way to solidify studies of Romani history as an academic discipline, which would contribute to a better understanding of Romani culture among surrounding *gadje* societies. Furthermore, the establishment of a Romani University would physically bring together Roma from many different territorial nations and foster communication and cooperation between them, strengthening a sense of national unity.

The proposal for a Romani cultural center and museum, which would be located within the Romani University, is another example of the IRU utilizing a strategy of early Western European nation formation. Emerging largely in the late eighteenth and early nineteenth centuries, national museums served as symbols of national unity and simultaneously as documentation of the historical development of individual nations. Martin Prösler argues, “the museum was one of the spaces within which the nation could

¹⁶⁵ Nicholas Murray Butler, *Scholarship and Service: the Policies and Ideals of a National University in a Modern Democracy* (New York: Charles Scribner's Sons, 1921), xii.

present itself as an ‘imagined community’ in all possible aspects.”¹⁶⁶ The national museum contains artifacts of the culture and history, symbolizing the national unity of the newly formed community. The importance of the museum to the promotion of nationalism within the European nation states was demonstrated by the simultaneous flourishing of museums and of nationalist movements at the end of the nineteenth centuries. At this time, fairs and exhibitions became mass expositions of national culture, history, and economy, bringing expressions of the nation to citizens of all classes.¹⁶⁷ For the Romani nation, the Museum would serve a similar purpose. It would symbolize their national unity by containing numerous aspects of their culture and history and making these accessible as concrete documentation of their nation, both to the Roma and to others. This would serve to educate non-Roma about Romani culture and history, combating the ignorance that in many instances allows Anti-Gypsyism to thrive.

The IRU as the State

The previously discussed initiatives have been geared towards legitimizing the constructed Romani nation in purely national terms. Additionally, the IRU is trying to legitimize its position as a government, and essentially, notwithstanding their rejection of this term, as a state.

The 2000 “International Romani Union Charter,” calls for sustaining several governmental bodies and positions of the IRU such as: “Congress, Parliament, Presidium,

¹⁶⁶ Martin Prösler, “Museums and Globalization,” in *Theorizing Museums*, ed. Sharon Macdonald and Gordon Fyfe (Oxford: Blackwell Publishers, 1996). 32.

¹⁶⁷ Prösler, “Museums and Globalization,” in *Theorizing Museums*, 34.

President, Vice President, and Treasurer.”¹⁶⁸ Emil Ščuka, in his preliminary address at the Fifth World Romani Congress stated that the IRU “must represent the whole nation. The structures of the IRU were to be not those of a mere voluntary association, but those of a nation, complete with executive, legislative, judiciary and administrative organs.”¹⁶⁹ The most apparent difference between these organs, and those of the government within conventional nation states, is the lack of a territory in the IRU model.

The strict definition of who belongs and who does not—of citizens and non-citizens—has historically allowed states to extend rights and privileges, demand civic participation from its subjects and control the movement of its population. While citizenship is based on different requirements depending on the nation state—usually either blood heritage (*jus sanguinis*) or birthplace (*jus soli*)—it is always related to territorial location, as even citizens by *jus sanguinis* living outside of the territory cannot access the full benefits of citizenship until they return to the territory. To help define the boundaries of Romani citizenship, the IRU adopted a standardized Romani Passport (Example in Appendix II, Figure 2) in 2008 at the seventh World Romani Congress in Zagreb, Croatia. The document is not yet officially recognized by established nation states, and therefore cannot be used in order to cross territorial borders. It appears that it would function, at least in its earliest stages, as a minority passport—similar to the Iroquois passport, acting as proof of one’s membership in the Romani Nation. Eventually the Romani passport could be used for the purposes of voting. It could also help the

¹⁶⁸ IRU, “IRU Charter,” Reprinted in. in Acton and Klímová, “The International Romani Union” in *Between the Past and the Future*, 216.

¹⁶⁹ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 180.

individual to access protection against anti-Romani discrimination or human rights violations from the IRU or local authorities.

The introduction of passports by nation states was part of a larger set of practices established to regulate populations. These practices fall under the blanket term “biopower”—made famous by Michel Foucault.¹⁷⁰ The IRU’s proposed stabilization program, discussed above in Chapter Two, is a more apt example of an exercise in biopower than the IRU passport. The program was intended as an alternative to migration for the Roma in Central and Eastern Europe. Part of this would be combating the ghettoization of Roma communities in this region in order to provide more incentive for the Roma to stay. Another part would be imposing on Roma a “democratic duty” to stay settled in their residential society regardless of their socio-economic position there.¹⁷¹ The primary intent of the program is to generate respect for the IRU government among national governments and in the international community by demonstrating that it can control its population. In proving that they are capable of managing the movement of Romani nationals, the IRU also appeals to European nation states that wish to avoid waves of Roma immigrants.

The Rule of Law

In “the Declaration of a Nation,” the IRU uses a vocabulary of Western democratic thought to describe the functioning of their proposed nation. They argue that the Romani nation would uphold and improve principles such as the rule of law, human

¹⁷⁰ See: Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2007).

¹⁷¹ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 175-176. Details of the actual stabilization program were unavailable. This citation includes an overview of a debate regarding the merits of the program.

rights, democracy and freedom. While these concepts are crucial to all modern Western political organization, the IRU proposes different ways of interpreting them and making them available to individuals.

The concept of the rule of law can be traced as far back as Athenian Greece. It was first solidified as a vital aspect of Western European governance in the Magna Carta of 1215.¹⁷² At this point, the monarch became, for the first time, subject to the law in his treatment of his subjects. Through various interpretations in emerging democratic societies—*Rechtsstaat*, *Etat de droit*, and “due process”—the rule of law has become a concept vital to the maintenance of a functioning democracy. The principle laid out in the Magna Carta, that the government may not engage in arbitrary exercise of its power, was expanded during the Enlightenment to include the argument that a constitution was to be proof of the “consent of the governed... and that individuals are endowed with certain rights that are inalienable, even by action of legitimately constituted governments.”¹⁷³

As democratic society has changed over time, the rule of law has evolved to encompass several additional hallmarks which act to guarantee a greater base of political rights to more individual citizens.¹⁷⁴ Important among these are that law be applied fairly, consistently and efficiently (in a timely manner), and that it be able to be changed through an established process, which is transparent and accessible to all members of the society.

In “the Declaration of a Nation,” the IRU makes two claims regarding the rule of law. First, it claims (or rather it “dream[s]”) that the rule of law should be the “rule for

¹⁷² Barry M. Hagar, *The Rule of Law: A Lexicon for Policy Makers* (Washington D.C.: Mansfield Center for Pacific Affairs, 1999), 3-4.

¹⁷³ *Ibid.*, 10.

¹⁷⁴ For a concise overview of these “Core Components of the Rule of Law,” as well as of its legal history, see Hagar, *The Rule of Law*.

each and everyone.”¹⁷⁵ In this, it emphasizes that the Roma have not had access to the protective benefits of the rule of law. Specifically in the form of lack of access to a public sphere, where they can negotiate with legal institutions, and in the lack of equality they experience in the enforcement of laws, both when the Roma are viewed as criminals and when criminal acts are committed against them. Second, they claim that the transnational nature of the Romani nation requires “a transnational rule of law.”¹⁷⁶ The first claim, if looked at from the perspective of the Romani experience, is simple to understand. The Roma have historically been victims of State persecution, unequal distribution of state protections, and they have rarely been able to change law even when it directly affects them. The second claim derives from the argument that the Romani people should be considered as a cohesive nation. If they are to be considered as such, and if they are to function in an international space as a cohesive nation, it follows that the Roma should be subjected to the same laws regardless of their physical location.

The transnational rule of law which the IRU dreams of extending to all Romani people, and eventually to all people, is that outlined in international human rights treaties and Charters: “The 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 perenptory [sic] rules, providing exigible rights.”¹⁷⁷

The IRU employs the laws of international human rights Charters for several reasons. The discourse of Human Rights provided the ground for the first solid claim that individual rights, and the application of rule of law towards individuals, be enforceable

¹⁷⁵ IRU, “The Declaration of a Nation,” (Appendix III) par., 3.

¹⁷⁶ Ibid., par. 3.

¹⁷⁷ Ibid., par. 5.

by bodies other than the nation state. If Romani authorities (that is, once they are created) are to be able to enforce law wherever Roma live, there must be an understanding between them and existing nation states as to what this law is. A likely scenario, and one that is suggested in Nazerali's paper, is that the IRU would work through existing avenues of international justice, which would then in turn put pressure on local or state authorities to enforce the law in dealing with the Roma. Here it is even more important that the law espoused by the IRU not only be considered legitimate by the Romani transnational minority, but also that it be accepted by the authorities and public of every nation state where the Roma live. The already existing and legitimized legal norms of the human rights would serve to automatically universalize the law of the Romani transterritorial nation. If an authority refuses to uphold the law with regard to the Roma, it is not just violating the law of the IRU, it is violating the principles of human rights. Thus, the IRU would be "breathing life into the paper tigers"¹⁷⁸ of international rights norms by utilizing international judicial structures that have largely been limited in their scope. Through using this authority, the IRU argues that it would be making the sometimes inaccessible law of human rights into a rule of law accessible by all.

The Rejection of the Nation State and the Right to Have Rights

In the text of "the Declaration of a Nation," the IRU states "The will to consubstantiate [sic] the concept of a Nation and the one of a State has led and is still leading to tragedies and wars, disasters and massacres."¹⁷⁹ This argument is rooted in the instances of ethnic conflict that have followed the creation of most sovereign nation

¹⁷⁸ Nazerali, "The Roma and Democracy" in *Democracy Unrealized*, 144.

¹⁷⁹ IRU, "The Declaration of a Nation," (Appendix III), par. 2.

states in the modern world. The dissolution of Eastern Europe into many territorially sovereign nation states following the First World War, the creation of sovereign states out of the former European colonies following the Second World War, and the division of Yugoslavia in the early 1990s, are examples of such instances.

In *The Origins of Totalitarianism*, Hannah Arendt offers a detailed history of the growth of nationalism in the nineteenth century. Her primary argument is that nationalism and imperialism in Europe during this time period directly evolved into the atrocities of totalitarianism and the Second World War in the twentieth century. Arendt cites several historical events in the early nineteenth century that allowed “the nation to conquer the state” in that “national interest had priority over law.”¹⁸⁰ Obligations that the nation state in its initial formulation had towards all of its residents and citizens were now preserved *only* for the members of the nation. Laws that were seen to interfere with what was identified as the best interest of the common ethnic-nation were done away with. This tendency culminated in Hitler’s pronouncement: “right is what is good for the German people.”¹⁸¹ As a result of the nation “conquering” the state, millions of unwanted minorities were denaturalized—deprived of citizenship and thus any protection from the nation states that they once belonged to—and transformed into stateless persons and refugees.

In *The Human Condition*, Arendt argues that human beings are political beings: they need to speak and act in front of one another within a public sphere or *polis* in order to realize their potential as human beings. Arendt argues that all individuals are endowed

¹⁸⁰ Arendt, *Origins of Totalitarianism*, (New York: Harcourt, Inc., 1968), 275. Quoted in Benhabib, *The Rights of Others: Aliens, Residents and Citizens*, (Cambridge, New York: Cambridge University Press, 2004), 54.

¹⁸¹ Arendt, *Origins of Totalitarianism*, 275. Quoted in Benhabib, *The Rights of Others*, 54.

with this potential at birth, but only those who act on it—who seek to act in a public sphere—are fully human. Thus, the condition of stateless peoples who are cast out of every polis and denied the opportunity for political action, Arendt says “is like returning to a wilderness as cavemen or savages... They could die without leaving a trace.”¹⁸² To be stateless—to Arendt—is to be denied of one’s ability to be fully human, as there is no public space which will recognize the stateless persons’ actions.¹⁸³ At this point in history, Arendt argues, “we become aware of the existence of a right to have rights.”¹⁸⁴ That is, we (humanity) realize that the supposedly inalienable rights, which the *philosophes* of the eighteenth century claimed “spring immediately from the ‘nature’ of man... [and which] *should* be guaranteed by humanity itself...”¹⁸⁵ are not inalienable at all, but are in fact dependent upon one’s membership in a state, which guarantees access to a public space in which to act and speak, thus guaranteeing man’s ability to retain his humanity and subsequently the protection of his human rights.

The phrase “the right to have rights” is a confusing one, given its repetition of the word “right,” each having a different use. Political theorist Seyla Benhabib explains that the first use of “right” in the phrase, “invoke[s] a *moral claim to membership and a certain form of treatment compatible with the claim to membership.*”¹⁸⁶ In this sense, a right is a claim—to be acknowledged as a political being and provided with the protection that allows for one to act in front of an audience of people in the human world.

¹⁸² Arendt, *The Burden of our Times*, (the first British edition of *Origins of Totalitarianism*), (London: Secker and Warburg, 1951), 300.

¹⁸³ Arendt states that the only exception to this is for criminals, for when the stateless person commits a crime they are finally treated as an equal and their crime is acknowledged and punished. See: *Origins of Totalitarianism*, Part Two, Chapter Nine, “The Decline of the Nation-State and the End of the Rights of Man.” 267-302.

¹⁸⁴ Arendt, *Origins of Totalitarianism*, 296-297. Quoted in Benhabib, *The Rights of Others*, 50.

¹⁸⁵ *Ibid.*

¹⁸⁶ Benhabib, *The Rights of Others*, 56. Emphasis in original.

In the second sense, a right

...is built upon this prior claim of membership. To have a right, when one is already a member of an organized political and legal community, means that ‘I have a claim to do or not to do A, and you have an obligation not to hinder me from doing or not doing A’...Let us name the second use of the term ‘right’ in the phrase ‘the right to have rights’ its *juridico-civil usage*. In this usage, ‘rights’ suggests a triangular relationship between the person who is entitled to rights, others upon whom this obligation creates a duty, and the protection of this rights claim and its enforcement through some established legal organ, most commonly the state and its apparatus.¹⁸⁷

While Arendt herself admits that the precondition for the claim to the second usage of rights should be the very fact of humanity itself, she doubts whether it is possible to enforce this, and instead argues that it is membership in a juridico-civil community—a place in this “triangular relationship”—that really guarantees the first “right” to claim the second “rights.”

While human rights were, since their initial formulation, argued to consist of “natural” and inalienable rights, “springing from nature,”¹⁸⁸ they first emerged as a struggle between subjects (or colonial subjects) and their rulers—with the subjects asserting that their natural rights should not be violated by the ruler. Thus, “natural” and “inalienable” were used initially as rhetorical terms, as these rights were only concerned with preventing abuse of power in a ruler-subject relationship. They were not applied to all, but only to a strictly defined group of citizens. Yet over time, and most notably after

¹⁸⁷ Benhabib, *The Rights of Others*, 57.

¹⁸⁸ Arendt, *Origins of Totalitarianism*, 296-297. Quoted in Benhabib, *The Rights of Others*, 50.

the Second World War, this aspect of the original dialogue of human rights has been transformed. Since the adoption of international treaties of human rights, the mere fact of being human now guarantees a legally enforceable claim to human rights. However, as the Roma and other examples in history, can illustrate, this is not a perfect system.

Arendt uses the example of the Jews before the creation of Israel, who “formed a majority in no country and therefore could be regarded as the *minorité par excellence*, i.e., the only minority whose interests could be defended *only* by internationally guaranteed protection.”¹⁸⁹ In many ways, internationally guaranteed protection was an illusion during Arendt’s lifetime: it could not provide *actual* protection since it lacked any real authoritative power or strong enforcement mechanisms. Thus, to Arendt, the “loss of national rights in all instances entail[s] the loss of human rights...and the restoration of human rights, as the recent example of the State of Israel proves, has been achieved so far only through the restoration or the establishment of national rights”¹⁹⁰ After the establishment of the state of Israel, the Jews ceased to be the *minorité par excellence*, as they now had a state which could represent their interests abroad. However, the creation of the state of Israel, as Arendt aptly points out, resulted in the creation of 700,000 to 800,000 stateless Palestinians.¹⁹¹ This is a definite factor in the ideology behind the IRU’s adamant rejection of the territorial nation state: on top of their practical inability to organize into a territorial state, they refuse to perpetrate similar crimes of exclusion against national minorities that would inevitably be uprooted by any new territory they would create.¹⁹²

¹⁸⁹ Arendt, *Origins of Totalitarianism*, 289. Emphasis added.

¹⁹⁰ *Ibid.*, 299.

¹⁹¹ *Ibid.*, 290.

¹⁹² IRU, “The Declaration of a Nation,” par. 2.

Benhabib argues that in a post-Arendtian world, international law has become more binding, and “the right to have rights” is guaranteed by one’s humanity rather than citizenship.¹⁹³ However, for the Roma, many of Arendt’s arguments about the inadequacy of international enforcement mechanisms still hold true. Even after the establishment of human rights treaties, the Roma have largely been unable to participate as political beings in established nation states. Currently, the recognition of the Romani identity, and in some cases even of Romani *personhood*, is marred by anti-Gypsyism. Thus, in many instances the Roma still lack the claim to membership in a political community (the first “right” in Arendt’s phrase) that allows one to access the protection of law (the second “rights”). The problem is that many of the current laws of international human rights—from the traditional civil and political rights to socio-economic rights—are not equally applied to the Roma. Regardless of the adoption of these laws by nation states, local and state authorities often refuse or neglect to enforce them when dealing with the Roma.

Justifying Romani National Sovereignty

The complaints of the IRU regarding the Romani people’s lack of access to the protection of any nation state or international organization can be directly related to the lack of self-rule among the Roma—their inability to participate in any public sphere as Romani and as political beings. In discussing the legitimacy of democratic governance over the Roma as an internal minority, Morag Goodwin writes:

The legitimacy of any system of governance thus depends upon both the rule of law and self-rule being applied equally. Where a group in society, either national

¹⁹³ Benhabib, *Rights of Others*, 67-68.

or international society, are equally subject to the law, but do not have the opportunity for an equal say in the formation of those laws, they are not free.

They cannot be citizens, if citizenship is achieved only through engagement in the process.¹⁹⁴

The goal of the Romani Nation is to provide an equal citizenship for Roma, through a form of political participation that exists outside of the nation states that have historically excluded them.

Self-rule here refers to the ability to participate in a democracy that is representative of one's self or identity. For most nationalities the struggle for self-rule has taken the shape of secession, or movements for recognition as a national minority at the nation state level. The idea of self-determination as a right emerged as a strategy for dealing with the post-colonial nations. As a result of the rapid creation of numerous nation states, nationalities who were not granted political sovereignty in their own national states were convinced that "true freedom, true emancipation, and true popular sovereignty could be attained only with full national emancipation..."¹⁹⁵ In 1960, the Declaration on the Granting of Independence to Colonial Territories (G.A. Res. 1514) asserted: "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."¹⁹⁶ If limited in scope to the former colonies, which were generally far from the territorial boundaries of the European and American nation states, this right was relatively unthreatening to the sovereignty of existing nation states. However, if extended

¹⁹⁴ Morag Goodwin, "The Romani Claim to Non-Territorial Nation Status: Recognition from an International Legal Perspective," *Roma Rights* (May 2004), <http://www.errc.org/cikk.php?cikk=1849>

¹⁹⁵ Arendt, *The Origins of Totalitarianism*, 272.

¹⁹⁶ Article 2, Declaration on the Granting of Independence to Colonial Territories, <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/88/IMG/NR015288.pdf?OpenElement>

to the national minorities of the European subcontinent or North America, the right to self-determination could represent a real threat. The 1966 International Covenant on Civil and Political Rights (ICCPR) supports the extension of the right of self-determination beyond the colonial context in Article 1(1), which broadly states: “All peoples have the right to self-determination.”¹⁹⁷ Yet this extension, if interpreted by the many minorities of the European sub-continent, would inevitably impinge upon the sovereignty of established nation states, violating their rights of territorial integrity and non-interference.¹⁹⁸ Outside of the post-colonial context, the principle of self-determination thus becomes especially problematic for established nation states. In order to avoid this complication, and to defend political stability, jurisprudence has narrowly defined the definition of “people” in this law, limiting it to “the population of an already constituted State” or, in extreme cases of persecution, to “*internally colonized* minorities,” meaning minorities who are “subject to alien subjugation, domination, or exploitation.”¹⁹⁹

The unique situation of the Roma as a trans-territorial minority largely precludes any chance of their right to self-determination being recognized within this legal framework, even as an internally colonized minority. Recognizing the Roma as a sovereign nation would present too large a threat to the sovereignty of already established nations. However, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (G.A. Res. 2625), states as a method

¹⁹⁷ Article 1(1) of the ICCPR, See: Goodwin, “The Romani Claim to Non-Territorial Nation Status.”

¹⁹⁸ As guaranteed by UN General Assembly, *Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes : resolution / adopted by the General Assembly*, 18 December 1990, A/RES/45/151, available at: <http://www.unhcr.org/refworld/docid/3b00efe434.html>

¹⁹⁹ Goodwin, “The Romani Claim to Non-Territorial Nation Status,” par. 12, emphasis added.

of achieving self-determination that “a people has the right to the emergence into any other political status determined by a people...”²⁰⁰ This flexible concession could be applied to justifying the non-territorial national recognition proposed by the IRU. However, the unprecedented nature of its request makes it difficult to judge how the request will fare in the current international political system. The IRU’s current difficulties with organization and legitimacy have already negatively affected them in this respect, and undoubtedly will continue to do so until they iron out these problems.

The Paradox of Constitutionalism

The following sentence from the IRU’s “Declaration of a Nation,” quoted earlier, states: “we are a Nation, we share the same tradition, the same culture, the same origin, the same language; we are a Nation.”²⁰¹ This not only signals what the organization means when it call the Roma people a nation but also asserts that the Roma definitively do comprise a nation. However, as mentioned before, these criteria of nationhood are certainly not shared by all Romani people. Regardless of one’s personal or external identification as “Romani,” there is little unifying national sentiment between the heterogeneous sub-groups in the Romani archipelago, many of which retains distinct cultural and linguistic practices. Most Roma are unaware of the international political movement being led by the IRU. Indeed, in the current structure of the IRU, representatives are self-appointed—or elected by other, non-elected representatives—yet they claim to represent the Romani people at large.²⁰²

²⁰⁰ Goodwin, “The Romani Claim to Non-Territorial Nation Status,” par. 9.

²⁰¹ IRU, “The Declaration of a Nation,” (Appendix III), par. 1.

²⁰² On the legitimacy of the IRU as Romani representatives, See: PER, “Leadership, Representation and the Status of the Roma”; and Klímová-Alexander, *The Romani Voice in World Politics*, 18-21.

The IRU is creating the framework of a Romani nation through top-down strategies of common-identity building, with the intention that the IRU will run this nation as a government-like institution. In describing the formation of modern ethnic groups, Brubaker uses the term “ethnopolitical entrepreneurs” to describe such actors: “By reifying groups, by treating them as substantial things-in-the-world, ethnopolitical entrepreneurs can, as [Pierre] Bourdieu notes, ‘contribute to producing what they apparently describe or designate.’”²⁰³ By repeating the positive, present tense statement “we *are* a Nation” the members of the IRU are seeking to cement the concept of a Romani nation in the consciousness of the rest of the world, especially international political actors, with the hopes that eventually this will trickle-down, transforming the Romani people into a concrete national group.

This tactic of top-down nation building has been used by many political elites to create nation states. The *Declaration of Independence* of the United States, for example, was the primary document that constituted the United States as a sovereign nation bound by a constitution. This document declared the existence of the American nation, yet, up until that moment, the American nation did not exist. In this case, the declaration was drawn up by a single individual, Thomas Jefferson, who claimed to represent the people of a nation—or more accurately, the rest of the founding fathers, who in turn claimed to represent the people of the American Nation. Yet, “the people” were not defined as a people until the *Declaration of Independence* was written, precluding the possibility that they could be accurately represented. This conflict is known as the paradox of founding or the paradox of constitutionalism. The paradox is that while the act of founding a

²⁰³ Pierre Bourdieu, “Identity and Representation: Elements for a Critical Reflection on the Idea of Region.” Pp. 220-228 in Bourdieu, *Language and Symbolic Power*, (Cambridge, Mass.: Harvard University Press, 1991), 220. Quoted in Brubaker, *Ethnicity Without Groups*, 10.

constitutional nation claims to emerge directly from the will of the *demos*, it is the constitution itself that creates the *demos*. In his essay “Declarations of Independence,” Jacques Derrida describes this conflict through analyzing the famous Philadelphia example: “One cannot decide –and this is the interesting thing, the force and ‘*coup de force*’ of such a declarative act– whether independence is stated or produced by this utterance.”²⁰⁴ Derrida argues that, at least in the Philadelphia example, it is the latter case, that “in a sort of fabulous retroactivity”²⁰⁵ the nation that declares its independence is produced by the very act of declaration itself. As, a non-existent nation can hardly pen a document or even appoint representatives to do so, the founding fathers illegitimately appointed themselves as representatives of the non-existent American nation and proceeded to create the nation they sought to represent.

The representatives at the World Romani Congresses similarly attempt to constitute a people where one has not yet existed. They largely elect themselves to attend the Congress, regardless of their personal political experience or their relationship to other Roma living in their resident nation states. They refer to themselves as representatives of the Romani people, yet no democratic elections were ever held among the Romani people to elect them. A disproportional majority of the IRU representatives are male, a fact that was criticized by Sylvia Dunn, a Romani delegate from England who attended the Fifth World Romani Congress.²⁰⁶ Additionally, the Romani population tends to have a younger age structure due to a relatively high birthrate and low life expectancy, while the IRU representatives generally tend to be middle aged to older. The term

²⁰⁴ Jacques Derrida, "Declarations of Independence," in *Negotiations: Interventions and Interviews, 1971-2001*, ed. and trans. Elizabeth Rottenburg (Stanford, CA: Stanford University Press, 2002), 49.

²⁰⁵ *Ibid.*, 50.

²⁰⁶ Acton and Klímová, “The International Romani Union,” in *Between the Past and the Future*, 181.

“representative” is thus a misnomer—they are generally representatives of NGOs or particular interests, but cannot be said to represent the Romani people. These evident gaps in representation can be explained by the limited base of educated Romani individuals that representatives can be chosen from. However, it is important to note that these inequalities exist, and that the representatives are not representative of the people’s demographic.

The question of representation in the international arena has been raised before by other Romani organizations. The European Romani Parliament (EUROM) and the RNC both signed resolutions proposing “the drafting of statutes for European representation of Roma, [and] organizing the first Europe-wide Romani election.”²⁰⁷ The difference between these resolutions, which were first proposed in 1991, and those of the IRU “is that whereas the former foresaw direct elections as a way to establish Romani representation at the European level, the latter assumed this role itself.”²⁰⁸ While the IRU’s self-proclaimed role as representatives of the Romani nation has been criticized by other Romani organizations as undemocratic, their actions are paralleled in the foundation the U.S. and almost every modern constitutional nation state.

The “chicken-or-egg” causality dilemma of constitutional foundation is tackled by Rousseau in *The Social Contract*. In this work, Rousseau asks: “How,” if man is born free, “can the governance of man be made legitimate?”²⁰⁹ He argues that man can only be truly free within a political society, as opposed to existing within the state of nature. Yet, within all existing political communities, where there is necessarily some governing

²⁰⁷ PER, “Leadership, Representation and the Status of the Roma,” 35.

²⁰⁸ Ibid.

²⁰⁹ Jean-Jaques Rousseau, *The Social Contract*, ed. Betty Radice and Robert Baldick, trans. Maurice Cranston (1762; repr., Baltimore: Penguin Classics, 1968), 49.

body, man seems to not be fully free, but subject to the power of this body. Rousseau solves this dilemma by claiming that self-rule, rather than the no-rule of the state of nature, constitutes freedom. To Rousseau, self-rule implies that any governance is established by an original covenant, a social contract, which constitutes the *polis*. Through this social contract, a group of individuals joins together to create a public sphere, out of which emerges a sovereign, general will: which “spring[s] from and appl[ies] to all.”²¹⁰ The general will is such that even if an individual does not immediately know or want what the general will is, it *is* what he truly wills. Thus, each man is subject only to himself by being subject to the true general will. A *polis* founded on the basis of this social contract promises that each individual is subject only to his self-rule, which to Rousseau, the only legitimate form of governance.

In order to ensure that no private interest dominates the interest of the general will, and that the sovereign executes this will accurately, a society creates laws, which Rousseau states “are nothing other than the conditions on which civil society exists.”²¹¹ In a republic “a people, since it is subject to laws, ought to be the author of them.”²¹² However, Rousseau also acknowledges that a people as yet un-organized by law, a blind multitude, is incapable of writing it’s own law, as it is not always able to discern what it genuinely wills:

Individuals must be obliged to subordinate their will to their reason; the public must be taught to recognize what it desires. Such public enlightenment would produce a union of understanding and will in the social body, bring the parts into

²¹⁰ Rousseau, *The Social Contract*, 58-62, and 75.

²¹¹ *Ibid.*, 83.

²¹² *Ibid.*

perfect harmony and lift the whole to its fullest strength. Hence the necessity of a lawgiver.²¹³

The lawgiver is of a superior intellect, “the engineer who invents the machine.”²¹⁴ He ensures the stability of the populace, bringing it together through the creation of laws which can sustain and support the union created by the initial social contract. This law gives the *polis* power that the individual in a state of nature lacks: the power to participate as a political community.²¹⁵ Once the law is constituted, the lawgiver removes himself from any position of power, for “just as he who has command over men must not have command over laws, neither must he who has command over laws have command over men.”²¹⁶ This separation of powers guarantees that the lawgiver participates in a selfless act, for the good of the people and not that of himself. Thus, the paradox of constitutional foundation is seemingly solved by the lawgiver, who in one act of constitution creates the law for the people.

The IRU appears to be taking the role of the lawgiver in Rousseau’s account of constitutional foundation. While bypassing, illegitimately for Rousseau, the initial act of the social contract. They do not attempt to remove themselves from power once the law is constituted. Thus, they are far from being an ideal example of the seemingly godly lawgiver. The apparent lack of legitimacy of the IRU as representatives of the Romani people, illustrates the paradox of constitutional foundation. It’s self-appointment is illegitimate, but also in some ways inescapable. Without the initial creation of a social contract, there is no way that the IRU’s assumption of the role of lawgiver can be

²¹³ Rousseau, *The Social Contract*, 83.

²¹⁴ *Ibid.*, 84.

²¹⁵ See, *Ibid.*, Book II, Chapter 7.

²¹⁶ *Ibid.*, 85.

legitimate. However, the creation of a social contract is completely beyond the capabilities of the territorially dispersed Roma minority, or, for that matter, of most large national groups. In cases of large groups, it would be practically impossible to draw up a constitution that could accurately speak for all. The IRU, like the founding fathers of the American nation, is acting illegitimately in declaring a non-existent nation. However, this act of illegitimacy can perhaps be justified if it creates a space in which the people constituted by the constitution can act politically.

The Paradox of Politics and Democratic Legitimation

In a critique of Rousseau's apparent solution to the paradox of founding, Bonnie Honig argues that even if the lawgiver is capable of founding a law that accurately speaks for the people—as a representative claims to do—“he enables the people's self-governance by compromising their autonomy.”²¹⁷ As such, he merely reenacts the paradox in different terms—as a paradox that is present not just at the foundation, but one that extends throughout the entire life of the democracy: “Everyday, democracies resocialize, recapture, or reinterpellate citizens into their political institutions and culture in ways those citizens do not freely will, nor could they.”²¹⁸ This presents a perpetual question of how, or if, the populace's will shapes the law in a democratic society. Honig refers to her extension of the paradox of constitutionalism more generally as the “paradox of politics.” In contemporary deliberative democratic theory a similar dilemma is known as the “paradox of democratic legitimation.”

²¹⁷ Bonnie Honig, "Between Decision and Deliberation: Political Paradox in Democratic Theory," *American Political Science Review*, vol.101, no. 1 (February 2007), <http://www.jstor.org/stable/27644422>.

²¹⁸ *Ibid.*, 3.

In a functioning deliberative democracy laws are established through processes of public deliberation focused on achieving the common good. While deliberative democratic theory is a relatively new field—having emerged in the past three decades—it follows a longer tradition, which includes the rule of law, and the principle that political legitimacy be generated from the will of the people. It sometimes builds upon a Rawlsian model of *public reason*,²¹⁹ which, according to Benhabib, “view[s] the legitimation of political power and the examination of the justice of institutions to be a public process, open to all citizens.”²²⁰

Deliberative democratic theory is often aimed at bridging the gap between the democratic ideals of Athenian democracy, “originally suited to populations of several thousand,” and the current global situation, in which “populations of many millions [reside] in a modern megastate.”²²¹ Further complicating the challenge of assuring democratic deliberation in the contemporary globalized social world are issues of multiculturalism and transnationalism which bring up questions of how and where different identities can participate in democratic deliberation. As solutions to this problem, Jürgen Habermas and Seyla Benhabib have proposed methods of bringing deliberation to the level of the citizenry, and subsequently easing the paradoxical division between the constitution and those constituted in the contemporary nation state.

According to Benhabib, the paradox of democratic legitimation can be understood as such:

²¹⁹ See: John Rawls, *A Theory of Justice*, (Cambridge, Mass.: Belknap Press of Harvard University Press, 1971).

²²⁰ Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, (Princeton, N.J.: Princeton University Press, 2002), 108.

²²¹ James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform*, (New Haven: Yale University Press, 1991), 1.

Democratic rule, which views the will of the people as sovereign, is based on the regulative fiction that the exercise of such sovereignty is legitimate, i.e., can be normatively justified, only insofar as such exercise of power also expresses a ‘general will,’ that is, a collective good that is said to be equally in the interests of all.²²²

According to this view of democracy, governance can be legitimate only if the laws, written by the constitutor or lawgiver, abide by certain norms. Some examples of the norms of a functioning democratic constitution are equality, transparency, and accountability. Laws abiding by these norms ensure to an extent that the general will and individual rights are protected, but they also limit direct democratic participation by requiring that all new laws generated by the people conform to the initial law—the law of the constitution. A legitimate constitution can escape this problem by providing a stabilizing and enabling institution in which proper and continuous democratic deliberation can occur.

This presents another paradox in constitutional politics, that of constitutional democracy. “Constitutionalism, on this account, seems to take the place of Rousseau’s awkward lawgiver...and to betray democratic ideals. Why should the people whose will legitimates the regime be bound by something they have not themselves willed [i.e. the constitution]?”²²³ Here the paradox is reframed as a question of constitutionalism vs. popular sovereignty, where the constitution is law-rule, and popular sovereignty is self-rule. In one way, this conflict is in many ways an issue of the constitution’s temporality:

²²² Seyla Benhabib, “Deliberative Rationality and Models of Democratic Legitimacy,” *Constellations*, 1 (April, 1994), 28-29). Quoted in Bonnie Honig, “Between Decision and Deliberation: Political Paradox in Democratic Theory,” *American Political Science Review*, vol.101, no. 1 (February 2007), <http://www.jstor.org/stable/27644422.4>.

²²³ Honig, “Between Decision and Deliberation,” 8.

as the constitution is built to last the duration of a democracy, it can hardly be considered the will of subsequent generations of citizens. Thomas Paine named this phenomenon “rule from the grave” and described it as “the most ridiculous and insolent of all tyrannies”²²⁴

In trying to solve this paradox, Habermas argues from the assumption that consecutive generations in a democracy will be “‘in the same boat’ as their forebears.”²²⁵ That is to say, that a contemporary national has the ability to rationally understand and critically reason with the text of the constitution drafted by his or her forefathers. To Habermas, the constitution, created by these forefathers, is an eternally unfinished or, “untapped” document. Through processes of critical engagement with the founding text, subsequent generations “have the task of actualizing the still-untapped normative substance of the system of rights laid down in the original document of the constitution.”²²⁶ In this model, the relevance of the constitution is continuously checked by the tappings of subsequent generations, who work to bring it into better balance with the changing general will. Each evolution of the constitution is thus an achievement for the whole society, as the document increasingly comes to represent more closely the changing needs of the people.

Benhabib similarly argues that citizens should be able to access and reform law through what she names “democratic iterations.”

By democratic iterations I mean complex processes of public argument, deliberation, and exchange through which universalist rights claims are contested

²²⁴ Hannah Arendt, *On Revolution*, (New York: Penguin Books, 1963), 233, quoted in Honig, “Between Decision and Deliberation,” 9.

²²⁵ Jürgen Habermas, “Constitutional Democracy: A Paradoxical Union of Contradictory Principles?” *Political Theory*, 29, no. 6 (December 2006), 775, <http://www.jstor.org/stable/3072601>.

²²⁶ *Ibid.*, 774.

and contextualized, invoked and revoked, posited and positioned throughout legal and political institutions as well as in the associations of civil society.²²⁷

As an example of this process, Benhabib cites recent demonstrations in Paris against the banning of the Hijab (head scarf) in French public schools.²²⁸ In this instance, the local community, made up of both French citizens and newer migrants, demonstrated for a changing understanding of rights and a respect for multiculturalism, in opposition to the local historical tradition of the separation of church and state. In addition to legal protests, in an act of civil disobedience, Muslim school girls came to public school wearing their Hijabs in defiance of the law. Through these actions of civil disobedience or civic engagement, the two prongs of the paradox of constitutional democracy can be brought together, creating a society in which the rule of law guarantees the rights of all members and yet allows for democratically initiated change as the demand for rights changes over time. While this does not solve the initial paradox of constitution, as Honig points out, it implies that perhaps the paradox is an essential part of our politics.²²⁹ The paradox both conditions our political lives, and creates them, by constructing a space which then demands the continuous democratic participation of the populace.

Though the IRU is acting undemocratically in assuming the position of representative of the Romani people, it is possible that its actions will create a proper system of law and a public sphere for the Roma to act in, and that through deliberation, this system could be adapted to their needs. The solutions proposed by Benhabib and

²²⁷ Seyla Benhabib, "Another Universalism: On the Unity and Diversity of Human Rights," *Proceedings and Addresses of the American Philosophical Association* 81, no. 2 (November 2007): <http://www.jstor.org/stable/27653991>

²²⁸ Seyla Benhabib et al., *Another Cosmopolitanism: Hospitality, Sovereignty and Democratic Iterations*, ed. Robert Post (Oxford, New York: Oxford University Press, 2006)

²²⁹ Honig, "Between Decision and Deliberation," 15.

Habermas also suggest that, rather than creating an entirely new political space for Roma, Roma could participate in the politics of the existing nation states that they reside in, through “tappings” or “iterations,” eventually modifying the local law so that it suits their needs as well as those of the majority population. Indeed, many Romani figures have expressed a preference for acting through existing political systems in order to obtain rights for Roma within established nation states.²³⁰ However, the IRU “Declaration of a Nation” came into being after decades of unsuccessful attempts by the Roma to participate in the politics of majority societies, and centuries of socio-political oppression of the Roma by both civilians and government authorities.

An International Deliberative System Based on National Identity

A major form of oppression by majority society has been the misrecognition of the Romani identity, or the outright refusal to recognize it at all. In *Multiculturalism*, Charles Taylor argues that “a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.”²³¹ Often, this misrecognition is depoliticizing. When the Roma are treated as sub-human and forced to adapt to life outside of the boundaries of political society, they lose the ability to participate as political beings in the world. Freedom—here the ability to participate as an equal in a continual dialogue within a democratic society—is thus contingent on one’s identity being *properly* recognized, both privately and publically. Without proper recognition, the Roma have failed to achieve any form of self-rule, either through creating their own

²³⁰ PER, “Leadership, Recognition and the Status of the Roma,” 39.

²³¹ Charles Taylor, *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton, NJ: Princeton University Press, 1992), 25.

national-political institutions or through participating in politics in the nation states where they reside.

Through participating in agonistic negotiation—political debate between friendly enemies who share a common political space but each hope to see it organized differently²³²—the Roma would have the ability to defend and reshape their cultural identity and its recognition by others:

The implications of an agonistic system of international order for Roma, would be to listen to their claim for self-determination without pre-conceptions of the defining characteristics of 'nations' or 'peoples', and without pre-determining the outcome of the status itself. Rather, Roma themselves would be allowed to determine the nature of their status at the table according to the terms of their own culture, through negotiation with other members of the world community.”²³³

For the Roma, this could represent a viable way to combat anti-Gypsyism internationally. Understanding self determination in a deliberative democratic sense, as “a place in a continual dialogue...[or] participation in the process of negotiation,”²³⁴ the IRU’s model for non-territorial nationhood could present a strong model for a new form of national organization and international system. Their proposed structure would be particularly advantageous for maintaining and strengthening national-cultural identities in a transnational context.

In the *Declaration of a Nation*, the IRU states: “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.” As they regard

²³² See Goodwin, “The Romani Claim to Non-Territorial Nation Status,” fn 40.

²³³ Ibid., par. 23.

²³⁴ Ibid., par. 18.

the norms of human rights as the law, they dream of seeing the discourse of human rights as a “method”—a deliberative structure allowing individuals to reach agreements on the “rules, institutions, juridical norms” that govern them. Like Habermas, and Benhabib, the IRU proposes to end—or at least bring together the poles of—the paradox between democracy and constitutional politics by allowing for a constant political discourse which would allow for the shaping and reshaping of rules, institutions, and norms to suit the ever changing needs of individuals and nationalities. In the short term, as the Romani Nation would have to interact among existing nation states, this model would provide a voice for the Roma to articulate their transnational needs within the existing interstate structure, and provide means for the Roma to demand the protection of their human rights (already enumerated by international law), within nation states.

In the long term, in the deepest hopes of the IRU, and certainly the Transnational Radical Party, other nations might learn to emulate this model of national representation. The IRU believes that the Roma peoples needs, of being able to participate in a agonistic or deliberative negotiation with the norms and laws that govern them, is a need shared by all people, and that the current interstate system does not provide an adequate space in which to do this. If other nations were to identify and reorganize as nations without states, the interstate system might evolve into one of non-territorial national federalism more in line with the ideas of Otto Bauer and Karl Renner discussed above in Chapter Two. National groups could meet and converse as equals to deliberate on international questions, and national-cultural rights would be left to the sovereignty of each individual nation. State-like territorial entities, would also deal with “international issues,” and enforce the decisions reached through deliberation between nations. Human Rights would

become subject to the principle of the rule of law, making this discourse more open to democratic deliberation and expansion. Participation in this deliberation would no longer be dependent upon ones belonging to a state, but would instead be arranged by national identification. This could serve to better protect and preserve national identities than the nation state model, guaranteeing the cultural and political rights of more individuals, and particularly of national minorities.

Epilogue

Since the Fifth World Romani Congress in 2000, the IRU and the movement for a transterritorial Romani Nation has faced a number of setbacks. “The Declaration of a Nation” created somewhat of a stir in international news at the time of its publication, but since then it has received little attention, academic or otherwise. Ian Hancock, who was doing well in terms of advancing the IRU and its claims within the UN, officially broke with the IRU in 2008 due to difficulties communicating with the unorganized IRU leadership. It changed its official name from the International Romani Union to the International Roma Union (still IRU), which has created some further tensions between the IRU and Sinti groups. However, the IRU has also had significant achievements in some areas. Since 2000, its meetings have become regular—the sixth World Congress was held in October of 2004, and the seventh in October of 2008. Around two hundred delegates attended the sixth, and three hundred the seventh, demonstrating that attendance has been steadily increasing. The IRU has continued to maintain dialogues with international institutions, and have kept up their consultative status as an NGO with the UN. Additionally, it has passed initiatives—such as the IRU passport—to help identify the base of the Roma nation, and foster recognition of it within the international community.

Given all of the evidence, it seems that the IRU could go any of three ways in the near future. Perhaps the least likely scenario at this point is that it will be recognized as the government of the hypothetical non-territorial Romani Nation, and granted representation in the EU, UN and other interstate bodies. More likely it will continue as it has for the past ten or so years, meeting regularly and proceeding at a relatively slow

pace to gain supporters, and hopefully managing to improve the current situation of the Roma in Europe by putting pressure on international organizations. Finally, it is possible that the IRU will fail and disband. Its problems with legitimacy, transparency, and overall organization are many. The competition—other Romani political organizations—are demanding less radical change from the current interstate system, likely making their demands seem more reasonable to the international community. Additionally, the IRU's internal weaknesses may translate to an advantage for these other Romani organizations.

Regardless of the actual potential of the IRU in the current (or future) global political arena, its request for non-territorial national recognition requires that the current nation state system be seriously re-examined. By providing a space outside of the state which allows mobile individuals and non-citizens to engage in democratic deliberation with a global governance, the IRU produces a model which could help to create a “more fraternal world of an authentic ‘common home’ for us all.”²³⁵

In current times, human rights have become universally extended, the fact of being human automatically entitles one to them, though it does not necessarily guarantee one's access to them. However, the right to participate in a functioning *polis*, as a recognized and accepted identity still requires something more specific than the mere fact of being human. The nation state has historically been that guarantor (for those who have been fortunate enough to belong to one), however it is growing obsolete—less and less effective in the face of growing trends of globalization and transnationalism. The IRU's model for a non-territorial nation could bridge the gap between universal rights, which

²³⁵ Wojtyła, K. (Pope John Paul II) (1991) ‘Di fronte alle minoranze etniche si consolodi una cultura dell'accoglienza e della solidarietà’, *L'Osservatore Romano* CXXI (223), 37 September. Quoted in Gheorghie and Acton, "Citizens of the World and Nowhere," in *Between the Past and the Future* 57-58.

cannot yet provide access to a *polis*, and the nation state, which necessarily excludes so many individuals.

Within the supranational frame of the EU, where some of the institutions that would be required by a territory-less-state already exist, the IRU model has the best chance of becoming a more concrete request, and eventually becoming realized.

For the Roma specifically, the IRU's proposal is a step in the right direction. They have begun to assert themselves as political beings to the world. Even if only a select group of Roma take on this role, there is a potential to combat anti-Gypsyism, and improve the situation of Roma worldwide. The creation of a non-territorial Romani national sphere would transform the Roma from a marginal minority into a national identity. Were this model extended to all minorities, it would change the very meaning of "minority," creating an international political sphere where all are welcome and able to negotiate for their own identities and rights.

Appendix I: Anthem of the International Romani Union,

“*Gel'em, gel'em*” (We Traveled On) adopted at the First World Romani Congress, London, 1971

Gelem, gelem, lungone dromensa
 Maladilem bakhtale Romensa
 A Romale katar tumen aven,
 E tsarensa bahktale dromensa?

I went, I went on long roads
 I met happy Roma
 O Roma where do you come from,
 With tents on happy roads?

A Romale, A Chavale

O Roma, O brothers

Vi man sas ek bari familiya,
 Murdadas la e kali legiya
 Aven mansa sa lumniake Roma,
 Kai putaile e romane droma
 Ake vriama, usti Rom akana,
 Men khutasa misto kai kerasa

I once had a great family,
 The Black Legions murdered them
 Come with me Roma from all the world,
 For the Roma the roads have opened
 Now is the time, rise up Roma now,
 We will rise high if we act

A Romale, A Chavale

O Roma, O brothers

Appendix II: Figures**Figure I:** *Flag of the International Romani Union*

Adopted at First World Romani Congress, London, 1971.



Flag of the Roma People. From: Advocacy Project Blogs. PNG,

<http://advocacy.net.org/wordpress-mu/chooson/files/2009/07/romani-flag1.gif> (accessed April 24th 2011).

Apendix II: International Romani Union “Declaration of a Nation”: printed as distributed (with original spelling errors) at the Fifth World Romani Congress.

Published in Acton and Klímová, “The International Romani Union” in *Between the Past and the Future*, Appendix 3, 216-217.

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.

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 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.

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