

Damned if They Go, Damned if They Stay: The Compounding Effect of Selective Misidentification, Marginalization, and Nation-State Politics on the “Intractability” of Romani Statelessness

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Abstract

Romani statelessness is an intentional product of Western historical political processes, especially in the European context. It is therefore not intractable, as it may seem to be based on the decades of unsuccessful attempts at “integrating” Roma into the European Union’s society. Broadly, this paper illustrates distinct, Romani-specific social and cultural conditions that contextualize the complexities of Romani statelessness via a comparative analysis that demonstrates the negative impacts of selective misidentification, marginalization and nation-state politics both individually and jointly. Selective misidentification conceptually refers to an iterative historical process in which *inconsistent* labeling or perception of Roma, whether or not it is true, perpetuates and/or exacerbates disparate treatment and harms for Roma while benefiting or aligning with the desired social and political outcomes of others, especially the state. I consider selective misidentification broadly, referring to its various manifestations in both concrete and discrete forms. Concrete forms of selective misidentification such as in legal documentation of citizenship or property ownership, or discrete forms such as the politics of ethnic/racial identity and assimilation, are products of social, political, and cultural norms expressed and preserved through policy-making and implementation.

I. Introduction

Romani¹ statelessness is an intentional product of Western historical political processes, especially in the European context. It is therefore not intractable, as it may seem to be based on the decades of unsuccessful attempts at “integrating” Roma into the European Union’s society. Broadly, this paper illustrates distinct, Romani-specific social and cultural conditions that contextualize the complexities of Romani statelessness via a comparative analysis that demonstrates the negative impacts of selective misidentification, marginalization and nation-state politics. Selective misidentification conceptually refers to an iterative historical process in which *inconsistent* labeling or perception of Roma, whether or not it is true, perpetuates and/or exacerbates disparate treatment and harms for Roma while benefiting or aligning with the desired social and political outcomes of others, especially the state. I consider selective misidentification broadly, referring to its various manifestations in both concrete and discrete forms. Concrete forms of selective misidentification such as in legal documentation of citizenship or property ownership, or discrete forms such as the politics of ethnic/racial identity and assimilation, are products of social, political, and cultural norms expressed and preserved through policy-making and implementation.

The pathology of Romani statelessness is idiosyncratic, best conceptualized through an interdisciplinary approach in order to capture the *both-and* effect that testifies to the negative impacts Romani often experience from all sides of a particular issue, policy, or law. Through a combination of historiographical and political science disciplinary perspectives, I rely on

¹ Roma/Romani describes a distinct racial/ethnic group of people originally from Northwest India. In this paper I use these two terms interchangeably and largely refer to the experiences and history of Roma on the European continent. The words Roma/Romani have nothing to do with the capital city Rome, Italy, or the country Romania and its people. Ironically, however, both Italy and Romania have terrible human rights records regarding Roma people.

descriptive and critical discourse analyses to illustrate the basis of seeming intractable Romani statelessness within the EU context as a pathology derived from the intersection of selective misidentification, marginalization, and the structure of the nation-state system. Pathologically, selective misidentification, marginalization, and the nation-state system coalesce into a compounding influence on the contemporary milieu interacting with EU politics and policy-making concerning Roma. A key characteristic of the compounding element within the pathology driving Roma exclusion is the paradoxical nature of Roma discrimination, allowing for several *both-and* dichotomies in which complementary byproducts of Roma discrimination work additively rather than contradictingly. One such example is the paradox of Roma over-securitization and simultaneous Roma invisibilization, driven especially by the deployment of the myth that Roma are inherent nomads, and then preserved and perpetuated by the iterative historical process of selective misidentification. To model how the theory of selective identification functions to the detriment of Roma inclusion, I apply it to the EU's efforts regarding the EU Roma Strategic Framework (RSF) and its National Roma Integration Strategies (NRIS).

A founding principle of the European Union is free trade among its members. Over the decades, the EU's operating principles have evolved from primarily socioeconomically driven and framed values to human rights promotion through trade policy.² Inherently, the EU is a capitalist free-trade collective, but it has come to serve a dual purpose as an institution involved in the development, integration, monitoring, protection, and enforcement of a range of rights that have implications beyond their promotion of free trade, such as an emphasis on democracy and

² Zamfir, Ionel. "Human Rights in EU Trade Agreements." *European Parliamentary Research Service*, July 2019. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637975/EPRS_BRI\(2019\)637975_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/637975/EPRS_BRI(2019)637975_EN.pdf).

rule of law. Case in point, EU efforts to integrate Roma indicate that the EU is motivated to create change beyond the scope of its socioeconomic self-interest, evident in the RSF and NRISs intentions to close inequality gaps between Roma and EU society as a whole in several policy areas such as housing, employment, minority protections, and immigration. However, EU policy formulation and implementation attempting to ameliorate Roma disparities fails to do so effectively because it assumes a socioeconomic lens. For Roma, a primarily socioeconomic lens fails to sufficiently account for their historically entrenched political segregation and disenfranchisement, which precludes any viable possibility of sustainably integrating Roma. The pathology of Romani statelessness I offer in this paper does account for historically entrenched political segregation and disenfranchisement of Roma through a selective misidentification lens, and thus provides insights for EU policy attempting to integrate Roma through the biased lens of socioeconomic values. Divorced from a foundational understanding of the pathology of Romani statelessness, EU policy puts Roma at disparate risk of becoming stateless or confining Roma to permanent statelessness. Major policy areas impacting Romani – such as immigration, housing, and minority rights and protections – fail to do due justice to Romani because of false historical narratives tainted by selective misidentification, a tradition of Romaphobia, and political segregation exacerbated by the nation-state system. To this end, the 2011-2020 EU Framework for National Roma Integration Strategies (NRIS, discussed below) failed fantastically, largely in part due to its inability to navigate practical barriers such as a lack of political will, institutionalized discrimination, or Roma-specific data, as indicated by the recommendations given at the conclusion of the 2020 Implementation Assessment Report.³

³ European Parliament. Directorate General for Parliamentary Research Services. *Framework for National Roma Integration Strategies up to 2020: European Implementation Assessment*. LU: Publications Office, 2020, 29. <https://data.europa.eu/doi/10.2861/96941>

The 2011-2020 EU Framework for NRIS also failed simply due to its poor design, falling short of realistic or measurable goals.⁴ A May 2019 report published by Open Society Foundations captures the inadequacy of this first EU RSF best:

The main finding is that, although there are a number of achievements since 2011, the EU Roma Framework for [national Roma integration strategies] NRIS fails to achieve its goals in all policy areas, including discrimination. Its objectives have been unrealistic and did not consider some crucial missing elements, which need to be taken up in a future strategy.⁵

How did this seemingly progressive framework, administered by an institution like the European Commission, fail to achieve its policy goals on all accounts? Roma cannot afford the fallout of delayed justice and neither can the European Union, whose policy goals regarding Roma are continuously undermined by the consequences of selective misidentification. Yet, a lack of consideration for the obvious continues to exist in the updated 2020-2030 EU Roma Strategic Framework (RSF). With its strengthened socioeconomic focus, the 2020-2030 EU RSF partially aims to patch the holes in the previous framework. However, as indicated by the description of the updated framework, which states “equality with all other members of society, social and economic inclusion, and participation in political, social, economic and cultural life”, the EU frames socioeconomic integration as progressive, when in fact it still fails to account for the preconditions necessary to achieve socioeconomic integration.

Whether it is due to ignorance, naivete, or the tendency to simplify complex historical problems for the sake of expediency, the EU’s RSF integration policies do not reflect a deep understanding of the genesis of Romani statelessness or historical influences dictating the extent

⁴ European Parliament. Directorate General for Parliamentary Research Services. *Framework for National Roma Integration Strategies up to 2020: European Implementation Assessment*. LU: Publications Office, 2020, 4. <https://data.europa.eu/doi/10.2861/96941>.

⁵ Naydenova, Violeta, and Martina Matarazzo. “POST-2020 EU ROMA STRATEGY: THE WAY FORWARD.” *Open Society Foundations*, 2019, 4.

to which Roma integration can help Romani rather than harm them. With repeated efforts at Roma inclusion policies failing to advance Roma equity, the continued harm not only comes from the direct impacts on Roma who still cannot access affordable housing or are segregated in schools, but from the indirect impact of worsened public perception, who interprets the continued economic investment in Roma inclusion efforts as at the expense of other citizens.⁶ It will be interesting to see how the 2020-2030 Roma Strategic Framework fares compared to its predecessor considering its, perhaps, premature focus on socioeconomic integration (to be continued discussion on the EU Roma Strategic Frameworks). Roma exclusion is not just a socioeconomic problem and can therefore not simply be solved by socioeconomic integration. To think otherwise results in a cosmetic approach and predicts persistent, detrimental effects on Romani peoples' access to and protection of an array of civil and human rights

At the national level, Bulgaria serves as a barometer for how the National Roma Integration Strategies (NRIS) have fared in the past. In Bulgaria, where Roma comprise one of the larger proportions of an EU national population at ~10.3%,⁷ a lack of ethnically disaggregated data and political cooperation at local levels are explicitly singled out for their role in preventing successful implementation. These were the conclusions of a 2017 Integro Association (a member of the European Roma Grassroots Organizations Network, ERGO) report on the failure of Roma integration in Bulgaria regarding the 2011-2020 EU Framework for NRISs. Of notable interest is the report's emphasis on the dissonance between seeming political will and support at the national level, with Bulgaria's 2012-2020 NRIS endorsed by the National

⁶ "Why-Does-Roma-Integration-Fail-in-Bulgaria_2017.Pdf." Accessed April 3, 2023. https://ergonetwerk.eu/wp-content/uploads/2018/07/Why-does-Roma-integration-fail-in-Bulgaria_2017.pdf.

⁷ European Parliament. Directorate General for Parliamentary Research Services. *Framework for National Roma Integration Strategies up to 2020: European Implementation Assessment*. LU: Publications Office, 2020, 3. <https://data.europa.eu/doi/10.2861/96941>.

Parliament, and a lack thereof at the municipal level.⁸ As the report observes, implementation of the Bulgarian NRIS at the municipal level encounters roadblocks in areas where there are no active NGOs present, and has no formal enforcement mechanism to counter authorities who have no will to integrate Roma in these NGO-absent areas.⁹ Tension between capacity, will, and enforcement is not only a Bulgarian issue, it is inherently an EU shortcoming due to the delicate balance of collective vs. national interests required to create and implement effective EU-wide policies. The example of Bulgaria serves as a microcosm of the EU system, in which heterogeneity across Roma populations and national contexts makes it difficult to manage implementation since there is not a one-size-fits-all approach for both the EU system as a whole, or in national contexts. Though there may not be a one-size-fits-all solution, there is a one-size-fits-all problem: Romaphobia. In this paper, I intentionally use Romaphobia exclusively to describe any overt form of discrimination or prejudice directed toward Roma, as well as any covert forms disparately harming Roma, such as structural racism. I boycott the commonly-used term antigypsyism to describe discrimination and prejudice against Roma because it is literally derived from a slur, which just defeats the point of anti-discrimination efforts.

Ultimately, EU policy that fails to look backward cannot move forward. Forebodingly, the European Commission reports on its own site that “overall progress has been limited over the past few years” in regards to Roma integration efforts.¹⁰ Ian Hancock – deemed the father of Romani studies by some – captures the essence of the obstinance repeatedly demonstrated by the scratching of heads when non-Romani are perplexed by the chronic stagnancy of socioeconomic

⁸ Ibid.

⁹ Ibid.

¹⁰ “National Roma Strategic Frameworks – Commission Assessment and Implementation Reports.” Accessed March 30, 2023. https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu/national-roma-strategic-frameworks-commission-assessment-and-implementation-reports_en.

progress for Roma, when he writes “they [whoever calls on him when they want to write a story] cannot even *hope* to understand the contemporary situation of Romanies unless they see it as the present-day end of a continuum reaching back into history.”¹¹ Without an honest and transparent historical account of Romani as (a)political subjects, a continued cycle of statelessness, along with the abuses, risks, barriers, and restriction of freedoms that the modern political system of nation-states has subjected Romani to for over a century, will persist. Rather than being agents of progress that once and for all provide access to and protection of rights for EU Roma, the EU RSFs may just be the latest iteration of an age-old colonial tradition of forced assimilation. At the heart of these efforts is the operating assumption that Roma integration is desirable and right – but for whom? I refer to the EU as a real-world proxy through which I apply my theoretical framework in order to demonstrate how the pathology of Roma statelessness serves as a paradigm through which Roma can be more wholly understood. It is my hope that the paradigm I offer in this paper contextualizes Romani history and the genesis/perpetuation of Romani statelessness in a way that offers new perspectives, new understandings, and thus new and effective solutions to mitigating and preventing the risks and violations of rights that stem from being – and being at risk of being – stateless. However, I also hope this paradigm broadly challenges conventional understandings of identity formation and politics, what discrimination and segregation can look like as historical processes, how minority groups are marginalized and invisibilized through political discourse and rhetoric, and the role of nation-state politics in preserving and exacerbating pre-set historical templates of social, cultural, economic, and political hierarchies in policy making.

¹¹ “RADO.” Accessed February 1, 2023. https://radoc.net/radoc.php?doc=art_d_identity&lang=&articles=true.

II. Roadmap to Selective Misidentification and Beyond

There are several key concepts and mechanisms which need to be established in order to understand how selective misidentification works as an iterative historical process which has engineered the current dynamics of Roma in Europe. First, I define the concept of hijacked identity and the “Gypsy image.” At its core, the former conveys the idea that Roma are not able to self-determine who they are based on the dominant cultural and social power of others to define and redefine who Roma are, often fictionalized and essentialized as an Other, counter to present-day norms or expectations of what it means to be “civilized.” The “Gypsy image” is the pop culture imagining of who Roma are, who Roma have been imagined to be in literature, movies, songs, and stories. The “Gypsy image” serves a primary mechanism through which hijacked identity occurs and through which the myth of Roma nomadism is perpetuated and preserved. Therefore, I avoid using “Gypsy” in the rest of the paper due to the aggressive power of the associations built between “being Gypsy” and false historical narratives and stereotypes. Next, I build on hijacked identity by deconstructing the myth of nomadism and describing the impacts of it on perceptions of Roma, particularly its effect as an essentializing and monolithing mechanism through which Roma lose further agency. The myth of inherent Roma nomadism has a long history and role as a force for Roma marginalization in political discourse and representation and is heavily disseminated through media narratives. I next apply the concept of selective misidentification to the Roma experience and its manifestations throughout history, which are uniquely characterized by a paradoxical and detrimental effect on Roma mobility, visibility, and identity. I demonstrate this phenomenon with a dominant thematic binary evident throughout Roma history, namely the paradox of Roma over-surveillance and simultaneous invisibilization, and its role in controlling Roma movement. As a follow-up, I further briefly

elucidate how selective misidentification produces other paradoxes as well, such as the role of memory and naming in Roma invisibility in comparison to the role of memory and naming in persevering other histories of severe social exclusion, the irony of the Roma nomadism myth in producing segregation and forced migration of Roma populations which actually further deepens the perception of Roma as nomadic, the lack of success in EU Roma inclusion policy goals due to the exclusionary effect of misidentification, and lastly the tension between the need for Roma representation in EU society vs. the barriers to Roma representation which result from both an EU emphasis on socioeconomic progress and the presumption of already attained civil and political rights when, in reality, Roma have been segregated to the point that political participation and representation is negligible. It is through the pathology of seemingly intractable Roma statelessness that all of the above paradoxes can be logically understood as intentional, engineered products of iterative historical marginalization and invisibilization maintained by the preservative nature of the nation-state system and structure.

III. Hijacked Identity: Othering, Ownership, and Agency

Exogenously determined identity encapsulates an enduring theme throughout the history of Roma. As a result of the tremendously harmful and influential power that externally determined labels and classifications have had on Roma agency, Roma are often stuck in a catch-22 I call hijacked identity. Hijacked identity for Roma actualizes as invisibilization of Roma's real, lived experience through the dissemination of the G****¹² myth. The narrative attached to

¹² This term is a misnomer derived from "Egyption." As a darker-skinned people, Europeans incorrectly thought Roma originated from Egypt, which the United States Holocaust Museum notes in its Holocaust Encyclopedia. G**** is a racial slur for Romani people and should never be used by non-Romani. Derivative terms of G****s such as "gyped" carry the same racial connotations. However, some Romani do choose to identify as G**** and use the term as a form of reclaiming their identity and their right to self-determination. I replace Gypsy with "G****" to emphasize this point.

the term “G****” – just think of the G**** stereotypes portrayed in pop songs such as Cher’s *G******, *Tramps*, and *Thieves*, the character Esmeralda in *The Hunchback of Notre Dame*, or Lady Gaga’s song *G***** – dominates the perception and awareness of who Roma are. Being “G****” serves as a metaphor for non-Roma and hijacks Roma identity, with the fictionalized imagining of the Romani experience identity usurped so insidiously that when Roma try to proclaim who they are, they are told they are wrong. I can tell you from personal experience.¹³

In 2021 I ran into a white, German woman with no personal connections to Roma whatsoever (I asked) who was selling jewelry as a small, pop-up business owner in Midtown Global Market, a multicultural center (!) in Minneapolis, MN. The name of her business was *Majestic G*****. She wore large gold hoop earrings, a bandana wrapped around her head, and a long skirt. Her business cards had alchemy and zodiac symbols on them, along with the offensive business name, of course. On her Facebook page, she addressed her followers as, “my little g*****” (a lower case “g” is even worse). When I tried to explain to her that G**** is a slur, she countered with the claim that there were several definitions of G**** and that she was entitled to her version. She called security shortly after, with whom I also discussed this and who also defended her use of a “different” definition of G****.

The audacity of this non-Roma woman to re-define a slur to the benefit of her jewelry business (hello capitalism) relies on her exoticisation of G***** by explicitly associating the slur with mysticism on her business cards. In her dress, and by righteously asserting her alternative definition of G****, she embodied the epitome of G**** simulacra¹⁴, a counterfeit copy of Roma likeness so dominant in pop culture that it has replaced authenticity. The reverberations of

¹³ I am of Romani descent.

¹⁴ Sandland, Ralph. “The Real, the Simulacrum, and the Construction of ‘G****’ in Law.” *Journal of Law and Society* 23, no. 3 (1996): 383–405. <https://doi.org/10.2307/1410718>.

hijacked Roma identity throughout history and to the present day touch and compromise nearly everything, producing a kind of invisibility that has robbed Romani of the right to self-determination. A lack of ownership over identity in public discourse, or the agency to effectively counter and shape it, has tangible consequences for Romani self-determination broadly.

Hijacked identity occurs through persistent misidentification, not just one act but as a historical process. Misidentification is the key driver of a self-perpetuating cycle in which nation-states 1) derive political gain/advantage from the misidentification of Roma, 2) perpetuate/entrench misidentification of Roma by incorporating the misidentification of Roma in political discourse, 3) justify objectively egregious forms of discrimination based on narratives attached to misidentification. This cycle of misidentification is malignant in nature, constantly eroding Romani progress towards self-determination. Part of the reason misidentification is so successful in hijacking Romani identity is because claims are often made based on half-truths. For example, one of the stereotypes connoted by the word G**** is that Romani are insular and do not want to integrate. However, to say Romani do not want to integrate is to weaponize the very conditions created by oppressors against Romani so that Romani are blamed for their condition(s) rather than the actual perpetrators.

A classic example of the “damned if you do and damned if you don’t” idiom in practice for Roma is not identifying as Roma because, as Ian Hancock asserts, “we must be dealing with an institutionalized response to a racism so deeply rooted that it prevents people from acknowledging their own ethnicity for fear of the consequences.”¹⁵ In essence, Roma can either become invisible but thus be unable to accept or receive support based on their marginalized identity, or they can remain visible and thus be vulnerable to all forms of prejudice based on their

¹⁵ “RADOCS.” Accessed April 19, 2023. https://radoc.net/radoc.php?doc=art_d_identity&lang=&articles=true.

marginalized identity. The first scenario to some extent allows Roma to obtain control over their identity and some sense of security in invisibility. The second scenario limits self-control over Roma identity because one must compete with the hijacking of Roma identity by society at large, and it also leaves Roma vulnerable to targeted discrimination. Roma should not be blamed for choosing safety and privacy (the first scenario) yet this is what is done when a politician or institution assumes the generalization, “Romani do not want to integrate.”

Instead of asking why Roma do not want to integrate, politicians call G***** vagrants¹⁶ and thieves,¹⁷ and by extension create or perpetuate negative and inaccurate associations between Roma and the fictionalized G*****. However, even asking why Roma may not want to integrate accuses Roma of being uncooperative, when in actuality the distrust Roma may have for mainstream society is a rational response based on very real experiences. Rather than asking why Roma do not want to integrate, or asking questions about Roma willingness or participation – as if the problem lies with *them* – European society should be asking critical questions about *themselves* and the role of their political systems in producing an environment that is specifically excluding Roma populations.

The first and best place for conducting a critical review of Roma exclusion is to deconstruct the myth of Roma nomadism, which is a primary filter through which the world has perceived Romani for centuries. Ian Hancock explains the consequences of filters like these when he says:

"Because of a history which has excluded Romanies from access to the educational skills necessary to combat prejudice, and because of a culture which placed restrictions on functioning too intimately in the mainstream, the G**** Image has taken on a life of its

¹⁶ Lee, Jonathan. “Under Meloni, the Plight of Italy’s Roma Will Only Get Worse.” Accessed April 27, 2023. <https://www.aljazeera.com/opinions/2022/11/6/under-meloni-the-plight-of-italys-roma-will-only-get-worse>.

¹⁷ “Lazy Thieves? – On the Anti-G****ism of the Left-Wing Press of the Transitional Years | Hungarian Conservative,” September 15, 2022. https://www.hungarianconservative.com/articles/culture_society/lazy-thieves-on-the-anti-g****ism-of-the-left-wing-press-of-the-transitional-years/.

own, and real Romani populations have been administrated and studied through the filter of that image."¹⁸

The image of G***** elicits a wandering, romanticized traveling lifestyle as if Roma are on a continuous vacation. Thus, when we strip away the myth of Roma nomadism we are faced with difficult questions that have complex answers, and which necessarily require institutional honesty and accountability if Roma are to ever experience social, cultural, and political belonging. A critical examination of discourse regarding Roma – basically what they are, how they live, and why they do what they do – reveals the many information gaps, assumptions, stereotypes, misconceptions, and characterizations that propel hijacked Romani identity.

IV. Denaturalizing Roma Nomadism

Platitudes such as “Romani are nomadic” conflate *who* Roma are with their *lived experiences* and thus make it impossible to perceive Romani history as a complex mosaic of *both-and*. Understanding Romani history requires conscious discernment along with acceptance of contradiction and tension, not as vexingly disharmonious but as attributes; Romani can be both stateless and settled, visible and invisible, welcome and unwelcome. Through this heuristic, it is possible to discern and accept that, yes, behind the platitude “Roma are nomadic” is a logical inference based on the visible evidence of a widespread geographic diaspora. Understandable though it may be, this inference is specious and its effects are malignant. What is “thought to be” about Roma is in critical need of historical reckoning.

Presentism – the tendency to interpret and judge the past according to the present¹⁹ – very much corrupts historical understanding of Roma people, whose past is often seen through the

¹⁸ “RADO.” Accessed February 1, 2023. https://radoc.net/radoc.php?doc=art_d_identity&lang=&articles=true.

¹⁹ “Against Presentism | Perspectives on History | AHA.” Accessed April 29, 2023.

<https://www.historians.org/research-and-publications/perspectives-on-history/may-2002/against-presentism>.

veil of inherent nomadism, along with the judgements and blame that may be attached to this perception and modern-day notions of what being civilized means. When this veil is absent, however, historical understandings of Roma can move beyond the assumption of inherent nomadism to questioning how/why are Roma characterized by itinerancy throughout history. For instance, Hancock suggests that amongst the reasons for the initial mass exodus of Roma from India may be the possibility that many were initially relocated as prisoners of war.²⁰ Various accounts exist that try to explain the path of Roma migration from India to Western Europe, but it is notable from a birds-eye view that many accounts point to external factors which put in motion repeated displacement of Roma. Among them include the expulsion of Roma by the Holy Roman Emperor Maximilian I in 1498 who viewed them as a political threat, accusing them of supporting Turks, likely on the basis that some had converted to Islam to better assimilate.²¹ In any case, questioning whether or not Roma actually “traditionally” travel(ed) is a moot point because forced displacement is clearly a dominant trait of the Romani experience. It is also a moot – and even silly – question because the human experience broadly has been one of movement. As Alaina Lemon writes,

“There never actually lived an abstract G****, ‘nowhere and everywhere.’ The image of wandering leads to faulty abstractions about diaspora: all humans travel and shift. The challenge may be less to construct a ‘nomadology’ for Gypsies... than to see that Roma, too, belong to places.”²²

²⁰ Hancock, Ian. *The Pariah Syndrome: An Account of G**** Slavery and Persecution*. 3400 Daleview Drive, Ann Arbor, MI 48105: Karoma Publishers, Inc., 1987, 8.

²¹ The National WWII Museum | New Orleans. “Fascination and Hatred: The Roma in European Culture,” October 10, 2020. <https://www.nationalww2museum.org/war/articles/roma-european-culture>.

²² Alaina Lemon, *Between Two Fires: G**** Performance and Romani Memory From Pushkin to Postsocialism* (Durham, NC: Duke University Press, 2000), 4.

A. *Roma as Subjects and Objects*

The logic of the false nomadism trope describes a linear process that makes *Romani* the subject and *going* the action. In this scheme, nomadism becomes defined as a patterned behavior, due to repetitive *Romani* going. In actuality, rulers and governments have been the subjects, *Romani* have been the objects being acted upon, and going has not been a *Romani* behavioral trait, but a contrived imposition. At the very least, for the last 500 years it is unfair, if not specious, to claim that *Romani* are nomadic because they want to be, or are culturally/inherently so.

In terms of the historical development of *Romani* itinerancy, no part of it is accidental. *Roma* itinerancy is an engineered byproduct of prejudiced governance by authorities that instituted policies and laws that intentionally exclude and segregate *Romani* populations, who at various points in time have been enslaved, imprisoned, and exiled.²³ Notably, rulers in German lands passed 130 anti-Roma laws between 1551 and 1774.²⁴ When *Romani* were finally freed after the 1885 abolition of slavery in what is now Romania, the then-Romania did nothing to support recently freed slaves' integration. *Roma* were left to their own devices to find housing, work, or healthcare, which contributed to the pre-established trend of forced *Roma* migration. Former slave owners on the other hand were compensated 96 francs per slave to subsidize the economic fallout of abolition.²⁵ Furthermore, many *Roma* left Wallachia and Moldavia (the geographic region encompassing Romania) immediately after their 1885 emancipation for fear of

²³ Ibid.

²⁴ The National WWII Museum | New Orleans. "Fascination and Hatred: The Roma in European Culture," October 10, 2020. <https://www.nationalww2museum.org/war/articles/roma-european-culture>.

²⁵ Ibid.

being enslaved again, as had happened in the 1840s, when Roma were emancipated and then re-enslaved shortly after.²⁶

An added effect of the sweeping nomadism generalization is the discounting of diversity in Romani lived experiences, rendering the reality that Roma are a heterogeneous diaspora an asynchronous falsity.²⁷ In fact, Roma are settled communities in many other parts of the world in addition to Europe, including but not limited to Latin America, North America, and Central Asia.²⁸ Linguistic markers confirm these communities are all part of a larger diaspora, indicating that members from different geographic Romani communities can understand Roma from other geographic communities even though they have never come into contact with each other.²⁹ While the Romani diaspora shares a common experience in some respects, it is simultaneously made up of individualized and contextualized personal and community experiences. A nuanced balance between these competing elements of Romani lived experience must be struck in order to avoid distilling, trivializing, or homogenizing the living records of the individual, the local community, and the diaspora at large.

B. Marginalization in Political Discourse

Romani have not had a homeland since they left India – approximately 1500 years ago (~500 CE)³⁰ – and so the issue of belonging and citizenship has long plagued Roma, especially

²⁶ Hancock, Ian. *The Pariah Syndrome: An Account of G**** Slavery and Persecution*. 3400 Daleview Drive, Ann Arbor, MI 48105: Karoma Publishers, Inc., 1987, 34.

²⁷ NYU Jordan Center. “How (Not) to Talk About Roma,” October 30, 2013. <https://jordanrussiacenter.org/news/talk-roma/>.

²⁸ McGarry, Aidan. “Roma as a Political Identity: Exploring Representations of Roma in Europe.” *Ethnicities* 14, no. 6 (2014): 756–74. <https://www.jstor.org/stable/24736012>.

²⁹ Hancock, Ian. *The Pariah Syndrome: An Account of G**** Slavery and Persecution*. 3400 Daleview Drive, Ann Arbor, MI 48105: Karoma Publishers, Inc., 1987.

³⁰ Bhanoo, Sindya N. “Genomic Study Traces Roma to Northern India.” *The New York Times*, December 10, 2012, sec. Science. <https://www.nytimes.com/2012/12/11/science/genomic-study-traces-roma-to-northern-india.html>.

in the nation-state setting. Not uncommonly, non-Romani academics have contested the Indian connection in bad faith, preferring to promote conclusions such as Romani purposely darkening their skin instead of respecting what both linguistics and genetics unequivocally prove.³¹ Romani are of Indian origin and this is simply fact.³² To suggest otherwise fuels the nomadism trope by denying the possibility that Romani migration is a product of exclusion and promoting the idea that Romani consensually migrate and voluntarily set themselves apart, to their own detriment. From this standpoint, Romani are blameworthy for the consequences of nomadism – often characterized as a lifestyle choice – and the restriction of certain state-based rights based on supposed nomadism is legitimized by the current global political system.

Prominent political theorists such as Hannah Arendt and Eric Weitz discuss at length the shortcomings of the nation-state system, yet both fail to mention Roma when discussing the gaps in the current nation-state system. The absence of Roma even in their *criticisms* of the nation-state system is a commentary on the worthiness of who is a political subject. “The absence of” equates to “unworthy enough” when the subject of discussion focuses on the victims of the current global political system but fails to address one of its biggest losers, Roma. Roma erasure in dominant political discourse – especially when the subject matter is entirely applicable to them – is a testament to the enduring insignificance of Roma in the historical record.³³

Weitz asserts that the late 1800s marks a shift between what he identifies as the Vienna and Paris systems, two distinct approaches to nation formation he defines as the following:

³¹ “RADO.” Accessed February 1, 2023. https://radoc.net/radoc.php?doc=art_d_identity&lang=&articles=true.

³² Ibid.; Gatesy, Michelle. “The Modern Rom: Literature, Culture, and Identity: Writing for a Real World 2016-2017: A Multidisciplinary Anthology by USF Students.” Accessed January 30, 2023. <https://jstor.org/stable/community.31072851>, 94.; The National WWII Museum | New Orleans. “Fascination and Hatred: The Roma in European Culture,” October 10, 2020. <https://www.nationalww2museum.org/war/articles/roma-european-culture>.

³³ Arendt does mention Roma very briefly in some of her work, but as someone who was intensely impacted by and fixated on the gaps of the nation-state system and human rights which were so tragically demonstrated by the Holocaust and WWII, it is a shame that Roma are not discussed to any depth.

“Vienna centered on dynastic legitimacy and state sovereignty within clearly defined borders. Paris focused on populations and an ideal of state sovereignty rooted in national homogeneity.”³⁴ So, the Vienna system conceptualized nation formation as simple territorial adjustments, what Weitz calls traditional diplomacy, while the Paris system sought to engineer nations through a process Weitz terms population politics.³⁵

With population politics, the focal point of nation formation was the distribution of races (under which other identities such as religion were subsumed) in order to optimize the state as a homogenous body of people. The goal of homogenizing populations by borders was to reduce the proliferation of identity-based conflicts preceding the shift from Vienna to Paris, the eventual Balkan Wars being the epitome of the kinds of ethnic-based conflicts the Paris system hoped to remediate.³⁶ However, the engineered redistribution of populations resulted in very strongly defined national majorities and ethnic minorities, curtailing the power of minorities to self-determine. For Weitz, this particular aspect of the Paris system most failed Jews and Armenians, boldly stating, “Armenians and Jews stood at the nodal points of the emerging system. By their very existence, they posed most acutely all the issues of sovereignty and rights.”³⁷ The shortcoming of the nation-state system for Armenians and Jews stemmed from their large geographic dispersal across territories and their lack of legal protection at the national level (only international at the time), with Weitz concluding that Armenians and Jews uniquely experienced both sides of population politics, per later forced deportations and genocides.³⁸ The only

³⁴Weitz, Eric D. “From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions.” *The American Historical Review* 113, no. 5 (2008): 1313–1343.

³⁵ Ibid.

³⁶ Weitz, Eric D. “From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions.” 1315.

³⁷ Weitz, Eric D. “From the Vienna to the Paris System: International Politics and the Entangled Histories of Human Rights, Forced Deportations, and Civilizing Missions.” 1321.

³⁸ Ibid.

difference for Roma is that, unlike Jews and Armenians, they had no national or international legal protections, arguably making them comparably even more vulnerable to falling between the cracks of the nation-state system. And yet, there is no mention of Roma, for whom the nation-state system has been uncondusive to political representation, rights, or protections from the very beginning.

Arendt similarly misses a prime opportunity with Roma to demonstrate the insufficiencies of the nation-state system in her chapter on “The Decline of the Nation-State and the End of the Rights of Man,” in which she argues that the “rights of man” are not actually universal because realistically, society does not treat people equally, hence the possibility of statelessness.³⁹ She uses the nation-state system as proof of this, calling it preposterous to think that nation-states could be established without perpetuating or exacerbating inequality and erasure, but in evolved forms.⁴⁰ For example, the Minority Treaties which were necessitated by the creation of nation-states did not protect all minorities, only those that amounted to “considerable numbers” in two or more of the newly created states.⁴¹

Even with the so-called protections the Minority Treaties were supposed to afford those included under its umbrella, protections became subverted by the supreme law of national sovereignty, the inviolable right for new states to do as they please in their domestic affairs without the intervention of other states. Similar to Weitz’s point about the civilizing mission incorporated into nation-state rhetoric, Arendt also discusses how with the development and hardening of individual rights attached to nationhood through the French Revolution, the Rights of Man, and then the Minority Treaties, being free and emancipated came to mean having a

³⁹ Arendt, Hannah, “The Decline of the Nation- State and the End of the Rights of Man,” *The Origins of Totalitarianism* (1951), 267-302.

⁴⁰ Ibid.

⁴¹ Ibid.

national government, while those without a national government “were deprived of human rights, a form of uncivilized in the new system.⁴² Minorities Arendt explicitly identifies as having been impacted by the development and hardening of the nation-state system due to territorial shifts and divisions include Jews, Russians, Armenians, Spaniards, Hungarians, Germans, and even Trotskyites (Arendt uses the phrase “scum of the earth” often to illustrate and emphasize just how trampled stateless persons were post-WWII). She even makes the claim that the *Heimatlosen* are the oldest group of stateless people, having become so due to the Peace Treaties of 1919.⁴³ I question if this is actually the case since Roma are completely missing from Arendt’s chapter, despite the gaps of the nation-state system she criticizes arguably best applying to Roma, who were systematically denied a land-based identity through the institution of slavery until 1885 in some regions of Europe.

It is difficult to find reference to the Roma nomadism trope and discern the potential impact of it in political machinations related to population politics at that time. Whatever their status as political subjects was, Roma were not named in the minority treaties that came out of the initial stages of the nation-state system. However, later political discourse regarding the status of Roma as migrants does reflect astute consciousness of the influence classifying Roma as nomads could have on their political status and, therefore, access to rights.

With Romani historically missing from political discourse for whatever reasons, it makes sense that Arendt fails to mention them to any extent in her criticism of the nation-state system, that Roma lack their own historical archives untainted by the vantage point of other experiences, and that Roma today are in the exact same situations of Roma centuries ago. Arendt was a product of her times, in a post-war environment which was heavily focused on archiving the

⁴² Arendt, Hannah, “The Decline of the Nation-State and the End of the Rights of Man,” 272.

⁴³ Arendt, Hannah, “The Decline of the Nation-State and the End of the Rights of Man,” 277.

Jewish experience, but not the Roma experience. It takes the power to name something for what it truly is before it really is what it is – there would be no Holocaust but for Ally victory, the Nuremberg Trials and their denunciations and indictments, or a record and collection of textbooks and curricula that tell us these things happened. Conversely, a lack of widespread acknowledgement or recognition of Roma history and oppression is therefore attributed to Roma erasure and invisibility.

Ari Josckowicz speaks to the invisibilization of Roma in Holocaust archives, theorizing it as a product of several factors, including the relationship between Jews and Roma in Nazi Germany prior to WWII, the international response and focus on building cases for the Nuremberg Trials, and the interviews of Jewish survivors. Essentially, the manner in which history was recorded at each point in time above (pre-war Nazi Germany, post war Nuremberg trials, and later interviews of Holocaust survivors) largely focused on the Jewish experience and perspective with each iteration of archiving relying on the previous, thus insulating Roma history within Jewish-focused accounts and experiences.⁴⁴ Much of what is known about Roma is seen through the refracted lens of Jewish archives, as Josckowicz phrases it, in part because while, “the immediate postwar era witnessed the proliferation of efforts to document the fate of Jews under Nazi rule, few initiatives emerged to document the Romani Holocaust.”⁴⁵ One of the enlightening patterns which emerges in the archives Josckowicz analyzed is the almost exclusive use of G**** by Jewish survivors in their accounts of Roma, a namelessness that goes unquestioned by Holocaust archive interviewers who did not seek out explicit names.

⁴⁴ Josckowicz, Ari. “Separate Suffering, Shared Archives: Jewish and Romani Histories of Nazi Persecution.” *History and Memory* 28, no. 1 (2016): 110–40. <https://doi.org/10.2979/histmemo.28.1.110>.

⁴⁵ *Ibid*, 21.

Consequently, Holocaust archives reinforced, “a narrative tradition in which individual Roma became anonymous ‘Gypsies.’”⁴⁶

In the immediate post-WWII environment, a particularly insidious manifestation of the insistence on Roma as nomads can be found in the dominant political discourse at the time, of which population displacement was at the forefront. In 1949, there was debate within the International Refugee Organization (IRO) whether Roma deserved to be considered as refugees, who were asserted to be nomadic people traveling for economic reasons.⁴⁷ Whether Roma were nomadic or not had very different outcomes for Roma asylum-seekers in the post-WWII environment. If considered a nomadic group, Roma were then not displaced per se, but instead “choosing” to relocate and thus not eligible as victims of the massive displacement caused by WWII. Essentially, at times, Roma were barred from claiming refugee status based on this reasoning. Despite Roma being the *only* other ethnic group besides Jews that Nazi Germany explicitly singled out for extermination on the basis of race, Roma could be undeserving of asylum on the basis of their supposed nomadism,⁴⁸ never mind the ghettos created to funnel Roma into concentration camps, the widespread deportations of Roma from European states as early as 1935, and that up to 90% of some national populations of Roma were murdered during the Porjamos (Roma Genocide). Roma did receive asylum in some cases, but this does not take away from the inappropriateness of the kind of discourse being employed with regard to Roma refugees after World War II.

More often than not, Roma were simply absent from the conversation. Egregious instances of Roma invisibility post-WWII is the fact that zero Roma were called upon to testify

⁴⁶ Ibid.

⁴⁷ Joskowicz, Ari. “Romani Refugees and the Postwar Order.” *Journal of Contemporary History* 51, no. 4 (2016): 760–87. <https://www.jstor.org/stable/26416466>.

⁴⁸ Ibid.

during the Nuremberg Trials and received zero dollars in reparations, yet hundreds of millions in total was paid by West Germany and complicit companies to Israel, Jewish organizations, and Jewish forced laborers and their families (this is in reference to the immediate post-war reactions and actions).⁴⁹ As Hancock puts it, the devaluation of Roma lives did not end with the Porjamos.⁵⁰

At its base, the IRO debate about how classifying Roma as nomadic changed their asylum eligibility was really a debate about inclusion and exclusion. In stark comparison, it is truly astounding how just one label – nomadic – separates the post-WWII reception of Jewish refugees vs. Romani refugees. While the former was given border-defined nationhood, the latter could be denied their very political existence. The level of disparity reflected in the Roma vs. Jewish experience post-WWII is an essential part of the story of Romani statelessness because it highlights the essence of Romani oppression blatantly and undeniably; what has been done to Romani and the explanations given for the atrocities committed against them go by unchallenged while the same oppressive behaviors and racist mindsets are received with horror and outcry when directed at other minority groups. I doubt there is any kind of peer-reviewed academic article whose central focus is to frame how being Jewish was an advantage post-WWII rather than focusing on the horrific impacts of anti-Semitism, yet such a framing is applied to the Roma experience as the central focus of Ari Josckowicz’s article, “Romani Refugees in the Postwar Order.”

In his article, Josckowicz argues based on IRO records of 573 cases that “G****” was a *privileged* category which entitled Romani to a half-decade’s worth of respite from

⁴⁹ Hancock, Ian. *The Pariah Syndrome: An Account of G**** Slavery and Persecution*. 3400 Daleview Drive, Ann Arbor, MI 48105: Karoma Publishers, Inc., 1987, 77.

⁵⁰ Ibid.

discrimination, most erroneously stating that, “G**** came to function as a privileged, rather than prejudicial category.”⁵¹ He even generically states that being G**** afforded more advantages than disadvantages for those who sought the IRO’s help, arguing that internationalization helped to counter Roma discrimination for a brief moment.⁵² While there may have been a niche situation in which being Roma did not work against oneself in European immigration policy immediately post-WWII, I take significant issue with the nature of this article. It confusingly emphasizes that Roma were briefly privileged while also acknowledging copious amounts of contradicting information such as the discrimination and surveillance some Roma experienced because of their IRO classification as G****, the limited scope of the IRO’s interactions with Roma (~500-600 cases), the untrustworthiness of datasets, that the IRO collection is the only major collection of post-war Roma cases to be declassified, the rise of the “G**** panic” in West Germany in the 1950s, the subjective Roma discrimination of some IRO officers, such as one who wrote, “Rejected: Policy not to grant Resettlement Services to G****” on an application, and the quick turnaround between G**** as a privilege and G**** as a handicap.⁵³

What is the point of Josckowicz’s G**** as a privileged status argument if he is at the same time refuting it? Five years is by no means a respite from discrimination for a population who was enslaved for over 500 years on the basis of race,⁵⁴ yet Josckowicz’s argument relies on the logical fallacy of anecdotal evidence and is akin to saying “Jewish came to function as a

⁵¹ Josckowicz, Ari. “Romani Refugees and the Postwar Order.” *Journal of Contemporary History* 51, no. 4 (2016): 760–87. <https://www.jstor.org/stable/26416466>.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Hancock, Ian. *The Pariah Syndrome: An Account of G**** Slavery and Persecution*. 3400 Daleview Drive, Ann Arbor, MI 48105: Karoma Publishers, Inc., 1987, 16.

privileged, rather than a prejudicial category” if I were to write an article on the benefits of being a Jewish *Kapo* (guard) in a concentration camp.⁵⁵

I call out Josckowicz’s article because of the degrading impact its trivializing of Romani struggles coupled with the stamp of “scholarly” legitimacy has for Romani visibility. With its petty focus on a five-year period, his article comes off as an intellectual exercise in just how many backflips one can do to offer a “novel” perspective on history. Roma are not an appropriate subject to demonstrate academic prowess or creativity. There is no room for nuanced interpretations of Romani history which clash with the harsh reality and record of Roma exclusion due to a public who does not know much, if anything at all, about Roma. Conversations about Roma history first need to get the basic facts agreed upon and recognized, since there is limited publicity of Roma history and limited legitimate sources. Whatever legitimate literature does exist disproportionately represents Roma history because the oeuvre of academic commentary on Roma simply lacks depth, variety, or Roma authorship. The danger of a nascent body of academic literature on Roma is the weight given to articles like Josckowicz’s, which is widely disseminated based on it being cited on the (New Orleans) National WWII Museum in a 2021 article called, “Strangers in their Own Land: Romani Survivors in Europe.” The mission of the National WWII Museum is to tell the story of WWII – “how it was fought, how it was won, and what it means today”⁵⁶ – to the American public, but until hijacked Roma identity is reclaimed, commentaries like Josckowicz’s are confusing for people who may not care about understanding the nuances of his argument and interpret it wrongly. Or, it is fodder for policymakers and politicians who can utilize academically legitimized false narratives to conjure

⁵⁵ Kwiet, Konrad. “Kapos: Collaborators, Perpetrators or Victims?” *Sydney Jewish Museum* (blog), May 20, 2021. <https://sydneyjewishmuseum.com.au/news/kapos/>.

⁵⁶ The National WWII Museum | New Orleans. “About Us.” Accessed April 29, 2023. <https://www.nationalww2museum.org/about-us>.

alternate realities and wield them as means to political ends. Published in 2016, Josckowicz's article is strikingly tone deaf considering the state of political rhetoric regarding Roma today, which has facilitated rising hate speech, anti-Roma legislation, and scapegoating.⁵⁷

C. Media Representation

Any account that prescribes nomadism or wandering to inherent Romani "ways of life" unfairly titrates nomadism from patterned relocation in Romani history. This is particularly evident in media accounts. I will rely heavily on one example (discussed below) to illustrate this point, but one need only to look up Roma in the media to understand the negative, deficit-based nature of Roma-related discourse in media. In part, I chose the example below *because* it is not as overtly coded as much commentary on Roma is. Subtlety can be just as damaging, and even more so, because it creates implicit associations that can easily be mistaken for reality.

An article in *Slate* titled, "Why do the Roma Wander: Because in the Old Days They Had To" provides an excellent historical basis for the genesis of Romani itinerancy, identifying how persecution first drove Roma out of India then relegated Roma to perpetual migrancy.⁵⁸ However, like many historical accounts of Roma, it mixes truth with false narratives. I particularly disagree with its assertion that eventually, "wandering became a way of life"⁵⁹ for Roma because the term wandering suggests a lack of motivation or impetus, when in reality Roma are often very intentionally displaced or relocating, whether to avoid persecution or seek out better economic opportunities due to disenfranchisement. Additionally, framing wandering as a way of life for Roma in any context, description, or in this case the article title itself, no matter

⁵⁷ "Roma Rights Advocates Warn of Rising Hate Speech: Many 'Don't Even Know' They're Being Racist | UN News," April 7, 2022. <https://news.un.org/en/story/2022/04/1115752>.

⁵⁸ Lapidos, Juliet. "Why Do the Roma Wander?" *Slate*, August 20, 2010. <https://slate.com/news-and-politics/2010/08/why-do-the-roma-wander.html>.

⁵⁹ *Ibid.*

how nuanced, inevitably imbues Roma with *inherent* habits, cultural norms, and beliefs embracing nomadism. It does not necessarily matter whether this is true to any extent anyway, what matters is the monolithic nature of the nomadism trope, which refutes the possibility of deviation or alternate realities for Roma.

The *Slate* article attempts to counter the false Roma nomadism narrative, but it also simultaneously perpetuates incorrect associations between Roma and frivolous relocation. Even (presumably) the best intentioned and well-informed authors can mistakenly fall prey to the dog whistles weaved into Roma nomadism discourse. Unfortunately, the European Roma Rights Center (ERRC), a leading Roma-rights NGO, is credited with contributing to the article in the byline at the end of the article. Backed with the implicit approval of the ERRC by virtue of the article's explicit acknowledgment of ERRC contributions, the content becomes impervious to criticism that it gets Roma history wrong - due to the reputation of the ERRC. And yet, it does. A final criticism of the *Slate* article title is its allusion to a time dimension via the phrase "in the old days," implicit messaging that persecution-based "wandering" is no longer happening. The trivializing effect of the term wandering partnered with the notion that forced Roma migration is a thing of the past subverts the entire point of the article – to deconstruct the misconception of Roma nomadism.

Wandering has never been a way of life for Roma, but surviving displacement and forced migration has, and still is. What the *Slate* article shows is the very far extent to which all discourse on Roma history is questionable. If a well-meaning article informed by a Roma advocacy organization still manages to perpetuate harmful discourse about who Roma are and what they do, then imagine just how wrong and ill-intentioned other accounts of Roma history can be. For instance, even Amnesty International defers to the simplistic explanation of Roma as

traditional travelers in their online campaign material, which is evident in a piece titled, “The Roma in Europe: 11 Things You Always Wanted to Know, But Were Afraid To Ask.” Though the intent is to provide the public with a quick history of Roma in Europe, the subsection, “What did Roma do?”⁶⁰ essentializes the existence of Roma as a traveling-based group that has traditionally done so to seek economic opportunities. I would argue that itinerancy is not traditional if it is initially a product of persecution and oppression, no matter how long itinerancy has been characteristic of Roma livelihood. Roma history is not something many have bothered to study in all its nuances, which means that traditional framing of Roma mobility remains limited in scope and precludes deeper analyses. To typify Romani as uniquely nomadic in comparison to other groups is a narrow historical viewpoint. Beyond just getting the facts of history wrong, there is extensive damage to the Roma image based on nuanced framings that favor subjective words like wandering vs. objective truths like forced migration.

Inherent nomadism as a Romani trait pardons the myriad injustices in Roma history, defined by systemic Othering and exclusionary processes. It is also a pardoning of the responsibility to remedy what society at large has done to Romani people. Absent an acknowledgement that the present is a product of the past, and that the problems created by statelessness are self-inflicted, political actors and policymakers will continue to fail in their Roma integration and inclusion efforts, as they have done for the past three decades.⁶¹ In O’Keefe’s words, “the insistence on Roma as eternal nomads makes it impossible to historicize Romani experiences, let alone devise solutions to the structural challenges that many Roma

⁶⁰April 23, 2015. <https://www.amnesty.org/en/latest/campaigns/2015/04/roma-in-europe-11-things-you-always-wanted-to-know-but-were-afraid-to-ask/>.

⁶¹ “Why-Does-Roma-Integration-Fail-in-Bulgaria_2017.Pdf.” Accessed April 3, 2023. https://ergonetnetwork.eu/wp-content/uploads/2018/07/Why-does-Roma-integration-fail-in-Bulgaria_2017.pdf

continue to face today in Europe and across the globe.”⁶² The ultimate structural challenge for Roma is the nation-state system.

V. Selective Misidentification

The nation-state system of today presumes rights based upon a border-defined nationality, a legacy of 1800s population politics which has especially shaped the composition of Europe today, as well as its citizenship-based regulations. Social categorizations and government forms of classification have worked together to control movement of Roma populations via selective misidentification, which entails *inconsistent* classification of Roma to the effect that it disparately influences the social and political mobility of Roma in paradoxical ways. Selective misidentification is an iterative historical process, meaning that misidentification of Roma in the past carries over into the present through its preservation in political rhetoric and discourse. It thus continues to disparately harm Roma, but in evolved manifestations, and is specifically characterized by its simultaneous benefit to others, especially states. Through selective misidentification, exogenously determined classifications of Roma engineer paradoxical yet compounding forms of control, which strengthen the ability for governments to both *keep track* of Roma and *lose track* of Roma, being of complete benefit to governments. It is not an accident that Roma disparately lack access to housing in many EU member-states – a product of *keeping track* processes – yet also experience disparate levels of access to citizenship – a product of *losing track* processes. While selective misidentification constitutes the power to engineer Roma identity to the advantage of others, the impact for Romani is always a loss.

⁶² NYU Jordan Center. “How (Not) to Talk About Roma,” October 30, 2013. <https://jordanrussiacenter.org/news/talk-roma/>.

Theoretically, I argue that Roma history is characterized by a *both-and* experience in which Roma chronically face catch-22 situations due to the multi-dimensional barriers Roma face within the nation-state structure. A binary theme I explore more deeply later in this section is the tension between the over-surveillance and securitization of Roma vs. their invisibility. A unique feature of this thematic binary is a dissonance with what is usually intuitive. With policy issues, the intuitive assumption of how they may affect different groups is often that they occur within an either-or binary paradigm, in which one group may be affected *this* way and another *that* way, but not that one group could be affected in both *this* and *that* way when the two separate outcomes seem to be in contradiction to one another. However, for Roma, policy issues often *do* impact Roma in counterintuitive patterns, the ultimate effect being an experience of compounded harms. It must be understood that it is a Roma-specific phenomenon to experience compounded harms from policymaking due to the fact that opposing policy outcomes often both/all have contraindicated effects on Roma. A prominent theme which optimally exemplifies the *both-and* phenomenon is the historical tension between Roma being acutely visible through over-surveillance vs. Roma being invisible through a lack of documentation.

Within an over-surveillance vs. invisible binary, it is possible to observe how Roma have historically been caught between two bad outcomes. Whichever outcomes Roma are coerced into facing, selective misidentification has ensured that Roma experience *both-and* harms, to the chronic detriment of the right to Roma self-determination, political representation, and access to and protection of civil, political, and human rights. As an inextricably historical process, the *both-and* phenomenon is alive and well today, inevitably impacting EU policy formation concerning Roma. In the absence of historical reconciliation with Europe's political past, the EU's Roma inclusion efforts will never reach their full potential.

A. *Over-Surveillance vs. Invisibilization*

Roma bodies are distinguishable enough to be surveilled and targeted but not distinguishable enough to be documented in ways that facilitate participation in citizenship. Fundamentally, Roma live in paradox. And it is by design.

With regard to surveillance, systems to track Roma movement have existed since the late 1800s within the German states. In the same year that Roma were emancipated in the regions of Wallachia and Moldavia (1885), the Kingdom of Bavaria passed a law targeting Roma itinerancy by restricting the distribution of licenses to Romani traders. In 1899, “The Central Office for G***** Affairs” was created in Munich, through which policing of Romani people included information gathering on all sorts of aspects of their movement. By 1911, all Romani in Bavaria were required to be fingerprinted and in 1926 the, “Law for the Combating of G*****, Travelers, and the Work-Shy” was enacted (though not passed), again an attempt to legislate control of Roma movement, one example being the restriction of Roma “bands,” only allowing for small groups or families to travel together. Over four decades, Bavaria established a system for documenting, identifying, and surveilling Roma, essentially a registry of data which was eventually tapped by Nazi Germany.⁶³ The extent to which Roma were securitized and policed indicates the ability to identify Roma. Yet, at the same time, estimates of Romani deaths during the Porjamos range between 200,000 to 1.5 million⁶⁴ depending on the source, which is ironic considering the great lengths to which European authorities have attempted to surveil Roma bodies in the past. Data about Roma often covers ridiculous ranges such as this, instilling a sense

⁶³ “The Bavarian Precedent: The Roma in European Culture | The National WWII Museum | New Orleans.” Accessed May 1, 2023. <https://www.nationalww2museum.org/war/articles/bavarian-precedent-roma-european-culture>.

⁶⁴ European Roma Rights Centre. “Why it is important to remember the Roma Holocaust?” Text. Accessed May 1, 2023. <http://www.errc.org/news/why-it-is-important-to-remember-the-roma-holocaust>.

of futility in trying to gauge just how big the problem is, and also imparting important advice about statistics regarding Roma: assume the numbers are higher than what is reported.

Yugoslavia provides a model case study of the common factors contributing to the obstruction of access to citizenship for Roma. Prior to the dissolution of Yugoslavia, Roma were forcefully assimilated into the working class, occupying a position of low social-status. Since Roma were never constitutionalized as a minority in Yugoslavia, nor granted republican citizenship, the law of legal continuity post-dissolution did not benefit Roma who could not provide proof of citizenship in the previous republic. Many Roma did not have proper documentation to prove birth either because oftentimes Roma women did not have access to health care (still the case today). Many Roma who found themselves in the newly defined state of Slovenia fell into the category of “the erased,” those who had been deleted from the Register of the Permanent Population.⁶⁵ Roma were not explicitly excluded per se from citizenship requirements, but the social hierarchies in place prior to the conflict dictated the status of Roma after it, the impetus of discrimination influencing realities of Roma on both ends of the conflict.

An interesting example in the present is the reported cases of statelessness in Ukraine. If you do the math, it raises doubt about who is being counted and how. A March 2022 briefing from the European Network on statelessness reports that according to the last census (2001) in Ukraine, 82,550 people were stateless, and that right now Roma approximate about 400,000 of the population while 10-20% of Roma are at risk of being stateless or stateless in Ukraine.⁶⁶

According to the higher end of the range, this would mean up to 80,000 Roma are at risk of

⁶⁵ European Network on Statelessness. “Romani Minorities Caught In-between: Impeded Access to Citizenship and de Facto Statelessness in the Post-Yugoslav Space,” September 20, 2013. <https://www.statelessness.eu/updates/blog/romani-minorities-caught-between-impeded-access-citizenship-and-de-facto-statelessness>.

⁶⁶ “ENS Briefing - Stateless People Displaced from Ukraine - March 2022_1.Pdf.” Accessed April 30, 2023. https://www.statelessness.eu/sites/default/files/2022-03/ENS%20Briefing%20-%20Stateless%20people%20displaced%20from%20Ukraine%20-%20March%202022_1.pdf.

being stateless or are stateless, a number only 2,550 people away from the 2001 estimate of the total stateless population in Ukraine. The higher end of the range of possibly stateless Roma in Ukraine suggests that the vast majority of Roma in Ukraine fall under the category of (at risk of being) stateless, a 40,000-person difference. The wide range of data reported about Roma contributes to misinformation and misidentification of Roma, complicating efforts to pinpoint the scope of issues affecting Roma and, thus, effectively address issues such as statelessness. Pre-WWII surveillance and tracking of Roma juxtaposed with the statistical invisibility of Roma highlights the ways in which differing functions of identification can secure both control of Roma movement and relinquish control of Roma movement. In the case of the Kingdom of Bavaria, control of Roma movement was to the benefit of anti-Roma political agendas, while inability to document Roma movement in Ukraine is also to the benefit of states who do not want to accept an influx of immigrants, a preference which disparately excludes Roma refugees.⁶⁷

VI. Memory and Naming

Selective misidentification is an iterative process that chronically places Romani in lose-lose situations and defines an incomparable something that is particular to Romani and Romani history. The reliability of history's tendency to repeat itself is undeniable – cue intergenerational statelessness. Look and you can see that many things mirror each other or are simple iterations – violence, scapegoating, polarization, and humanity have always gone together. With Romani, however, there is more than iteration at play and history can only tell us so much. This is because the Romani experience has yet to be named even though it has extended, chronic features of

⁶⁷ European Roma Rights Centre. “War in Ukraine: ERRC Monitoring Report Confirms Discrimination Against Romani Refugees.” Text. Accessed May 1, 2023. <http://www.errc.org/press-releases/war-in-ukraine-errc-monitoring-report-confirms-discrimination-against-romani-refugees>.

persecution, segregation, and decimation. Romani erasure in historical archives and memory has been a constant which needs to end here and now. By naming what has happened to Romani and seeking out an authentic account of how Romani have been disenfranchised in every way imaginable, it is possible to better understand the nation-state system today and its unique impact on Romani as a pre-set template originating in historical power dynamics. As humans of our times we can only name what we see and know from what we have at our moment in time. This is why Roma have continued to be erased – since they are often never recorded in the first place.

My Lai the village vs. the US military, Jews vs. Nazis, Armenians vs. Turks, Muslim Bosnians vs. Christian Serbs are preserved horrors, able to be understood as such due to the acute overload readily understood in reports of the scope of atrocities that occurred during each event. In contrast, the Romani experience is so historically drawn-out that the origins of their dispossession becomes untraceable and instead simply synonymous with being Roma. There is no one identifiable perpetrator or victim in Roma history. Society at large is the perpetrator and Roma at large are the victims. If we think about the compilation of oppressive acts, laws, policies, violence, and invisibilising directed at Roma as a continuum that leads to today, the volume of it all is overwhelming and makes it difficult to imagine how Romani statelessness could ever be reconciled. How many Roma throughout history have been murdered if we were to add up all recorded instances, and then also try to account for unrecorded events? Tens of millions over centuries? While the underpinnings of anti-Semitism and its role in the Holocaust are understood to be entrenched in deep-seated prejudice stretching way back into history, the Porjamos is not similarly construed in dominant public discourse. Yet, Romaphobia, too, is a deeply entrenched historical prejudice. As Roma assimilate or distance themselves, willfully or unwillfully, the surface belies the graveyard below.

The Peculiar Longevity of Things Not So Bad offers an interesting way to think about the Roma situation, prescribing what is called the region-beta paradox as a, “simple, unifying framework within which... a host of otherwise disparate phenomena may be similarly understood.”⁶⁸ The region-beta paradox relies on the perversion of two variables, time and distance,⁶⁹ whose effect results in illogical thinking in the sense that the outcome of what is perceived as the best choice – hinged on the perversion of time and distance – is not the most advantageous one. Applied to the issue of intergenerational Roma statelessness, the chronic nature of their oppression perverts perception of the depth of the problem – due to their historical invisibilization – and the methods (policies for example) utilized to alleviate factors contributing to statelessness seem to be logical (based on the timeline upon which they are expected to be successful) responses to what is known. The EU’s RSF is a short-view plan and product of region-beta reasoning and optimism, a misaligned strategy that does not account for historical context. As a global institution, the nation-state system works against Roma at every level of society because it was built and codified in a context of pre-set power dynamics determined long ago.

VII. The Paradox of Being Roma

There are clear examples of cause and effect processes within EU institutional settings which demonstrate how selective misidentification translates into Romaphobia. From the past, there is the example of the IRO’s perception of Roma as nomads and its impact on access to

⁶⁸ Gilbert, Daniel T., Matthew D. Lieberman, Carey K. Morewedge, and Timothy D. Wilson. “The Peculiar Longevity of Things Not So Bad.” *Psychological Science* 15, no. 1 (2004): 14–19. <https://doi.org/10.1111/j.0963-7214.2004.01501003.x>.

⁶⁹ Gilbert, Daniel T., Matthew D. Lieberman, Carey K. Morewedge, and Timothy D. Wilson. “The Peculiar Longevity of Things Not So Bad.” *Psychological Science* 15, no. 1 (2004):13. <https://doi.org/10.1111/j.0963-7214.2004.01501003.x>.

refugee status. In the present, an indicator of selective misidentification of Roma is the existence of ridiculous hypocrisies, such as those found in immigration policies. A prime example is the existence of the Schengen Area, a significant geographic region covering 27 countries from Portugal to Finland with no border control and which has adopted the abolishment of passports.⁷⁰ There are ~423,264,262 European citizens within this area who, presumably, can travel freely and unrestricted by IDing requirements or documentation.⁷¹ In the meantime, Romani citizens without documentation who have often been forced from their homes are not treated as asylum-seekers, but instead are regularly criminalized, segregated, and/or securitized upon arrival in a new country *based upon a lack of* documentation. This is happening at the borders of Ukraine as I write this paper, where Romani citizens driven from their homes due to the Russian-Ukrainian conflict experience different treatment than their Ukrainian counterparts.⁷² It is not difficult to imagine the viability and occurrence of lost documentation amongst other groups during conflicts, but statelessness and being at risk of being stateless somehow routinely afflicts Roma populations, especially in times of conflict. Selective misidentification provides an answer to this disparity.

It is no accident that Roma experience comparably inferior treatment to that of migrants, since the conflation of Roma as synonymous with migrancy is a logical byproduct of the Roma nomadism myth. Even though the label migrant is not synonymous with Roma, the experience of Roma is often synonymous with that of the migrant, as indicated by this excerpt from The

⁷⁰ “Schengen Area - The 27 Member Countries of the Schengen Zone.” Accessed May 1, 2023. <https://www.schengenvisainfo.com/schengen-visa-countries-list/>.

⁷¹ Ibid.

⁷² “ENS Briefing - Stateless People Displaced from Ukraine - March 2022_1.Pdf.” Accessed April 30, 2023. https://www.statelessness.eu/sites/default/files/2022-03/ENS%20Briefing%20-%20Stateless%20people%20displaced%20from%20Ukraine%20-%20March%202022_1.pdf.

International Organization on Migration’s website in a report on health issues among Roma and migrants:

Migrants have been found to receive inferior health care compared to host communities due to administrative and language barriers. Different health practices, lack of empathy and lack of cultural sensitivity of medical personnel also play a part. Europe's 10-12 million Roma, whose life expectancy is on average 10 years less than their Europeans, frequently experience similar treatment.”⁷³

Selective misidentification manifests as essentializing labels for Roma, such as the chronic association of Roma with migration. Another example of selective misidentification is found in laws codifying Roma, G**** and Traveller movement, which often associate the three terms within legislation and thus create a sense of interchangeability. An insidious effect of this is spurious data that underestimates the gravity of Roma discrimination. A *Guardian* article from April 23, 2023 reports data from an equality survey conducted by Evidence for Equality National Survey (UK) which places Roma experiences of discrimination at lower rates than that of G****/Traveller.⁷⁴ It claims that while only 47% of Roma had experienced a racial assault, 62% of G***** and Travellers had.⁷⁵ This kind of reporting and data collection is irresponsible, delineating Roma from G***** and Travellers even though G**** in public rhetoric is often synonymous with Roma, and despite the complicated intersectionality of the three labels and their usage throughout history. The report also implies that G****and Traveller are ethnicities, which they are not in and of themselves. Treated as ethnicities, the article reports that the G****/Traveller category has the highest rate of health disparity than any other ethnicity.⁷⁶ Both

⁷³ International Organization for Migration. “Equi-Health Project to Address Roma, Migrant Health Issues in Europe.” Accessed April 25, 2023. <https://www.iom.int/news/equi-health-project-address-roma-migrant-health-issues-europe>.

⁷⁴ Goodier, Michael. “Social Barriers Faced by Roma, Gypsies and Travellers Laid Bare in Equality Survey.” *The Guardian*, April 9, 2023, sec. World news. <https://www.theguardian.com/world/2023/apr/09/social-barriers-faced-by-roma-gypsies-and-travellers-laid-bare-in-equality-survey>.

⁷⁵ Ibid.

⁷⁶ Ibid.

the data and labels pollute what is known and perceived about Roma, discounting the experience of Roma discrimination by categorizing their experience as lower-than.

Marginalization and the nature of our nation-state global political system are both functions of selective misidentifications and products of it, a self-feeding cycle that perpetuates the exclusion of Roma. Even if and when EU efforts to include Roma are well-intended, the legacy of institutionalized selective misidentification of Roma in the very nature of nation-state politics paradoxically still produces real-time advantages for the EU's economy. Roma who would otherwise not be undocumented and citizenless if they had not been forced from their land become stateless people to whom "the state" – any state – technically has no obligations to protect, harbor, or provide. This is despite state-perpetrated homelessness often motivated by the value and prospects of developing the land on which Roma live, an issue extensively covered in the documentary *Welcome Nowhere*, which follows the lives of a Bulgarian Roma community displaced by the development of a grocery store. Unavoidably, reconciliation of Romani statelessness is a matter of cognitive dissonance for EU policymakers who must contend with states who may benefit from Roma displacement (land acquisition) and Roma wage-gaps (50% in 2014), lower Roma utilization rates of health care systems, high levels of Roma employment in informal markets (no insurance, can get fined for unapproved work), Roma layoffs in times of economic distress, and the list goes on.⁷⁷ In the spirit of realism, what is well-intended vs. self-interest likely stalls progress at times when it may be in the interest of EU institutions to *not* integrate Roma who are vulnerable to exploitation.

⁷⁷ World Bank. "The Roma Labor Market – Why Europe Should Care." Text/HTML. Accessed April 30, 2023. <https://www.worldbank.org/en/news/feature/2014/12/08/the-roma-labor-market---why-europe-should-care>.

VIII. Conclusion - “Nothing About Us Without Us”⁷⁸

Implicit in the EU’s Roma Strategic Framework and its NRISs is the assumption that EU society is ready for Roma socioeconomic integration. However, this paper demonstrates the premature nature of these efforts, well-intended though they may be. Roma integration efforts that center socioeconomic disparity are premature because when compared to prejudiced sentiments towards other groups in Europe, Romaphobia is unhinged. The problem with a socioeconomic lens that places the weight of Roma integration on funding and spending is that when combined with rampant discrimination, the product is irresponsible, ineffective spending that in the end may serve more to damage the equity gap between Roma and society at large than to ameliorate it.

Implicit bias ensures biased and ineffective spending. Even if funds are being utilized in accordance with guidelines/requirements of the funding source, they are by extension not being spent optimally. Worse, flagrant misuse of EU funds such as that in Italy occurs, where the government spent €1.3 million in 2014 to build a Roma camp next to toxic waste.⁷⁹ The decades-old Roma camp system in Italy is perhaps one of the more egregious examples of both Romaphobia and its manifestations, eerily reminiscent of WWII-esque concentration camps in which Roma are sometimes watched by guards⁸⁰ and fingerprinted.⁸¹ Despite Italy being an

⁷⁸ This was a phrase used in both the anti-apartheid movement and disability justice movement of the 1990s. It speaks to the idea that in policymaking, no decisions should be made by any representative without the full and direct participation of the subject of the policy. For Roma, political representation remains a significant barrier to Roma rights.

⁷⁹ Stampa21Luglio. “In Giugliano, a new Roma ghetto.” *Associazione 21 Luglio* (blog), January 12, 2017. <https://www.21luglio.org/giugliano-new-roma-ghetto/>.

⁸⁰ openDemocracy. “Salvini Is Escalating War on Italy’s Roma Community by Deploying Soldiers.” Accessed April 30, 2023. <https://www.opendemocracy.net/en/salvini-is-escalating-war-on-italys-roma-community-by-deploying-soldiers/>.

⁸¹ Gergo, Pulay. “Crises, Securitizations, and the Europeanization of Roma Representation.” *Intersections, East European Journal of Society and Politics* 4, no. 3 (n.d.): 190. file:///Users/rumyhulme/Downloads/489-Article%20Text-1567-1-10-20181003.pdf.

(original!) EU-member state since 1957, promises to promote common EU values such as, “respect for human dignity and human rights, freedom, democracy, equality and the rule of law”⁸² mean nothing for Roma, one of the majority-minority populations in Italy not even protected as a linguistic minority.⁸³ It is only to be expected that non-Roma officials will never spend money intended to uplift Roma socioeconomic status in a manner that is most preferred and needed by Roma populations. Considering Roma political representation is grossly out of proportion to Roma populations, the future is formidable.

Roma may have common experiences such as discrimination and forced migration, but these commonly shared components of Roma history conspire to limit Roma political empowerment due to their divide and conquer effect on Roma populations. As a result of the treatment of Roma based on the Roma nomadism myth and engineering of populations, Roma are geographically fragmented while also being kept immobile in their time and place, thus inhibiting any widespread Roma political movement. The reality of “what is” in spite of the many extended efforts to combat Roma exclusion indicates that something is being done wrong or not right enough. When the EU’s RSF and NRISs continue to malfunction even decades after initial efforts to alleviate or fix a broken system that disparately excludes Roma, it is a fair assumption that Roma exclusion persists because of incoherence between policy-making and implementation. Rather than continuing to try to plug a square peg into a circular hole, the EU needs to reconsider its institutional assumptions and how they dictate the nature, framing, and course of policy-making relevant to Roma populations and issues of citizenship.

⁸² Leppert, Rebecca. “How Exactly Do Countries Join the EU?” *Pew Research Center* (blog). Accessed April 30, 2023. <https://www.pewresearch.org/short-reads/2022/07/26/how-exactly-do-countries-join-the-eu/>.

⁸³ Minority Rights Group. “Roma,” September 6, 2018. <https://minorityrights.org/minorities/roma-25/>.

A glaring shortcoming in both iterations of the RSF is the failure to mention the over-representation of Romani children in state care, an obvious mechanism for Roma segregation and a function of discrimination. Even though Roma children are significantly overrepresented in state care facilities in several EU member-states – institutionalization of Roma children reaches extreme proportions in some EU member-states, as is the case with the Czech Republic, where Roma children comprise 60% of institutionalized children despite Roma representing only 2.2% of the general population⁸⁴ – the 2020-2030 RSF does not include a quantitative benchmark for reducing the proportion of Romani children in state care. Racial discrimination is why one of the most common reasons for child protection interventions are, “poor housing conditions and child poverty”⁸⁵ and yet RSFs have not drawn a connection between the reduction of Romani children in state care and the positive impact this would have on several RSF policy targets, such as reduction of segregation in education, alleviation of low Roma employment, and remediation of health and housing disparities.⁸⁶ This glaring shortcoming is due to the EU’s socioeconomic emphasis and a sterile separation from the historical record of social, cultural, and political factors at play in Roma exclusion.

On the surface, Roma statelessness appears intractable if its pathology is not understood as a product of the compounding effect of selective misidentification, marginalization, and the nation-state political system. Whether or not Romani statelessness is intractable has nothing to do with Romani themselves, it may actually be a question of whether the EU system is viable.

⁸⁴ “Factsheet-on-Romani-Children-in-Europe-English.Pdf.” Accessed February 15, 2023. http://www.errc.org/uploads/upload_en/file/factsheet-on-romani-children-in-europe-english.pdf.

⁸⁵ European Roma Rights Centre. “New ERRC Report Details Grim Situation for Romani Children in State Care.” Text. Accessed February 15, 2023. <http://www.errc.org/press-releases/new-errc-report-details-grim-situation-for-romani-children-in-state-care>.

⁸⁶ European Roma Rights Centre. “New ERRC Report Details Grim Situation for Romani Children in State Care.” Text. European Roma Rights Centre. Hungary. Accessed February 15, 2023. <http://www.errc.org/press-releases/new-errc-report-details-grim-situation-for-romani-children-in-state-care>.

Pulay writes, “the Roma security crisis (Demossier, 2014) could be also conceived of as an instance of the EU’s remarkable weakness (if not impotence) at handling the major challenges it faces as a bureaucratic organization that unites, but also stands beyond individual nation states.” Heterogeneity of Roma populations both within and across EU states is a crucial component to the challenge of EU-wide implementation of the Roma Strategic Framework (RSF) and the National Roma Integration Strategies (NRIS). Roma populations are often perceptually homogenized when treated as a monolithic diaspora, which is heavily enforced through the deployment of the nomadism trope in political discourse. Absent a selective misidentification lens in EU policy-making, obvious starting points for addressing the segregation of Roma in EU society hide behind the veil of false historical narratives.

The phenomenon of intergenerational Roma statelessness in particular is evidence that there is a historical pathology driving the current political disenfranchisement of Roma. From being serfs, to being excluded on the basis of their nomadism, to lacking documentation, to difficulty in obtaining citizenship, Roma today experience iterations of Roma political exclusion from the past, exclusion which has traditionally been implemented through Roma’s designated legal, political, and social status. According to a pathology paradigm, it is possible to better understand the nation-state system today and its unique impact on Romani now as a pre-set template originating in historical power dynamics that have traditionally excluded Roma from political participation or representation.

In the final analysis, EU policies targeting Romani integration must be more grounded in historical truth and accountability. First and foremost, EU social and political institutions must internalize the fact that Romani statelessness is a rational product of intentional Western historical and political processes, but more specifically, a European political tradition of Romani

exclusion. Second, selective misidentification is a tool through which Roma have been and continue to be coerced by the political whims and advantages that different exogenous labels afford political leaders and institutions in different settings. Classifications and categorizations are uniquely inimical to Romani equality and participation because of their traditional impact as a mechanism for dividing and conquering Romani populations (or simply erasing them). Third, marginalization intersects with political agendas and is enabled through false historical narratives, such as the myth of willful Roma nomadism, which place the blame of Romani “backwardness” onto Roma shoulders. Despite Roma being Europe’s largest minority, there are currently only three Roma EU Members of European Parliament representing up to 12 million Roma. In the last EU Parliament cycle (each five years), there were only five Roma MEPs.⁸⁷ Though there is actually a strong Roma civil society organization presence in Europe, it is not a sufficient proxy for Roma political empowerment, participation, unification, or representation. For one, Roma populations are often not counted accurately in registrations. They also face potential harms if they participate politically, such as backlash for voting. Furthermore, the effects of segregation particularly in education make it difficult for Roma to access voting rights.⁸⁸ Clearly, at the heart of continued Roma segregation is a lack of Roma representation which, in the absence of, will ensure the persistence of Roma integration failures. However, a precursor to even achieving Roma representation is the foundational urgency to combat and eradicate Romaphobia in all of its manifestations.

Discrimination does not occur in parallel with Roma integration failures, it is the source of them. Preposterous statistics are possible because of Romaphobia, proven by the reality that as

⁸⁷ EUobserver. “[Ticker] Three Roma MEPs Elected to European Parliament,” May 29, 2019. <https://euobserver.com/tickers/145043>.

⁸⁸ “Why Roma Political Participation Matters.” Accessed March 30, 2023. <https://www.opensocietyfoundations.org/explainers/why-roma-political-participation-matters>.

of 2017, Romani account for 40% of the total national Hungarian prison population despite accounting for only 7% of the general population.⁸⁹ Racialized crime and imprisonment is just another iteration of another Roma trope – Roma as criminals – and one more form of state-legitimized Roma segregation. Pew Research Center data from 2019 reflects high levels of Romaphobia in East and Central Europe. Of the 16 countries polled, 10 reflected 50% or more of the population as having unfavorable views towards Roma (among them Ukraine).⁹⁰ The same 16 countries were polled on views towards Jews, the *highest* percentage of unfavorable views at 38% and ranked above only four of the 16 countries with unfavorable views towards Roma.⁹¹ Unfavorable views of Roma peak at 83% (85% in 2014)⁹² in Italy, a reliable stalwart of anti-Roma agendas.⁹³ It has been clearly demonstrated by the past few decades of EU failure at Roma integration that no amount of throwing money at socioeconomic integration will solve the problem of discrimination because Roma are simultaneously being segregated and controlled via the factors and mechanisms outlined in the pathology of Romani statelessness discussed previously in this paper.

The ultimate paradox for Roma is being told and encouraged to participate in a political system in which Roma are disparately excluded through the denial or loss of citizenship. To effectively combat the primary issue stalling inclusion efforts – structural Romaphobia – the EU and everyone else needs to take to heart that for Roma, “nothing without us is about us.” Otherwise, selective misidentification will continue to pervert EU policy making, not only by

⁸⁹ Children of prisoners. “Roma Population Groups.” Accessed April 30, 2023. <https://childrenofprisoners.eu/the-issues/roma-populations-in-european-prisons/>.

⁹⁰ Mitchell, Travis. “6. Minority Groups.” *Pew Research Center’s Global Attitudes Project* (blog), October 14, 2019. <https://www.pewresearch.org/global/2019/10/14/minority-groups/>.

⁹¹ Ibid.

⁹² Author, No. “Chapter 4. Views of Roma, Muslims, Jews.” *Pew Research Center’s Global Attitudes Project* (blog), May 12, 2014. <https://www.pewresearch.org/global/2014/05/12/chapter-4-views-of-roma-muslims-jews/>.

⁹³ Mitchell, Travis. “6. Minority Groups.” *Pew Research Center’s Global Attitudes Project* (blog), October 14, 2019. <https://www.pewresearch.org/global/2019/10/14/minority-groups/>

misleading policy makers about who Roma are, but by undermining the very first step in policy formation: defining the problem.