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0521827248 - Peace Treaties and International Law in European History: From the Late Middle Ages to World War One

Edited by Randall Lesaffer

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Introduction

Since the fall of communism, the Gypsies (or Roma¹) have become a frequent topic of the news in Eastern Europe and elsewhere. Indeed, European and North American newspapers have featured more articles about them over the past decade than ever before. Regular readers may well have become weary with the coverage, however, since it rarely departs from the routine portrayal of the astonishing poverty of this or that Gypsy settlement and the anti-Roma biases of East European societies. These images are often reinforced by chance encounters between foreign visitors and at times aggressive Gypsy beggars at the railway stations and tourist spots of East European cities – encounters that seldom leave pleasant memories behind in the minds of the uninitiated. Travelers who were familiar with the region during the communist era may be especially perturbed by the fact that the level of Gypsy destitution has actually *increased* over the past decade. What happened to the Roma? And why is it that they seem to exist perennially on the margins of societies?

THE UNIQUENESS OF ROMANI MARGINALITY

All ethnic groups, nationalities, or peoples (whatever one's preferred terminology might be) are, by definition, intrinsically unique because their particular cultures, languages, traditions, and historical experiences distinguish them from others. The Roma in many ways comprise a most unusual ethnic group not only in Eastern Europe but also in the larger,

¹ Some Gypsies prefer to be referred to as "Roma" (which means "men" in the Romani language), the singular of which is "Rom," and the adjective is "Romani." Others would rather be called "Gypsies" in the official language of their country of residence. See, for instance, *The Romanies in Central and Eastern Europe: Illusions and Reality* (Princeton: Project on Ethnic Relations, 1992), 13; Viliam Figusch, ed., *Roma People in Slovakia and in Europe* (Bratislava: Information and Documentation Centre on the Council of Europe, 1995), 43; and *Magyar Nemzet*, 1 February 1997. For stylistic reasons I will use "Roma" and "Gypsies" interchangeably.

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global sense. The uniqueness of the Gypsies lies in the fact that they are a transnational, non-territorially based people who do not have a “home state” to provide a haven or extend protection to them. There are, to be sure, other ethnic groups who share some of these attributes. The Kurds, for instance, are transnational and without a motherland; they do, however, have distinct territorial affiliations. The Jews are also transnational and were non-territorially based until the birth of the modern state of Israel. The situation of the Roma is truly exceptional, a fact that in many respects explains their marginality as well as their relationship to the states and societies of Europe and beyond.

Marginality – the condition of being subordinated to or excluded by others – is the central theme in the Romani experience. Indeed, Romani marginality is far more comprehensive than that of the Jews, Kurds, or other traditionally excluded or disadvantaged groups. Since their arrival in Europe about seven centuries ago, the Gypsies have been politically, socially, culturally, and economically marginalized by the dominant populations of the region. The magnitude of their exclusion has varied at different times and in different states. Still, although political systems and their policies toward the Roma have changed, these variations have had little apparent effect on Gypsy marginality. The seemingly interminable nature of negative social attitudes (to a large extent based on differences in customs, values, behavior, appearance, etc.) to some degree explains the continual marginal status of Eastern Europe’s Romani population. At the same time, however, the Roma themselves have cultivated their marginal status by maintaining their distinctive identity and resisting recurrent attempts at assimilation and integration by dominant groups in the area.

In sum, the Gypsies have no homeland, the size of their communities in every state is proportionately small, they do not control any significant resources, and they have little political power. As a result, states have had few compelling incentives to pay close attention to them. If, like Karl Deutsch, one envisions ethnic stratification as a “layer cake,” the Roma have been firmly ensconced at the bottom tier throughout their seven-century presence in Europe.² Fredrik Barth in his influential work categorized them as a pariah group subjected to widespread and intense societal rejection.³ In other words, the Gypsies are not just outsiders but despised outsiders.

The collapse of communism in Eastern Europe created numerous expectations for a wide variety of interest groups. The subsequent

² Karl W. Deutsch, *Nationalism and Its Alternatives* (New York: Knopf, 1969), 45.

³ Fredrik Barth, “Introduction,” in Barth, ed., *Ethnic Groups and Boundaries* (Boston: Allen & Unwin, 1970), 31.

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transition and consolidation of democratic rule fulfilled many of those expectations by establishing pluralist political systems and market economies. The shift to democracy also changed the status of individuals from subjects under authoritarian rule to citizens with substantive constitutional rights. Marginal groups that had not been officially recognized (e.g., homosexuals) but had just begun to emerge as a result of the postcommunist transition processes (e.g., the unemployed and the homeless), along with a number of ethnic minorities that had suffered political exclusion in the past, could now seize the opportunity to participate in politics by establishing organizations to articulate and represent their interests.

Like other peripheral ethnic minorities, the Gypsies have embarked on the process of political mobilization, but in other respects their overall conditions have dramatically deteriorated since 1989. A wide array of socioeconomic statistics convincingly demonstrates their miserable conditions in areas ranging from education to employment and from healthcare to housing. Clearly, the period of democratization has signified more hardship and calamity for the Roma than for any other social group.

THE OBJECTIVES OF THIS STUDY

This book proceeds from a single, overwhelming, and troubling fact: For seven centuries, East European Gypsies have languished at the bottom of social, economic, and political hierarchies. Over those seven centuries, empires, authoritarian, and totalitarian states have come and gone, but in all of them the Roma occupied the lowest rung on the social scale. Contrary to expectations, moreover, the currently unfolding democratic era has brought no fundamental shifts in their conditions aside from providing the opportunity for political activism. Explaining this puzzling phenomenon is the primary objective of this book. In essence, I seek to find satisfactory answers to six broad questions as they pertain to the Roma and their relationship to states and societies:

1. Do different regime types – that is, imperial, authoritarian, or democratic political systems – denote different minority policies; that is, do policies change as regimes change?
2. Do individual states of the same regime type pursue different minority policies?
3. How has the Gypsies' status changed over time, and to what extent do state policies have an impact on that status?
4. Are the changes in their conditions related to specific state policies; and, if so, how much difference do those policies make?

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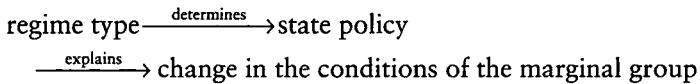
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The East European Gypsies

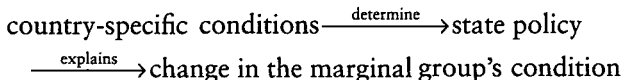
5. To what extent have the Gypsies succeeded in changing their own conditions and influencing state policy?
6. How can the marginality of the Roma be alleviated?

I approach these questions via two competing arguments. The first is that the regime type (in other words, the category or class of political system) is the primary determinant of the minority policies of particular states. States within the same regime type, or so the argument goes, should pursue similar policies toward minorities; and when regimes change, those policies will change as well. This explanation privileges structural–institutional variables having to do with the organization and logic of state power and suggests that extraneous factors (such as the size of the given minority or the attitudes of the state’s population toward the marginal group) are not important determinants of policy. Thus, democratic states – based on their presumed commitment to civil, human, and minority rights – would be expected to pursue enlightened minority policies, while authoritarian states – given their customary neglect of such rights – would do the opposite.



I examine four regime types that prevailed in Eastern Europe over the last several centuries: imperial, authoritarian (signifying the interwar period and World War II), state-socialist, and democratic.

The alternative argument assumes that a given regime or political system type does not conclusively explain either the minority policies of the state or a marginal group’s conditions. Rather, the specific circumstances of individual countries (such as historical and cultural attitudes toward minorities, economic resources, the size and organizational strength of ethnic minorities and their mobilization experiences, and the state’s sensitivity to international criticism) are largely responsible for the policies that states pursue. According to this line of argument, minority policies will vary across states of the same regime type, while variations may persist through regime upheavals or systemic changes. Thus,



I have selected a diverse group of East European states as a testing ground and source of illustration for my arguments. The empirical analysis begins with an examination of two imperial states: the Habsburg and the Ottoman Empires. The balance of the analysis focuses on seven countries – Bulgaria, the Czech Republic, Hungary, Macedonia, Poland,

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Romania, and Slovakia – in their guises as authoritarian, state-socialist, and democratic political regimes.

The comparative approach I employ takes advantage of two important empirical attributes: (1) the presence of Romani communities in each of the above-mentioned states; and (2) the fact that all seven countries underwent several regime changes over the past century; moreover, they did so simultaneously. These conditions provide an appealing opportunity to investigate the fate of the Gypsies under different regime types and during periods of regime change. The Romani experience, in turn, enables us to develop theoretically grounded generalizations about the effects of regime change and the policies pursued by individual states on the status of marginal groups, ethnic mobilization, and ethnopolitics.

The study of the Roma has been dominated by anthropologists, ethnologists, historians, and linguists who utilize the conceptual and theoretical arsenals of their disciplines. A large part of the existing body of literature on the Gypsies has engaged such issues as their historical origins and early migrations in Europe, the linguistic peculiarities of the Romani language, and the cultural and ethnographic attributes of diverse Gypsy groups. Since this book is not concerned with these issues, they are discussed only to the extent that they directly impact upon my central questions. I contend that bringing the conceptual and theoretical tools of political science into this field is rewarded by new insights and findings.

As is clear from the structure of the book the attention to individual regime types is distributed unevenly in the analysis. The imperial and authoritarian eras in the empirical analysis are used primarily for the purposes of offering a background to illustrate the arguments and test the propositions of the theoretical chapters. The state-socialist period is scrutinized more extensively, given its chronological proximity and overall relevance to the postcommunist period. The unfolding period of democratic transition and consolidation receives more consideration allowing for more in-depth comparative analysis.

RESEARCH DESIGN

The purpose of this study is to compare the social, economic, and political dimensions of Gypsy marginality in four regime types and in seven states. This type of inquiry necessitates a two-dimensional research design: a longitudinal (diachronic) dimension, which compares several cases across time

Regime A → Regime B → Regime C → Regime D
 Imperial Authoritarian State-Socialist Democratic

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and a cross-sectional (synchronic) dimension, which contrasts two to seven states belonging to the same regime type:

Empires: Ottoman and Habsburg Empires – 1500–1918

Authoritarian states: Bulgaria, Hungary, Poland, Romania, Yugoslavia (especially Macedonia), and Czechoslovakia, the only state in this period which was a functioning democracy – 1918–45

Socialist states: Bulgaria, Czechoslovakia, Hungary, Poland, Romania, Yugoslavia (especially Macedonia) – 1945–89

Emerging democracies: Bulgaria, Czech Republic, Hungary, Poland, Romania, Slovakia, Macedonia – 1989–2000

Although there are Romani communities in every East European state, my selection of these countries is justified by their peaceful conditions and the availability of indispensable resources, both of which have permitted on-site research throughout the last decade. In addition, the Gypsy communities in these states are sufficiently diverse (in terms of their proportion of the overall population, the number of distinct Romani subgroups, as well as differences in their marginal conditions) to provide examples of nearly the entire universe of the Gypsy experience in the region. Although I did not conduct field research in Albania and – aside from Macedonia and Slovenia – in the republics of the former Yugoslavia, whenever possible I attempted to include them in the analysis in order to make the coverage more comprehensive.

This book is the result of a decade's worth of studying, thinking, and writing about its central theoretical and empirical issues. I traveled to Eastern (and Western) Europe for the purposes of library and archival work and field research about a dozen times, including lengthy sojourns in 1991, 1994, 1996, 1997, and 1999. I have made extended research trips to every one of the seven states in my inquiry at least three times (and twice to Slovenia). I interviewed hundreds of scholars, politicians, Gypsy activists, ordinary Roma, and non-Roma concerning the questions addressed in this book. Finally, I did my best to gather a representative sample of public opinion and political, social, and economic data.

The Data Problem

It is important to note that information on the Roma is often unreliable. As I discovered first hand, Romani leaders, activists, and state officials frequently present a skewed picture of reality. The objectivity of much of the recent avalanche of "situation reports" published by human rights organizations is just as notoriously suspect (given their stake in por-

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traying the Gypsies' situation as worse than it actually is and their often one-sided methods of data collection⁴) as are the documents published by politicians who benefit from making conditions appear rosier than they actually are.

Whether the issue is the proportion of the Gypsy population that fell victim to the Nazis, the size of the Romani community in a given state or region, or the number of Gypsies fleeing Eastern Europe for the West, one cannot but be baffled by the truly incredible statistical inaccuracies and disparities one perennially encounters when dealing with Gypsy affairs. Many authors consider themselves free from the conventions of scholarly referencing and documentation and are prone to treat even unreliable data as gospel. A case in point is a recent popular book on the Roma by the journalist, Isabel Fonseca.⁵ Take the example of contemporary Romania's Gypsy community. Fonseca categorically asserts that their proportion of the total population is 15% and, just as unequivocally, that 2.5 million Roma live in Romania.⁶ One can only wonder where these figures come from. According to the 1992 census, Romania's population was 22,760,449, 15% of which would be roughly 3.4 million, not 2.5 million. In the census, however, only 409,723 Roma declared themselves as such.⁷ Although the census figure is certainly too low, just as misleading are Fonseca's numbers. Cătălin and Elena Zamfir, on the other hand, sociologists whose estimates are based on rigorous demographic and statistical research, convey a much more accurate picture of reality. According to them, in 1993 Romania's Gypsy population was approximately 1,010,000, or 4.6% of the total population, a figure they revised to 1.5 million in 1999 in response to methodological improvements and the growth of the Romani community.⁸

Since 1989, East European sociologists and statisticians have rushed to embrace often lucrative opportunities to conduct random surveys of the Romani population. Unfortunately, however, the survey method rarely yields reliable results. Critics note that while Gypsies usually accept payment for their cooperation, those who resent the intrusion, misunderstand the questions, or wish to conform with the expectations

⁴ These issues will be discussed in detail in Chapters 5 and 7.

⁵ Isabel Fonseca, *Bury Me Standing: The Gypsies and Their Journey* (New York: Knopf, 1995).

⁶ See *ibid.*, 146 and 278 for the 15% figure and 179 where she mentions 2.5 million.

⁷ See Dorel Abraham, Ilie Badescu, and Septimiu Chelcea, *Interethnic Relations in Romania: Sociological Diagnosis and Evaluation of Tendencies* (Cluj-Napoca: Editura Carpatica, 1995), 49.

⁸ See Elena Zamfir and Cătălin Zamfir, *Țigani: Între ignorare și îngrijorare* (Bucharest: Editura Alternative, 1993), 206, and author's interview with the Zamfirs (Bucharest, 3 November 1999).

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of the surveyor have been known to provide misleading information.⁹ Even surveyors of Romani descent have trouble acquiring credible data because they are sometimes perceived by their subjects as belonging to the “wrong” Romani group. In the words of Vesselin Popov, an eminent Bulgarian ethnographer, representative samples work as well with the Roma as they would with Amazonian Indians; their cultures, world-views, and relationships to the surrounding populations are too different to permit accurate sampling.¹⁰ Although I do draw on some of the more reliable statistical data to illustrate my points in this study, the reader should be aware of their inherent limitations.

Given the dearth of credible analytical, descriptive, or statistical information about the Roma, I have come to rely on in-depth interviews as an important research tool, keeping in mind William Lockwood’s observation that “Half a millennium of persecution has given Romani culture ample opportunity to develop means to evade and mislead both the census taker and the would-be Gypsy scholar.”¹¹ Since obtaining dependable information is often unusually difficult, judicious evaluation of the data culled from interviews and personal observation must suffice. In any event, I have interviewed most of the reputable Gypsy and non-Gypsy experts across Eastern Europe and I am confident of the accuracy of the information they provided.

WHO ARE THE GYPSIES? SOME MARKERS OF ROMANI IDENTITY

Though this book is not about Romani culture and traditions, some discussion of these issues is necessary if the reader is to appreciate the Gypsies’ predicament. Even a cursory attempt to explain who the Roma are, where they come from, and how they perceive themselves shatters much of the conventional wisdom about this community. Soon after their appearance in Europe about 700 years ago, observers, travelers, and scholars began to write about the Roma, speculating about their origins and describing their customs and behavior. The bulk of this early corpus is made up of superficial portrayals of Gypsy customs and amounts to little more than embellished recapitulations of oral Romani history. Some chroniclers accepted the Gypsies’ own accounts of their origins and lineage uncritically, thereby contributing to the spread of such myths as

⁹ Interviews with Nicolae Gheorghe, Special Advisor to Contact Point on Roma and Sinti Issues of the Organization for Security and Cooperation in Europe (Warsaw, 16 August 1999) and with Elena Marushiakova and Vesselin Popov, eminent Bulgarian ethnographers (Sofia, 13 November 1999).

¹⁰ Interview with Popov (Sofia, 13 November 1999).

¹¹ William G. Lockwood, review of *The Gypsies of Eastern Europe*, ed. by David Crowe and John Kolsti in *Contemporary Sociology*, 22:1 (January 1993), 50.

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that the Roma had descended from Pharaonic peoples and hailed from Egypt (hence the term “Gypsies,” which is derived from “Egyptians”). Although research on the Roma often remains vulnerable to charges of subjectivism, poor methodology, and low academic standards even today, by the mid-nineteenth century serious scholarly work had begun to unearth the facts about Gypsy culture, language, traditions, and history.¹²

Homeland, Migration, and Nomadism

The Romani (or Romanes) language was the only “book” the Gypsies carried with them during their travels; it represents their collective memory and provides linguists and historians with important clues about their origins and centuries-long journey to Europe.¹³ Linguistic evidence suggests that the Gypsies originated in the Punjab region of north-western India. They left perhaps as early as in the sixth century A.D., probably due to repeated incursions by Islamic warriors. In contrast to the Jews, who maintained identification with their homeland through their religion and traditions, the vast majority of Roma today have no idea where their ancestors come from; and those who do know will tend to reject the homeland idea altogether.¹⁴ The long journey of the Roma to Europe led them through parts of Persia, Armenia, and Byzantium. A Constantinople source mentions the Gypsies as early as 1068.¹⁵ In all likelihood, they reached Europe sometime in the thirteenth century; chroniclers commented on their communities in early fourteenth-century Crete (1322). Romani groups moved north from the southern Balkans to present-day Bulgaria, Romania, and Yugoslavia, some settling along the way, others migrating further to Central Europe and beyond. Scattered Romani groups arrived in contemporary East-Central Europe from the mid-to-late fourteenth century (Transylvania and Hungary), and

¹² A fine work on the evolution of Romani studies is Wim Willems, *In Search of the True Gypsy: From Enlightenment to Final Solution* (London: Frank Cass, 1997). For useful bibliographies see József Vekerdi, *A magyarországi cigány kutatások története* (Debrecen: Kossuth Lajos Tudományegyetem, 1982); Reimer Gronemeyer, *Zigeuner in Osteuropa: Eine Bibliographie zu den Ländern Polen, Tschechoslowakei und Ungarn* (München: K. G. Saur, 1983); and Diane Tong, *A Multidisciplinary Annotated Bibliography* (New York: Garland, 1995).

¹³ See Nebojša Bato Tomašević and Rajko Djurić, *Gypsies of the World: A Journey Into the Hidden World of Gypsy Life and Culture* (New York: Henry Holt & Co., 1988).

¹⁴ Nicolae Gheorghie in *The Romanies in Central and Eastern Europe*, 11. See also, for instance, János Báthory, “A cigánység a politika tükrében,” *Világosság*, 29 (August–September 1988): 617; and Arne B. Mann, “The Formation of the Ethnic Identity of the Romany in Slovakia,” in Jana Plichtová, ed., *Minorities in Politics* (Bratislava: Czechoslovak Committee of the European Cultural Foundation, 1992), 262.

¹⁵ Scott L. Malcolmson, “Wanderer Fantasy,” *The New Republic*, 27 May 1996, 38.

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throughout the fifteenth century (Slovakia and the Czech Lands), and they reached Poland in the early sixteenth century. Their remarkable mobility during these early years is highlighted by Gypsy sightings in places as varied as Bavaria (1418), Paris (1421), Bologna (1422), Barcelona (1425), England (1501), Denmark (1505), and Norway (1544).¹⁶

This is not to suggest that once they reached these destinations the Roma settled down permanently. To the contrary, their movements continued in response to political and economic circumstances. The Polska Roma, for instance, arrived in Poland during the second half of the sixteenth century to escape persecution in Germany. After the unsuccessful Hungarian War of Independence (1848–9) a large group of Hungarian Roma fearing increased suppression made their way toward Western Europe. Many Roma enslaved in the principalities of Moldavia and Wallachia (in today's Romania) tried to migrate to parts of the Ottoman Empire where discrimination was far less rampant. Following the emancipation of slaves in 1855–6, an estimated 200,000 Gypsies migrated to Hungary, Bulgaria, Russia, and Western Europe.¹⁷ Fear of persecution and the opening of economic opportunities have continued to spur substantial Romani migration, most recently following the demise of European socialism.

One of the most common misconceptions about the Roma is that they are an intrinsically nomadic people. The historical record indicates, however, that they did not always adopt the nomadic way of life by choice. By all accounts, the Roma left India only because of war and economic hardship.¹⁸ It is important to note, moreover, that when the Gypsies arrived in Europe, the continent had not experienced a major influx of immigrants for centuries. Still, settling was easier in the Balkans than in Western Europe owing to the relatively sparse population and the uneven concentration of state power. Even in Eastern Europe, the intrusion of dark-skinned Roma with their curious customs and strange clothing consequently evoked a negative response from the indigenous populations. Persistent persecution combined with the lack of available land for cultivation and other economic opportunities compelled the Gypsies to move on in search of more favorable conditions. The fact that one of the key policy objectives in medieval Central and Western Europe

¹⁶ Gerard Chaliand and Jean-Pierre Rageau, *The Penguin Atlas of Diasporas* (New York: Penguin Books, 1997), 96.

¹⁷ Franz Rimmel, *Die Roma Rumäniens: Volk ohne Hinterland* (Vienna: Picus, 1993), 43.

¹⁸ See, for instance, Donald Kenrick and Grattan Puxon, *The Destiny of Europe's Gypsies* (New York: Basic Books, 1972), 14; and S. S. Shashi, *Roma: The Gypsy World* (Delhi: Sundeep Prakashan, 1990).