

A Future for Roma Rights?

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In what follows I would like to offer three separate visions or possible futures for the Roma Rights movement.

The first is a *nightmare*, which is that the situation continues as it is without substantial improvement. The efforts of organisations like the European Roma Rights Center, the Roma Civil Rights Foundation in Hungary, the Human Rights Project in Bulgaria and other organisations persist for several years like dying patients on a lifeline from George Soros and others. A few cases are won for a few people. A few Roma who might not otherwise have had the opportunity to do so, attend university and get employment, and more people talk and talk about the Roma problem. The money for Roma Rights will dry up and this fledgling movement, unable to sustain itself in a fundamentally hostile environment, will have no significant impact on the situation of Roma in Europe. After several years absent anything more than window dressing for the Roma, the European Union will admit the candidate countries from Central and Eastern Europe. The admissions will be conditioned upon improvements which will be monitored about as effectively as its sister organisation, the Council of Europe, which itself has monitored developments in these countries throughout the decade, which is to say, with lots of bark but with very little bite. So in 2010, Roma remain the poorest, most disempowered and most hated people in a 28 member European Union, the victims still of systematic discrimination and routine violence.

The second possible future is a *fantasy* of sorts. In recent months there has been talk of a Roma nation, a nation without a territory. Some have called for Roma to be accorded national status at the level of intergovernmental bodies, to be given a seat at the European Parliament or the United Nations just as a government would be. And during the past week, as a possible prelude to such a nation-building effort under the auspices of the OSCE, Roma leaders have formed a Europe-wide network to formalise their discussions and to solidify their increasingly strong cross-boundary links. But why stop there? The European Parliament in Strasbourg is in a lovely building, but is one seat there really enough? Surely Roma, who number anywhere from 8 to 12 million, enjoy at least as much entitlement to a full fledged State as the Palestinians do. In this fantasy future - or perhaps this too is a nightmare to some - Roma don't just get a seat at the table, they get a whole country. Is this too much to ask? Since 1990, numerous people - Macedonians, Bosnians, Croats, Slovenes - have demanded and secured by violence, by fiat or by other means their own States. Why not the Roma? Not enough land? What about those States so often overlooked in official tallies, like Andorra or Monaco? Or what about Corsica, which the French government seems to be having difficulty in handling of late? Kings without a country? No longer. In this fantasy of the future, Roma finally claim their own homeland!

Finally, a third vision of the future, which is a sort of *cautionary tale*. Notwithstanding the internal contradictions and inconsistencies of the EU enlargement process, notwithstanding the self-interest of many West European governments who want to keep out most Roma and other migrants, notwithstanding the resistance to change in Central and Eastern Europe, let us assume that the promise of European integration succeeds. And assume that under the pressure for change from Brussels and Strasbourg, European Union candidate countries enact comprehensive anti-discrimination legislation, which clearly prohibits racial discrimination in all walks of life; assume they adopt all the institutional changes which are necessary to implement the new norms. Assume, in short, that Europe establishes racial and ethnic justice as a *sine qua*

non of a new legal order. Equality of opportunity for the Roma people at long last secured. At this point, should victory be proclaimed?

I would like to look briefly at another country, which has also achieved legal equality for a long oppressed and once enslaved minority. In the United States it is now 75 years since African Americans began their sustained struggle for legal equality and it is almost half a century after the government and the courts began to act in earnest, and yet racism is far from gone and its debilitating effects linger on. The view of one leading African American scholar and activist is dire: "The very visible social and economic progress made by some African Americans and other people of colour in the United States, cannot obscure the increasingly dismal demographics reflecting the status of most of those whose forebears were slaves. The basic measurements of poverty, unemployment and income suggest that the slow racial advances of the '60s and '70s have ended, and retrogression is well underway.... The election of many Blacks to public office, many to positions never before held by Black persons, has been worthwhile, but it has not had much effect on the problems of unemployment and poverty. Incidents of random organised racial violence are on the rise. Moreover, hostility to Black progress" - the widely noted "white backlash" - is growing and "constitutes a clear and present threat to the gains" which have been made. [1] This scholar concludes, that in view of the extremely limited results of these anti-discrimination laws, "it is time to discuss seriously whether African-Americans ... will ever gain real racial equality through the workings of traditional civil rights laws and judicial decisions." [2]

In a country which has done so much to fight racism, what has gone wrong? A number of observers have located the problem precisely in the widely held belief that racism is, in the words of Gunnar Myrdal's famous study of mid-century, "The American Dilemma". [3] According to this view, racism is an "anomaly" in an American society which is fundamentally committed to equality. In general this theory suggests, America is committed to equal justice for all - the problem is in the implementation. The distressing persistence of racial discrimination in the wake of years of legislation and litigation have led some to reconsider this myth of racism as anomaly. And upon re-examination, a number of people have suggested "that racism is not simply [a black spot] on a fundamentally healthy liberal democratic body, but is [itself] part of what shapes and energises" liberal democracy - at least as it is known in the United States. [4] Racism provides stability, it is said, by offering a steam valve into which whites who don't get their fair share of the pie may channel their social disaffection. Time and time again, masses of whites in the United States have supported anti-reform programmes that were contrary to their economic interests so long as those policies treated African-Americans even worse. And so, although anti-discrimination legislation has been adopted, racism in the US has not abated, because race consciousness - the enormous personal stake which many whites have in their own whiteness - has remained ever present.

Does the Roma Rights movement have anything to learn from this sad story across the Atlantic? I fear that it may. In the US "race consciousness makes it difficult [for many whites] to imagine the world differently." [5] One might ask whether at different times and in different places, national or ethnic consciousness has not played an analogous, limiting role in Europe. Repeatedly throughout this century, politically manipulated appeals to national, ethnic or racial solidarity in Europe, have led one people after another down self-destructive courses of action, premised in part on the subordination of inferior or different minority group. Indeed since the end of Communism, national, ethnic and regional allegiances have been cynically exploited, both in the East and in the West, as a means of diverting popular discontent with difficult economic and social adjustments. The raising of immigration walls in the West and the surge of anti-Roma violence in post-Communist countries are both troubling reflections of this phenomenon. So



Europe is not immune to the exploitation of race and ethnicity for political ends. And national and ethnic consciousness in some European countries has such deep roots that it may well take more than simply legislation to get rid of it. What does this tell us? Even as we strive to expand the law's reach on behalf of the Roma, we must of course acknowledge that law alone is not sufficient. Legal action in the courts was an essential element of the Montgomery Bus boycott, that famous mass refusal of African Americans in Alabama in the 1950s to ride public buses which were segregated along racial lines. But the entire boycott would not have happened had not one woman, Rosa Parks, refused to stand up when asked to make way for a white man. Litigation without more does not a movement make. Anti-discrimination legislation is crucial, but if and when it comes, Roma Rights activists are likely to be sorely disappointed by its reach if they do not simultaneously forge a cross-national political movement capable of speaking articulately, forcefully, and consistently on behalf Europe's largest minority.

Footnotes

[1] D. Bell, "An Allegorical Critique of the United States Civil Rights Model," in B. Hepple and E. Szyszczak, eds., *Discrimination: The Limits of Law*, 1992, p. 8.

[2] Bell, p.8.

[3] G. Myrdal, *An American Dilemma*, 1944.

[4] Bell, quoting J. Hochschild, *The New American Dilemma*, 1984, p. 5.

[5] Bell, p. 13, quoting, K. Crenshaw, "Race, reform and retrenchment: Transformation and legitimation in antidiscrimination law," 101 *Harvard Law Review* 1331, 1380-81 (1988).