

## 博士論文

### 論文題目

Governing the European Roma: Transiting from state “zones of security” to regional “zones of freedom” ?

(ヨーロッパ人・ロマの統治：国家の「安全空間」から地域の「自由の空間」へ?)

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***GOVERNING THE EUROPEAN ROMA:  
Transiting from state “zones of security” to regional “zones of freedom”?***

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Retrospectively speaking, growing up in communist Romania was not easy. However, as I would only later discover, living with the legacy of an authoritarian regime and its educational system proved to be as (if not even more) difficult. If I have been able to *begin* overcoming some of its most acute consequences it is mainly owing to the guidance and encouragement of a select “collection” of intellects, under whose protective wings I have been blessed to “come of age”.

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## **INTRODUCTION**

### **0.1 BACKGROUND AND PURPOSE**

The socio-economic and political situation of Central and Eastern European (CEE) Roma has been a concern for human rights organizations and advocacy groups since the collapse of the Soviet Union, made especially relevant by the outbursts of violence between the Roma and non-Roma communities in early 1990s. By comparison with these civil society actors, the European Union has only recently begun to devote itself to the Roma issue. The European Union has become particularly active since 2000, drafting various documents and funding a significant number of (overall incoherent, but highly specific) local and national Roma integration projects in the preparation of the ten CEE countries' accession to the Union. After the accession of the first eight states in 2004, the "problem" of Roma stopped being referred to as an "Eastern European problem" and began being described as a "European problem" not only by civil society actors speaking "in the name" of the Roma, but also by EU institutions and national government officials. It has been argued that this is because, on the one hand, the movement of some of the Eastern Roma into Western metropolitan areas affects other member states. On the other hand, this has also been viewed as a consequence of increased advocacy and criticism from civil society organizations following the EU Eastern enlargement, highlighting the plight of the Roma people, whose recently acquired status of "European citizens" arguably justified and called for the EU's intervention.

The high profile dispute between the European Commission and French authorities following the forced repatriation/expulsion of hundreds of mainly Romanian and Bulgarian Roma nationals in the summer of 2010, has quite literally put the Roma on the European political agenda. The European Commission accused France of having violated the Roma's basic right of freedom of movement, which is granted to all EU citizens under the European Union treaty and the 2004 Directive specifically guaranteeing its protection.<sup>1</sup> This row has given impetus to the development of a comprehensive policy<sup>2</sup> concerning the Roma people at the European level, by seeking and reaching agreement with member states on the issues that need to be tackled, by setting minimum standards the national governments need to strive for, and by allowing the

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<sup>1</sup> European Council (2004) "Directive 2004/38/EC of 29 April 2004 of the European Parliament and the Council on the right of the EU citizens and their families to move and reside freely on the territory of the Member States", published in *Official Journal* L 158 of 30 April 2004.

<sup>2</sup> The term "policy" is used throughout this research in its broader meaning of the guiding principles and vision underpinning the adoption of concrete decisions, procedures, strategies, programmes, etc. It refers not only to the standard political science usage of the stages of policy process (agenda setting, problem identification, policy formulation, adoption, implementation and evaluation), but also to the interaction in the policy space between official policymakers and civil society actors, mass-media, academia, lobby groups, etc.

sharing and learning of best practices among all the stakeholders at all levels of policy creation and implementation. The European Commission has argued that the situation in which the Roma find themselves is unacceptable and achieving “[b]etter integration of Roma is therefore both a *moral* and an *economic* imperative, which moreover, will require a *change of mindsets of the majority* of the people as well as of members of the Roma communities”.<sup>3</sup> (Emphasis added)

But how does the EU Roma policy objectify and act upon the Roma and the non-Roma people in Europe? What are we to make of these European level developments and what do they tell us about the current stage of European integration and the European society? In identifying and analyzing the assumptions and concepts underpinning the EU Roma policy, the forms of identity it presumes and the agency it seeks to construct around the Roma, this research attempts to not only critically unveil the “taken-for-granted” aspects of the Roma and the EU, but also to identify the role that the former play in the current processes of European integration. The purpose of this research is to position the current problematization of the Roma by the EU within the larger historical context of mutating forms of power and rule of the state. In more concrete terms, I look at the different discourses and technologies of power that the EU has been using in problematizing the Roma and the solutions it identifies. In addressing the issue from these different aspects I aim to identify the different ways in which the EU approach to Roma contributes to its much wider project of the “governmentalization of Europe” (see below).

## **0.2 RESEARCH QUESTION AND HYPOTHESIS**

This research is concerned with the main question of: what role do the Roma play in the processes of European integration? In more concrete terms, what aspects of the member states’ governing of the Roma does the EU problematize? How does the EU propose to govern the Roma differently and why? In pursuing the answer to these questions and by drawing a comparison with the dynamics of government enfolded at the state level, this research seeks to identify and discuss the “added value” that the EU is said to bring to solving the challenges it identifies and problematizes around the Roma’s current situation. In the first part, this research will focus the analysis on the state-level government and will: 1) discuss the evolution of “the Gypsy” as a political object against the different “*political rationalities*” that have characterized the modern European state; 2) provide a historical record of the way in which the changing “*technologies of*

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<sup>3</sup> European Commission (2011) *An EU Framework for National Roma Integration Strategies up to 2020*, COM(2011) 173 final, p. 2.

*power*” that have sought to put in practice the dominant political rationality of rule have affected “the Gypsies”; 3) identify the basis on which *the identity* of “the Gypsy” has been presumed, constructed and acted upon; and 4) explain the relational dynamic of power by identifying the ways in which “the Gypsy”, as political subject meant to be governed, has *cooperated with* and/or *resisted* the attempts of those who sought to rule him/her, by devising his/her own counter-conduct techniques and practices. Based on this analysis, the second part of this research will analyse the elements of change and continuity that characterize the dynamics of government attempted at the European level.

The main hypothesis behind this research is that “the Roma” (that is, “the Gypsies” referred to in the politically correct term) play a similar role in the process of *governmentalization of Europe*<sup>4</sup> as “the Gypsies” have played in the past in the *governmentalization of the state*.<sup>5</sup> Simply put, *governmentalization is taken to mean the process whereby a political actor, through non-coercive means, seeks to assemble together and extend its influence over resources and actors it does not directly control*. The process of state governmentalization involved, Foucault explains, the adoption, adaptation and development of a wide range of techniques and procedures, among which also certain mechanisms of exclusion and apparatuses of surveillance and discipline, that allowed for power relationships to become dominant through the institutionalization of a power asymmetry in the centralized state structure. All these techniques and procedures became valuable in as much as “they generated a certain economic profit, a certain political utility, and they were therefore, colonized and supported by global mechanisms and, finally, by the entire system of the State”. The mechanisms of exclusion and apparatuses of surveillance, Foucault adds, were not valuable for the function of exclusion *per se*, but rather for the economic profit and political utility they provided and because overall “[t]hey consolidated the system and helped it to function as a whole.”<sup>6</sup>

The exclusion and the problematization of “the Gypsy” during the governmentalization of the state, particularly during the nineteenth and twentieth century centralization of state (bio-)power, was not so much the result of an intentional, coordinated effort to exclude them, but rather the result of the incorporation of these techniques, procedures, mechanisms, apparatuses etc., that allowed certain actors to extend their control and impose their objectives over those of others. Thus, it can be argued that, despite official

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<sup>4</sup> This term has been introduced in the literature by William Walters and Jens Henrik Haahr, in their 2005 original contribution *Governing Europe: Discourse, Governmentality and European Integration*, London and New York: Routledge.

<sup>5</sup> Foucault, Michel (2007) *Security, Territory, Population: Lectures at the Collège de France 1977-1978*, New York: Palgrave Macmillan, especially pp. 106-10.

<sup>6</sup> Foucault, Michel (2003) *“Society Must Be Defended”*: *Lectures at the Collège de France 1975-76*, New York: Picador, p. 33.

discourse, the past problematization of “the Gypsy” by the state as much as the current problematization of “the Roma” by the EU is not (only), to paraphrase Foucault, because the Gypsy/Roma matter *per se*,<sup>7</sup> but because the set of mechanisms whereby they are controlled, kept track of, punished or reformed etc., allows certain actors to extend their control and strengthen the economico-political system favourable to their aims as a whole.

The EU has problematised the discrimination faced by the Roma and their lack of access to the benefits and opportunities available to the rest of the EU citizens. It is pushing for an activation of the Roma, that will, it argues, allow them to use their potential and assume their responsibilities in providing for their own individual and their community’s needs. But this also needs to be understood in terms of what it means for the development of the EU role in social affairs, through the institutionalization of *ad-hoc* temporary relationships, the ossification of networks and interests and the implications these issues have for the larger question of power and rule, the limits of sovereignty and the government of social and economic processes in what represents the *governmentalization of Europe*.

The way in which the EU seeks to govern is increasingly resembling that of the modern state, not only in the political rationality of market liberalism, but also in the security and order concerns focused on the European population living on the European territory, concerns that drive its practices and shape its institutions. In many ways, just as the problematization and exclusion of some groups (vagrants, criminals, the poor, “savages”, the unemployed or *asocial*, “dangerous” groups that also included the Gypsies), was the result of the processes of governmentalization of the state, so is the process of refashioning and recreating the European space dependent on the objectification of certain groups and their problems, in this case the Roma, that require/justify specific interventions, solutions as well as institutional and technical innovations.

As Foucault has shown through his own work, a full understanding of power in our modern society presupposes not only addressing the question of “how we have indirectly constituted ourselves through the exclusion of others: criminals, mad people, etc.”, but also inquiring into “the way by which, through some political technology of individuals, we have been led to recognize ourselves as a society, as a part of a social entity, as a part of the nation or of a state.”<sup>8</sup>

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<sup>7</sup> Foucault (2003), p. 33. Referring to the relationship between the bourgeoisie and the delinquents, Foucault wrote: “The bourgeoisie does not give a damn about delinquents, or about how they are punished or rehabilitated, as that is of no great economic interest. On the other hand, the set of mechanisms whereby delinquents are controlled, kept track of, punished and reformed does generate a bourgeois interest that functions within the economico-political system as a whole.” This paragraph captures nicely the nature of the relationship between the two sides, where the existence of economic and political interests forge and frame their relationship of power.

<sup>8</sup> Foucault, Michel (1988) “The Political Technology of Individuals”, in Luther Martin, Huck Gutman and Pat Hutton (Eds.) *Technologies of the Self: A seminar with Michel Foucault*, University of Massachusetts Press, p. 146.



In order to identify the similarities and possible differences between the governing of the Roma at the state and regional level, respectively, this research first looks at how (if) the Gypsy/Roma have been governed at the state level in what is a genealogical type of analysis of the Gypsy/Roma, before focusing the analysis on the European Union. It is argued that by looking at the EU Roma policy we can get a clear picture of how the EU attempts to govern not only the Roma, but *all* the Europeans. By bringing together some of the most pervasive questions of government (poverty, criminality, mobility, identity, resistance, etc.) the Roma provide EU institutions with the best possible context to justify its intervention in (the internal) social affairs of its member states as well as the perfect opportunity to create and present a new discourse on Europe and engineer a new way of approaching some of the larger problems that member states' governments and societies are currently experiencing. During the 1990s the EU had been pushing for a *depoliticization* of cultural matters associated with Roma through its support for the neoliberal activation programs conceived and ran from the national centers. Since the early 2000s, however, we have been witnessing a gradual move<sup>9</sup> (caused by the changing socio-economic and political context) towards *re-politicizing* the Roma under Brussels' mantle, focused on socio-economic matters, especially development and empowerment programs that address their poverty, inequality and discrimination.

This research takes the view that the EU Roma policy represents a *testing ground* for the EU laboratory of political refashioning and policy innovation where the EU and the post-modern state experiment with new technologies and techniques of power in devising new identities and agencies perceived as necessary in order to deal with some of the larger and most pervasive problems that challenge us in the twenty-first century: poverty, inequality, discrimination and economic stagnation, social (dis)integration, etc. Specifically, the EU is pushing for a shift in the member states' perspective and approach to the Roma from that currently focused on biopolitical control and disciplinary policing to one that activates and frees the individual Roma to access his/her rights and enjoy the benefits of citizenship, but also assume the responsibilities associated with it. Within the larger context, the EU appears to pursue a shift in the national governments' attitude from the current intrusive but paternalistic caretaker function of the welfare state (surviving to some extent in the neoliberal state) and onto an advanced liberal type of (*non-*)*government* that governs "by remote" or, a *government without a center*.<sup>10</sup> It is also pursuing a reconceptualization of the political subject from the "dependent citizen" to the independent and liberated individual capable of assuming

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<sup>9</sup> Guglielmo, Rachel and Timothy William Waters (2005) "Migrating Towards Minority Status: Shifting European Policy Towards Roma", *Journal of Common Market Studies* 43(4): 763-85.

<sup>10</sup> Dean, Mitchell (2010) *Governmentality: Power and Rule in Modern Society*, London: Sage, p. 259.

his/her responsibilities for his/her own needs and acting upon his/her rights and freedoms so as to maximize his/her own natural potential and control his/her own destiny.

The technologies and practices of social (welfare) government that have been employed to manage and cater for society in post-war Europe have come under criticism beginning with the 1960s social and cultural rights movements. Consequently, a gradual retreat of the state from society under neoliberal policies took place in the West, process replicated much faster and more abruptly in the East following the collapse of the Soviet system in early 1990s. Particularly in the context of cultural and social minorities, the retreat of the state amounted to a “benign neglect”, where the autonomy gained as a result of being granted cultural and collective rights was translated into an economic and political marginalization from mainstream society, often linked with matters of security mitigated through disciplinary and sovereign (coercive) forms of power. In the recent move towards the Europeanization of the Roma “problem”, the EU, backed by civil society, has criticized the disciplinary and coercive tools and strategies of government for failing to integrate the Roma in society and for (partly) being the cause of their current predicament.

The EU has argued that discrimination (both cultural and structural) is a core obstacle in the path of the Roma as it blocks their access to the economic opportunities that the rest of the population enjoy. The old technologies of social government that have excluded minorities from mainstream society and prevented them from enjoying the benefits associated with it (citizenship as status) are thus, depicted as having disempowered the Roma because they have kept them out through disciplinary and sovereign tools of control, and have prevented them from maximizing their potential by integrating into market and society. This, in effect, amounts to a *problematization of the current* state-level systems, which are argued to have failed the Roma on multiple accounts.

The proposed solution, in the view of its proponents, promises to go beyond the two extremes of assimilation and exclusion in between which existing policies oscillate, by activating the Roma, allowing them access and participation, seeing them as responsible, free individuals whose rights and freedoms must be respected. The argument is made for the liberation of the Gypsy in the economic domain, allowing him/her to access and take advantage of economic freedoms and opportunities, in the belief that this will translate into social equality as well. Moreover, the underlying assumption is that by enabling the Roma to achieve vertical economic mobility, they will no longer need the political horizontal mobility that they are currently exercising (by crossing borders and challenging boundaries). This discourse of non-discrimination and human rights in which the EU has contextualized the proposed solution to the “Roma problem” cannot be fully grasped

outside the broader context of the latest mutation in the technology of “advanced liberal” government and the innovative processes through which the *governmentalization of Europe* is at present enfolding.

### **0.3 NOTE ON TERMINOLOGY: WHAT IS IN A NAME?**

Before delving any deeper in the core of the discussion, it is imperative we make a few clarifications regarding the terminology employed in this research: first, the distinction between *the Gypsy* and *the Roma* and second, the term *European Roma* and the distinctions between the *EU Roma* and *non-EU (third country) Roma nationals*.

The Gypsies are known by various names that differ across space and time. In English they are commonly referred to as *Gypsies*, an exonym that people in Europe associated with them due to the physical resemblance to “Egyptians” and the fact that the first groups entering Europe from the South were assumed to originate in Egypt. Throughout Central, South and East Europe, they are also known by variations of the word “tsigani”,<sup>11</sup> originally from the Greek “atsinganoi”, term used to refer to a group of Phrygian heretics who practiced magic, divination rituals and dualist Christianity and with whom the Gypsies were originally associated.

They are also known by different names depending on the region where they live and the principal groups they relate to by “blood”. Clébert divides them into three main groups: 1) there are the *Kalderash Gypsies*, including the Iberian *Kale* in Spain and Portugal, the *Kale* who emigrated to the Americas during the nineteenth century “invasion of Kalderash”, Romanian *Căldărari*); 2) the *Gitans/Gitanos* in South France, the Iberian peninsula and north Africa; 3) and the *Manush/Shinti* also known as *Boumianes* or *Bohèmes* in French-speaking part of Western Europe, as *Sinti* in German-speaking areas and in Italy, where they are also known as *Piemontesi*.<sup>12</sup> Clébert does not include the English, Irish and Scottish *Romanichal* and *Travellers* in the UK, US and Australia in his three main groups on the basis that their “ethnic connexion with the true Gypsy stock is uncertain.”<sup>13</sup>

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<sup>11</sup> *Tsingani* in Bulgaria, *Ciganyok* in Hungary, *Zigeuner* in Germany, *Zingari* or *Cigonas* in Italy, *Zingali* or *Ciganos* in Portugal, *Țigani* in Romania and *Gitanos* in Spain, or *Tchinghanié* in Turkey.

<sup>12</sup> *Manush* comes from the Sanskrit “manusa” which means “man”, “human being”, different from *Romani* which has the same meaning but is used to refer respectfully to middle-aged or elderly people. *Sinti* is believed to refer to their probable Indian origin, the banks of the river Sind. *Bohèmes* comes from the belief that they were coming from Bohemia. *Romanichal* comes from the Romani word “romanichal” which means “son of Rom”.

<sup>13</sup> See Clébert, Jean-Paul (1963) *The Gypsies*, Middlesex: Penguin Books, pp.46-9.

Within individual countries further distinctions are made between the subgroups according to the various crafts they have traditionally undertaken. Thus, in Romania, for example, distinctions are made between *Rudari* (wooden object-makers), *Blidari* (wooden kitchen objects makers) or *Lingurari* (spoon-makers), *Ciubători* (shoe-makers), *Aurari* or *Zlătari* (goldsmiths), *Florari* (florists), *Lăutari* or *Ghilăbari* (musicians), *Ursari* (bear trainers) and *Ciurari* (sieve makers). There are also distinctions made between the subgroups based on their religious affiliations: Eastern Orthodox, Roman Catholic, Protestant, Muslim or, more recently, Pentecostal Christian.<sup>14</sup>

To complicate things further, the term Gypsy has also been employed to refer to other non-conforming nomadic (like) groups. Some of them, commonly known as *Travellers* in English or *Gens du voyage* in French, are notoriously difficult to separate from the “authentic” Gypsies, one of the reasons being that they themselves refer to their roots as Gypsy roots.<sup>15</sup> Moreover, the words “Gypsy” or “tsigan” do not exist in the Romani language. The Gypsies themselves do not use any identifier suggesting an “ethnic” origin, for example, the endonym some groups use to refer to themselves being the Romani word “*roma*”, or “*rrom*” meaning “man”, “husband”.

The wide array of names is a clear indicator not only of the diversity of the peoples we expediently refer to as the “Gypsies”, but also a constant reminder of the difficulty for the non-Gypsy to distinguish between them. This “evasiveness”, this slippery and difficult identity is not a coincidence, but rather has been seen as the result of conscious resistance and (survival) strategy on the side of “the Gypsy” as “other”. The derogatory connotations that the *Gypsy* and *tsigan* terms have accumulated through the long history of discrimination and persecution have led representatives of the Gypsy communities and Gypsy rights activists to call for the replacement of the term “Gypsy” and “tsigan” with that of “Roma” or “Rrom”. However, it must be emphasized that whereas the term “Roma” has been consistently used throughout history by some groups especially in Eastern Europe, the term “Roma” being promoted today is not only gaining new and different connotations, but it is also highly contested among the different groups of Gypsies some who prefer to maintain their own denominations. Despite this, in recent years there has been a movement towards employing the “Roma” term in official national and international contexts.

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<sup>14</sup> For more on this, see Romani (Gypsy) Religion section in Taylor, Bron (Ed.) (2008) *The Encyclopedia of Religion and Nature*, London: Continuum International Publishing Group, pp. 1414-18.

<sup>15</sup> It is not clear whether they are doing so for socio-politically strategic reasons of conveying a global solidarity and as a true force in numbers or not. See Okely, Judith (1983) *The Traveller-Gypsies*, Cambridge: Cambridge University Press; Mayall, David (2004) *Gypsy Identities 1500-2000: From Egyptians and Moon-Men to the Ethnic Romany*, London: Routledge; Vasey-Fitzgerald, Brian (1973) *Gypsies of Britain: An Introduction to Their History*, Newton Abbot: David and Charles.

This movement towards “political correctness” and anti-discrimination must be understood not only in terms of the emergence of the Gypsy voices on the social and political scene demanding “respect” and “equal rights”. It must also be seen against the background of the West’s post-war attempt to “deal” with the guilt and racism awareness following the Holocaust, which under the banner of respect for cultural diversity and equality gave impetus to the current (global) normative culture of rights, and the individualization and criminalization of discriminatory and racial behaviour. As a consequence, civil society, human rights advocacy groups and international organizations have had an equally important (if not even more important) role to play to the Gypsy associations in the proliferation of this new term of “the Roma”.

The European Union itself has pushed for the usage of the term Roma, which it uses in all its documents. In its own definition, “[t]he term ‘Roma’ is used – similarly to other political documents of the European Parliament and the European Council – as an umbrella which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc. whether sedentary or not; around 80% of Roma are estimated to be sedentary (SEC(2010)400).”<sup>16</sup>

On a further note, I wish to briefly highlight here the differences and similarities between the EU and non-EU Roma citizens. In recent years the term “European Roma” has become increasingly popular particularly among civil society actors, who employ the term in a desire to portray a holistic picture of the otherwise heterogeneous groups. However, in legal and practical terms, there are great distinctions being made between the EU and the non-EU nationals referred to collectively as the “European Roma”.

Since EU citizenship and its associated benefits are based on the possession of the citizenship of one of the member states, it means that the non-EU Roma nationals, also referred to as third country nationals, do not have access to the rights and freedoms that are, in principle, available to *all* EU nationals. Despite the socio-economic and cultural similarities that these Roma groups share, the reality is that their legal status and political citizenship are the main considerations for classification of EU and the member states. Consequently, the non-EU Roma nationals are not a focus of the EU Roma policy and by implication, of this research. As the EU has explained, “[a] significant number of Roma living in the EU are legally residing third-country nationals. They share the same severe living conditions as many Roma holding EU citizenship, whilst facing also the challenges of migrants coming from outside the EU. These challenges are

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<sup>16</sup> European Commission (2011), p. 2, note 1.

addressed in the context of EU policies to stimulate *integration of third-country nationals*, while taking into account the needs of especially vulnerable groups”.<sup>17</sup> (Emphasis added)

In this research I shall make a distinction in the usage of the terms Roma/Gypsy not on the basis of “political correctness”, but rather, in accordance with the predominant term used in the different historical and socio-political contexts discussed. I shall therefore use the term *Roma* in the discussion of EU policy while using the term *Gypsy* in the discussion of historical context. I choose to use these terms for practical reasons in an attempt to avoid confusion, but I wish to emphasize the treacherousness of oversimplifications and “umbrella” terms, and urge the reader to keep these clarifications as a constant companion throughout the following analysis.

#### **0.4 GOVERNMENTALITY, “THE GYPSY” AND THE EUROPEAN UNION: LITERATURE REVIEW**

The approach employed in the present research is not concerned with the questions of *who* the Gypsies are or *why* they are marginalized and discriminated against. These questions have characterized the positivist empirical epistemology. Whether cultural and biological deterministic or critical sociological, the debate about these questions is an on-going one and is unlikely to find a resolution any time soon. Thus, rather than focusing on these questions and providing yet another competing explanation to these questions of *who* and *why*, the current research attempts to answer the question of *how*, within the state and regional contexts, the dominant political rationalities and their technologies of political rule, as well as the identities and agencies these have created, have turned the Gypsies into misfits in the larger social context.

It cannot be emphasized enough that the argument is not that the positivist research has failed us; on the contrary, the knowledge that it provides us is not only important, it is vital. Without it a post-positivist attempt to grasp and analyze the “bigger” picture of the Gypsy problematic would be impossible! Rather, the post-positivist approach aims to provide us with a new dimension for understanding the Gypsy by allowing us to reinterpret the power systems that dictate the social and the political structures “we inhabit and which inhabit us”. Moreover, an analysis of the locally embedded strategies, technologies, programs and techniques is employed here not in the search for some grand theory, but “to demonstrate the negotiations, tensions and accidents that have contributed to the fashioning of various aspects of our present”.<sup>18</sup>

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<sup>17</sup> European Commission (2011), p. 2.

<sup>18</sup> Barry, Andrew *et al.* (Eds.) (1996) *Foucault and Political Reason: Liberalism, Neo-Liberalism, and Rationalities of Government*, University of Chicago Press, p. 4.

#### **0.4.1 DENATURALIZING “THE GYPSY”**

This research aims to analyze the discursive and governmental events that are currently at play in the European context, and place this particular moment within the context of the longer processes that have “naturalized” the Gypsy. Whereas it does trace the “evolution” of the Gypsy along a historical path, this is not a historical type of research and its aim is not to retrace the paths of previous research, as it does not seek to prove or disprove what we already know from existing research. Rather, it seeks to place that knowledge into a different light, by asking the questions of *how* political rulers have sought to govern the Gypsy/Roma and the type of subject they have tried to make of him/her. In asking the *how* questions, I aim to avoid isolating the Gypsy from the larger socio-economic and political contexts within which he/she exists and acts. Ultimately, the purpose of such an analysis is to re-insert the Gypsy into the mainstream academic analysis out of which he/she has been taken and marginalized as a result of the emergence of a new perspective on reality and its dynamics (power, rule, subjectivity) sustained and reinforced with the birth in nineteenth century of the social sciences and the departmentalization and specialization of knowledge. The isolation that the Gypsy has been experiencing in the practical world is inextricably linked with the isolation that the field of Gypsy studies has experienced in the academic world.

The emergence of the scientific knowledge and the social sciences that analyze human society in all its aspects from an objective, empirical perspective has given rise to our modern society. For the past two centuries, two main positivist approaches have influenced the structure of our modern society and the knowledge we have come to possess of it: one, *empiricism*- heavily influenced by the experimental sciences of the seventeenth and eighteenth centuries, which considers that all knowledge is obtained from sense and experience, and the other, *sociology of knowledge*- which shares the belief in reason, objectivity and causality of the former, but which adds the human thought and the social context as vital components in shaping the individual experience and knowledge of the world.

This positivist epistemology that gave rise to ever specialized and departmentalized academic fields undertook an in-depth type of theoretical research which inadvertently cut out, effectively isolating, the object of inquiry from its surrounding reality, in an attempt to objectively and scientifically know, classify and compare it with similarly obtained knowledge. As a result, we have come (perhaps) to know much more about our human society than at any other period in our history. However, what we had assumed to be objective, scientific knowledge has come under increasing scrutiny in recent decades from post-positivists,

both in terms of method and of the initial concepts and assumptions which the social sciences have been built on, and which have been “recycled” over the past two centuries of social research, without critical consideration.

Most of the knowledge accumulated in the field of Gypsy studies owes its existence to the empiricist social research. Similarly to other fields, some of the earliest Gypsy research was undertaken in the early nineteenth century by enthusiast linguists and sociologists (who shared a similar European background and whose experience and thought were heavily influenced by the Western Puritan dogmatism characterizing their social class). The liberal discourse of freedom and natural rights as well as the emergence of the *homo oeconomicus* became the basis for understanding society and, in particular, issues such as poverty, pauperism and mobility, relevant to our present discussion.

Two most important early figures have been hugely influential in shaping the research on the Gypsy: Heinrich Moritz Gottlieb Grellmann and George Borrow. Grellmann was the first scholar to undertake a thorough analysis of Gypsy life, culture and language in his now widely known 1783 dissertation, published in English translation in 1807.<sup>19</sup> The eighteenth century Western European normative worldview determined his approach to and assumptions about the Gypsies and, more importantly, laid the foundation for the discourse and the academic analysis of the Gypsies for the following two centuries. Borrow, on the other hand, is responsible for creating a romantic image of the Gypsy in his literary work<sup>20</sup> that has represented a veritable source of artistic inspiration throughout the nineteenth and twentieth centuries. Through his depictions of the idealized image of the tantalizing beauty and seductive powers of the Gypsy virgin and the “noble-savageness” of the wild and free Gypsy young man,<sup>21</sup> Barrow has contributed to the dichotomy that continues to define the popular view of the Gypsy.

On the foundation set out by Grellmann and Barrow, throughout the twentieth century noteworthy contributions have been made not only by linguists and sociologists, but also by anthropologists, historians and political scientists who have all added their own bits and pieces into the “puzzle” that is “the Gypsy”, and who, in one way or another, have contributed to shaping our understanding of the people we collectively

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<sup>19</sup> Grellmann, Heinrich Moritz Gottlieb (1807) *Dissertation on the Gipsies, Being a historical enquiry concerning the manner of life, economy, customs and conditions of these people in Europe and their origin*, London: William Ballantine.

<sup>20</sup> Borrow, George (1841) *The Zincoli* and (1843) *The Bible in Spain*, the autobiographical (1851) *Lavengro: The Scholar, the Gypsy, the Priest* and (1851) *Romany Rye* (Gipsy Gentleman).

<sup>21</sup> Willems, Wim (1997) *In Search of the True Gypsy: From enlightenment to final solution*, Oxon: Routledge, provides a detailed analysis of the influence that Grellmann and Borrow have had on subsequent Gypsologists. See also his chart of the “Family Tree of European Thinking about the Gypsies”, p. 304.



refer to as “the Gypsies”.<sup>22</sup> Despite this however, academic research continued to be marginal and quite scarce until well into the latter half of the century (1980s-90s) when it began to emerge as a formal discipline of interdisciplinary ethnic studies.<sup>23</sup>

The reasons for which they did not represent a target of more substantial academic inquiry before this are equally political as they are cultural. Political, because without wide political interest (problematization) research funds are not assigned for academic inquiry, which, in turn, suppresses the mainstreaming of interest in the topic.<sup>24</sup> Cultural, on the one hand, because of the prejudice that defines the “Other”, both for the Gypsy and the non-Gypsy, and because of the cultural rift that has resulted from the long history of (self-)imposed cultural isolation, on the other. Nevertheless, due to the dedicated and groundbreaking contributions of some early Gypsy scholars a new field of inquiry was opened and interest has slowly arisen regarding the identity and the role of the Gypsy within European societies and history.

After the initial years following World War II, when most studies focused on the Gypsy experience during the Holocaust and the larger issues linked to their political persecution and oppression, scholars shifted their attention back to the culture, language and history of the Gypsies, influenced by the larger civil rights movement and rise of post-colonial and cultural studies. Especially since the late 1960s and throughout the 1970s, research into the culture and socio-political position of the Gypsies (and similarly marginalized groups) has been particularly productive, providing us not only with invaluable new information, but also seeking new critical ways of understanding “a people” about whom, outside the Gypsy studies field, so little was known and yet so much was (and is) still assumed. Most of the research before this period had had an ethnographic focus directed by a shared assumption (fueled by linguistic and folklore research) of a distinctive Gypsy culture, language and ethnic identity, heavily underpinned by a biological determinism that emphasized the central role played by people’s cultural and historical origin.

It can be argued that Jean Pierre Clébert’s (1963) *The Gypsies* represented a culmination of this previous age, as it summarized the most important issues (and tensions) that had raised from this type of research. Clébert’s book reinvigorated the field in many ways as it called forth a number of critical responses that took aim at some of the unquestioned and widely accepted assumptions about the Gypsies it contained.

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<sup>22</sup> For a comprehensive bibliography see, for example: Binns, Dennis (1982) *A Gypsy Bibliography*, Manchester: Dennis Binns Publications, vol. 1, vol. 2 (1986), vol. 3 (1990) and supplement 9 (1991); and Tong, Diane (1995) *Gypsies: A multidisciplinary annotated bibliography*, New York: Garland Publishers.

<sup>23</sup> Research undertaken in Britain (particularly at the University of Hertfordshire and University of Greenwich) has been instrumental in transforming the research on the Gypsies into an accepted and serious academic field.

<sup>24</sup> One considerable exception is, of course, the Nazi problematization that focused on a racial line of inquiry, influenced by the ideas of Robert Ritter and his German (and beyond) racial scientists (see chapter 2 for more).

This marked the beginning of a new period in Gypsy studies where scholars were ready and keen to address some of the more difficult issues of identity, ethnicity, criminality, nomadism, etc. Important contributions in this sense have been made, for example, by Judith Okely,<sup>25</sup> Thomas Acton,<sup>26</sup> Ian Hancock,<sup>27</sup> Jean Pierre Liègeois.<sup>28</sup> Taken together these studies provide a serious challenge to “conventional wisdom” and the widely held assumptions about the causes of Gypsy destitution and social status. Nevertheless, in all the diversity that they depict and critically analyse, these studies still take the Gypsy (Traveller, Roma and all the other names by which they appear in the local context) culture and ethnic identity as “givens”, in that they refer to an “uninterrupted and unmediated consistency of blood and heritage”<sup>29</sup> while failing to provide the comprehensive picture of the multitude of factors and the complex relationships that have caused both culture and identity to constantly change and adapt to ever changing contexts.

Early 1990s, in an important way, represented the “cultural shift” in Gypsy studies. One hundred years of accumulated positivist research culminated in Agnus Fraser’s (1992) well known *The Gypsies*. But rather than being a moment of celebration and self-congratulation, Gypsiologists felt they had reached a condition of stagnation,<sup>30</sup> where research became repetitive partly due to the isolating manner in which individual researchers had been working, but also in a large part due to having exhausted the potential that the positivist line of inquiry had provided. Since then, new theoretical and methodological possibilities have been explored and considerable effort has been undertaken to (re)search “the Gypsy” from cross-field and interdisciplinary perspectives<sup>31</sup> in recognition of the necessity to engage with the subject of study within the totality of its physical and theoretical universe. One outcome of this has been the more active and consistent involvement of Gypsy/Roma into the academic debate.<sup>32</sup>

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<sup>25</sup> Okely, Judith (1983) *The Traveller-Gypsies*, Cambridge: Cambridge University Press.

<sup>26</sup> Acton, Thomas (1985) “The Social Construction of the Ethnic Identity of Commercial-Nomadic Groups” in J. Grumet (Ed.) *Papers from the 4th and 5th Annual Meetings of the G.L.S.N.A.C N.Y.*: Gypsy Lore Society, pp. 4-23.

<sup>27</sup> Hancock, Ian (1987) *The Pariah Syndrome: an account of Gypsy slavery and persecution*, Karoma Publishers.

<sup>28</sup> Liègeois, Jean Pierre (1986) *Gypsies: an illustrated history*, Al Saqi Books; Liègeois, Jean Pierre (1994) *Roma, Gypsies, Travellers*, Council of Europe Press.

<sup>29</sup> Belton, Brian A. (2005) *Questioning Gypsy Identity: Ethnic Narratives in Britain and America*, Oxford: AltaMira, p. 3.

<sup>30</sup> Acton, Thomas (1997) “Introduction”, in Thomas Acton (Ed.) *Gypsy Politics and Traveller Identity*, Hatfield: University of Hertfordshire Press, p. 5.

<sup>31</sup> Stewart, Michael *et al.* (2001) *Multi-Disciplinary Approaches to Romany Studies*, Budapest: Central European University Press.

<sup>32</sup> See, for example, Acton, Thomas (Ed.) (1997) *Gypsy Politics and Traveller Identity*, Hatfield: University of Hertfordshire Press; Le Bas, Damian and Thomas Acton (Eds.) (2010) *All Change! Romani Studies through Romani Eyes*, Hatfield: University of Hertfordshire Press.

One particular line of inquiry that has been reinvigorating the field has come from the critical theory scholarship, which has sought to question the “conventional understanding” of “what makes a Gypsy”, and to look beyond the essentialist deterministic perspective that takes cultural and ethnic distinctiveness as reasons for marginalization and lack of integration. It has pointed instead to the socially constructed nature of identity, the deeply embedded dichotomy of power asymmetry that characterizes our social structures, and the manner in which it has created and relied on systems of domination and dependence. Noteworthy, in this sense, is the social constructionist contribution of Wim Willems and his fellow historians, Annemarie Cottaar and Leo Lucassen.<sup>33</sup> Willems’ (1997) *In Search of the True Gypsy: from Enlightenment to Final Solution*, in seeking to trace the roots of the stigmatization of the Gypsies (groups labelled as such), is “a book about those who undertook the search rather than the people they discovered.”<sup>34</sup> He argued that we need to recognize and understand that “the Gypsy” is the product of the racism that the non-Gypsies have used against him/her since the eighteenth century.

More recently, building on the critical sociological precedent set by Willems, Angus Bancroft (2005) has adopted a sociological perspective to studying the set of processes associated with modernity that have linked together in racism against the Gypsy. He also identifies a new form of racism that he calls “21<sup>st</sup> century racism” emerging from the processes of constructing space and identity within Europe, which is in many ways different from the twentieth century racism and the social exclusions it created, but which, nevertheless, excludes “outsider” groups (some which emerged as a result of previous century racism) from having a stake in the “place” of the new Europe.<sup>35</sup>

Another line of inquiry holding great potential is that from the Foucauldian “camp”. However, despite its wide applicability, the Foucauldian approach has been only sparingly applied to the study of marginalized groups,<sup>36</sup> and so far only a few scholars have done so in the field of Gypsy studies. Remarking on the acute “lack of a contextual and social perspective in theory relating to Gypsies” Brian Belton (2005) has argued in his own analysis of the British and American Gypsies that scholars should take a wider view to

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<sup>33</sup> Willems, Wim (1997) *In Search of the Real Gypsy: from Enlightenment to Final Solution*, Oxon and New York: Routledge; Lucassen, Leo, Wim Willems and Annemarie Cottaar (1998) *Gypsies and Other Itinerant Groups*, Basingstoke: Macmillan.

<sup>34</sup> Mayall, David (1998) “Gypsy Studies: A New Era?”, *Immigrants & Minorities* 17(2): 57-67, p. 60.

<sup>35</sup> Bancroft, Angus (2005) *Roma and Traveller Gypsies in Europe: Modernity, Race, Space and Exclusion*, Aldershot: Ashgate.

<sup>36</sup> Valuable contributions have been made, for example, in the study of the Australian Aborigines by O’Malley (1998), the Australian gay community by Ballard (1998), the Indian poor by Corbridge *et al.* (2005) or the Indian “environmental subjects” inhabitants of woodlands by Agrawal (2005), the nineteenth century French poor by (Procacci 1991), and even the reminiscences of colonial governmentality by Dutton (2009).

understanding Gypsy ethnicity as it is not the product of biological and cultural heritage, but that it “has emerged from the complexity of historical, social and economic history”.<sup>37</sup>

Another important contribution has been made by Joanna Richardson (2006, 2007) and her discourse analysis particularly in the British political legal and media context.<sup>38</sup> She explains why controlling the discourse surrounding the Gypsies and Travellers leads to controlling them and why this is perceived as necessary within society. Employing the Foucauldian concept of the “gaze” (the “eye of power and control”, the gaze that involves active interpretation and domination of the object under surveillance), Richardson explains the difficult relationship between the settled and the traveling communities and the way in which the discourse of security and control is employed to restrict the rights of the former to a traveling lifestyle. Her contribution highlights the power of “discourse” as a “tool to control those who refuse to conform to societal norms” and the way in which it leads to “real mechanisms of control”.<sup>39</sup> Studying the role of British police force in controlling the Gypsies and Travellers’ illegal encampments on a daily basis, she identifies good and bad practices and paints the multi-coloured picture of the police force’s cultural understanding and usage of the British legislative acts as discretionary tools in their interaction with these groups.

Isabella Marinaro (2010) analyzed the politics of the Italian government since the 1980s *vis-à-vis* the Roma population in Italy and argued that the recent treatment “can best be understood within the context of international debates on the rising use of biopolitics to govern refugees, illegal immigrants and other undesired groups.” She argues that despite the anti-discrimination discourse that the centre-right Italian government has been engaging in, the actual implementation of policy is underpinned by a biopolitical control logic that effectively confines a part of the “willing” Roma population to “relatively safe but isolated state-run camps in which their private lives are under the constant scrutiny and control of the authorities” while leaving the only alternative taken by some Roma who refuse to cooperate with authorities “to become internal exiles, bare life in a condition of constant flight from the police and vigilante attacks”.<sup>40</sup>

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<sup>37</sup> Belton (2005), p. 4.

<sup>38</sup> Richardson, Joanna (2006a) “Talking about Gypsies: the notion of discourse as control”, *Housing Studies* 2(1): 77-97; Richardson, Joanna (2006b) *The Gypsy Debate: Can discourse control?*, Exeter: Imprint Academic; Richardson, Joanna (2007) “Policing Gypsies and Travellers”, in Michael Heyes and Thomas Acton (Eds.) *Travellers, Gypsies, Roma- The Demonisation of Difference*, Cambridge: Cambridge Scholars Press.

<sup>39</sup> Richardson (2006b), p. 2.

<sup>40</sup> Marinaro, Isabella Clough (2010) “Life on the run: biopolitics and the Roma in Italy”, paper presented at the International Conference “Romani mobilities in Europe: multidisciplinary perspectives”, Refugee Studies Centre, University of Oxford 14-15 January 2010, p. 36. Proceedings available online at: <http://romanimobilities.files.wordpress.com/2010/01/conference-proceedings1.pdf>.

Asa Jansson (2010) undertook the analysis of the domestic policy of the Swedish government towards the Roma since the early 1990s up to 2007 and reached the conclusion that the current *minoritetspolitik* does not only fail to incorporate the voices, actions and viewpoints of Romani people who live within the Swedish borders, but sees it as “a domestic reproduction of an official European agenda aimed at shrouding the continent as a political body in a postmodern language of rights, equality and cultural diversity”.<sup>41</sup>

Huub van Baar has been the only scholar to date to consistently apply the “governmentality” approach to the study of Romani minority representation and the collective memory of the past, particularly regarding the Holocaust (2006, 2008, 2009, 2010, 2011, 2012). In his 2011 “European Roma” contribution he analyzed the current situation of Roma minorities in Europe providing “new perspectives on the formation of minority policy and politics, transnational activist and advocacy networks, and Romani memorial practices in Europe”. His research is extremely valuable as it opens up the Gypsy/Romani studies to the “governmentality” inquiry.<sup>42</sup>

Building on the foundation laid out by this post-positivist scholarship, in applying the governmentality lenses to the study of the EU Roma policy, I seek to make a double contribution: one to the Roma studies and the other to the study of European integration. To achieve this there is a need to first present the genealogy of the Gypsy, i.e., the “objectivization” and “problematization” of the Gypsy/Roma within the state context. Therefore, in the first half of this study, I will undertake the analysis of the historical processes that

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<sup>41</sup> Jansson, Asa (2010) “Deviance and Diversity: *Zigenare* and *Romer* within the Swedish *Minoritetspolitik*” paper presented at the International Conference “Romani mobilities in Europe: multidisciplinary perspectives”, Refugee Studies Centre, University of Oxford 14-15 January 2010, p. 36.

<sup>42</sup> van Baar, Huub (2011) *The European Roma: Minority Representation, Memory, and the Limits of Transnational Governmentality*. Unpublished PhD thesis. Amsterdam: University of Amsterdam (Defense 23 Nov. 2011) summary available online at [asca.uva.nl/binaries/content/assets/subsites/.../nieuwsbrief-141.pdf](http://asca.uva.nl/binaries/content/assets/subsites/.../nieuwsbrief-141.pdf) ; van Baar, Huub (2012) “Socio-Economic Mobility and Neo-Liberal Governmentality in Post-Socialist Europe: Activation and Dehumanisation of the Roma”, *Journal of Ethnic and Migration Studies* 38(8): 1289-304; van Baar, Huub (2011) “Europe’s Romaphobia: problematization, securitization, nomadization”, *Environment and Planning: Society and Space* 29(2): 203-12; van Baar, Huub (2011) “Cultural policy and the governmentalization of Holocaust remembrance in Europe: Romani memory between denial and recognition”, *International Journal of Cultural Policy* 17(1): 1-17; van Baar, Huub (2010) “From ‘Time Banditry’ to the Challenge of Established Historiographies: Romani Contributions to Old and New Images of the Holocaust”, in Michael Stewart and Márton Rövid (Eds.) *Multi-Disciplinary Approaches to Romany Studies*, Budapest/New York: Central European University Press, pp.153-171; van Baar, Huub (2010) “Memorial Work in Progress: ‘Auschwitz’ and the Struggle for Romani Holocaust Representation”, *City* 14(6): 653-57; van Baar, Huub (2010) “Romani identity formation and the globalization of Holocaust discourse”, in Anette Hoffmann and Esther Peeren (Eds.) *Representation Matters: (Re)Articulating Collective Identities in a Postcolonial World*, Amsterdam/New York: Rodopi Press, pp.115-31; van Baar, Huub (2009) “Scaling the Romani grassroots: Europeanization and transnational networking”, in Johannes Ries and Fabian Jacobs (Eds.) *Roma-/Zigeunerulturen in neuen Perspektiven - Romani/ Gypsy Cultures in New Perspectives*, 2nd revised edn., Leipzig: Leipziger Universitätsverlag, pp. 217-41; van Baar, Huub (2008) “The way out of amnesia? Europeanisation and the recognition of the Roma’s past and present”, *Critical Perspectives on Contemporary Art and Culture* 22(3): 373-85; van Baar, Huub (2005) “Romany counter-governmentality through transnational networking” Web publication at South East European Studies at Oxford (SEESOX), St. Antony’s College, University of Oxford, Oxford, UK.

have created “the Gypsy” and his/her identity as a self-evident, taken-for granted, as a “given” political object. Here, the aim is to show how the Gypsy has interacted with the different political rationalities and their respective technologies and forms of power, as well as how he/she has been positioned against certain (assumed) types of identities and agencies.

After having completed this analysis I will be able, in the second half of this study, to delve into the analysis of the latest stage of objectivization that “the Gypsies”, refashioned as “the Roma”, are witnessing at the regional European level, and contextualize it within the technological mutations of government it is meant to serve. Although the analysis traces the problem of the objectivization of the Roma within the historical context, it by no means seeks an answer in history itself, but rather, it seeks to unveil the technologies and practices that have produced the historical knowledge of the Gypsy/Roma *as objective truth*. This is, after all, the very core aim of the Foucauldian approach of “governmentality”: “to see how men govern (themselves and others) by the production of truth”, which is “not the production of true utterances, but the establishment of domains in which the practice of true and false can be made at once ordered and pertinent”.<sup>43</sup>

The point thus, is *not to deny the value that empirical* research has provided but to argue that the “governmentality” approach can shed light on a side of the issue that has so far been hidden from view. “Bringing the Gypsy back-in”, so to speak, is done here, by undertaking a genealogy of “the Gypsy” and attempting to show how the Gypsy is, in fact, part and parcel of the larger “explicit, often calculated, strategic and above all practical presuppositions”<sup>44</sup> that have created our modern society and determined its functioning. The emergence of “the Gypsy” as a political label/category is the result of the same parameters that have made possible our present society and the larger process of the production of social subgroups, part of what Foucault calls the “governmentalization of the state”. Moreover, the current reconceptualization and recasting of “the Roma” as a political subject is the result of the same processes and conditions that make possible the constant negotiation and construction of the present, that extend and shape it into the future. It can thus, only be fully understood by retracing its historical path, grasping its eventualization, asking the *how* question of the governmental processes involved in its production of continuity and change. Addressing this issue, therefore, requires an investigation into what type political rationality has dominated,

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<sup>43</sup> Foucault, Michel (1991b) “Questions of Method”, in Graham Burchell *et al.* (Eds.) *The Foucault Effect- Studies in Governmentality*, Chicago: Chicago University Press, p. 79.

<sup>44</sup> Dean, Mitchell (1991) *The Constitution of Poverty: Toward a Genealogy of Liberal Governance*, London: Routledge, p. 2.

what technologies and forms of power it has employed as well as the identities it has assumed and the agencies it has created as a result.

#### **0.4.2 DENATURALIZING “EUROPE”**

Addressing the question of the role that the EU plays *vis-à-vis* the Gypsy/Roma in its current policy requires we extend our inquiry into government at the European level. The question here is, are we witnessing a “governmentalization of Europe” and if so, how are the Gypsies/Roma affected by and affecting this process? Until very recently the field of European integration suffered from the same “deficiencies” as those associated with the Gypsy/Roma studies. They are both fairly “young” fields, they have seen in recent years an incredible surge in popularity and activity, and a lot has been assumed about the nature of both without a critical inquiry into the assumptions and concepts underpinning them. Moreover, both are yet to fully benefit from the contributions that a Foucauldian perspective can bring.

The topic of European integration has puzzled scholars from the beginning of the European project, following the establishment in 1951 of the European Coal and Steel Community (ECSC). Various approaches to explaining European integration have emerged and enjoyed their own spotlight throughout time. From the federalist,<sup>45</sup> federation and confederation “pre-theories” to the functionalist (David Mitrany 1966), transactionalist (Karl Deutsch 1966) neofunctionalist (Ernst Haas 1968) and to the intergovernmentalist (Stanley Hoffmann 1964, 1966 and later Alan Milward 1992) approaches, they all have sought to explain the *who* and *why* of the development of the European project. Others have sought to analyse the European integration in terms of networks and multilevel governance (that include non-state actors) or to measure the quality of the European output and structure against such yardsticks as democracy, legitimacy, overall coherence and efficiency.<sup>46</sup>

In more recent years, a critical strand of academic inquiry has approached the study of European integration as a process of socio-political construction. In this sub-field some scholars have approached it from the normative perspective, analyzing the norms and principles that contribute to the construction of a

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<sup>45</sup> Unlike other theories of European integration, federalism does not have a grand “father figure”. Although the earliest and most important contribution was that of 1923 Richard Coudenhove-Kalergi entitled *Pan-Europa*, it was not until mid-1960s that the federalist arguments he proposed would actively be debated and developed into much more coherent explanations of integration by K.C. Wheare, Carl Friedrich or Amitai Etzioni, to name just a few.

<sup>46</sup> For a comprehensive presentation of the different theories and approaches to European integration see Wiener, Antje and Thomas Diez (2009) *European Integration Theory*, 2<sup>nd</sup> edn, Oxford: Oxford University Press; and Rosamond, Ben (2000) *Theories of European Integration*, Basingstoke: Palgrave Macmillan.

European contract and a European community, while others have focused on analyzing the discursive tools and methods employed to bringing about this construction. Noteworthy contributions have been made by the particular work of Laclau and Mouffe (1985) and their followers: Milliken, Howarth *et al.*, Carver *et al.*, who have taken discourse analysis from its traditional focus on the interpretation of meaning, language and mentality of the speech act to further depths by linking it with the history and the socio-political structural context of government that the former disregards.<sup>47</sup>

On the broad shoulders of these forerunners, a most exciting research on European integration is emerging that applies Foucauldian analytical tools to the analysis of European Union and the conceptions of “Europe” it is forging. In their 2002 contribution, Wendy Larner and William Walters<sup>48</sup> approached the concept of “the region” from a governmentality perspective, tracing a genealogical path along which the current conception of the “region” has trotted, and challenging the assumption of “givenness” on which research has been so far based. They have argued that theories of regionalism, including those emerging from the field of EU studies, have had the tendency to take their object of study for granted, without inquiring into the manner in which it is constantly and purposefully created and recreated. Whether the “old regionalism” theories focusing on the nature and the functioning of the European Union as a project for peace using economic means to achieve geo-political aims, or the “new regionalism” theories focusing on the role of the European Union as a buffer/stepping stone towards globalization, the region has been so far taken for granted. As a result, Larner and Walters see as problematic the fact that the European Union, both as entity and as concept, has been viewed as having naturally emerged from a historical process of change and adaptation.

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<sup>47</sup> Core discourse analysis research contributing to EU studies, among others: Laclau, Ernesto and Chantal Mouffe (1985) *Hegemony and Socialist Strategy: towards a radical democratic politics*, London: Verso; Milliken, Jennifer (1999) “The Study of Discourse in International Relations: A Critique of Research and Methods”, *European Journal of International Relations* 5(2): 225–54; Howarth, David, Aletta Norval and Yannis Stavrakis (Eds.) (2000) *Discourse Theory and Political Analysis: Identities, Hegemonies and Social Change*, Manchester: Manchester University Press; Carver, Terrell, Jacob Torfig, Veronique Mottier and Maarten Hajer (2002) “Symposium: Discourse Analysis and Political Science”, *European Political Science* 2(1): 48-66. Diez, Thomas (1999) “Speaking ‘Europe’: the politics of integration discourse”, *Journal of European Public Policy* 64(4): 598-613; (2001) “Europe as a Discursive Battleground: Discourse Analysis and European Integration Studies”, *Cooperation and Conflict* 36(1): 5-38; (2005) “Constructing the Self and Changing Others: Reconsidering ‘Normative Power Europe’”, *Millennium: Journal of International Affairs* 33(3): 613-36; Jorgensen, Knud Eric (Ed.) (1997) *Reflective Approaches to European Governance*, Basingstoke: Macmillan; Christiansen, Thomas *et al.* (2001) *The Social Construction of Europe*, Sage: London.

<sup>48</sup> Larner, Wendy and William Walters (2002) “The political rationality of the ‘new regionalism’: toward a genealogy of the region”, *Theory and Society* 31: 391-432.



Beginning from this point of criticism, more recently, William Walters and his collaborators<sup>49</sup> have explicitly linked governmentality to European integration and have sought to unveil the processes and dynamics through which the “governmentalization of Europe” is currently unfolding. The strength of their analysis lies not only in their successful account of the post-war evolution of the European project and the political visions stirring the project forward, but also the insightful account of the different technologies and discourses through which particular “types of Europe” have been created as a measurable and governable reality.

Walters and Haahr (2005) trace how *Europe* has evolved from Monnet’s Coal and Steel Community as a space of industrial processes, forces and sectors where economic cooperation among former political adversaries takes place, to the Single Market Europe as an economic machine that takes aim at barriers, and blockages that affect its performance and, finally, to the most recent Lisbon process and the Open Method where the “game of enterprise and competitiveness” have taken hold of an ever wider range of policy domains that had previously been considered as state monopoly, and therefore, “outside” Europe. We see, thus, the European Union creating a space of intervention and growth from within “Europe”, a *governmentalization of Europe*.

Here, I approach the analysis of the EU Roma policy building on the foundation these studies have laid out. Walters and Haahr’s analysis has been particularly important for the current research as it provides the larger background of the developments in Europe against which the current discussion of the Gypsy/Roma problematization and objectivization is positioned. I have found their structure particularly clear, which I have adopted in my own analysis of the EU Roma policy (chapter 5). They approach the analysis of Europe in terms of four questions they formulate, questions which, they argue, can be put *vis-à-vis* any policy developed at the European level. With regard to the EU Roma policy, I have reformulated their questions as follows: 1) How is Europe being imagined/governed in the EU Roma policy? 2) How is “the Roma” being made knowable and governable as a social space requiring intervention? 3) What are the technologies and techniques through which the Roma are problematized and with which a solution is envisioned? 4) What forms of identity and agency does it presume and construct for the governed (Roma and non-Roma), on the one hand, and for the governors, on the other?

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<sup>49</sup> Larner, Wendy and William Walters (2004) *Global Governmentality: Governing International Spaces*, London: Routledge; Walters, William and Jens Henrik Haahr (2005) *Governing Europe: Discourse, Governmentality and European Integration*; Walters, William (2012) *Governmentality: Critical Encounters*, Abingdon/New York: Routledge. See also Münch, Richard (2010) *European Governmentality: The Liberal Drift of Multilevel Governance*, Abingdon: Routledge.

### **0.4.3 LITERATURE REVIEW OF THE EU ROMA POLICY**

A lot has been written in the past few years on the topic of Roma and the role that the EU can and should play in solving their problems, much of this coming from human rights and international advocacy groups. A very large output has also come from institutions associated with the EU (and other transnational organizations such as the OSCE, World Bank, Council of Europe or the UN) in the form of regular reports, as well as expert panels and special commissions' policy proposals and recommendations. The quality of this research varies as much as the aspects with which they deal. By comparison, the academic research into this topic has been slower to emerge, possibly due to the novelty of the topic, but also due to the constantly changing nature of the EU policy itself, that makes it difficult to assess. Generally speaking, the literature produced over the past decade has tended to be heavily normative and, despite a few occasional voices of skepticism<sup>50</sup> who doubt the added value of the EU for the Roma and who see this issue as solely the responsibility of states, the majority of activists and scholars have shared a common assumption about the naturalness of the EU involvement in the issue.

One of the earliest contributions to the analysis of the EU role in Roma issues comes from Martin Kovats (2000) who has pointed at the dangers surrounding the involvement of EU associated with the tendency to base policy development on the "increasingly inaccurate and homogenized picture of Roma/Gypsy people and their (policy-related) circumstances." Explaining some of the problems he identifies at the EU level in terms of the institution's lack of experience with Roma issues, Kovats argues that there is a positive role that the EU can play by working towards a consensus with the member states and "breaking the political impasse" characterizing the Roma/Gypsy. Kovats states that [o]nly 'Europe' has the authority and the resources to provide the framework for addressing the multifarious policy problems affecting Roma/Gypsy people across the Continent" and argues that the EU can be successful only provided it recognizes its own limitations, and warns that, due to the scale of the problem and the acute political symbolism involved, a failure "will have profound political consequences for all involved".<sup>51</sup>

Melanie Ram (2007) analyzed the impact of the EU anti-discrimination policy on the Roma, focusing on the Race Equality Directive of 2000 and the post-enlargement developments and argued that although

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<sup>50</sup> Gheorghe, Nicolae (2010) "We have a Romanian Problem (not a 'European' one): Applying the EC recommended 'model approach' on tackling the issues of local Roma communities, including the itinerant (mobile) Roma groups", Paper presented at the "High Level Event – Contribution of EU funds to the integration of Roma", 12-13 October 2010, Bucharest.

<sup>51</sup> Kovats, Martin (2000) "The Emergence of European Roma Policy", in Will Guy (Ed.) *Between Past and Future: The Roma of Central and Eastern Europe*, Hatfield: University of Hertfordshire Press, pp. 93-116, p. 110.

the increased focus and action on the Roma issues have led to changes in the attitude and policy of national governments, there was very little impact of these changes on the lives of common Roma people.<sup>52</sup> In a more recent article (2010) she addresses the question of “how the Roma- a relatively poor, marginalized and unmobilized minority group- suddenly gained international attention and policy responses by the European Union” and concludes that a small transnational advocacy network played a critical role.<sup>53</sup>

Andrzej Mirga (2005) focused on the role of the EU anti-discrimination policy instruments and identified a series of obstacles that continue to prevent the Roma from overcoming the discrimination, social exclusion and marginalization they currently experience. He proposed a number of “more effective measures to address the situation” and called for deeper involvement of the EU through establishing discrimination monitoring and prevention tools, doing more to promote awareness of their legal rights among the Roma, help promote their integration and participation in public and political life, as well as make better use of Structural Funds in achieving these objectives. He concluded with the following: “With the beginning of the new Millennium, the Roma and their problems have begun to receive more adequate attention at international and national levels. It is an encouraging and important signal that the EU and its institutions are committed to playing a lead role in addressing Roma concerns in Europe. This commitment now needs translation into concrete action that results in lasting solutions for the problems faced by the Roma. Roma representatives must not miss the historic opportunity to get involved. They have to use this momentum to the benefit of Romani communities across Europe, both within and outside of the enlarged EU.”<sup>54</sup>

Laura Cashman (2010) takes a similar position, in her answering the question of “what could and should the EU be doing?”. She identifies the Roma policy as an opportunity for the EU to clarify its position as a social actor, which it must do if it is to “1) move forward as a political entity and 2) play an active role in the development of Roma rights”. Until it does so, she argues, it will only prolong the debate around the Roma and prevent “active solutions to the problems faced by the Europe’s Roma population”.<sup>55</sup>

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<sup>52</sup> Ram, Melanie (2007) “Anti-Discrimination Policy and the Roma: Assessing the Impact of EU Enlargement”, *CYELP* 3: 491-513.

<sup>53</sup> Ram, Melanie (2010) “Interests, Norms and Advocacy: Explaining the Emergence of the Roma onto the EU's Agenda”, *Ethnopolitics* 9(2): 197-217.

<sup>54</sup> Mirga, Andrzej (2005) *Making the EU's Anti-Discrimination Policy Instruments Work for Romani Communities in the Enlarged European Union*, Princeton: Project on Ethnic Relations.

<sup>55</sup> Cashman, Laura and Eamonn Butler (2010) “Romani mobilities in the context of the new EU: what could and should the EU be doing?”, paper presented at the International Conference “Romani mobilities in Europe: multidisciplinary perspectives”, Refugee Studies Centre, University of Oxford 14-15 January 2010, p. 28.

Kristina Koldinska (2011) has taken a legal approach to evaluating current EU and national policy towards the Roma. Identifying “substantive equality” as the “correct goal in combating intersectional discrimination experienced [by] Roma women”, Koldinska argues that current legislation (national, international and EU) does not include *specific* instruments to combat discrimination against Roma women, but identifies existing EC law as *inherently* capable of addressing it, provided the European Court of Justice (ECJ) intervenes in this sense. Based on her analysis of the current legislative tools she argues that policy instruments have been given precedence to the detriment of legislative ones, which “must not be neglected, if long-lasting substantive equality for Roma women is to be secured”.<sup>56</sup>

More recently, Iulius Rostas and Andrew Ryder (2012) have analyzed the EU Roma policy from a concern with the Roma political representation and participation. The focus of their analysis was to assess whether the EU policy towards the Roma “is conducive to ethnogenesis, that is, the political and cultural mobilisation of this minority, and provides for community engagement and inclusive policy development in the design and monitoring of the framework’s national integration strategies and other outputs”.<sup>57</sup> The main argument put forward is that Roma participation is inevitable for the success of the current policy and they propose ways of allowing for more participation of Roma communities in this sense.

In his analysis Marcel Dediu (2007) argues that the EU is a “strange political animal” in that while possessing the power to act as a player in international affairs it does not promote the interests of any particular state. In analyzing the particular role the EU plays *vis-à-vis* the Roma, Dediu argues that the EU “promotes a non-traditional form of diplomacy” where it acts as a promoter of Roma diplomacy, despite the fact that national governments fail to promote the interests of their own Roma nationals.<sup>58</sup> Peter Vermeersch (2010) also identifies the particular role that the EU can play pointing to the positives associated with its involvement. But he also warns against the assumption that underpins the current approach and the expectations associated with the EU as the Roma’s “best ally”, whose attention, despite its best intentions, can have negative consequences particularly from the politicization of the Roma at the national political level

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<sup>56</sup> Koldinska, Kristina (2011) “EU Non-Discrimination Law and Policies in Reaction to Intersectional Discrimination against Roma Women in Central and Eastern Europe” in Dagmar Schiek and Anna Lawson (Eds.) *European Union Non-Discrimination Law and Intersectionality: Investigating the Triangle of Racial, Gender and Disability Discrimination*, Farnham, Surrey: Ashgate, pp. 241-58, p. 258.

<sup>57</sup> Rostas, Iulius and Andrew Ryder (2012) (Eds.) “EU framework for National Roma Integration Strategies: insights into empowerment and inclusive policy”, in Joanna Richardson and Andrew Ryder (Eds.) *Gypsies and Travellers: Empowerment and inclusion in British society*, Bristol: The Policy Press, pp. 187-208.

<sup>58</sup> Dediu, Marcel (2007) “The European Union: A Promoter of Roma Diplomacy”, in Valeriu Nicolae and Hannah Slavik (Eds.) *Roma Diplomacy*, New York: International Debate Education, pp. 113-30, p. 113.

“where politicians try to mobilize voters on an ethnic basis and seek to win the support of Euroskeptic citizens”.<sup>59</sup>

Aidan McGarry (2010a,b) in his discussion of the EU role found that “[s]omewhat unexpectedly, the EU has actually given more attention to Roma since 2004 than anytime previously”. At the time of writing, McGarry could not yet pass judgement on “whether increased attention at the EU level will yield notable improvements in the situation of European Roma”, although he could say that the current policy “ignores underlying structural problems facing Roma meaning that a tailored policy with funding, objectives, deadlines, and monitoring and evaluation instruments could be the only way to meet the substantial challenges”.<sup>60</sup> He made the case for emphasizing the ethnic aspect of the Roma and criticized the EU for focusing solely on socio-economic aspects. Two years later McGarry (2012) found that the EU policy still failed to address the complex issues facing the Roma and identified the main cause in the form of the yet unresolved dilemma between distribution of economic benefits versus the recognition of cultural injustices regarding the Roma.<sup>61</sup> McGarry shares this concern with Márton Rövid (2010) who previously analyzed the unresolved normative dilemmas faced by the EU in its policy between the moral and political considerations.<sup>62</sup>

Will Guy (2009) also critically assessed the EU initiatives on Roma and pointed to a series of problems and limitations that impede the EU from making a positive contribution. Regarding the way forward for EU action on the Roma issue, he argues that “[a] natural solution to the substantial yet remarkably similar difficulties” encountered in implementing past programmes and strategies “would appear to be a more targeted, Roma specific framework strategy, directed by a dedicated, centralized EU secretariat with its own budget”. However, he recognizes the difficulty involved in such a measure and identifies that the alternative, in the current form of pursuing Roma interests through the broader framework of the EU social cohesion, might in fact be more beneficial in the long term, as it is “more likely to diminish potential backlash at a time when global recession might impact disproportionately in more fragile post-Communist economies. The

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<sup>59</sup> Vermeersch, Peter (2010) “Between Europeanisation and discrimination: the Roma as a special focus of EU policy”, paper presented at the International Conference “Romani mobilities in Europe: multidisciplinary perspectives”, Refugee Studies Centre, University of Oxford 14-15 January 2010, pp. 226-36, p. 235.

<sup>60</sup> McGarry, Aidan (2010b) *Who Speaks for Roma? Political Representation of a Transnational Minority*, London and New York: Continuum, p. 152; See also McGarry, Aidan (2010a) “Ethnicity-blind and differentiated treatment: fine-tuning the EU policy on Roma”, paper presented at the International Conference “Romani mobilities in Europe: multidisciplinary perspectives”, Refugee Studies Centre, University of Oxford 14-15 January 2010.

<sup>61</sup> McGarry, Aidan (2012) “The Dilemma of the European Union’s Roma Policy”, *Critical Social Policy* 32(1): 126-36.

<sup>62</sup> Rövid, Márton (2009) “One-size-fits-all-Roma? On the normative dilemmas of the emerging European Roma policy”, *Hungarian Institute of International Affairs* HIIA T-2009(9): 1-17.

current discouraging situation underlines the urgent need for better access to a more effective use of EU structural funds.”<sup>63</sup>

An attempt to place the recent developments surrounding the Roma politics within the larger context of neoliberal order has been the volume coedited by Nando Sigona and Nidhi Trehan (2009). Analyzing the effects of the affirmation and consolidation of neoliberal policies and politics throughout Europe since 1990, Nando Sigona and Nidhi Trehan argue that two visible phenomena have affected the Gypsy population in particular: one, the “increasing marginalization and pauperization of groups who do not ‘fit’ the socio-economic regime” and two, the “emergence and spread of extreme right political movements with a markedly anti-immigrant and anti-Gypsy agenda”. They point out the necessity of looking at the Roma issue within the context of the political developments in Europe and taking into account that the “political environments, both at the EU and the national levels in which select Romani representatives operate, are not only driven by neoliberalism, but are also immersed in broader neoliberal discourses and institutional frameworks which mark the spaces and possibilities of political mobilization by defining both ‘the problem’ and its solution.”<sup>64</sup> However, they do not carry the argument beyond this point.

The EU Roma policy has been slowly building over the past decade and both its content and its format have evolved according with the socio-political changes that have taken place in the larger European context. Consequently, the focus of academic research has slowly changed as well. There is, however, an aspect that has gained over a very short period of time a sort of naturalness that is somewhat puzzling, considering its short history: *the problematization of the Roma at the EU level*. It is fascinating how, so quickly, the existing literature has come to not only welcome but also see as natural the problematization of the Roma at the European level and see the EU role as a legitimate “protector of Roma”. In analyzing the EU Roma policy from a governmentality approach, this research seeks to denaturalize the current reconceptualization of the Roma as political subject and the role of EU as legitimate actor by placing the analysis of related developments within the larger context of the latest phase in the long historical line of mutating technologies of power and rule.

To summarize, so far there is no available research that takes a governmentality approach to analyzing the EU Roma policy. Moreover, as of yet, no research has approached the question of *how* the

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<sup>63</sup> Guy, Will (2009) “EU Initiatives on Roma”, in Nando Sigona and Nidhi Trehan (Eds.) *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neoliberal Order*, London: Palgrave Macmillan, pp. 23-50.

<sup>64</sup> Sigona, Nando and Nidhi Trehan (2009) “Introduction”, in Nando Sigona and Nidhi Trehan (Eds.) *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neoliberal Order*, London: Palgrave Macmillan, pp. 11-12.

Gypsy has been, in the Foucauldian sense, *governed (or not)* at the state level, or the question of *how* the European Union seeks to govern the Roma differently from the state, i.e., the “added value” of the EU (regional) government. This is where this research aims to make its contribution. Overall, this is a study of an important aspect of European politics and International Relations (IR), with important consequences to the provision of human security. Here, I am to show how the EU, in the formulation and implementation of its policy towards the Roma, functions along the same logic and is powered by the same dynamics of actors and interests interaction as those that have led to the governmentalization of the state and have underpinned the state-centric policy making process *vis-à-vis* the Gypsies so far.

This research also has its own limitations. In tracing the genealogical path along which “the Gypsy” emerged, the first half of the research seeks to portray a balanced view of the highly contested and resisted nature of governance at the state level, by highlighting the fragility and “change-ability” nature of governance that results from the power/domination and governing/governed dichotomies. The second part of the study, however, in limiting itself to the analysis of the EU policy formulation, presents a one-sided view of governmentality, that is, when it works; while the unseen practical (negative) side of implementation that contains the struggle and the failure of governmentality is not accounted for. Thus, as a further limitation of this research, I can say that the account of the EU Roma policy is, in the words of Merlingen,<sup>65</sup> somewhat “sanitized” as it does not account for the aspects where governmentality fails to work. Therefore, the plan for this research going further, is to bring forth the analysis of EU Roma policy in aspects where struggle is taking place, where it fails, or where it is distorted and adapted, which I will seek to remedy through a future analysis of the Romanian case.

## **0.5 METHODOLOGY**

The Foucauldian lenses allow for an analysis of the historical knowledge without the presuppositions of *the present*, which most often hamper our understanding of *the past* as it was, instead constructing a historical context that is suitable to and justifies present needs and concerns. For example, an analysis of “the Gypsy” in pre-modern times through the tools that governmentality approach provides should enable us to detach ourselves from the presuppositions of progress and the *homo oeconomicus* that emerged *after* the

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<sup>65</sup> Merlingen, Michael (2006) “Foucault and World Politics: Promises and Challenges of Extending Governmentality Theory to the European and Beyond”, *Millennium: Journal of International Studies* 35(1): 181-96, p. 191.

seventeenth century and have continued to underpin our modern view of the human society and the physical world, but of which pre-modern people had no notion of.

The epistemic aim is to shed light on the specific historical conditions under which “the Gypsy” appears in various forms of *discourse* (policy creation and implementation, academic inquiry), understood not in its narrow linguistic sense, but in the wider sense relating to the social, economic, political and ethical discourses (as visible in policy documents, legislative acts, administrative formularies, as well as in the public moral and political arguments) that are shaped by and are shaping our society. This approach should also enable us to “displace conventional assumptions” and allow for a recognition of the role that the Gypsy/Roma has been playing in the constantly mutating concepts and conceptions of power and state. By questioning current assumptions of “uniqueness” and “fixity” that underpin the features we currently associate with “the Gypsy”, this approach should allow us to see the ever changing identity that has been superimposed on “the Gypsy” and the different role he/she has played in pre-modern, modern as well as in post-modern times. At the end of this analysis it should become possible to see “the Gypsy” as part of the larger processes of “rationalization of power administration” which, in keeping with the changing conditions that make it possible, mutate to take different objects, assume different identities and create different agencies for its subjects.

By critically analyzing the EU Roma policy from the governmentality perspective, this research does not seek to provide a solution to “solving the Roma problem”, but rather, in the spirit of the Foucauldian approach, seeks to trace the genealogy of the Gypsy and unveil the hidden/silenced knowledge about these people and trace how the basic assumptions underpinning the liberal capitalist rationality have created “the Gypsy” and his/her problems. The real solution to the current situation is seen here not to lie in the “enlightened” reforms of empowerment and activation from above. “[W]hat ought to be done’ ought not to be determined from above by reformers, be they prophetic or legislative, but by a long work of comings and goings, of exchanges, reflections, trials, different analyses.”<sup>66</sup> Foucault urged us not to be discouraged away from criticism on the basis of a lack of recommendations concerning prescriptive solutions to the problem at hand. The exercise of criticism he said, “should be an instrument for those who fight, those who resist and refuse what is. Its use should be in processes of conflict and confrontation, essays in refusal. It doesn’t have to lay down the law for the law. It isn’t a stage in a programming. It is a challenge directed to what it is.”<sup>67</sup>

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<sup>66</sup> Foucault, (1991b), p. 85.

<sup>67</sup> Foucault (1991b), p. 84.



On the question of method Foucault was very clear in stating that what his approach aimed at was to de-naturalize, to question the givens that positive sciences have taken for granted and from which they have worked up to build their distinct theories and approaches, but which they never sought to explain or account for. Those “self-evident” truths and falsities that social scientists have addressed as objectively existing facts are particularly the target of the Foucauldian type inquiry. “The history of the ‘objectification’ of those elements which historians consider as objectively given (if I dare put it thus: of the objectification of objectivities), this is the sort of circle I want to try and investigate”.<sup>68</sup>

The larger argument underlying the governmentality approach is that the key to a comprehensive understanding of the underlying problems that challenge us today (or at any time for that matter) cannot be divorced from the inquiry into the rationality of government, the forms and technologies of power that seek to carry it out, shape the relationship between the governed and the governing, as well as identifying the objects of that government. Inherent in this notion is Foucault’s desire and challenge for us to break down “conventional thought” and to question the “political correctness” we have come to take for granted as “second nature”, but which sets the confines of our understanding and acts like a straight-jacket against any attempt at critical thinking about what needs to be done.

Foucault did not purport to provide us with an overarching grand theory; rather, his desire was to provide us with tools that we would use preferably “not in those areas where we are so clearly inheritor of a history, but in those domains where an untimely analysis seems *least* possible; above all, in those domains that emphasize psychological and anthropological constants or the immutability of nature”.<sup>69</sup> The “Gypsy-problem” is one of those intended domains of analysis in my view, exactly because of the deeply embedded and taken for granted assumptions that define and classify this issue. An inquiry into the structures of power that condition and determine the “Gypsy-way” is not only timely, but imperative if we are to understand these challenges. Moreover, by extending the inquiry into the position of the Gypsy/Roma within the enlarged European Union and its policies, this research also addresses the manner in which “Europe” is being constructed as a given, as a natural entity, as an objective truth and the way in which the Roma issue “helps” European institutions to build, legitimize and naturalize their social role.

In undertaking a governmentality analysis the present research makes most extensive use of primary documentation released by official institutions, in our case, the national and European institutions

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<sup>68</sup> Foucault (1991b), p. 86.

<sup>69</sup> Barry *et al.* (Eds.) (1996), p. 6.

official documents and legal texts (directives, regulations, strategies and policy papers), official speeches as well as expert-commissioned opinion and commentary reports. Another source of information is the “much neglected world of inscription, the eminently technical ways in which the world is represented by means of little things like charts, tables graphs, numbers, diagrams and reports”.<sup>70</sup> This research also pays attention to the widening virtual space of the internet that has emerged as, and which promises to become “the latest frontier”, where the battle for the hearts and minds of the citizens is being fought both at national, and, equally important, at the supra-national (European) level. This research also relies heavily on secondary sources, in particular, academic publications.

## **0.6 ORGANIZATION**

This dissertation is divided into three main parts: first part contains the introductory and theoretical chapters. Following this introduction, in *chapter one* I set out the theoretical framework of governmentality and explain the main issues of concern relevant for the subsequent analysis of the Gypsy/Roma and the European integration. Part two contains chapters two and three, which trace the genealogy of the Gypsy in the premodern and modern state context, respectively. Part three contains chapters four and five, which deal with the description and analysis of the European Union Roma policy.

First part of *chapter two* looks at the people collectively referred to as “the Gypsies” through the prism of the pre-sixteenth century state, where the political rationality was defined by a concern with the security of the *territory* of the sovereign (understood here still as the physical ruler) and which was pursued separately from the pastoral government of *the souls* (the *population* as target) carried out by the Church. In the second half of the chapter I trace the experience of the Gypsies against the background of changing rationalities of sovereign power and the emergence of governmentality (still subordinate to sovereign power) under the merger of pastoral and sovereign forms of power in the form of *police*, where *the body*, as constituent part of the population, becomes the target of power exercise within the physically delimited territory.

*Chapter three* looks at the emergence of the liberal governmentality and the effects it has had in its many different mutations (classical, social, neoliberal and its illiberal challengers emerged from the liberal “belly”) on the emergence of “the Gypsy” as a political label. The argument put forward here is that,

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<sup>70</sup> Walters and Haahr (2005), p. 7.

irrespective of the form of government (liberal or authoritarian, in their many variants), the modern state has retained the use of illiberal forms of power (coercive direct force in surveillance and disciplinary apparatuses) which it has associated with its sovereignty and manifested in the constant concern with insecurity. Here we find the Gypsies, depicted as threats to the security and order of the entire society, and confined, both physically and symbolically, to “security zones” that are subject to illiberal tools and practices of power associated not with liberal governmentality but with sovereignty and disciplinary rationalities of power.

*Chapter four* traces the main developments towards the EU Roma policy and discusses its political context. It shows how under little over ten years of engagement with the “Roma” affairs, the EU has managed to pull into its center the main actors and interests involved, in what represents another layer of the “governmentalization of Europe”. *Chapter five* analyzes this policy from a governmentality perspective seeking to tease out its main political rationality, forms of power, techniques and technologies as well as the identities and agencies through which the government of the Roma is attempted, with particular focus on the question of what its “added value” is. Out of this analysis it becomes clear that the EU is pursuing a shift in the exercise of state power, as it seeks to bring the Gypsies, recast as the Roma, out of the “security zones” of direct and coercive exercise of sovereign and disciplinary power and into the area of liberal government through freedom. In doing so, the EU seeks to affect not only the position and treatment of the Roma in Europe, but also open up a social space requiring and justifying its intervention.

In the *conclusion* I briefly summarize the findings, contextualizing the EU role within the larger context of the latest mutations of the liberal rationality and outlining points of future inquiry. I argue that far from removing the need for sovereign and disciplinary forms of power, this latest mutation of liberal government simply re-inscribes them onto new “objects” and “problematics” of government. The failure of the advanced liberal state to address the core problem constituting the liberal paradox (of liberating the economic while constraining the political) is neither new nor less dangerous than those of previous versions. The same dynamics that contributed to the emergence of the crises of the political in the past still define the state in the 21<sup>st</sup> century. Whether this latest stage is going to positively affect the Gypsies remains to be seen, but we need not forget, as history has proven too many times, that past exclusion and marginalization tend to be recycled and recast.

## CHAPTER 1. THEORETICAL FRAMEWORK

### 1.1 INTRODUCTION

Foucault first presented his concept of “*governmentality*”<sup>71</sup> during the lectures he gave at the *Collège De France* in the 1978 and 1979 academic years. In the series of lectures that he entitled “Security, Territory, Population”(1978) and “The Birth of Biopolitics”(1979) he sought to “move outside the institution, moving off-center in relation to the problematic of the institution or what could be called the ‘institutional-centric’ approach”<sup>72</sup> in order to: 1) identify and “place the modern state in a general technology of power that assured its mutations, development, and functioning”<sup>73</sup> 2) identify the functions of the institution (of state) and “establish a historical balance sheet of functional pluses and minuses, or anyway of what was intended and what was actually achieved”<sup>74</sup> and 3) identify the disciplines involved in resisting this power exercise by “grasping the movement by which a field of truth with objects of knowledge was constituted through these mobile technologies”.<sup>75</sup>

In other words, Foucault set out to identify the different ways of thinking about power and the different technologies through which the relations between the *governed* and the *governing* are mitigated and maintained. His aim was to *denaturalize*, that is, to critically unsettle the naturalness of concepts and entities we take as “given” and to unsettle the idea of fixity that masks what is otherwise a continuously changing reality. The stated purpose in taking these power relations out of their institutional and functional context was, on the one hand, to identify their “genealogy, i.e., the way they are formed, connect up with each other, develop, multiply, and are transformed on the basis of something other than themselves” and, on the other hand, to identify “the respect in which and why they are unstable”.<sup>76</sup> His view of power relations was summed up in what he termed “the conduct of conduct”, a perspective that allowed him to not only link

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<sup>71</sup> French *gouvernementalité*, term adopted and adapted by Foucault from an earlier contribution by French thinker Roland Barthes, whose usage back in 1950s denoted the “mechanism inverting cause and effect and presenting the government as the author of social relations”. Bröckling, Ulrich *et al.* (2011) “From Foucault’s Lectures at the Collège de France to Studies of Governmentality: An Introduction”, in Ulrich Bröckling, Susanne Krasmann and Thomas Lemke (Eds.) *Governmentality: Current Issues and Future Challenges*, New York: Routledge, p. 1. See also Barthes, Roland (1989) *Mythologies*, New York: The Noonday Press.

<sup>72</sup> Foucault (2007), p. 116.

<sup>73</sup> Foucault (2007), p. 120.

<sup>74</sup> Foucault (2007), p. 117.

<sup>75</sup> Foucault (2007), p. 118.

<sup>76</sup> Foucault (2007), p. 119.

power to issues of subjectivity, agency and identity, but also analyze the relationship between techniques of power and forms of knowledge.

Through this analysis Foucault did not purport to provide a grand theory of the state or of power, but instead, he wished to assemble a set of analytical tools with which we could not only dissect the power relations within a certain societal context but even go as far as undertake an overall analysis of that particular society. Additionally, unlike traditional approaches to government, this approach is not concerned with the *best* form of government, but with *how* to govern.<sup>77</sup> He was very keen to emphasize that his analysis was not intended as a polemical critique of a specific (ideological) orientation, but rather, he wished to step outside of the ideological *left* versus *right*, *economic* versus *political*, *public* versus *private* debate and, (trying to maintaining a detached, ideology-free critical approach), *look inside the dynamics of power and government* (including, but not restricted to the political).

Nevertheless, in acknowledging that every theoretical and analytical approach is permeated by an imperative normative discourse, if anything, he wished his analysis to represent an attitude, a critical ethos directed at ourselves and our present, a “how-to-struggle” guidebook intended not for reformers from above, but for those who (seek to) resist the power relations and the technological forms through which an external power is imposed on them and maintained against their own. “If you want to struggle, here are some key points, here are some lines of force, here are some constrictions and blockages”.<sup>78</sup> Despite this, however, it should be emphasized that the Foucauldian analytics of government do not intend to portray “critique as a kind of science of warfare” or as a “celebration of obstinacy”<sup>79</sup>, but rather, as a *problematization of present* and everything that seems “natural” about it.

In keeping with Foucault’s advice to “never engage in polemics” this research does not seek to “sell” a certain normative line regarding either the European Union, or the Gypsies/Roma. The aim is, by applying the tools in the Foucauldian kit to the analysis of power relations and the mutations through which the state and its rationality of government have gone for the past five centuries, to contextualize and denaturalize the position and the role that the Gypsies/Roma have played in the European societies which they are part of. This chapter is laying out the theoretical framework and the tools with which this aim is to be achieved in subsequent chapters.

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<sup>77</sup> Gordon, Colin (1991) “Governmental Rationality: an introduction”, in Graham Burchell *et al.* (Eds.) *The Foucault Effect: Studies in Governmentality*, Chicago: University of Chicago Press, p. 7.

<sup>78</sup> Foucault (2007), p. 3.

<sup>79</sup> Bröckling *et al.* (2011), p. 2.

## 1.2 THE GOVERNMENTALITY APPROACH

Due to his untimely death Foucault did not leave us with a coherent structure of the tools he had developed throughout his life.<sup>80</sup> Nevertheless, it was not long before his analytical tools were picked up by an ever growing number of followers,<sup>81</sup> who have worked for the past two decades to bring them to further levels of precision, making them available for application to an ever larger range of topics and subjects. A number of significant contributions have been made to what is an expanding field of governmentality studies (or “school”) by scholars such as Graham Burchell, Colin Gordon, Peter Miller, Nikolas Rose, Barry Hindess, Dean Mitchell or William Walters, among others.

A first noteworthy contribution in this sense was brought by Graham Burchell *et al.* (Eds.) 1991 *The Foucault Effect: Studies in Governmentality*, who literally kickstarted a whole trend<sup>82</sup> focused on Foucault and his analytics of power. Each of the contributors sought in their own way to apply and define the governmentality approach against a particular issue or aspect of the modern society, which together can be read “as chapters in a genealogy of welfare state- and of neoliberalism.”<sup>83</sup>

Another significant contribution to defining and expanding the concept of governmentality beyond the initial meanings and contexts outlined by Foucault has been made by Mitchell Dean who set out in his 1999 book *Governmentality: Power and Rule in Modern Society*, “to introduce the concept of governmentality derived from Michel Foucault in a reasonably clear and concise way.”<sup>84</sup> Besides further explaining the complexities contained and analyzed by his predecessors, Dean also expanded the concept in such a way

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<sup>80</sup> Maybe he did not even intend to. We know that Foucault had plans of developing some of his earlier unpublished work, but in line with his critical ethos, as Miller and Rose have argued, it is very likely that Foucault would have wanted the tools he developed not to become a grand neat theory or its tools and concepts “ossified” in a similar way to those they were developed as a critique of. Miller, Peter and Nikolas Rose (2008) *Governing the Present: Administering Economic, Social and Personal Life*, Cambridge: Polity Press.

<sup>81</sup> Besides Burchell *et al.* (Eds.) (1991), also Miller and Rose (1992) “Political Power beyond the State: Problematics of Government”, *British Journal of Sociology* 42(2): 172-205, republished in Miller and Rose (2008); Barry, Andrew *et al.* (Eds.) (1996) *Foucault and Political Reason: Liberalism, Neo-Liberalism and Rationalities of Government*, Chicago: University of Chicago Press; Dean, Mitchell and Barry Hindess (Eds.) (1998) *Governing Australia: Studies in Contemporary Rationalities of Government*, Cambridge: Cambridge University Press; Rose, Nikolas (1999) *Powers of Freedom: Reframing Political Thought*, Cambridge: Cambridge University Press; Dean, Mitchell (1999/2010) *Governmentality: Power and Rule in Modern Society*, London: Sage; Larner, Wendy and William Walters (Eds.) (2004) *Global Governmentality: Government International Spaces*, London: Routledge.

<sup>82</sup> Besides the element of fashion that characterizes the governmentality approach, there is certainly also an element of timing, that is to say, the emergence of governmentality is also due to the promise/potential it holds to make sense of a complex world in a time of considerable transformation and uncertainty that challenge (if not completely change) old logics and designs. Walters, William (2012) *Governmentality: Critical Encounters*, Routledge, p. 2.

<sup>83</sup> Gordon (1991), p. 7.

<sup>84</sup> Dean, Mitchell (2010) *Governmentality: Power and Rule in Modern Society*, 2<sup>nd</sup> edn, London: Sage, p. 1.

that it allowed him to “think about the relationship between power, identity and subjectivity in liberal societies beyond the dualities of inside and outside, state and civil society, liberalism and authoritarianism.”<sup>85</sup>

In it, Dean makes a fundamental distinction between two linked, but separate usages that Foucault makes in the concept of *government* understood as the “conduct of conduct”: 1) a *narrow* meaning of a historical and political form of government, which is associated with the specific way of thinking about governing that emerged in the sixteenth century in Western Europe, way that continues to characterize the contemporary world, and 2) a *broader* meaning of the “problematic of government” or the “art of governing” referring to “how we think about governing others and ourselves in a variety of contexts”, where the political aspect is only one of many.<sup>86</sup> *Governance* is here understood as a “heterogeneous and pervasive” activity that is not restricted to the political realm but can be found at all social levels.<sup>87</sup>

Initially Foucault had dealt with “governmentality” in terms of the narrow application within the specific historical context of the sixteenth century incorporation of *pastoral* power and techniques of “government of the soul” (in modern terms, a concern with population) into the *political* concern with the security of the territory and the *sovereign* (recast as the impersonal office of the ruler) power. The mixture of the two also saw the emergence of *raison d'état*.<sup>88</sup> This is when the state effectively became the objective of its functions, when pastoral power became subordinated to sovereign power and its technologies of rule (by law, sword and blood), and when “the sovereign” concept was detached from the physical being of the ruler, instead being presented as a “natural entity”.

Against the sweeping changes taking place at the time (intercontinental expansion of trade and commerce, emergence of towns as sites of power, the growing middle-class, the decline of feudalism, Protestant and Reformist movements and the religious wars they caused) we witness the transition from a political rationality focused mainly on the security of the sovereign and his relationship with the territory into a concern with *police*, in its initial meaning of peace, order and prosperity and the focus becomes the

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<sup>85</sup> Dean (2010), p. 3.

<sup>86</sup> Foucault (2007), p. 89; Dean (2010), p. 267.

<sup>87</sup> Dean, Mitchell and Barry Hindess (Eds.) (1998) “Introduction: government, liberalism, society”, in *Governing Australia: Studies in Contemporary Rationalities of Government*, Cambridge: Cambridge University Press, p. 2. In Governmentality studies the concept of *governance* is somewhat different from that in Governance theory's understanding. Whereas in both fields *governance* is concerned with questions of *how* and identify rule as a matter of style, and both look beyond the more traditional concern with the institutional framework of state rule, they also differ in one major aspect. The governmentality approach rejects the major assumption of a developmentalist political logic underpinning the governance theory. See more in Walters (2012), pp. 65-8.

<sup>88</sup> Foucault (2007), p. 287. Also Foucault, Michel (1994b) “*Omnnes et Singulatim: Towards a Critique of ‘Political Reason’*”, in James D. Faubion (Ed.) *Power. Essential Works of Michel Foucault 1954-1984*, Vol. 3, London: Penguin Books, pp. 314-17.

population.<sup>89</sup> The sovereign is no longer the absolute monopoly-holder of secular power who can do as he pleases, but he is entrusted to *govern* wisely in the interest and on behalf of the masses. His power is no longer simply granted by divine will, but it is the sum of the individual subjects whom he has to protect and provide for responsibly and wisely. The third form of governing rationality that Foucault identifies is that of *liberal governmentality*, which emerges as a critique against absolute monarchism.

Whereas sovereign power strengthened the state *externally* and enforced its authority over the territory, government (beginning with *police* and extending through liberalism) opens up and develops a space for growth of the state power from *within* itself, by targeting the population. I will deal more with each of these rationalities of government later, but suffices here to say that Foucault did not see these as alternatives in and of themselves, but rather the outcomes of the different ordering and usage of the same forms of power: law, discipline and security, mixed to serve different aims in different contexts.<sup>90</sup>

In his lecture on the topic of governmentality Foucault had meant three things:

“1) The ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security.

2) The tendency which, over a long period and throughout the West, has steadily led towards the pre-eminence over all other forms (sovereignty, discipline, etc.) of this type of power which may be termed government, resulting, on the one hand, in formation of a whole series of specific governmental apparatuses, and, on the other, in the development of a whole complex of *savoirs*.

3) The process, or rather the result of the process, through which the state of justice of the Middle Ages, transformed into the administrative state during the fifteenth and sixteenth centuries, gradually becomes ‘governmentalized’.”<sup>91</sup>

In his analysis of “governmentality” Dean made a distinction between the specific historical context that Foucault focused his analysis on, and the larger meaning of “governmentality” as an “analytics of government”. In the broader meaning, he argues that as a form of art, “government involves various forms of thought about the nature of rule and knowledge of who and what are to be governed, and it employs

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<sup>89</sup> Foucault (1994b), pp. 317-25.

<sup>90</sup> Foucault (2007), p. 108.

<sup>91</sup> Foucault, Michel (1991a) “Governmentality”, in Graham Burchell *et al.* (Eds.) *The Foucault Effect: Studies in Governmentality: With Two Lectures by and an Interview with Michel Foucault*. Chicago: The University of Chicago Press, pp. 87-104, pp. 102-3.



particular techniques and tactics in achieving its goals, (...) establishes definite identities for the governed and the governors (...) and above all, it involves a more or less subtle direction of the conduct of the governed".<sup>92</sup> In this definition, thus, Dean maintains the three dimensions of government identified by Foucault *rationality of rule, forms of power and apparatuses of rule* but also, in a major contribution to the field,<sup>93</sup> adds the fourth dimension to the concept of governmentality by linking it to the "*technologies of power*" contained in another major but separate topic analyzed by Foucault, that of the "conduct of conduct" or state "actions on others' actions".<sup>94</sup>

In refining Foucault's concept of "governmentality" Dean argued that *freedom, agency and choice* become artifacts of particular governmental practices and that the governed citizens are also governing themselves, self-conducting through the internalization of the rules and limitations that the governing structure provides. He argues that in the narrowest sense "governmentality" can mean strictly the practice, technologies or tools through which the government incorporates and conducts individuals into a mass population from which it derives its own power. However, in the wider sense Dean argues that Foucault's "governmentality" refers not only to the technologies of power, but also to the mentality or reasoning according to which those technologies are employed in the governing process. Effectively, by linking the *technologies of power* to the *mentalities of power*, Dean broadens the concept of governmentality and applies it not only to the state's conduct of the citizen, but also to any kind of "*conduct of conduct*", i.e., conduct of the self and of the others. Through the distinction of the "mentalities of governing", Dean argues that this concept allows us not only to analyze how and what people think about the way in which they are governed, but also how they (subconsciously) self-conduct themselves or not, in accordance with the governing mentality of the state.

The distinction made by Foucault between the different aspects of *government* as "*conduct of conduct*" (i.e., *conduct of the self* and *conduct of others*) is a central one in understanding the meaning of governmentality.<sup>95</sup> Gordon has defined "[g]overnment as an activity [that] could concern the relation between self and self, private interpersonal relations involving some form of control or guidance, relations within the

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<sup>92</sup> Dean (2010), p. 28.

<sup>93</sup> Lemke, Thomas (2001) "The birth of bio-politics: Michael Foucault's lectures at the Collège de France on neo-liberal governmentality", *Economy and Society* 30(2): 190-207, argued Dean's major contribution to the field.

<sup>94</sup> Gordon (1991), p. 5.

<sup>95</sup> See especially Foucault, Michel (1988) "Technologies of the Self" and "The Political Technology of Individuals" in Luther Martin, Huck Gutman and Pat Hutton (Eds.) *Technologies of the Self: A seminar with Michel Foucault*, Amherst: University of Massachusetts Press, pp. 16-49 and pp. 145-62.

social institutions and communities and finally relations concerned with the exercise of political power.”<sup>96</sup> Within this definition Dean further distinguishes between *the conduct of the “self” and of “others”*, and *the “code of conduct”*, or the set of presumed principles and norms in accordance to which one is (expected) to self-conduct and whose behavior is to be evaluated as well as rewarded or punished. Placing these two meanings together, Dean defines government as “any attempt to shape with some degree of deliberation aspects of our behavior according to particular sets of norms and for a variety of ends”.<sup>97</sup>

*Government* in the Foucauldian sense thus, is understood not in the traditional sense, which defines it in terms of institutions and positions of political power, but as a calculated rational attempt to direct people’s behavior by affecting their thinking, influencing their behavior not through direct intervention in ordering and moving them around, but rather, in seeking to shape the way in which they think so that they self-conduct themselves accordingly. This concern with the thinking process of individuals is a distinctive feature that sets government apart from other forms of sovereign power that employ force (and the threat of force) to directly order and regulate people’s behaviour.

The notion of government endows the individual with two core features: *freedom and agency*. The idea is that government can only be exerted on individuals who possess the freedom (whether physical or mental) to behave in a different manner than that which is demanded by those actors who seek to govern them. Here Foucault gives the example of a prisoner or a victim of torture who, although being denied his/her physical freedom, is still in possession of the freedom to think in a different way than those who imprison or torture him. Conversely, government cannot be said to be exerted on an individual who exists in a vegetative state. Moreover, government is considered to be successful or effectively exerted when the individual has come to internalize the “code of conduct” of those who seek to govern and has, consequently, renounced (temporarily or not, consciously or not) alternative “codes of conduct” and modes of behaviour.

What Foucault’s interpretation does is to extend our understanding of *government* beyond the traditional political meaning, to include *any* type of attempt to govern human conduct existent at *all* levels of human activity, for example, the father’s government of the child, the employer’s government of the worker, etc. As Dean defines it, government is understood here as “[a]ny attempt to shape with some degree of deliberation aspects of our behaviour according to particular sets and norms, and for a variety of ends.”<sup>98</sup>

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<sup>96</sup> Gordon (1991), p. 2.

<sup>97</sup> Dean (2010), p. 18.

<sup>98</sup> Dean (2010), p. 18.

Nevertheless, despite his broad understanding of government and power, Foucault himself focused on analyzing government in the political domain, that is, in the state's action on the thinking (and, indirectly, the freedom and agency) of its subjects.

The fact that Foucault saw government in such a broad and fresh new way is fundamentally linked with his novel understanding of *power*. Unlike other theoretical perspectives, particularly those coming from the IR field, Foucault saw power not as something fixed or given, and, most definitely, not as something existing in the abstract. On the contrary, power to Foucault was something that emerged out of practical relationships, that is assembled out of the many resources (individuals, interests and their networks) existing in society. When he referred to power, he referred to "relationships of power"; relationships that are not only of a political nature, but extant in all aspects of human life and society.

As Foucault himself explained in one of the last interviews, "when one speaks of power people think immediately of a political structure, a government, a dominant social class, the master facing the slave, and so on. That is not at all what I think when I speak of relationships of power; I mean that in human relations (...) power is always present: I mean the relationships in which one wishes to direct the behavior of another. These are the relationships that one can find at different levels, under different forms: these relationships of power are changeable relations, i.e., they can modify themselves, they are not given once and for all."<sup>99</sup>

In addition, power does not emerge naturally but, rather, as a result of the intention and ability of political actors to mobilize, stir and shape the conduct of the many and diverse sources (of power), in a manner that is supportive of the former's interests and objectives. Furthermore, power is not seen as the dichotomy between the *powerful* and *powerless* (i.e., no power at all), since any individual, no matter how restricted in freedom and agency, unless in a "vegetative state", continues to retain a degree of power that he/she can exercise to resist attempts of control and domination.

For Foucault *power* is more of a process than a state, a process characterized by three different levels: at one end, he identifies the *strategic power*, the level of *assemblages* where relationships are forged, networks are created, constantly negotiated and shifting, where the participants are tirelessly seeking to influence each other's conduct through an experimental, yet purposeful, type of strategies of control.<sup>100</sup> At the opposite end, Foucault identified the *state of domination*, the level of *apparatuses*, that is, the phase where the relationships and networks that were forged on a temporary ad-hoc basis have become ossified,

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<sup>99</sup> Foucault, Michel (1987) "The Ethic of Care for the Self as a Practice of Freedom: an interview with Michel Foucault on January 20, 1984", *Philosophy & Social Criticism* 12: 112- 31, pp. 122-3.

<sup>100</sup> Foucault (1987), p. 123. See also Merlingen (2006), p. 191.

institutionalized in a system of domination that has, if not eliminated, at least silenced contenders, hidden alternatives and subjugated knowledge. “When an individual or a social group manages to block a field of relations of power, to render them impassive and invariable and to prevent all reversibility of movement- by means of instruments which can be economic as well as political or military- we are facing what can be called a state of domination.”<sup>101</sup>

Between these two levels of power Foucault positioned the *governmental technologies* that political authorities employ in modifying strategic power, and which, when successful, bring forth the state of domination. The implication, then is, that if it is through these governmental technologies that “the relations of power [become] fixed in such a way that they are perpetually asymmetrical and the margin of liberty is extremely limited”, then, it is these particular technologies that require thorough investigation and critical assessment.<sup>102</sup>

The concepts of government and power are not the only ones to be reinvigorated by Foucault’s approach. His understanding of the *state* is also different from the conventional Weberian definition of the state, as the institution holding legitimate monopoly of violence. For Foucault and his followers, the state is not the monolithic political organization of a centralized and uniform government, that maintains a monopoly of the legitimate use of force within a well delimited territory through such centrally organized and controlled institutions as administrative bureaucracies, legal systems, military and religious organizations or the functions assigned to it.<sup>103</sup> Rather, the state is understood as a “mythical abstraction” that is, the “complex and mobile resultant of the discourse and techniques of rule”, which can be fully understood only if approached from the perspective of government. Thus, Foucault argued, if we are to succeed in disturbing and challenging the *state of domination* what we should address in our inquiries, “is not then the state’s takeover (*étatisation*) of society, so much as what I would call the ‘governmentalization’ of the state”.<sup>104</sup>

### **1.2.1 FOUR ASPECTS OF GOVERNMENTALITY:**

In his analysis of the *art of governing* Foucault traced the origins of the modern notion of government back to the “science” of governing people in ancient Greek and Roman cities and the Christian notions of

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<sup>101</sup> Foucault (1987), p. 114.

<sup>102</sup> Foucault (1987), p. 123.

<sup>103</sup> Gordon (1991), p. 4.

<sup>104</sup> Foucault (2007), p. 109.

pastoral power's usage of moral precepts to guide and protect the soul of the believers. However, he identified the sixteenth century<sup>105</sup> as the moment when an original form of political knowledge he terms "governmentality", emerged out of the "marriage" between the *pastoral power* and the *sovereign power*, which had previously existed in a sometimes complementary, sometimes contradictory relationship, but always in a separate, distinct form.

Governmentality represents "the invention of a form of secular political pastorate which couples 'individualization' and 'totalization'", the government of "each and all".<sup>106</sup> The Christian concern with the salvation of the soul and the role played by the "shepherd" made responsible for his "sheep"'s deliverance (population) presupposed a deep understanding and knowledge of the inner workings (desires, needs, fears, etc.) of the individual Christian believer. Following its incorporation within the framework of sovereign power, this rationality of pastoral government would be adopted by the sovereign and his administrative institutions into the re-conceptualized form and role of the state. Moreover, this rationality would also come to represent the bedrock for the complex and sophisticated technologies of power that the modern state operates from (where the need of security of the soul is translated into the need and concern with the material security of the body in the secularized context).

Let us briefly look now at the four aspects of governmentality and discuss what they mean. First of all, governmentality as an analysis of *political rationality* means an analysis into various arts of government, that is, the relationship between thought and government.<sup>107</sup> According to Miller and Rose, political rationalities are "morally colored, grounded upon knowledge, and made thinkable through language".<sup>108</sup> Political rationalities are intrinsically moral as they elaborate and distribute rights and powers in terms of a particular view of the human society, with judgements of good and bad that are made not only with regard to those meant to be governed but also, and equally important, with regard to the governing authorities as well.

Political rationalities also have an epistemological character in the sense that they contain a particular way of viewing society in terms of which it not only shapes the objects of government but also devises solutions to its "problems". The questions of "how, why and what to govern" are all inextricably linked

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<sup>105</sup> A word of caution about the dates given for these changes and moments of transition, which should be viewed as estimates and should not be taken as definite moments of clear-cut visible transition. These processes were in the making well before and continued well after the dates that Foucault gives, but they are maintained because of their usefulness in the historical narration.

<sup>106</sup> Gordon (1991), p. 8. See Foucault (1994b).

<sup>107</sup> Gordon (1991), p. 3.

<sup>108</sup> Miller and Rose (2008), p. 59.

with the different mentalities that underpin the complex way in which the governed are not only being conducted, but also persuaded to internalize the governing mentality so that they self-conduct themselves in accordance with the interests and objectives of those who seek to govern.

The key site of identifying this complex power relationship is that of political language and discourse. Here, language is not “merely contemplative or justificatory, it is performative.”<sup>109</sup> Analyzing the way that language is employed in daily political practices, unveiling the discourse embedded in policies and strategies of political action allows us to understand not only the “systems of thought” through which governors seek to formulate and frame the objects of government, but also the “systems of action” that seek to carry out that particular government.

One of the most important aspects of governmental inquiry focuses of how political objects emerge out of the realm of *non-agenda* and climb onto the political *agenda*. The “*problematization*” of policy objects, that process of identification of social problems and their causes in need of attention and intervention, represents a window into the processes of creation of the “‘intellectual technologies’ that render aspects of existence amenable to subscription and calculation”<sup>110</sup> creating thus, the “social domain” employed as justification for the legitimate intervention of the state. “It is in acts and moments of problematization that mentalities and their forms of reason can be identified. It is all those sites where a given policy or practice is called into question, identified as deficient, failing, too costly, unethical- it is in these places that mentalities of government lend themselves most readily to our scrutiny”.<sup>111</sup>

This act of problematization takes place every day, the history of each policy object is made every day in the many, apparently trivial, official acts and actions that work incessantly to define and delimitate both the shape of the policy object, the boundaries and the stage onto which the battles over meaning are staged and the weaving of the (new) social fabric happens. If the construction of this social domain onto which the politics of government are applied is achieved through the daily “programmes, calculations, techniques, apparatuses, documents and procedures” leaving an administrative and institutional trail, then a genealogical type of analysis needs to deconstruct this process by following this same trail.

The second usage of governmentality is in the analysis of different “*forms of power*”: *law, discipline and security*. Foucault associated the law with the archaic form of the penal system that dominated from the

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<sup>109</sup> Miller and Rose (2008), p. 57

<sup>110</sup> Miller and Rose (2008), p. 21.

<sup>111</sup> Walters and Haahr (2006), p. 6.

Middle Ages and until the seventeenth or eighteenth century; discipline with the emergence of the specific form of government that emerged in trading towns in sixteenth century and extended beyond it until the eighteenth century; and security with the contemporary system.<sup>112</sup> However, he emphatically argued that all these forms of power have co-existed simultaneously at all times and that characterizing one age as different from another is only meant to describe the dominance that one type had over the other two, which, rather than challenging it, have adapted/mutated in such a way as to complement and support the dominant form of power. Foucault argued that “we need to see things not in terms of the replacement of a society of sovereignty by a disciplinary society by a society of government; in reality one has a triangle, sovereignty-discipline-governmentality, which has as its primary target the populations and as its essential mechanism the apparatuses of security”.<sup>113</sup>

Foucault also analyzed the particular apparatuses through which these forms of power work to carry out their specific governing programme. That is, the relationship between *government and thought* that does not simply exist in abstract, in ideological form but takes the very specific practical shape of “a set of mechanisms and procedures that have the role or the function and the theme, even when they are unsuccessful, of securing power”.<sup>114</sup> In this sense the *administrative and bureaucratic systems* and specific methodologies and practices developed as extensions of those forms of power specific to governmentality represent for the state the equivalent of “what techniques of segregation were to psychiatry, what techniques of discipline were to the penal system, and what biopolitics was to medical institutions”, Foucault argued.<sup>115</sup>

The studies of governmentality thus, do not only look at the various political rationalities of those who are in power, but also at the means, methods, procedures, tactics, techniques and vocabularies that represent the “apparatuses of power” through which these actors seek to govern. Foucault distinguished between *assemblages* and *apparatuses*, in that the former were seen as transitory, ad-hoc and experimental in nature, had the *potential* but not the *guarantee* of becoming an apparatus, which takes a permanent form through the institutionalization process. The “*apparatuses of security*” identified in the narrow sense by Foucault represent only one aspect of the larger *regimes of practices* or regimes of government. Governmentality is essentially programmatic, Miller and Rose argue, in the sense that it is “inextricably bound to the invention and evaluation of technologies that seek to give it effect”. These tools are created

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<sup>112</sup> Gordon (1991), p. 20.

<sup>113</sup> Foucault (1991a), p.102.

<sup>114</sup> Foucault (2007), p. 2.

<sup>115</sup> Foucault (2007), p. 120.

sometimes from scratch other times by refashioning old tools and methods, with the sole purpose to negotiate and persuade, to “bring persons, organizations and objectives into alignment”.<sup>116</sup>

This brings us to the third aspect of governmentality which deals with the “*technologies of power*”. They work to put in practice certain political rationalities for which they need to identify, define and delimitate the object and the field onto which the process of governing is to be carried out. Regardless of whether the political rule is based on a “transcendental and religious form or reason” or on a “concern with material questions” (i.e., the security of the *soul* or the security of the *body*, different aspects of the same concern with population), the technologies of power need to calculate, measure, assess threats and risks as well as devise ways in which to prepare, negotiate, compensate or remove those threats and their possible effects. This cannot be done without a clear delimitation of the political object, the domain of government action and the bureaucratic system to carry it out. “Government is a domain of strategies, techniques and procedures through which different forces seek to render programmes operable and by means of which a multitude of connections are established between the aspirations of authorities and the activities of individuals and groups”. Technologies of government are not coherent or monolithic tools but are “complex assemblages of diverse forces”.<sup>117</sup>

Carrying out these programmes of government implies the existence of a series of complex *technologies of government*. Liberal technologies of government range from “techniques of notation, computation and calculation; procedures of examination and assessment, the invention of devices such as surveys and presentational forms such as tables; the standardization of systems for training and inculcation of habits; the inauguration of professional specialisms and vocabularies; building design and architectural forms”, and the list can go on and on.<sup>118</sup>

Two particular technologies have been crucial for liberal government: technologies of *inscription and calculation*. Their particular importance is due to the way in which they turn reality into a “predictable, calculable form” and shape the present in a way that warrants and justifies governmental intervention. The possession of information is in itself an act of power, but it becomes an act of government when it allows the holder to influence/manipulate the way in which reality is presented, and consequently, influencing the way in which those who are meant to be governed come to perceive that reality. Inscription is a technology of

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<sup>116</sup> Miller and Rose (2008), p. 21.

<sup>117</sup> Miller and Rose (2008), p. 63.

<sup>118</sup> Miller and Rose (2008), p. 63.



government because in its specific vocabulary and methods of structuring and presenting reality are impregnated the assumptions, concepts and principles of the liberal rationality and the value judgements applicable to the object of the inscription. In accordance with these values then, an interpretation and classification is made followed by a calculation of the positive or negative potential it contains. Here expert knowledge becomes crucial.

*Experts* employ their specialized tools to interpret numbers and statistics, calculate risk and translate them into problems for which solutions are envisioned. The outcome of such an analysis is relayed to centers of decision which formulate policies and strategies for implementing their solutions. In the process, experts effectively assemble and shape the interests and identities of the subjects of government in ways that fit the governmental rationality of the governors, and consequently, provide them with the legitimacy that emerges from the claim of *truth* about the world and society. But experts themselves do not act simply as neutral selfless intermediaries in the process of linking governors to the governed. In exchange for the provision of “objective” knowledge that supports and legitimizes the intervention of the governors, experts develop their own authority and power, their own ability to affect reality which they employ in the pursuit of their own aims.

The fourth meaning is embedded in the *relationality of power*, contained in the “*conduct of conduct*”. Seconding the Weberian understanding of power, Foucault also argued that where there is power, there is also resistance<sup>119</sup> and that this tension/dichotomy underpins the relationship between the *governing* and the *governed* in any social context and not only in the political realm. Power, in his definition is considered to exist only when it acts upon actors/individuals who retain their ability to act in a different way than that required by those who seek to govern. For Foucault, power exists at *all* levels and provides the basis for *all* social relations: father-child, teacher-student, husband-wife, employer-worker, etc. His understanding of power is much wider than the standard interpretation that is given to the concept in political analysis. Power is much more than political actors (public officials and institutions); the “conduct of conduct” Foucault refers to means the management of individuals and groups- children, souls, communities, the sick, etc.- in a way that reflects the interests of those who seek to govern.

The success or failure of government is inextricably linked with the identity of the governed and the ability of those who govern to not only influence it, but also to understand how the power dynamics distort and shift it throughout time. The identity of the governed has seen multiple shifts in the past few centuries: from the “sheep” to be protected and guided by the pastoral government to the “city-citizens” members of the

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<sup>119</sup> Gordon (1991), p. 5. Extended argument in his “Afterword” to Gordon, Colin (Ed.)(1988) *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, Michel Foucault, Worcester: Harvester Press, p. 245.

community of free persons who pull their will together to create a solidarity that defines and guides them, to the “bio-political organisms” who need to be secured, protected, promoted and, in certain cases, terminated, and finally, to the individuals, subjects of freedom and choice, capable of responsibly shaping and assuming their own destiny.<sup>120</sup>

Although the importance of power in shaping individual identity and influencing political behaviour had been highlighted previously, most notably by Gramsci and his followers in their analysis of the cultural hegemony of the capitalist system, Foucault’s analysis into the relational nature of power did contribute immensely to our understanding of the linkages between political rationality and the identity of the governed, effectively extending it beyond Gramscianism and liberalism to all types of political rationalities.<sup>121</sup> Foucault emphasized that power implies not only the existence of a certain political rationality and the tools required to implement and reinforce it, but also that successful government implies the shaping of individual subjectivities resulting from the internalization of a particular mode of thinking by the individual to the extent that he/she self-conducts, self-governs oneself along the lines pursued by those who seek to govern.

Further expanding Foucault’s power model (strategic power and the state of domination) by adopting Bruno Latour’s view of power, Miller and Rose have argued that power should not be understood as the *explanation* of successful government, but rather, should be viewed as the *result* of the successful assemblage of various forces. “A powerful actor, agent or institution is one that, in the particular circumstances obtaining at a given moment is able successfully to enroll and mobilize persons, procedures and artifacts in the pursuit of its goals”.<sup>122</sup> Moreover, they argue that this power will last only if the actor in case is capable of translating that power into “durable forms” that are not confined only to the procedural administrative or physical tool forms, but also take the shape of common interests and identities of the forces that are assembled together so that they become “ossified” in a system that seeks to ensure and extend its own existence behind the initial stage. Even after this “ossification”<sup>123</sup> has taken place, these forces continue to pursue their own interests and maximize their own gains by using and influencing the relationships forged in a continuous process of negotiation and compromise, a constant effort of bending other’s actions to one’s own advantage.

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<sup>120</sup> Dean (2010), pp. 89-101; Walters and Haahr (2005), p. 12.

<sup>121</sup> Antonio Gramsci sought to identify the reasons behind the failure of the socialist revolution to take root across Europe, and identified the core “culprit” to lie with liberal capitalism and the Western Europeans’ internalization/appropriation of the capitalist values and thinking (the “capitalist hegemony”), which acted as a proliferating force for capitalism to the detriment of the socialist cause.

<sup>122</sup> Miller and Rose (2008), p. 64.

<sup>123</sup> Walters (2012), p. 8.

Many studies of governmentality have employed these four aspects in analyzing liberalism in the context of domestic realm. This concern with liberalism is due not only to the fact that it underpins the current modern state, but also because its reflexivity has allowed for a constant reconceptualization and refashioning of complex tensions, paradoxes and dichotomies embedded within itself. As Walters has argued, [w]hat makes liberalism so fascinating and troubling as political project, is the agonistic relationship it sustains with these techniques of freedom.”<sup>124</sup> More than two centuries and a few variants (“alter-egos”) later, the liberal paradox, far from being an exhausted source of inspiration and tension, proves as challenging and mobilizing as when it first emerged.

In the remainder of this chapter therefore, I will briefly discuss liberalism and its main variants with a particular focus on the issues relevant to the subsequent discussion of the Gypsies and the European Union. Understanding the genealogy of the modern state through its process of governmentalization is imperative for understanding the emergence of the Gypsy as political subject. Moreover, outlining the different mutations of the liberal state is a prerequisite for the subsequent analysis of government at regional level, not only because it is within the liberal state that the paradox between economic freedom and political control is to be found (opposed to illiberal authoritarian political rationalities that do not purport to govern *through* freedom and where direct force is differently justified and justifiable as a tool of political power), but also because the analysis of the government at the European level is premised on the liberal democratic rationality of government shared by all its member states.

### **1.3 LIBERALISM(S)**

Employing the tools in the governmentality box, Foucault’s followers have set out to critically inquire into the core assumptions and technologies of government on which the current liberal regime has been based.<sup>125</sup> Questioning everything that has come to be seen as *natural* and *permanent* by positivist sciences and unveiling “the debility of the language that has captivated political philosophy and sociology for over a century, with its constitutive oppositions of state/civil society, domination/emancipation, public/private, and the like”,<sup>126</sup> has been the objective of governmentality studies so far. In the past two decades significant

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<sup>124</sup> Walters (2012), p. 63.

<sup>125</sup> See, for example, Barry *et al.* (Eds.) (1996).

<sup>126</sup> Miller and Rose (2008), p. 199.

progress has been made in unveiling the complex ways in which the liberal rationality and its technologies of government have emerged and dominated our societies over the course of more than two centuries.

Liberalism is understood in the studies of governmentality neither as an economic theory, nor as a political ideology, but as “a specific art of government oriented toward the population as a new political figure and disposing over the political economy as a technique of intervention.”<sup>127</sup> The emergence of the liberal governmentality in the eighteenth century is seen to represent a special moment in the history of governmentality for the innovative way in which it simultaneously employed the concept of “civil society” both as a justification for government intervention and as the limitation on that intervention. Moreover, the originality in the liberal rationality lies in the way in which the state pursues government “through the promotion of certain kinds of free activity and the cultivation among the governed of suitable habits of self-regulation.”<sup>128</sup>

Governmentality scholars have identified a number of forms which liberalism has mutated into during this period: from the ordoliberalism of the German cameralists and the classical *laissez faire* of Adam Smith, to the social liberalism emerging out of the collapse of the Second French Republic and its “welfarist progeny”,<sup>129</sup> to the different national versions of liberalism, the imperial and anti-imperial liberalism of the colonial period and the current form of neoliberalism of “advanced industrial democracies”.<sup>130</sup> Their analyses have contributed to a better understanding not only of the current transformations, allowing us to put into historical and spatial perspective the “crises of the political” that we are today (as well as other times in the past) witnessing, but also account for the implications that the *lack* of political innovation has had on the shape and context of the social domain.

### **1.3.1 CLASSICAL LIBERALISM**

Emerged victorious from the confrontation with absolutist monarchy, *liberalism* drew its legitimacy and authority from the claim to reason and scientific knowledge, through which it promised to deliver the

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<sup>127</sup> Bröckling *et al.* (2011), p. 5.

<sup>128</sup> Hindess, Barry (2004) “Liberalism- What’s in a name?”, in Wendy Larner and William Walters (Eds.) *Global governmentality: governing international spaces*, New York and London: Routledge, p. 26.

<sup>129</sup> Hindess (2004), p. 36.

<sup>130</sup> Miller, Peter and Nikolas Rose (1996) “Governing Advanced Liberal Democracies”, in Andrew Barry, Thomas Osbourne and Nikolas Rose (Eds.) *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government*, republished in Miller and Rose (2008), pp.199-218.

solution to the political and economic problems by unlocking/freeing the individual and the community from the shackles of traditional conservatism and religious tyranny. The liberal governmentality relied on the belief that its subjects were free individuals that were endowed with *certain rights* that needed to be safeguarded, and with a *natural potential* that with the “correct” type of education and encouragement would allow them to govern, conduct and care for themselves, ensuring their own happiness and, by implication, that of the whole society. Like all political rationalities liberalism contains a *moral charge*. It identifies rights and duties, classifies behaviour in terms of good and bad, productive and unproductive, civil and uncivil, etc., for all social actors and authorities. It formulates a series of ideals against which it measures reality, finding it always faulty. It is in this discrepancy between the ideals formulated and the reality of social world that the utopian element is embedded and the governing logic of improvement is located.

At this moment a shift occurs from the previous meaning of a “well-ordered political association” that civil society had attained during the Police state-system. Within the liberal framework the role of the state is no longer envisioned as the facilitator of the smooth flow of people and goods and the guarantor of peace and order, but it is recast in terms of new functions of shaping and nurturing this *non-political sphere* so that it maximizes its potential. The *role* of the liberal state becomes to protect, guarantee and foster individual rights and liberties; but there is always the danger that the state will overstep its prerogatives (and monopolize control in an authoritarian, absolutist manner). As a check on this power assigned to the state, liberalism ingeniously devised the “civil society” as the counterweight to the state’s intervention. In reality, however, what liberalism is said to have done is “not so much free a private realm from arbitrary interferences by power as constitute certain realms (...) as non-political, defining their forms and limits”;<sup>131</sup> it created a *social sphere* to be acted upon through newly conceived indirect means of “*acting at a distance*” by shaping the framework within which those freedoms and liberties are to be exercised. It does this by liberating the individual in the economic field (and, at least for a little while, also in the political- see below).

These indirect ways of “acting at a distance” are not the only ways through which the liberal government seeks to shape the conduct of its subjects. It redefines and makes use of legal and disciplinary (*illiberal*)<sup>132</sup> forms of power and all the apparatuses available in its arsenal in creating and ruling an open-ended “outside” domain it associates with *insecurity and risk*. It identifies a field of threats and dangers to the freedoms and rights that the individual is seen to possess *naturally*. This domain is not necessarily a

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<sup>131</sup> Miller and Rose (2008), p. 60.

<sup>132</sup> See Dean (2010), chapter 6 “Liberalism”, pp. 133-54 for more on how liberalism changed discipline and law from instruments of sovereignty into components of the liberal technology of government.

physically external (foreign) area as understood in conventional sense, but a *non-political* domain in which a potentially endless list of (domestic and foreign) sources of threat to what is deemed good, productive, civil, normal, legal, healthy, etc., are confined. All that is classified as abnormal, unproductive, immoral, criminal, corruptive, dangerous, etc., the “*anti-social*” is confined to the field of security, which then becomes object of (illiberal) legal and disciplinary forms of power and the ever expanding mechanisms and apparatuses of security (the psychiatric hospital, the prison, the “ghetto-camp”, etc.) through which the separation from the “natural/normal” mainstream is enforced and perpetuated.

Law is extremely important to liberalism. However, this is not because it was born from a contractual type of relationship, but because, as Foucault argued, “law provides general forms of intervention which preclude particular, individual exceptional measures, and because the participation of the governed in the elaboration of such law through a parliament constitutes the most effective system for a governed economy.”<sup>133</sup> In other words, law determines the framework within which economic liberalism and constrained<sup>134</sup> political freedom are exercised in a way that is conducive with the main concern of security of the state.

The effects of the liberation of the individual in the economic field created considerable rupture in society and the changes that industrialization brought about threatened to overturn “the gains” that liberalism had made. The mobile masses of waged laborers were turning into political hazards that needed to be controlled. The creation of the nation-state through a number of basic tools - official language, expansion of standard education, communication and transport - was the result of the need for a politically controllable unified entity on the basis for which liberal government could be exercised and economic profits maximized. The challenge for government was to mobilize the huge masses of heterogenous individuals, who swirled the ever expanding urban sites, into a homogeneous mass that could be made not only to share a sense of solidarity of experience and situation but could also be made governable and knowable.

In drawing distinctions between freeing the individual and governing the community, liberalism set up the framework of its own challenges: the “opposition between the need to govern in the interests of morality and order, and the need to restrict government in the interests of liberty and economy”.<sup>135</sup> In other words, the

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<sup>133</sup> Foucault, Michel (1979) “History of Systems of Thought”, James Bernauer (Trans.), *Philosophy and Social Criticism* 8 (3): 353-59, p. 357.

<sup>134</sup> Constrained because the political contestation is confined to the liberal framework, where alternative political *formulae* carried outside it are de-legitimized, and where the electoral system represents the stage for the political “fight” between the “left” versus the “right”.

<sup>135</sup> Miller and Rose (2008), p. 201.

individual freedom which underlies the liberal rationality is only possible within the conditions and constraints that liberal governing power technologies impose. It implies, thus, the existence of a structure of power technologies that regulate and rule the *social* sphere according to which the individual freedom is constrained in certain (political) ways and liberated in other (economic) ways. This is because liberating the individual in economic terms creates a source of *mobility* that translates into a political challenge to the *status quo*.

From the beginning then, liberalism has been confronted with the tension between liberating the individual in the economic sense, while constraining that exact mobility through political controls. However, this challenge also proved to represent the source of constant innovation and flexibility that has allowed liberalism to “survive” this far. Whereas liberalism did split society in two by creating clearly delimited realms of the private versus the public, economics versus politics, state versus civil society, it also incorporated a reflexivity and a self-correcting mechanism that allows it to renew its claim to authority by carrying the political battles within its own framework, delegitimizing any alternative contest for political authority outside of the liberal framework of contestation and renewal.

Having thus closed within itself all possibilities of legitimate contestation, and delegitimizing contestations from outside its liberal left versus right framework, liberalism set out to create the necessary technologies and apparatuses through which it would not only govern, but also *justify* its involvement in the private lives of its subjects. Enlightenment has left us with an obsession with “the need to avert dangers of [social] conflict whose only possible source it supposed to lie in the continuance of oppression by tradition or of poverty imposed by underdevelopment”.<sup>136</sup> The role of the state in this phase of liberal government was envisioned in its constant utopian struggle to remove the sources of this threat by projects of modernity and development. However, the fine balance between the statutory and functional roles of the state has been a very delicate one, which needs constant adjustment and negotiating, a failure in doing so threatening the very stability of the political regime, as the Second Republic in France had previously showed.<sup>137</sup>

Tearing down tradition and religion, the two means by which community solidarity had been forged, liberalism substituted reason and science both as the basis of its authority and the tool of government. The birth and evolution of the positive sciences are proof of the liberal state’s own evolution and rationality. Statistics, economics, sociology, biology, psychology, medicine and psychiatry are sciences that have

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<sup>136</sup> Donzelot, Jacques (1991) “The Mobilization of Society”, in Graham Burchell *et al.* (Eds.) *The Foucault Effect, Studies in Governmentality*, Chicago: Chicago University Press, p. 118.

<sup>137</sup> Donzelot, Jacques (1988) “The promotion of the social”, *Economy and Society* 17(3): 395-427.

claimed tremendous power of persuasion based on the objective reasoning and universal laws purportedly speaking unbiased, neutral truths. Expert knowledge and the plethora of expertise-based professionals effectively became the conjoined twins of liberal rationality of government, with an unprecedented power to persuade, educate and seduce rather than coerce subjects into compliance.<sup>138</sup>

The domain onto which the *liberal government* is enacted is that of the “*population*”. This domain is delimited and defined with the help of a number of technical and technological tools developed with the specific purpose of building the knowledge not only on the characteristics of the population and its behaviour in itself, but also about the milliard of determinants that can facilitate or threaten the security of that population. Various inventions such as the census, the map, statistical analysis and methodological innovation acted in order to translate a particular view of government into the norms and standards used to re-conceptualize the political subject of government, recasting it as (member of) the population. Fixing this population both in spatial and temporal contexts relied on the creation of homogeneous groups labeled to translate the liberal view of government and the lines along which the “business” of government would be carried out: “immigrants”, “illiterate”, “unemployed”, “unskilled worker”, etc.

The key element that helps translate the liberal rationality into programmes of government is scientific *knowledge*. The social sciences gather information from studying a large number of people and formulating values and standards based on what represents the average, the norm. Everything that falls outside the range of what is deemed “average” becomes object of intervention. The *normalization of society* is undertaken through a process of thorough study of the individuals that make up the “population”. This is how problems associated with the *social body* emerge and on the basis of which solutions are formulated and programs of implementation are devised. At the base of this lies the utopian measurement and classification of reality against ideal formulations of concepts and principles, and the “optimism” that “something can be done about it”, that reality can be programmed and acted upon to yield the intended results.

### **1.3.2 SOCIAL LIBERALISM (AND THE WELFARE GOVERNMENT)**

It was not long however, in the context of fast pace industrialization and mass urbanization coupled with market failures, that the classical liberalism lost its power of persuasion. The context in which classical

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<sup>138</sup> Miller and Rose (2008), p. 209.



liberalism had been envisioned as a solution to had virtually disappeared by the turn of the century. The unemployed and the mobile masses of laborers that had been vital for the capitalist economy to take off were proving a political time-bomb that required a viable solution. This came in the form of the “welfarist” state intervention. The freedom that the individual had been granted in the economic realm was failing to improve the lot of many. The crises of the economic were turning into crises of the political, and for that a new formula was devised in the creation of the “social” domain that would excuse the failure of the economic, allowing it to self-correct while simultaneously justifying the expanding role of the state in governing the private aspect of individuals, in what was a public assumption of responsibility for the individual well-being. Promotion of “the social” thus, became the new justification of the political government.<sup>139</sup>

Nevertheless, when classical liberalism was seen as having failed to provide a lasting solution to social progress, no “death of the liberal” was foretold. Rather, the reflexivity and self-corrective mechanisms embedded in it allowed it to innovate new roles for the state, create new devices of government and refashion old mechanisms of rule. These mechanisms collectively “sought to reestablish the integration of individuals in a social form. This was not so much a process in which a central state extended its tentacles throughout society, but the invention of various ‘rules for rule’ that sought to transform the state into a centre that could programme, shape, guide, channel, direct, control events and persons, distant from it. Persons and activities were to be governed though society, that is to say, through acting upon them in relation to a social norm, and constituting the experiences and evaluations in a social form.”<sup>140</sup>

As previously mentioned, liberalism has denied the legitimate existence of alternatives and closed the space for political contestation outside the liberal framework. However, far from solving the debate between *solidarity and autonomy*, it has simply incorporated the dichotomy within itself. In practice this means that the liberal belief in social progress is never questioned, the political fighting being simply reduced to the fierce battles between the diverging opinions of *how* this is to be achieved, the role and the degree of involvement that the state is allowed to bring this about (the competition between “right” and “left” leaning politics).

The failures of classical liberalism, particularly those emerging from the economic “liberation”, created a number of problems into the “social” that threatened the very existence of liberal government.

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<sup>139</sup> Donzelot (1988).

<sup>140</sup> Miller and Rose (2008), p. 201.

However, rather than addressing *the causes* of the failures of capitalism in the economic sphere, liberalism proposed to deal with *its consequences* by intervening in the social realm. The solution devised came in the form of social work and social insurance. The state intervention entailed the planning and managing of economy to creating jobs, while the administration of the social aimed to provide social security, housing and health care provision.

The government of the social did not mean the invention of new tools and apparatuses for addressing the problems that had emerged in the social body (unemployment, poverty, disease, etc.), but instead, the invention of *technologies of assembling* the already existent “private and professional social agents- philanthropists, charitable organizations, medics, polemicists and others” and their incorporation into the apparatuses of the state.<sup>141</sup> These social actors were assembled by the state for the double purpose of: 1) removing the alternative sources of political power they were providing (by allowing people a direct say in the way in which they were governed) and, at the same time, 2) diffusing the social tensions and conflicts that had emerged with modernization and that were turning into a “crisis of the political” government under liberalism. The process whereby political actors “seek to operationalize *their* programmes of government by influencing, allying with or co-opting resources that they do not directly control” and the effective monopoly they consequently come to possess on the use and administration of these resources in ways that support only *their* and not other programmes is what Foucault called the “*governmentalization of the state*”.<sup>142</sup>

What the welfare state does through its intervention is to “encourage national growth and well-being through the promotion of social responsibility and the mutuality of social risk”. Embedded in the welfare “contract” is a political control that excludes not only based on national citizenship, but also on participation into the state-managed system of contributions and benefits or rights and obligations.<sup>143</sup> The welfare state of any variant “is built on confining and delimiting the social risks of people’s mobility. Internally, this means instituting not only the technology of insurance against the risks of the capitalist employment relation, but also a range of technologies for securing, assuring and safeguarding security against its mobilized citizens. Externally, it implies the establishment of a regime of security and control that allows for the systematic (and compared to controlling citizens, much more unrestrained) use of force, coercion, and violence *vis-à-vis* mobile “non-nationals” - including political acts of sovereignty “such as disenfranchisement, displacement

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<sup>141</sup> Miller and Rose (2008), p. 72.

<sup>142</sup> Miller and Rose (2008), p. 70.

<sup>143</sup> Lessenich, Stephan (2011) “Constructing the Socialized Self”, in Ulrich Bröckling *et al.* (Eds.) *Governmentality: Current Issues and Future Challenges*, New York: Routledge, p. 308.

and exclusion”.<sup>144</sup> (Gypsies fit somewhat between these two lines. The exclusion of those who were left behind by the “normal progression” of development and modernity has classified them as “dangerous classes” and kept them out of the mainstream through disciplinary and sovereign tools of illiberal rule. This has also been extended into the exclusion from the social welfare system).

The dividing lines are made thus, not only between the non-citizens and citizens, but also between the participating (obedient and normalized) citizens and those non-participating citizens who fall outside of the welfare system. This double inclusion/exclusion is based on the one hand, on the logic of open economy and closed polity, while on the other, is based on the willingness to pull in resources into a system of social solidarity that assumes public responsibility of individual welfare. The necessity of the political closeness and control emerged out of the experiences with open economy and lack of political control that had characterized the early stage of capitalism. As it turns out, mobile people in terms of labour and wage are good for the economy, but are potential disasters in political terms, as material wealth and social mobility have the tendency of creating politically mobile, unstable and disobeying subjects, as economic mobility translates into demands for political mobility (look at China now).

A re-conceptualization of the individual was under way. Under classical liberalism the individual had been envisioned in the context of economic entrepreneurship and freedom, and defined by the relationship between the employer and the employee. However, under the social government, the individual was recast as a citizen who possessed not only inalienable freedoms and natural rights, but also needs and responsibilities that required attention. The economy still held the answer, but the market was no longer seen as holding the potential of lifting every boat and the power to self-correct, but as a domain that required regulation and control, that needed steering and supervision so that the risks it entailed would be predicted and acted upon for the protection of society from its cycles of boom and bust. (Keynes wins the argument against Hayek, only for the latter to emerge “victorious” after the 1970s.)

Purporting to act in the interest of the *entire* society, in order to achieve social solidarity, security and prosperity, the state needed to justify its increasingly intrusive penetration of the private realm by claiming that it sought not only to compensate and protect but, most importantly, to prevent negatives associated with “industrial life, wage labour and urban existence”.<sup>145</sup> Here the field/logic of *prevention* comes in. The state was recast anew: no longer simply the guarantor of rights and freedoms, the state was from now the provider

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<sup>144</sup> Lessenich (2011), p. 309.

<sup>145</sup> Miller and Rose (2008), p. 201.

of the security and happiness that individuals by themselves had found difficult to attain. The *utopian belief* in the power of the individual to care for his own needs through the means provided by the market was shattered as the individual had been found incapable of maximizing the potential of his own rights and opportunities.

Consequently, the state was “called upon” to act: “the individual and the family were to be simultaneously assigned their social duties, accorded their rights, assured of their natural capacities, and educated in the fact that they need to be educated by experts in order to responsibly assume their freedom”.<sup>146</sup> This state function was to be carried out in the two main pillars of social government: the *social insurance and the social work systems*: one inclusive and solidary, the other individualizing and responsabilizing. The experts were invested with the authority to “sanction and reward” those who complied with the requirements and those who did not.

The social insurance system was created to help bridge the growing divide within liberal government between “each” and “all” aspects of society. However, despite the best efforts to predict future risks, there remained dangers that could not be predicted and/or avoided. For this reason, the social insurance system was meant to collectivize the costs of individual risk and, in the process, create solidarity based on similarity of conditions. The social work, on the other hand, individualized the responsibility for participating and pitching into the system and, in the process, re-drew the boundaries of inclusion and exclusion along the normative principles representing the core of the “perfect citizen”. Social work thus, does not only carry out the benefits associated with participation, but also institutes the punishments for non-participation by shelving into various bureaucratic boxes the “incapable or aberrant members of society”.<sup>147</sup>

The fine balance between solidarity and autonomy that challenged the state in the West also challenged the state in the East. The latter had found the balance in the socialist deal, where the social solidarity aspect (defined by class- proletarians) was given precedence with the effect of silencing individual autonomy and disregarding individual rights and freedoms. As the socialist model of state was gaining increasing appeal, the Western liberal state had to renegotiate its own balance between the two opposing components. The solution, which had first emerged in France as the compromise that the Second Republic crisis brought forth, found increasingly accepting audiences among the political leadership in the West. The emergence of the social welfare state re-conceptualized the nineteenth century political subject that had

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<sup>146</sup> Miller and Rose (2008), p. 207.

<sup>147</sup> Miller and Rose (2008), p. 207.

been governed by an “individualizing moral normativity” into the twentieth century citizen seen as a “subject with needs, attitudes and relationships to be embraced within, and governed through a nexus of collective solidarities and dependencies”.<sup>148</sup>

For decades, the social regulatory state governed largely unchallenged, on the one hand because the process of rebuilding Europe and European societies provided the space and aims for state involvement in the very private aspects of people’s lives. As the standard of living increased the relevance of state intervention started to decrease, economic mobility translating into demands for political mobility. During the 1960s and 1970s against a background of social unrest and popular demand for civic and cultural rights, a revival of liberal conservatism emerged. Growing economic and financial difficulties and mounting public debt, growing popular intolerance of state intervention in micro-managing private life and morals all collided to bring down the “big government” of the welfare state. But the challenges to the welfare state came not only from outside sources, but also from the inside. Increasingly fierce turf battles between competing expert domains that chipped power and authority away from the state through their monopolizing influence and knowledge were weakening the state and inevitably drawing much dissatisfaction from among the citizens, those who were to be served by these experts.

### **1.3.3 NEOLIBERALISM**

The neoliberal reforms of the Reagan and Thatcher conservative administrations in US and Britain sought to de-centralize the state control and to reinstate the distance between the state and the individual private sphere. The strong belief in the liberal thesis of social progress and the ability of the individual to cater for himself and, by implication, contribute positively to the larger social good were reasserting themselves in the criticism against the welfare state, seen as responsible for causing dependence, passivity and stagnation through its policies of securing its citizens’ welfare from “cradle to grave”. The neoliberals argued in favour of giving individuals back the rights and freedoms that the social state had unfairly taken away from them in exchange for welfare provision; this doctrine promised to allow the individual to innovate and fend for himself in ways that were not only far more efficient, but also more rewarding and dignifying than those provided by a caretaker state. Thatcher’s famous attack on “the social” (“There is no such thing

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<sup>148</sup> Miller and Rose (2008), p. 202.

as society”<sup>149</sup>) was an attack on the logic of public responsibility for individual welfare and a call for moving people out of dependence and into jobs through programs of activation and privatization.

A new conceptualization of the individual was taking place. The individual citizen was to be relieved from its subjection to an illusory “society” and the state was to step back from all those private areas it had “violated” in exchange for the provision of social welfare. The citizen was recast as the free responsible *producer/consumer* who knows best what he/she wants and needs, who is capable of making his own decisions and choices, voice his/her own concerns and demands, and does not need the state to watch over his/her every move. “Neo-liberalism reactivates liberal principles: skepticism over the capacities of political authorities to govern everything for the best, vigilance over the attempts of political authorities to seek to govern.”<sup>150</sup>

The consequences of these reforms have been not only to “set free” the individual, but also to streamline the expert monopolies that had developed into real independent sources of authority, acting beyond the power of checks and balances by the central government. By reclaiming some of that authority back and by forcing a system of accountability and management onto these domains of expertise, neoliberal government facilitated the transition to new technologies of government that pluralize the social centers of authority, leading to a “de-governmentalization of the state” and a “de-statization of government”. Unlike the centripetal process of the social government that sought to integrate into a single centrally managed network the entire array of technologies and tools of government, the advanced liberal government is characterized by a centrifugal process where the old technologies and tools are updated to reflect the shift of focus from the state to the individual and his various communities, and the process of autonomization of the subject of government as well as of the state itself.

Despite the demise of the social regulatory state, again we have failed to witness the “death of the liberal” rationality of government. Instead we are currently experiencing the emergence of new technologies of rule refashioned along the same line of liberal beliefs in social progress by economic means and the corrective ability to rule by providing new *political* solutions. Neoliberalism does not mean the belief in non-intervention, but a reconceptualization of the political rationality of “autonomization” of state away from direct

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<sup>149</sup> “There is no such thing as society. There is a living tapestry of men and women and people and the beauty of that tapestry and the quality of our lives will depend upon how much each of us is prepared to take responsibility for ourselves and each of us prepared to turn round and help by our own efforts those who are unfortunate.” Margaret Thatcher in an interview on 23 September 1987, by Douglas Keay, *Woman's Own*, 31 October 1987, pp. 8–10. Transcript of the interview available online at: <http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=106689>

<sup>150</sup> Miller and Rose (2008), p. 79.

controls and instead to “act at a distance” and through new ways of controlling, especially the market, the thorough regulation and supervision of the economic field.

This activation has been used to reinforce the classical liberal idea of entrepreneurship, freedom and the Puritan purpose-driven prudentialism. “The activation logic dominating recent social policy and welfare state reform is being accompanied, complemented and counterbalanced by additional (co-)logics. Insofar as the national welfare state citizenry is concerned activation policies are being systematically supplemented by the politics of *prevention*. Additionally, with regard to non-nationals seeking inclusion in the national ‘activation game’, a second tier of the mobility/control complex is operating. This in a paradoxical way, combined in what may be called technologies of *exclusion* and *toleration*”.<sup>151</sup> (Emphasis in original)

Lessenich argues that the technology of prevention contains also a punitive and exclusionary dimension in that those who fail to act to prevent and prepare against risk will suffer, because there are no longer systems in place at the center to compensate for the failure to act: it is a responsabilization of the individual for his own failure. The “individual non-compliance with social requirements of pro-active behaviour results in de-activating interventions of the welfare benefits that effectively restrain the individual’s capacity to meet the expectation of mobility to the inevitable recourse to the devices of criminal law if active citizens engage in unwanted activities.”<sup>152</sup> Moreover, these characteristics that are demanded and rewarded in active citizens are discouraged in non-citizens, and everything is done to “confine, avert and repel external mobility”, that is the access of non-citizens to the system that allows economic mobility similar to the citizens, because they cannot be politically controlled.

This is also replicated on the European level where the exclusion/inclusion is based on national citizenship of the member states and the mechanisms of security embedded into the “fortress Europe” are devised against external elements that *must* be kept out. Simultaneously, due to the failure of government to keep out the unwanted external elements, but also due to the demographic and economic dependence on mobile external labour force we also witness a technology of toleration at work. The failure to keep foreigners out has created a whole layer of illegality that allows these individuals to temporarily or permanently “take advantage of the possibilities of action the submerged economy, the changing demography, and the prosperity needs of Western societies offer them”.<sup>153</sup> These non-citizens are only tolerated in as much as the

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<sup>151</sup> Lessenich (2011), p. 312.

<sup>152</sup> Lessenich (2011), p. 312.

<sup>153</sup> Lessenich (2011), p. 314.

situation allows or requires, but when events happen to upset that fine “balance”, a “state of exception” (Agamben) is created and the politics of security allow for the sovereign right to be exercised against them (through disciplinary tools such as imprisonment, forceful expulsion and interdictions, etc.).

The subjectivization of the social that Lessenich sees taking place in the active society is a recast, through neoliberal policies, of the classical liberal view of the individual identity and his/her social role as active, capable of assuming responsibility for him/herself and the society he/she is part of. The implications of this remodeling is a handing over of social responsibility from the public (collective) institutions to the private individual actors. The role of the state is to ensure the framework within which the individual acts on his/her own rights and responsibilities, where, rather than directly intervening in making “things happen”, it oversees and controls the freedom of an active society of free responsible and capable individuals.

This new formula of governing the present has been dubbed “*advanced liberalism*” by Miller and Rose. This latest mutation of the liberal governmentality functions along the same belief in social progress, but shifts the emphasis from the *state as the provider* of security, peace and solidarity, working at the individual level, governing “each and all” at the same time, onto the *individual as his/her own and his/her community’s provider*. It does so by “bringing the future into the present”, relying on the “three pre-s”: prevention, precaution and preparedness.

At the end of the twentieth and the beginning of the twenty first a new type of society and political subject are being reconceptualized. In the new type of active society the individual has not only social rights but also, and probably more importantly, social responsibilities, indeed obligations.<sup>154</sup> In this format the public is no longer responsible for the individual wellbeing; rather, the individual is responsible both for his own wellbeing and for the public one. The individual has to act responsively, prudently and purposefully not only out of concern and duty for his own sake, but also for that of the society he/she is part of. The promotion of the social continues to be a concern for the advanced liberal state but there has been an inversion in the techniques employed in the sense that this is done not through the public anymore, but through the individual.

The dilemma posed by the old liberal question of balancing (economic) mobility versus (political) control that was “solved” in the compromise of the national citizenship, resurfaces and causes the same tensions between solidarity and autonomy, between inclusion and exclusion as in the past. The role of the advanced liberal state is no longer that of the protector and provider; it is now an updated version of the

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<sup>154</sup> Recalling of John F. Kennedy’s famous line in his inaugural address delivered after taking the presidential oath on January 20, 1961: “Ask not what your country can do for you - ask what you can do for your country”.



classical liberal role of the guarantor of the rights and liberties of the individual and his community (understood to apply to any family, work, school, neighborhood-type community. The state is again seeking to govern “at a distance” through the “instrumentalization of a regulated autonomy”: no more by directly policing and providing for the individual, but by activating and encouraging him/her to claim what is rightfully his/hers, and if/where necessary force the state to step back from micro-managing his/her destiny and purporting to know what is best for him/her.

In the advanced liberal capitalist society individuals are envisioned as “social subjects to be assisted in realizing their potential through their own choice, or potential threats to be analyzed in logics of risk and security”.<sup>155</sup> Advanced liberalism believes in the ability of the individual to decide and fend off risks for him/herself. The twenty first century individual is no longer a person with needs, but a person with rights and skills (or potential) waiting to be unleashed. The role of the state is “reduced” to that of managing the framework within which the autonomous individuals and communities are free to pursue their own desires and plan and fulfill their own destinies. The state does not even do that on its own, but relies on a wide array of heterogeneous actors that are incorporated into networks that work tirelessly to pursue political objectives set and managed at the centre.

Despite the common roots of the project, advanced liberalism is now “advanced” enough to have overcome the utopianism of the classical belief in the wisdom and prudentialism of the individual action capable of fulfilling both individual and society’s needs. The individual is not trusted in that way anymore, reason why the state retains the role to set the limits of his/her freedom and frame his/her action. The individual is once again liberated, but he/she is not released in a space of infinite possibility and choice of action; that liberation comes in an autonomous form of “constrained freedom”, a highly regulated and delimited space of rights and freedoms within which the individual is free to make his/her own choices and act in his/her own interests and those of the community he /she belongs to.

The solution sought through economic means was not only meant to change the state practices of direct intervention in economic planning and management but also the privatization of the mechanisms of social administration. In this newly redesigned social space of autonomous individuals, the two pillars of the social government also undergo their own mutations. *Social insurance* is no longer a solidarization project, a collectivizing of individual risk, that similarity of condition which forged emotional bonds between the privileged citizenship holders. In advanced liberalism individual risk is privately managed and assumed by

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<sup>155</sup> Miller and Rose (2008), p. 7.

the individual subject who has to display prevention, precaution and preparedness *vis-à-vis* (individual and collective, probable and possible) risks: aging and declining health, unemployment, hazards due to human action and natural calamities, etc. The outcome of the changing state role from provider to detached facilitator is the individual assumption of both the responsibility and the cost of inaction *vis-à-vis* risk. The state role is to gather and distribute information about risks, the individual is believed to be capable and responsible enough to act on that expert advise.<sup>156</sup>

*Social work* is also undergoing considerable change. The centers of expertise that used to be affiliated with the social government no longer have the authority to reward and punish irresponsible citizenship from the centre. Expertise is now emerging from decentralized pluralistic sources that are not directly managed through the constant directionism of the state, but are nevertheless moulded by it through the complex processes of certification, training, funding, etc., in such a way that they (autonomously) carry out the interests of the central authority of the state.<sup>157</sup> In the same way that social work during social government acted to both include and exclude by setting the criteria based on which rewards and penalties were devised, so does this new type of social activation work reward and punish individual action and inaction. Failure to access and act upon one's rights and freedoms translates into the failure to achieve one's potential and therefore cater to one's needs and desires. And there are no state safety nets left to cushion the fall.

In advanced liberalism marginalized and excluded groups are also undergoing profound changes. Technology has made it possible for government to really and truly act at a distance, and this has consequences for those individuals/groups that previously "needed" to be kept out because they were (potentially) dangerous and threatened to corrupt the mainstream. Nowadays, the easy deployment of expertise and tools of government renders the government "capable of identifying all those members of society who can be deemed, by manifesting some combination of a specific range of 'factors', to present a significant, albeit involuntary, risk to themselves or to the community." Today there is no longer the need for the extensive "classic techniques of carceral and tutelary management of the deviant or asocial", so we are instead witnessing a deployment of a new form of management based on "non-custodial guidance". The aim is no longer to isolate and contain the asocial or the abnormal, but to create "special circuits of protected

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<sup>156</sup> See Ulrich Beck's work on risk.

<sup>157</sup> Miller and Rose (2008), p.214.

mobility for handicapped [defined in a new extended way] individuals, within the greater game of the social market".<sup>158</sup>

A most illuminating insight into this aspect of neoliberalism has been provided by Robert Castel in his 1991 "From Dangerousness to Risk" contribution to "The Foucault Effect" book. In it Castel analyzed what he identified as a mutation in the technology of mental medicine. He identified this mutation as lying in the changes that have taken place in the role of professional medical experts and their relationship with their patients/care receivers. The classical mental medicine saw four distinct stages of development, where despite the differences to do with historical and geographical considerations, there was a common "constitutive logic" that united them. This lay in the "face-to-face relationship between the carer and the cared", where the relationship between the practitioner and the manager (or, administrator) was one of "almost equal partners, or at least it left room for negotiation, compromise and even alliance on the basis of a division of responsibilities".<sup>159</sup>

This is completely different from what he identifies in the current stage, where a new mode of surveillance and new preventive technologies have favored *the manager* giving him/her complete autonomy of decision making over the practitioner "operative on the ground who is now reduced to a mere executant".<sup>160</sup> The practitioner provides the information to the manager who, with the help of "the medium of computerized data handling", stockpiles, processes and distributes that information "along channels completely disconnected from those of professional practice".<sup>161</sup>

Moreover, the focus is no longer on the question of *order* and *discipline*, but precedence is given to the *obsession with efficiency*, which has a direct impact on the relationship between the caring and the cared, the helper and the helped, the professional and the client. This not only reduces the role of the practitioner to simply diagnosing the patient, but it also, and more importantly, *de-individualizes* the relationship and the process by making available in the form of a "profile" or "dossier" the information that can be accessed by a de-personalized, objective scientific process. Simultaneously, under the effect of the neoliberal attack on the denial of rights and intrusive management of the individual, the retreat of the state

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<sup>158</sup> Gordon (1991), p. 45.

<sup>159</sup> Castel, Robert (1991) "From Dangerousness to Risk", in Graham Burchell *et al.* (Eds.) *The Foucault Effect: Studies in Governmentality*, Chicago: Chicago University Press, pp. 281-98, p. 291.

<sup>160</sup> Castel (1991), p. 281.

<sup>161</sup> Castel (1991), p. 293.

coincided with a removal of care and benefits being provided, which in effect reduced the role of practitioners to one of diagnosis but no longer of care-giving.

The point that interests us here most in Castel's analysis has to do with the new strategies of managing "marginality" during the latest neoliberal mutation. The old forms of control that relied on repression or welfare interventionism are giving way to "differential modes of treatment of populations, which aim to maximize returns on doing what is profitable and to marginalize the unprofitable. Instead of segregating and eliminating undesirable elements from the social body, or reintegrating them more or less forcibly through corrective or therapeutic interventions, the emerging tendency is to assign different social destinies to individuals in line with varying capacity to live up to the requirements of competitiveness and profitability." The differentiation is made based on the "two-speed" society, and in the process a new redefinition of "the social" as the "homogenised space composed of circuits laid out in advance, which individuals are invited or encouraged to tackle, depending on their abilities. (In this way, marginality itself, instead of remaining an unexplored or rebellious territory, can become an organized zone within the social, towards which those persons will be directed who are incapable of following more competitive pathways.)"<sup>162</sup> Overall a constant emerges: the economic profit and political utility considerations that determined which techniques and procedures were adopted in the past continue to determine that selection process even today.

The traditional sites of marginality in a sense have outgrown their usefulness and are, consequently, being incorporated into the larger sphere of "social" and refashioned into "zones of government", managed through freedom and conduct of conduct, rather than the "zones of security" managed through discipline and surveillance. The outcome is not only to "dissipate and disperse the mass of handicaps present in any given society"<sup>163</sup> but also to tap into those sources of manpower that have been excluded so far, clamping down on the "safe-heavens" of "illegality, crime, and alternative lifestyles" as well as removing the sources of visible illiberalism that are undermining the discourse of rights, freedoms and chances that is to be applied to the larger population. And where this approach fails, there is always the approach of redrawing the lines of exclusion and redeploying the classic tools of security to contain these zones of concentrated risk and threat. This is also linked with cutting the cost of operating these old technologies, from the clinic to the prison and the surveillance camps...

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<sup>162</sup> Castel (1991), p. 294.

<sup>163</sup> Gordon (1991), p. 46.

## 1.4 GOVERNMENTALITY AND THE STUDY OF EUROPE

Until recently the governmentality studies focused on the domestic aspect, analysing the manner in which liberal government is being conducted within the context of the nation-state. Since early 2000s, however, we have witnessed governmentality tools being “exported” to the study of EU and IR, what Walters has grouped together under the title of international governmentality studies (IGS).<sup>164</sup> Although we are yet to witness the emergence of a unified coherent subfield, we are already seeing a debate among some scholars who see governmentality as too limited in its focus to be able to bring a significant contribution to the study of international relations<sup>165</sup>, on the one hand, and those who beg to differ,<sup>166</sup> on the other.

While some IR scholars see *the international* as ontologically different<sup>167</sup> from *the domestic*, governmentality scholars see *the domestic* and *the international* functioning along the same common principles of power and domination, resistance and control. Foucault himself did not focus on the international aspect of his governmentality approach, but from what he did say, it appears he did not make a fundamental ontological distinction between the domestic and the international. The reason behind this has to do with the way in which he saw power and the state, not as unified entities, but rather as relationships between actors and their interests, the networks they create and operate in similar ways.

He also did not explicitly undertake a genealogy of “Europe”, but he did point to the ways in which “Europe”, as a concept, emerged for the first time at the end of the sixteenth century and was developed throughout the seventeenth century. The idea forged during this period, Foucault argued, “is that of Europe as a geographical region of multiple states, without unity but with differences between the big and the small, and having a relationship of utilization, colonization, and domination with the rest of the world.” He also emphasized that this Europe is a lingering presence, a “historical reality that is still not behind us.”<sup>168</sup> By

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<sup>164</sup> Walters (2012), chapter 3 “Foucault effect redux? Some notes on international governmentality studies”, pp. 82-109.

<sup>165</sup> Lipschultz, Ronnie D. and James K. Rowe (2005) *Globalization, Governmentality and Global Politics: Regulation for the Rest of Us?* Oxon: Routledge. See also Joseph, Jonathan (2010) “The limits of governmentality: Social theory and the international”, *European Journal of International Relations* 16(3): 223-46.

<sup>166</sup> See, for example, Bartelson, Jens (1995) *A Genealogy of Sovereignty*, Cambridge: Cambridge University Press; Hirst, Paul (2005) *Space and Power: Politics, War and Architecture*, Cambridge: Polity; Escobar, Arturo (1995) *Encountering Development: The Making and Unmaking of the Third World*, Princeton: NJ Princeton University Press; Dillon, Michael (1995) “Sovereignty and Governmentality: From the Problematics of the ‘New World’ Order to the Ethical Problematic of World Order”, *Alternatives* 20: 323-68; Neumann, Iver B. and Ole Jacob Sending (2007) “‘The international’ as Governmentality”, *Millennium* 35(3): 677-701.

<sup>167</sup> Selby, Jan (2007) “Engaging Foucault: Discourse, liberal governance and the limits of Foucauldian IR”, *International Relations* 21(3): 324-45.

<sup>168</sup> Foucault (2007), p. 298.

emphasizing this point, I believe, Foucault also called our attention to the constructed nature of Europe, which we still take for granted.

Foucault defined the governmentalization of the state as a process, or the result of the process, through which government evolved as an art of power exercise which, in turn, uses freedom to open up a space of growth from *within* the state. This marks the transition from the dependence on the *outside* space (sovereignty theory) and the initial form of government of human beings and their conduct in relation to “things” (in the original sense of *police*) to the government through processes (liberalism). He also argued that it is precisely the governmentalization of the state that has allowed the state to survive. “And it is likely that if the state is what it is today, it is precisely thanks to this governmentality that is at the same time both external and internal to the state, since it is the tactics of government that allow the continual definition of what should or should not fall within the state’s competence, and so on. So if you like, the survival and limits of the state should be understood on the basis of the general tactics of governmentality.”<sup>169</sup>

Dean has identified four discrete but overlapping components of the “governmentalization of the state”: 1) the dissociation of government from sovereignty, 2) the elaboration of practices and rationalities of government, 3) the transformation of the exercise of sovereignty by government, and 4) the emergence of a distinctively non-political sphere of government that is simultaneously outside and a vital component of government.<sup>170</sup> Having analyzed governmentality at the European level, Walters and Haahr concluded that the governmentalization of Europe proceeds similarly to the governmentalization of the state. Just as it happened during the governmentalization of the state, they argue, “one sees today the questions of power and rule reformulated in terms of the governance of social and economic processes”.<sup>171</sup> Dean’s four aspects are currently being reformulated at the European level.

In the governmentality perspective power relationships (be they at national or international levels) function along the same power dynamics and interests and the same political rationalities and technologies. The argument put forward here is that the manner in which governing is conducted at the domestic level is inextricably linked with that in which governing is conducted at the European level. In their analysis of the region, Larner and Walters argued that the study of the region can benefit from a governmentality perspective. I second this view and I go even further to argue that there is much insight to be gained from

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<sup>169</sup> Foucault (2007), p. 109.

<sup>170</sup> Dean (2010), pp. 122-32.

<sup>171</sup> Walters and Haahr (2005), p.10.

undertaking a comparative analysis into the manner in which governing at the domestic level differs or is similar with governing undertaken at the regional level, as currently visible in the European Union project.

### **1.5 CONCLUSION**

This chapter has outlined the theoretical framework on the basis of which following chapters will seek to explain the Gypsy position within the state context and that of the Roma within twenty-first century Europe. Employing this framework should enable us to not only retrospectively account for the complex sources of marginalization and discrimination of the Gypsies, but, more importantly, to understand all these dynamics within the larger socio-political and economic context of life and society in Europe. Moreover, it will enable us to understand why “[g]overning society today is not only about the management of boundaries, but also- and to an even greater extent- about the management of antagonisms”.<sup>172</sup>

Following this theoretical analysis, in part two of this research I explore the relationship between “the Gypsy” and the European state. The first of the next two chapters traces the historical developments of the early modern state and its relationship with the people we nowadays refer to as the Gypsies, while the second will look at the developments leading to the creation of the modern state and the emergence of “the Gypsy” as a political category. Simultaneously, by placing “the Gypsy” within the larger context of the constantly mutating nature of the state, seeing him/her from the perspective of the different rationalities of government, the specific technologies and apparatuses the authorities have employed in carrying out particular programs of government, as well as the characteristic interests and agencies these have created, it should enable us to question the fixity of contemporary perceptions of agency and identity both on the Gypsy and the non-Gypsy side. Understanding the interplay of forces and identities involved in these processes should enable us to better understand the position and the role that “the Gypsy” has played within the larger historical context of the European state and society. Furthermore, this will lay the ground for the analysis of the current transformations and attempts pursued at the European level undertaken in part three of this research.

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<sup>172</sup> Lessenich (2011), p. 316.

## **CHAPTER 2. THE GYPSIES AND THE EARLY MODERN EUROPEAN STATE**

### **2.1 INTRODUCTION**

This chapter is divided into two main parts. First I will begin by analyzing the competing sources of power and legitimate rule that characterized Europe around the time of the earliest accounts of “Gypsy” presence from late thirteenth and until the end of the fifteenth century. The purpose is to paint the background against which the reality of the people we currently refer to as the Gypsies should be understood. The argument is that social sciences have re-created for us a past starting from the presuppositions and a worldview characteristic of a much more recent period, that of the nineteenth and twentieth centuries. My point is that we need to understand the fourteenth and fifteenth century by trying to get as closer to the worldview and the presuppositions that characterised this period, to see it through its own lenses.

The purpose for this genealogical analysis of the Gypsy along the trajectory of the “governmentalization of the state” is not to make a case for their “victimization”. Rather, the purpose is to retrieve some of the “subjugated knowledge”<sup>173</sup> of the local historical details that existed (in the “strategic power” stage), but that have been silenced or hidden under the “functional coherences or formal systematizations” of the state. The genealogy of the Gypsy undertaken here is not a positivistic attempt to paint a “more attentive or more accurate”<sup>174</sup> picture than that which the social sciences have painted for us so far. This is not what genealogy does. It is an attempt to uncover the (by now) silenced or hidden confrontations and struggles that have accompanied the inscription of power in the institutions of the modern state and the impact this has had on the power, identity and agency of the people we refer to as “the Gypsies”.

First, underlining the tensions embedded in the “city-citizenship” and “shepherd-flock” duality in terms of the rationalities of power (universalism of the government of souls, versus the particularism of the government of individual citizens) I aim to explain, based on existing records, the different attitudes and experiences that the people we now refer to as the Gypsies faced during this period. The competition between the two different pastoral and sovereign types of power rationalities meant that the “business” of rule is undertaken separately, by separate entities and separate means.

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<sup>173</sup> Foucault (2003), pp. 1-21.

<sup>174</sup> Foucault (2003), p. 9.



This has a particular impact on the way in which the questions of poverty and mobility are being framed and approached. On the one hand, the poor are cared for by Christian people and organizations, through the practice of almsgiving. On the other hand, the mobile and the poor represent a potential threat for the sovereign as they can upset the fragile balance of his control over the territory. In the context of the closed membership of walled communities, the poor (members) are cared for through social solidarity, based on a common legal-political contract among free individuals. At this point the state does not govern in the Foucauldian sense, as it is only concerned with the security of the prince and his relationship with his principality, having sovereignty as the dominant political rationality. During this period “the Gypsies” do not constitute a political group on their own; whenever these heterogeneous groups become target of persecution, banishment, etc., it is always because of their poverty, mobility and autonomy that is not only characteristic of themselves but of many other groups as well, which represents in itself a good enough reason to unsettle those political forces who not only wished to maintain, but also extend their control.

Second, I briefly outline the main changes that took place from the sixteenth century onwards and that which facilitated the transition towards a governmental type of state. The emergence of neo-Stoicism, the incorporation of its three levels of understanding government (self-morality; household-economics; state-politics) within the body and the mission of the state, and the shift in the meaning of the “sovereign” away from the physical body of the ruler and onto the abstract body of the state, effectively marks the most significant development in the history of political government. This period sees the emergence of a governmentality that merges the pastoral and sovereign powers within the body of the state, making the transition from the state’s understanding of the *individual* simply in terms of its “*political marginalism*”<sup>175</sup> (i.e., tax-paying and military service) to the *individual* as a *source of the state power*, a source that had to be managed and enhanced through “the right disposition of things” under the *wise government* of the state.

At this point governmentality is not yet the dominant rationality of rule, being no more than a tool in the sovereignty tool-box, but its emergence within the state context marks a complete break with the politics of the past. Here, I seek to explain how the emergence of new tools of sovereign rule in the form of the “reason of state”, “government of self and others” and *police* as objective of rule have “divided and ruled” through the problematization of and intervention by various means against the poor and the mobile. Specifically, I seek to frame existing records related to the people we now refer to as the Gypsies within the

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<sup>175</sup> Foucault (1988), p. 152.

larger picture of these socio-political and economic changes in order to understand the identities and agencies which emerged around them.

This analysis does not seek to be an exhaustive account of rationalities of power and the technologies and techniques of rule that have emerged and have been employed. What this chapter aims to do is to place existing historical records under a different prism that looks beyond the traditional academic concern of questions of *who* and *why* questions of government, and focus instead on the questions of *how* government is carried out. The overall aim is to emphasize the specific historicity of the concepts, definitions and assumptions we employ in our analysis of “the Gypsy” and “Europe”, and to point to the necessity of understanding “the Gypsy” *in historical context* and *not outside* of it. Now let us turn our attention to the question of *how* government was thought of and carried out during the Middle Ages.

## **2.2 EUROPE BEFORE THE SIXTEENTH CENTURY**

There is disagreement about the exact date when the first groups of people we refer to as “the Gypsies” are believed to have entered Europe. On the one hand, this debate is caused by the confusion about the identity of these early groups (for which they themselves are partly responsible, see below), while on the other hand it is due to the scarcity of written records about these first groups. The earliest written accounts date from the beginning of the fourteenth century, but some scholars<sup>176</sup> believe that the first groups must have entered Europe as early as the eleventh or twelfth centuries. The appearance of these groups in official records beginning from the fourteenth century coincides with a surge in written records primarily by the Church and other secular local institutions, which start to keep detailed records of their subjects in what represents constant and deliberate efforts towards centralizing their authority. The fourteenth century thus, should be seen not as the date when these groups physically arrived in Europe for the first time, but as the first time when they (among other poor, mobile and/or autonomous groups) were problematized by authorities, i.e., the moment when they arrived on the “political” scene, *not* on their own individually as Gypsies, but part of the bigger group of the poor, the mobile and the un-subjected.

The communities of people living on the continent around the time when these first records referring to the Gypsies appear were very heterogeneous. This is not only because of the different geographical factors, but also because of the diversity of socio-economic and cultural organization that these communities

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<sup>176</sup> Pitts, Mike (2006) “DNA Surprise: Romani in England 440 years too early”, *British Archaeology* 89 (July/August): 9. Available online at <http://www.archaeologyuk.org/ba/ba89/news.shtml#item4>.

experienced. There were five main types of community organization which coexisted during the Middle Ages in Europe, partly competing with, and partly complementing each other. These were the *three open membership* groups: kin-groups, neighborhood groups, contractual groups, and the *two closed membership* groups: tradition-based political groups and law-based social groups. The first three groups that had dominated following the disintegration of the Holy Roman Empire began to decline in size and importance by the late tenth and early eleventh centuries, coinciding with the rise of the Church as centralized political and administrative institution and the socio-economic system of feudalism. The latter two, namely the political and social groups would proliferate due to the decline of the traditional kin-based ties, the rise of towns and cities following the agricultural revolution of the tenth century, the subsequent flourishing of trade and changing patterns of production and distribution from the eleventh-twelfth centuries.<sup>177</sup>

The *kin groups* declined due to the Church intrusion in 1) regulating kinship degrees and delegitimizing endogamy (marriage between kin), 2) regulating the relationship between the living and the dead by incorporating the cult of dead within Christianity and delegitimizing “pagan” relationship with the dead, and 3) dismantling the “norm-preserving, rule-enforcing and legitimacy conveying capabilities of kin groups”.<sup>178</sup> *Neighborhood groups*, which manifested their presence in records mainly in migration and violent resistance against local lords (peasant farmers) and the urban patriciate (city and town dwellers), slowly faded away as migration of large groups settling new towns stops and the centralization and territorialization of power by the Church and the powerful secular rulers began to identify them as threats to the common peace and order within a given territory.

*Contractual groups* had a somewhat different fate: the military, friendship and religious groups either disappear or become integrated (subordinated) by the Church and secular rulers into an even more centralized system of rule. The trading and manufacturing contractual groups however, later developed ever sophisticated and powerful systems known as the *Guilds*, which allowed for the creation of very successful merchant companies that became the nucleus of the first sovereign states in the Italian city-states and the free towns of Northern Europe. This type of contractual groups managed to avoid being subjected by superior authorities because they possessed their own independent financial and organizational institutions.<sup>179</sup>

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<sup>177</sup> See Sullivan, Richard E. *et al.* (1994) *A Short History of Western Civilization*, 8<sup>th</sup> edn., Boston, Mass.: McGraw-Hill, especially chapter 18 “Economic and Social Revival, 1000-1300”, pp. 236-49.

<sup>178</sup> Kleinschmidt, Harald (2000) *Understanding the Middle Ages: The Transformation of Ideas and Attitudes in the Medieval World*, Woodbridge: The Boydell Press, pp. 89-119 “Groups” chapter.

<sup>179</sup> Kleinschmidt (2000), p. 106.

Through their provision of alternative membership and identities independent from those promoted under Church and secular rule, these three groups, in their own individual ways, ran contrary to the long-term interests of the Church and the secular rulers, who strove intensely to subject the masses of people under their own jurisdiction and rule. Thus, all these groups represented obstacles in the path of ecclesiastical and secular rulers that sought to increase their power of influence. Consequently, forming a more or less united front against these alternative sources of community-based power, the Church and the sovereign would seek to either incorporate or eliminate them.<sup>180</sup> Wherever alternative groups would continue to exist and resist, methods of undermining and stigmatizing them would be adopted and directed against them. This represents a first and most important step towards the centralization of power and the attempts of political authorities to bring under control and align within the “official” power framework the different competing sources of protection and authority.

Beginning with the eleventh and twelfth centuries, with the decline (but not complete disappearance) of these three types of groups, we witness a decline in people’s choices of group membership and identity, as “migration” from one group to another and the simultaneous membership in more than one group becomes impossible. This would cause many to fall “in between” and become “migrants”,<sup>181</sup> in a sort of permanent state of transition as their traditional groups disappeared while their integration into the new closed membership groups was not made possible for various reasons. The rise of closed groups in the form of tradition-based (political) and law-based (legal) communities and the fixed identity assigned create a need for the “ideological” and institutional justification of the hierarchy of positions and the immobility of status that results from them. This leads to the most unlikely dualism between the religious institution of the Church and the secular aristocratic rulers to emerge. The Church found itself in a position where its waning power could not subdue the ever more powerful secular rulers, while the latter found themselves in a position where they needed to justify their position of authority and privilege through the power of divine intervention.

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<sup>180</sup> Sullivan *et al.* (1994) “The Restoration of Political Order: The Revival of Monarchy, 1000-1300”, pp. 250-66, and “Religious Renewal, 1000-1300”, pp. 278-92. For more on the development of the papal power see Robinson, Ian Stuart (1990) *The Papacy, 1073-1198: Continuity and Innovation*, Cambridge: Cambridge University Press. On the social causes behind changing attitudes towards dissent and heresy, see also Moore, Robert Ian (1987) *The Formation of a Persecuting Society. Power and Deviance in Western Europe, 950-1250*, Oxford: Blackwell Publishing.

<sup>181</sup> “Some of the migrants seem to have been equipped with letters which contained the license for collecting alms from believers and church institutions. Such a collectant status placed the expellees under the protection of the Church and allowed them to survive as vagrants. As vagrants, they were not only outcasts and bereft of friends and protectors of their kin groups, but in the eleventh century they could no longer join contractual groups. Moreover, the licenses of their collectant status identified them so that their place of origin was recognizable wherever they appeared, and they may have faced difficulties in settling in a new neighbourhood. Probably this difficulty accounted for the continuation of their migration.” Kleinschmidt (2000), p. 273.

This unity of long-term interests and objectives in subjecting the masses and centralizing power of the religious and the secular rulers meant that, at least until the end of the fifteenth century, power and rule were jointly held by the Church and the sovereign (the Emperor, king, prince, and other petty feudal lords). The “rule of people” by the Church understood in this period as the *government of souls*, regulated human conduct in daily life practices in accordance with divine law and aimed at achieving salvation in the afterlife. The “rule of things” by the sovereign prince, on the other hand, identified people as tax payers and armed bodies who were subjected to the diplomatic-military strategies of the prince concerned solely with ensuring and maintaining the strength of his principality and his own personal relationship with it. The shared power interests of the Church and the sovereign maintained and reinforced the belief in God-willed order and rule and the possibility of a future reunification of the Christian empire.<sup>182</sup>

There is significant difference in the way in which *the Church* on the one hand and the sovereign on the other exercised their respective powers of rule. Government in the Foucauldian sense existed in pre-sixteenth century only in the context of the pastoral form of the “government of souls” exercised by the Church. The “shepherd-flock” theme that characterized ancient religious (particularly Jewish) communities was adopted and adapted in the pastoral rationality of Christian government by the Church, which rested on the special relationship “between God, the pastor (his representative) and the pastorate (the Christian community).”<sup>183</sup> The relationship between the shepherd and his flock (“Lord is my shepherd”), was universally valid among Christians who were all united in a common brotherhood of believers, equal before God, equal in their rights and their duties, equally concerned with securing their salvation in the afterlife by obtaining penitence for sins committed in this life.

The unity of the community of Christians is therefore a given, they are universally united by their belief. Unlike the role of the secular ruler, for example, who needs to justify his position and to create a united community out of heterogeneous groups and individuals, the role of the religious leader/pastor is to act as a guide and a protector of this given unity of the flock, by ensuring that individual “sheep” are not led astray, do not give into temptation (i.e., do not disobey divine will). He does this by simultaneously catering both for the individual and the collective needs and assuming responsibility for the deeds of the entire flock. For this he needs to know each and every one of his sheep, he must be attentive to the details in the lives of his sheep, informing them about what is good and what is evil, in accordance with divine law. The means to

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<sup>182</sup> Foucault (1988), pp. 16-49.

<sup>183</sup> Dean (2010), p. 90.

achieve the salvation of his sheep is by preaching them the message and the meaning of divine will as described in divine law. The tool is the shepherd himself: a good shepherd, in the figure of Christ, works tirelessly and selflessly to ensure the salvation of his followers, he does this through his kindness and care.

The Church, as the principal site of governing power during this period, acted as the central administrative institution regulating these practices of guidance, examining and supervising the process of implementation of the “governing program” of pastoral power. The Church accumulated increasing power and wealth through the proliferation, centralization and standardization of its administrative structure and expansion over more and more people in farther and farther away places.<sup>184</sup> The Church did not however, act as the politically unifying system in itself, this role being filled by the secular rulers (aristocracy) and the centralizing and territorializing institutions of the state, in the pyramid-like form of the feudal system. At the top of the pyramid lay the secular ruler, i.e., the emperor, the king or the prince, who would enter into contracts of vassality with local feudal lords (kings, princes, local rulers), who in exchange for control of human and territorial resources of a particular fief would swear allegiance to the superior authority of the ruler and, in times of need, would provide the necessary military manpower and material support to help fend off direct threats to the ruler’s relationship with his territory.

Before the sixteenth century *the sovereign’s* exercise of rule was concerned neither with the physical well-being nor the soul salvation of the people living in his territory, his sole concern laying in the maintenance of his own position and control over the territory of his domain. For that he needed to amass as much tax-money, military power and armed bodies (or the money to contract mercenaries) as possible to “buy-off” his vassals’ loyalty and fight-off internal challengers and external threats. For this, ruthlessness, calculated military strategies and diplomacy were the main tools, as Machiavelli’s Prince is well informed of. There are two things his rule needs to focus on: 1) identify internal and external threats to his rule; 2) develop the “art of manipulating relations of force that enable the prince to protect his principality, the link binding him to his subjects and his territory”.<sup>185</sup> His principal instruments of rule are laws, decrees and regulations that are meant to coerce people into a certain behaviour and obedience. The enforcement of these legal restrictions is based on strict sanctions and penalties at the discretion of the sovereign, who possesses the legitimacy of the right “to kill and let live”.

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<sup>184</sup> Sullivan *et al.* (1994) especially “Papal Reform: the Quest for order and uniformity”, pp. 280-4.

<sup>185</sup> Foucault (2007), pp. 90-92.

The dominant rationality of power here is that of sovereignty- which is deduced from the relationship between the secular ruler (i.e., the Prince), his territory and the masses. People were ruled by the power of the right of death, monopolized by the sovereign and his repressive means of enforcement: scaffold, torture and executions. The pastoral power operated by the Church was working separately, but in many ways to support rather than undermine the sovereign power. The Church's provision for the poor through alms giving, through which it was sustaining its own institutions, power and legitimacy, also reinforced the position and power of the sovereign, maintaining the *status-quo* in that the former filled the void of providing for services (care for the young, the old and the sick) left by the dismantling/weakening of kinship ties and the safety net these used to provide for its members.<sup>186</sup>

The picture becomes slightly complicated however, when we look at the (tradition and law-based type of) closed membership communities some of these Christians set up for themselves. In some cases, the burden of increasing taxes and duties that the common people were asked to provide by local nobility as well as the constant physical threats coming from the condition of lawlessness that existed during the period, pushed some communities to seek special and direct agreements (*charters*) with the princes or the higher standing lords of the land, in an attempt to overrun the abuses (physical or material) that the local lords were forcing upon them. In other cases, these communities would enter into voluntary contracts with each other to gather and organize themselves in what was known as "medieval communes". These had been set up from around the tenth century on the sites of former Roman (walled) cities or some local lord's fortified administrative center that provided protection for both their physical defense and the traditional freedoms that were coming under threat from the lawlessness of foreign invaders, assertive nobles, "high-way" bandits or abusive clerics but also, and more importantly, in order to procure themselves certain "liberties" and special privileges allowing them to pursue their economic trading and commerce interests in a free manner.<sup>187</sup>

The unity that these closed communities shared was thus, different from that unity shared by Christian believers living outside the city walls. These communes were set up from a desire to secure not only their soul in the afterlife, but also the immediate physical and material wellbeing of their bodies in this

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<sup>186</sup> Mollat, Michel (1986) *The Poor in the Middle Ages. An Essay in Social History*, Yale University Press, especially chapter 6 "The urgency of charity", pp. 87-114.

<sup>187</sup> Sullivan *et al.* (1994) "Economic and Social Revival, 1000-1300", pp. 236-49.

earthly life. Moreover, and equally important for later stages of state and government development,<sup>188</sup> the walled cities also helped these communities to protect and develop their shared manufacturing skills, economic interests and linkages, and facilitated the development of what is later known as the socio-economic *system of the Guilds (merchants and artisans)*.

These communities were in many ways similar to the ancient Greek city states (*polis*), in the sense that they were closed membership communities (unlike the universal membership of the Christian community), where the relationship among each other was based on a legal and political contract “signed” among equal and free individuals. This social contract stipulated the commonly agreed upon set of rules and laws that were to dictate the order and rule, as well as the punishment for those who disobeyed the common law. What we see already at this time is that the social organization of these communities of citizens is based on what Foucault calls the “city-citizen” game, which implies a certain relationship between the individual members and the rationality of rule.

These individuals who voluntarily agreed to subject themselves and their freedoms to a commonly agreed set of laws (different from the immutability of divine law) shared a social solidarity and a common interest in the unity and well-being of their community that is quite different from that of the Christian brotherhood. The relationship between the rich and the poor is based on the social solidarity forged between the limited members of this closed community. The security from external threats is ensured by the tight control of the daily “comings and goings” and by closing of the city walls at night or in times of danger, thus keeping dangers out. Non-members (especially outside traders) are allowed limited access, but their exclusion from their community is permanent. The lines of distinction and division between the members and the non-members are, therefore, very clearly drawn, and so are the rights and the duties they have towards each other, but not towards non-members.

However, these were also communities of Christians who shared a common ethical worldview, and the contract they voluntarily negotiated and subjected themselves to was heavily impregnated with the Christian pastoral conceptions of rule, ethical obligations to themselves and others, as well as the identities and relationships with fellow Christians. They would still behave in a Christian manner by providing occasional food and protection to non-members, but this is not a universal practice, and the practice of

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<sup>188</sup> Most of the Italian communes would later evolve into city states, while the German communes would develop into free commercial cities. The earliest signs of culture and civilization reemerging in Western Europe became visible around the eleventh century in the Northern Italian city-states of Venice and Florence and the German communes developing into free commercial cities. This development was paralleled by embryonic forms of nation states appearing in England, France, Spain and Portugal.



almsgiving in this context is conditioned by a complex set of factors. The needy who came knocking at the city's doors might be permanent poor, immigrants from the countryside wishing to access the city, refugees and displaced people fleeing conflict, disease, etc.

Charity and almsgiving were provided not only according to the members' concern with their own salvation and "love thy neighbor"-type of divine laws, but also according to the a series of internal rules and regulations overseen by special city councils responsible with matters of access and integration. The provision of food and shelter to the needy who lived outside the city-walls depended on a number of factors similar to the communities who lived outside the protection of city walls: availability of resources, peaceful times that allowed the openness necessary to welcome strangers other than traders, concerns with disease, etc. However, there were also more complex rules and laws agreed among these communities, as well as the extent of control of the Guild, that influenced the kind of interaction they would have with non-members.

The people who lived outside of the walled city context, on the other hand, were political subjects of a local ruler who identified the latter as valuable to him only in as much as they paid their taxes and fought for him when the security of the territory in his possession came under threat from outside sources. More important in the lives of these individuals than the relationship to their local ruler was their allegiance to God, their obedience to divine law and their concern with the security of their soul in the afterlife (as there was little else they could do to protect their bodies from the violence, exploitation and disease). The constant pursuit of penitence and salvation, their membership in the universal community of mankind of Christians dictated a different kind of relationship to the poor, and more importantly, to strangers.

At the center of their communal life lay the local religious figure (who might be more or less controlled from "the center" by Church administrators) who guided them and sought to protect their souls in the after life by preventing them from committing sins in this worldly life. In this context, the relationship between the rich and the poor was different from that of the city context, in the sense that the incentive to give to the poor (almsgiving) was unlimited, unrestricted and directly linked to penitence and the search for salvation in the afterlife, whereas in the former case, the social solidarity between the poor and rich citizens was functionally linked with the concern with the "here and now" physical unity and wellbeing of their closed community.

If we take the fourteenth century as the arrival of the first "Gypsy" groups on the European political map, we must also say that at the time Europe was entering a period of transition and witnessing a great many changes. On the one hand, Western Europe begins to see a period of social, political and economic

transformations.<sup>189</sup> Centuries of prosperity and trade come to an end, plagues and famines decimate the population and contribute to social unrest and warfare. Renewed tensions in the Catholic Church also contribute to the decline of the Church as institution fueled by the growing distance between believers and their local religious leaders, on one side, and the higher religious authorities, on the other. This allows secular rulers to capitalize on the retreat of the Church by driving the centralization and territorialization of their power farther and deeper, allowing secular institutions increased power over religious institutions.<sup>190</sup>

Europe also experiences an intellectual revitalization brought forth by the massive translations from Arabic sources of the Latin classical scholars and a rediscovery of Roman Law and Greek science, which had become lost during the Dark Ages.<sup>191</sup> Although the intellectual influence would begin to leave a mark from the fourteenth century particularly on the Italian cities, kickstarting the Italian Renaissance movement, the full force of the Antiquity would only be felt elsewhere in Europe after the mid-fifteenth century with Guttenberg's printing press making accessible vernacular translations of the Classical ideas: belief in free will, political thought and social relations, beginning of (religious) criticism, etc. What had began as an isolated experimentation in the context of a few trading centers expanded into extensive trading and commerce networks that allowed the accumulation of capital and political power necessary for the earliest bureaucratic states to emerge and the Renaissance movement to flourish and expand beyond the confines of a few Italian cities.<sup>192</sup>

Whereas the situation of the Eastern Europe in early Middle Ages had not been fundamentally different from that of the West, changes into local conditions during the High Middle Ages would gradually begin to separate the experiences of the two. People in the East had had their fair share of invasions (and natural calamities) to deal with, particularly the destabilizing effects of the Mongol invasions and the expanding influence of Islam. The nomadic Asian invasions had caused the East the same economic and

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<sup>189</sup> Sullivan *et al.* (1994) "Transition in Economic, Social, and Political Structures, 1300-1500", pp. 312-25.

<sup>190</sup> Sullivan *et al.* (1994) "The Restoration of Political Order: The Revival of Monarchy, 1000-1300", pp. 250-66. The relationship between the Church and the state was not without its ups and downs, but by the end of the thirteenth century it became obvious that the secular rulers were gaining far more power than the Church would have liked. Pope Boniface the VIII's 1302 bull entitled "Unam Sanctam" expresses the Pope's view as to the role of secular sovereign power. "By the words of the gospel we are taught that the two swords, namely, the spiritual authority and the temporal are in the power of the church...Whoever denies that the temporal sword is in the power of Peter does not properly understand the word of the Lord when he said: 'Put up thy sword into the sheath' (John 18:11) Both swords, therefore, the spiritual and the temporal, are in the power of the church. The former is to be used by the church, the latter for the church; the one by the hand of the priest, the other by the hand of kings and knights, but at the command of the priest." Sullivan *et al.* (1994), p. 329.

<sup>191</sup> Sullivan *et al.* (1994) "Intellectual and Artistic Revival, 1000-1300", pp. 293-311. See also Haskins, Charles Homer (1927) *The Renaissance of the Twelfth Century*, Cambridge: Harvard University Press.

<sup>192</sup> For an excellent study of the revival of antiquity and its impact on Italian renaissance see Burckhardt, Jacob (1995) *The Civilization of the Renaissance in Italy*, London: Phaidon.

cultural regress it did in the West and the effect of the disintegration of the Holy Roman Empire was similar to the retreat of the Byzantine power under the force of the Ottoman Turks.<sup>193</sup>

Society at the time was organized around the local communities, and there were a few urban administrative and commercial centers that had flourished from the commerce with the Middle East and the Orient. The Ottoman incursions into the Balkans would, however, cut those trading links permanently and would bring under its control most of the region, arresting some of the developments that would accelerate in the West, and ushering in a different system of socio-economic organization and political rule. The feudal system of the West would not take hold in the East, instead a system of slavery and tributary local administration being instituted.<sup>194</sup>

The “European society” living at the time when the first accounts of these “Gypsy” groups start to be recorded was, thus, not one society, but a multiplicity of societies and socio-political organizations. It is not surprising, therefore, that the experiences in these different contexts across Europe would also lead to different interactions, different identities and different agencies among these Gypsy groups. For this purpose, in tracing the historical experience of these groups in Europe we need to look at the historical records with a Foucauldian type of lenses that allows us to understand the competing rationalities of power and identify the different tools with which local authorities sought to impose their will on the people, Gypsy groups included, and the effects these have brought forth.

### **2.3 THE GYPSIES BETWEEN PASTORAL AND SOVEREIGN POWER**

Mainstream scholarship considers the initial move of the people we refer to as “the Gypsies” into Europe to have been primarily the result of the Seljuk Turks’ invasions into the Byzantine empire in late tenth century. The Seljuks were successful both in the south against the Byzantines and in the southeast against the Armenian forces.<sup>195</sup> As a result of these military campaigns and the advancement of Islam, a large population became displaced from that area, among which, it is assumed, was also the founder group of the European Gypsies. This founder group that had been living in the area for close to two centuries is thought to have split with some (but not all) members leaving Anatolia (current Turkey) and crossing the Bosphorus

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<sup>193</sup> See more in Fine, John V.A. Jr. (1994) *The Late Medieval Balkans: A Critical Survey from the Late Twelfth Century to the Ottoman Conquest*, University of Michigan Press.

<sup>194</sup> for a discussion of the economic dynamics of slavery on Romanian territories see Pănăitescu, P.N. (1941) “The Gypsies in Wallachia and Moldavia: A Chapter of Economic History”, *Journal of Gypsy Lore Society* Ser. 3, 20(2): 58-72.

<sup>195</sup> Sullivan *et al.* (1994) “Heirs to the Roman Empire: The Byzantine and Moslem Empires”, pp. 182-208.

into the Balkans. From these two later “waves” that entered Europe were mainly attributed to the “Black Death” (Bubonic plague) that reached Constantinople in 1347 and the Ottoman Turks’ military campaigns into the Byzantine empire around the mid fifteenth century.<sup>196</sup>

Gypsiologists caution us at the fact that these groups’ penetration into Europe was not a one-off occurrence, but that it was a process that extended over centuries.<sup>197</sup> Kenrick and Puxon argue that “[n]ever at any period did they move as a solid mass from east to west ‘following the sun’ as some writers have thought. The pattern of migration was probably similar to that of today, with one family group overtaking another according to local circumstances and opportunity for work”.<sup>198</sup> Moreover, it is argued that there were many communities that decided to stay behind, and not migrate into Europe, and there are still countless communities living throughout the Middle East and North Africa to support this argument. Although the majority of those who entered through the Balkans settled here, partly explaining the large size of their population here, some groups did continue their journeys until eventually their presence was recorded in virtually all parts of Europe. The slavery that becomes institutionalized by the thirteenth century in the Balkans and the menacing presence of the Ottoman Turks, have been mentioned as compelling enough reasons for some groups *not* to settle in South East Europe, but continue their journey further inland.

Clébert lists up the dates when Gypsy presence is officially recorded by authorities throughout Europe. In compiling this timetable for us, he is keen to point out that “[t]hese dates mark the ‘official’ appearance of Gypsies; a fact which must be emphasized. It does not mean that in reality the Gypsies had not arrived in Europe before the authorities thought of mentioning them for the first time, before the occurrence of some local event or other with which their name was associated.” (Emphasis in original).<sup>199</sup> According to him, in the 1300s they were officially reported in Crete (1322), Corfu (1346), Serbia (1348) and the Peloponnese, Zagreb (1378). In the 1400s, they were officially reported in Basle (1414), Moldavia, Hungary and Transylvania (1417), Saxony and Augsburg (1418), France (1419), Bologna and Rome (1422),

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<sup>196</sup> Hancock mentions that at least one group of Romani, Istriani dialect being spoken today in Slovenia, have a very limited number of Greek words in their vocabulary, which, he argues, points to the fact that they left Anatolia before Greek language could leave a heavy mark, and thus possibly entered Europe at a much earlier date than the widely accepted early fourteenth century. See Hancock, Ian (2006) “On Romani Origin and Identity”, in Adahl, Karin *et al.* (Eds.) *Gypsies and the Problem of Identities: Contextual, constructed and contested*, Istanbul: Swedish Research Institute in Istanbul, p. 85. However, this same point could also be alternatively explained if there was a prolonged isolation of these groups from the Greek-speaking social groups altogether.

<sup>197</sup> Marushiakova, Elena and Vesselin Popov (1997) “The Romanies in the Balkans during the Ottoman Empire”, *Roma* 47: 63-72, p. 63.

<sup>198</sup> Kenrick, Donald and Grattan Puxon (1972) *The Destiny of Europe’s Gypsies*, London: Heinemann Educational Books, p. 14.

<sup>199</sup> Clébert, Jean-Paul (1963) *The Gypsies*, Middlesex: Penguin Books, p. 55.

Paris (1427), Barcelona (1447), Wales (1430 or 1440) and Scotland (1492 or 1505) - the exact year of their presence in Wales and Scotland is being contested. In the 1500s, Roma were reported officially in Russia (1500), Poland (1509), England (1514), Sweden (1515).<sup>200</sup> These figures need to be understood in the context of a centralization of power, i.e., a tighter control and regulation of people by political authorities that intensifies gradually but becomes standard by the fifteenth century.

The history of “the Gypsy”, to which all social sciences have contributed their fair share of analytical insights and factual data, is taking its very object of study for granted, as a given. This is the core problem from which we need to begin our discussion. To what extent do Gypsologists who wish to give a voice to these people actually contribute to strengthening the very structure that keeps the local knowledges about them in a state of subjugation? To what extent is the history of these people written with the help of concepts and perspectives from a different age? In other words, to what extent do we use nineteenth and twentieth century social scientific tools and knowledge to describe and explain events in the fourteenth, fifteenth and sixteenth centuries?

To illustrate this, let us take a look at a text dating from the early fifteenth century. The text in case, *Le Journal d'un Bourgeois de Paris*, one of the very first non-official accounts, was the work of an anonymous Parisian recounting life in the city between 1405 and 1449. The part that concerns us here is a short entry, but it is full of insights about the way in which a group that referred to themselves as “Egyptians” was perceived during the period. First of all, this account describes their distinctive physiognomical features and physical aspect that seem to have been quite different not only from the locals but also from the many pilgrims which a big city such as Paris attracted and which the people living in or adjacent to the city would have been used to seeing: dark complexion, horse like black hair, pierced ears, poorly dressed.<sup>201</sup>

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<sup>200</sup> Clébert (1963), p. 55.

<sup>201</sup> “464. Le dimenche d'après la my-aoust, qui fut le xvii jour d'aoust oudii an mil iiii xxvir, vint à Paris xii penanciers, comme ilz disoient, c'est assavoir, ung duc et ung conte, et dix hommes tous à cheval, et lesquelx se disoient très bons chrestiens, et estoient de la Basse Egipte; et encore disoient qu'ilz avoient esté chrestiens autresfois, et n'avoit pas grant temps que les chrestiens les avoient subjugués et tout leur pais et tous fais christianner ou mourir ceulx qui ne le vouloient estre; ceulx qui furent baptisez furent signeurs du pais comme devant, et promis- trent d'estre bons et loyaux et de garder la loy de Jhesu-Crist jusques à la mort. Et avoient roy et royne en leur pais, qui demouroient en leur signeurie parce qu'ilz furent christiennes.

467. Item, quant ilz furent à la Chappelle, on ne vit oncques plus grant allée de gens à la beneïsson du Landit que là alloit de Paris, de Saint-Denis et d'entour Paris pour les veoir. Et vray est que les enffans d'icelx estoient tant habilles filx et filles que nulz plus, et le plus et presque tous avoient les deux oreilles percées, et en chascune oreille ung anel d'argent ou deux en chascune, et disoient que ce estoit gentillesse en leur païs.

468. Item, les hommes estoient tres noirs, les cheveux crespes, les plus laides femmes que on peut veoir et les plus noires; toutes avoient le visage deplaié, chevelx noirs comme la queue d'un cheval, pour toutes robes une vieille flaussoie très grosse d'un lien de drap ou de corde liée sur l'espaule, et dessoubz ung povre roquet ou chemise pour tous paremens. Brief, ce estoient les plus povres créatures que on vit oncques venir en France de aage de homme.” Anonymous (1881) *Journal D'un Bourgeois de Paris 1405-1449, publié d'après les manuscrits de Rome et de Paris par Alexandre Tuetey*. Chez H. Champion: Société de l'Histoire de Paris et de l'Ile-de-France, p. 220.

Besides the physical description that this early account provides, of much more importance for our discussion are the details regarding the manner in which these groups sought to present themselves to the local population. Reading into these accounts is vital if we are to understand the socio-political context in which these people find themselves. One important detail we get is from the manner in which the leader of the group seeks to present himself: as a duke, a count, or even a prince. Although more recent research into the *social organization* of the Gypsy kin-groups and the manner in which they chose their leaders (*Rom Baro*) points to a very “democratic”, merit based leadership choice,<sup>202</sup> the groups referred to in this text chose to present their leader in the same way in which the non-Gypsy did: as a member of the nobility. Understanding why they did so has to do with the way in which they travelled as a group.

Already by the fifteenth century migration in large groups had all but disappeared, and instead solitary travel (trading merchants) or small group travel became the widespread practice. Travelling in groups of up to one hundred individuals (men, women and children) would be a rare event at this time, perceived almost as an anomaly, if not quite always as a threat.<sup>203</sup> The way in which these groups of “Egyptians” sought to justify their travel is by linking the older practices of powerful leaders travelling with their “courtiers” as a proof of status during the contemporary practice of pilgrimage demanded by the Church as penitence for sins committed.<sup>204</sup> Equally important, we need to emphasize here the fact that, regardless of the reasons why these groups felt they had to provide an explanation of their origin (whether true or not), the locals did *not* perceive these strangers as “Gypsies”. Nowhere in this short account do we find the author referring to them as “Gitans” or “Gens du voyage” (French terms for Gypsies and Travellers), except for the mention that these people themselves give that they came from “Lower Egypt”.

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<sup>202</sup> See Gmelch, Sharon Bohn (1986) “Groups that Don't Want In: Gypsies and Other Artisan, Trader, and Entertainer Minorities”, *Annual Review of Anthropology* 15: 307-30, p. 317. See also Magocsi, Paul Robert (1999) *Encyclopedia of Canada's Peoples*, University of Toronto Press, p. 644.

<sup>203</sup> Kleinschmidt, Harald (2003) “Migration and Travel in Medieval Europe”, in *People on the Move: Attitudes toward and Perceptions of Migration in Medieval and Modern Europe*, Westport: Praeger, especially pp. 52-86.

<sup>204</sup> “465. Item, vray est, comme ilz disoient, que, après aucuns temps qu'ilz orent prins la foy chrestienne, les Sarazins les vindrent assaillir, quant ilz se virent comme pou fermes en nostre foy à très pou d'achoisson, sans endurer gueres la guerre et sans faire leur devoir de leur pais deffendre que très pou, se randirent à leurs enemys et devindrent Sarazins comme devant, et renoierent Nostre Seigneur.

466. Item, il advint après que les chrestiens, comme l'empereur d'Allemagne, le roy de Poullaine et autres signeurs, quant ilz sorent qu'ilz orent ainsi faulcement et sans grant peine laissée nostre foy et qu'ilz estoient devenus sitost Sarazins et ydolatres, leur coururent sur et les vainquirent tantost, comme s'ilz cuidoient que on laissast en leur pais, comme à l'autre fois, pour devenir chrestiens. Mais l'empereur et les autres signeurs, par grant deliberacion de conseil, dirent que jamais ne tenroient terre en leur pais, se le pappe ne le consentoit, et qu'il convenoit que là allassent au Sainct-Pere à Romme; et là allèrent tous, petiz et grans, à moult grant peine pour les enffans. Quant là furent, ilz confessèrent en gênerai leurs péchez. Quant le pappe ot ouye leur confession, par grant deliberacion de conseil, leur donna en penance d'aller vir ans ensuivant parmy le monde, sans coucher en lict, et pour avoir aucun confort pour leur despence, ordonna, comme on disoit, que tout evesque et abbé portant crosse leur donroit pour une foys dix livres tournois, et leur bailla lettres faisant mencion de ce aux prelatz d'église et leur donna sa beneisson, puis se départirent.” Anonymous (1881), p. 219.

Another important factor that helps us understand their experience is the reaction of the Church *vis-à-vis* the *services* some of these “Egyptian” groups were providing to the locals, especially fortune-telling, palm reading and the practice of magic. Against the background of surging interest and influence of alternative “pagan” practices that were banned by the Church for the threat these represented to its own power, some of these groups found and exploited an economic niche made possible largely by the lack of “competition” that the tough prohibition and penalties attached to heresy and witchcraft.<sup>205</sup>

Although, on the one hand, they use the practice of pilgrimage to justify their presence and obtain shelter, protection and care from the locals through almsgiving and charity that was given as a way to repent for their own sins, as good Christians, on the other hand, these groups perform services that were specifically and strictly forbidden by the Church<sup>206</sup> (which sought to de-legitimize all alternative sources of communicating with the dead, seeking guidance and support from “external” sources to overcome obstacles and difficulties in daily life, by stigmatizing and punishing such practices as heresy).

Kenrick and Puxon present Gypsy groups in the West as being disliked by the Guilds, who saw their excellent manufacturing skills (especially metal work, repair work, jewelry making and other small crafts) and cheap prices they demanded as “trespassing” of their jealously guarded monopolies.<sup>207</sup> The economic structure existent in the Western societies of clearly monitored prices and controlled quality, as well as tightly regulated skills and professions was closed to outsiders, who in order to survive had to either innovate by finding economic niches of their own, or recur to alternative ways of making a living.<sup>208</sup> The land ownership and leasing system as well as the production and trading systems in Western Europe also did not permit the (re-)entry of groups that, for whatever reasons, found themselves outside the socio-economic feudal/guild

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<sup>205</sup> See, for example, Lambert, Malcolm (2002) *Medieval Heresy: Popular Movement from the Gregorian Reform to the Reformation*, 3<sup>rd</sup> edn., Oxford: Blackwell Publishers; Peters, Edward (1980) *Heresy and Authority in Medieval Europe (The Middle Ages)*, Philadelphia: University of Pennsylvania Press.

<sup>206</sup> 468. “(...) Et neantmoins leur povreté, en la compaignie avoit sor- cières qui regardoient es mains des gens et disoient ce que advenu leur estoit ou à advenir, et mirent contans en plusieurs mariaiges, car elles disoient (au mari) : « Ta femme [ta femme t'a fait] coux », ou à la femme : « Ton mary fa fait coulpe. » Et qui pis estoit, en parlant aux créatures, par art magique, ou autrement, ou par Pennemy d'enfer, ou par entregent d'abilité, faisoient vuyder les bources aux gens et le mettoient en leur bource, comme on disoit.” Anonymous (1881), p. 220.

<sup>207</sup> Kenrick and Puxon (1972). See also Hancock, Ian (1987) *The Pariah Syndrome*, Karoma Publishing, chapter 1.

<sup>208</sup> Due to a number of changes taking place (decreasing population, unfavourable climatic conditions, the Black Death bubonic plague, “structural limitations rooted in the traditional system of production and from disruptive forces outside the economic system” especially the reduction of commercial trade, the rise of the Ottoman Empire upsetting “the favoured position” of the Italian traders, and the merchant guilds monopolies) industrial production, established patterns of trade and agricultural production were considerably depressed, which led to widespread social tension and disturbances. The increasing “obsession” of the monarchs with legislation against the beggars and the mobile unemployed cannot be understood outside their concern with keeping order and restoring stability (on which their own power depended). See Sullivan *et al.* (1994) “Transition in Economic, Social and Political Structures, 1300-1500”, pp. 312-25, especially pp. 313-20.

relations. The people we refer to as “the Gypsies” were not excluded because they *were* Gypsies, but rather because of the status of outsiders, freelancers undermining the system of price and quality control that the Guilds had been set up to protect and to keep potential competitors away from limited fertile land.

During a time when most people were bound by their relationship with their landlord or their guild, non-agricultural “freelance” artisans and manufacturers were seen as a force undermining the monopoly of the Guilds and were thus easily lumped together with beggars, vagrants and outlaws seen as a *menace*. The emerging popular stigma against the so-called vagrants (that included both local and foreign “drifters”, among which also the “Egyptian” groups) Willems argues, was based on the “presupposition that they were people who refused to hold down a steady job, preferring an insecure way of life that featured begging and stealing. They had no permanent abode and no acceptable economic status, and were seen as the personification of protest against the ruling economic system. Their behaviour, often depicted in a strong moral language, generated anxiety because they could encourage others to follow their example and so undermine the social order”.<sup>209</sup>

The method of “dealing” with the poor, the vagrant and the masterless, with whom these “Egyptian” groups were associated, was generally to ban or restrict their access, but the death penalty was also quite a “standard” practice. Even when and where the bans against their presence were less extreme, they were still prohibited from conducting business with traders and shopkeepers, which meant that they could neither sell their products, nor buy the daily necessities from other producers. Considering the fact that they depended for their survival on the exchange of goods and services with the local community, this was as harsh a measure as the direct persecution and banishment. It would not be wrong to assume that when coerced by circumstances (Church, state, guilds), much in the same way as other poor and excluded groups would, they resorted to petty theft and cunning in order to make a living.

Communities that were persecuted and excluded would have to “strategize” to make it from one day to another. They would find economic niches that were only temporarily needed and/or not supplied from the local communities’ own members (because of the stigma attached to the work, similar to the 3D jobs today or because they were not enough to ensure livelihood throughout the year), or they would recur to less “orthodox” ways of making money by reading fortunes, cunning, deceiving or even stealing. But is this specific to “the Gypsy”? Is it something that is characteristic strictly to the “Gypsy way” and “Gypsy culture”?

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<sup>209</sup> Willems, Wim (1997) *In Search of the True Gypsy: From Enlightenment to the Final Solution*, London: Routledge, p. 8.



Although material poverty might have been one of those trademarks they had brought with them in Europe, they were not different from other poor and mobile people.

The tone in these early accounts is one of caution, but, nevertheless, of hospitality on the local community side, as well as adaptation (adoption, whether superficial or not, of local “manners”, names, beliefs) on these groups’ side. In other words, they were “welcomed” as itinerants, as “passing-throughs” as fellow Christians in need of temporary care and protection. The locals’ initial reaction towards them was one of curiosity and guarded acceptance shown to all Christian pilgrims, which the first groups claimed to be. Starting with the twelfth century the Church had turned charity into a virtue and thus, had fostered a culture of providing food, shelter and protection to Christian pilgrims. We need to understand this initial encounter between the Gypsy and the non-Gypsy communities within the context of the Christian pastoral rationality, where the outsiders were received by a community of Christians who, obeying divine will and divine law, performed their duties towards the needy and the Christian pilgrims concerned with their own salvation and penitence. Within the universalism of the Christian faith, these outsiders were seen as equals to the rest of mankind before God, and therefore, not excluded.

This does not mean that the local Christians would not grow weary of their extended presence. Particularly against the collective memory of earlier military invasions (the last great invasion Vikings in twelfth century and of the Germans in the thirteenth century), which traumatized communities and shaped their attitude towards large groups approaching them and their resources. When these *pilgrims* showed their intentions to stay, they would likely have been chased away, no longer welcome, especially in times of scarcity as they were perceived to compete for local resources. When these groups were seen as non-itinerants, as *potential* settlers, the local community would likely have developed a strong sense of dislike (to put it mildly) towards them. However, this did *not* apply only to them *because they were Gypsies*. After all, this attitude is the expected reaction when “outsiders” come and request to stay. In his analysis of the “stranger”, Georg Simmel pointed out that there is a difference between the “wanderer” of the past who “comes today and goes tomorrow”, and the “stranger” who “comes today and stays tomorrow”.<sup>210</sup> There are three important characteristics of the “stranger” that Simmel emphasizes, and that are of particular relevance to the analysis of the Gypsy position within the non-Gypsy world.

First, there is the unfixed nature of the “stranger”, who is neither a wanderer, a constant itinerant, nor a settler. The stranger is someone who is *potentially* a wanderer, but whose current state (and intention) is

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<sup>210</sup> Simmel, Georg (1950) “The Stranger”, in Kurt Wolff (Trans.) *The Sociology of Georg Simmel*, New York: Free Press, pp. 402-8, p. 402. (Originally published in German in 1908.)

unclear, undecided, illegible in the host's eyes. It is this state, much more than the identity of the "stranger" that puzzles and upsets the sedentary host, because the former "has not moved on, he has not quite overcome the freedom of coming and going."<sup>211</sup> When they showed their intention to settle, the host community to varying degrees opposed that possibility. The idea that a guest comes into your house and refuses to leave turns the most polite, welcoming host into a rude one. Although there are different degrees of opposition that the host shows the "stranger", which depend on the availability and nature of the resources needed to sustain life, the relative and absolute size of the two communities and the socio-cultural differences between the two, the emergence of tensions between the two is more the rule than the exception. However, the existence of tensions does *not* mean that they cannot coexist and complement each other, as experiences in Eastern Europe clearly show!

Second, the "stranger"'s position within the host community stems from the fact that the stranger has not "belonged to it from the beginning, [and] that he imports qualities into it, which do not and cannot stem from the group". This "objectivity" that comes with being from "outside", is essentially a positive feature, Simmel argued, and it "does not simply involve passivity and detachment; [rather] it is a particular structure composed of distance and nearness, indifference and involvement". This "objectivity" is a two sided coin, in that, on the one hand, it bestows a "most surprising openness-confidences which sometimes have the character of a confessional and which would be carefully withheld from the more closely related person", while on the other, it implies that the "stranger" must remain a permanent outsider. This helps us understand the role that the Gypsy as fortune-teller and his/her confessional service (with emotional and psychological benefits) plays in the host society. At the same time it is this "objectivity" that contributes to the image of freedom of the stranger, "the objective individual who is bound by no commitments which could prejudice his perception, understanding, and evaluation of the given."<sup>212</sup> This second characteristic of the "stranger" implies that the Gypsy and groups like him/her can either exist completely outside or completely inside, the half-way being an anomalous "incomplete" stage that confuses and thus, upsets the host community.

Third, the "stranger" is defined depending on the way in which the community members choose the features that unite them and separate them from "outsiders". These features can be as narrow as to define a small group, or as large as to include the whole mankind. In any case, the stranger is defined as someone with whom the community "has only certain more general qualities in common, whereas the relation to more

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<sup>211</sup> Simmel (1950), p. 402.

<sup>212</sup> Simmel (1950), p. 405.

organically connected persons is based on the commonness of specific differences from merely general features.” The physical and emotional tension between the two is, thus, both inherent and to a certain extent, inevitable. Furthermore, depending on how the particular community defines itself, it means that the Gypsy can be incorporated into the “inside”, or identified as “outsider”, as the “other”. Humans are in both a positive and negative sense strategic thinkers and they discriminate by showing preference towards individuals like “us”. “The stranger is close to us, insofar as we feel between him and ourselves common features of a cultural, occupational, or generally human, nature. He is far from us, insofar as these common features extend beyond ‘him’ or ‘us’, and connect us only because they connect a great many people.”<sup>213</sup>

Simmel’s analysis is extremely useful in understanding the dynamics between the Gypsy and the non-Gypsy communities’ interaction. However, although Simmel does help us understand some aspects of this relationship, it does not help us explain the increasingly hardening stance towards the poor, beggars and vagrants that often included the Gypsy groups. Most important for understanding their reception and experience is the power that the state and the Church sought to exercise over the masses and the reasons why kin-groups such as the Gypsy groups represented a threat seen to undermine the former’s rule.

In early and high Middle Ages the Gypsies as kin-group would have been perceived as a threat by the Church and the expanding power of secular rulers in the same way as the other self-sufficient and self-reliant groups would have been. The Gypsies and their strong kin-ties maintained their own rulers and norms, kept control over their own cult of the dead and the relationship with the past, and prevented both the Church and the state from legitimately claiming a mediating role in the life of their community, impossible thus, to subject them to the “universal” norms and rules that the both religious and secular rulers sought to impose on them.<sup>214</sup>

The kin-relations of Gypsies and groups like them represented an obstacle in the Church and state efforts to expand and institutionalise their power (in Foucauldian language, bringing the “strategic power game” into a “state of domination”), as the kin safety-net protected the individual from the impact of forces external to the group. Both the Church and the sovereign needed to remove this source of support (and the collective memory of it) provided by the tightly knit groups if they were to bring more and more people in alignment under their control. It is reasonable to assume that many groups of Gypsies (just like the non-Gypsies) were incorporated into this centralized system towered over by the Church and the sovereign, of

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<sup>213</sup> Simmel (1950), p. 406.

<sup>214</sup> Kleinschmidt (2000), p. 95.

whom, however, we hear no longer. Once they stopped putting up resistance, they were no longer a target, leaving only those who continued to hold on to their own traditions and cling to their own alternative/independent ways of living to become objects of de-legitimization and stigmatization “campaigns”.

Clébert argues on the basis of a series of documents dated from the fifteenth century, that almost all, if not all, groups of Gypsies traveling in Europe in the fifteenth century possessed documents of *safe conduct*, which looked fairly authentic, he argues, as to “forge them would have required, it seems- and in spite of the legendary cleverness of this people- a comparatively long period of residence in the country.”<sup>215</sup> For example, Emperor Sigismund of the Holy Roman Empire issues safe conduct to them in 1417 at Lindau, Duke Friedrich of the Rhine Palatinate asks his people to support the Gypsy pilgrims in 1472. Even as late as 1595 the English Statute grants the Gypsies special privileges that other wanderers lacked, and France passed a similar law in 1683.<sup>216</sup> But let us not be deceived by this attitude! From the point of view of the state, the support lent to the Gypsies was neither unique nor because these groups enjoyed some kind of special status, but because the authorities were exercising their sovereign power and regulatory role of wisely managing the flow of goods and people avoiding conflict between the locals and the incoming outsiders; the idea was that offered safe passage these groups would continue to move on without settling.

Moreover, autonomous kin-groups such as those of the Gypsies would have been seen as an example of “lawlessness” and “disobedience”, for their independent and non-subjected nature represented a dangerous example to the locals. Rather than a concern with the Gypsy or even with the locals’ welfare *per se*, the state was most likely concerned with maintaining the peace and order from which its strength and power were seen to derive, by avoiding local tensions that could act as a trigger for widespread unrest caused by larger socio-economic problems among the locals (not too different from current politics, one might add). Thus, the issuance of this type of safe conduct documents from authorities translates an emerging concern with the management of movement, ensuring that tensions do not arise between the local and the itinerants, ensuring that the latter keep on moving, and do not attempt to settle. Simultaneously, the Christian pilgrimage offered a convenient explanation for their presence to the state, as it contained both a legitimate reason for their mobility (penitence) and the implication that they would move on. Until the early fifteenth century many of the documents issued *vis-à-vis* the Gypsies and similar groups must be viewed

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<sup>215</sup> Letters of Protection- 1493 in Clébert (1963), p. 58. However, one could buy such fake documents as well, as there did exist a veritable underground market for falsified documents. It is not clear whether Gypsies would recur to such methods or not.

<sup>216</sup> Kenrick, Donald (2007) *Historical Dictionary of the Gypsies (Romanies)*, 2<sup>nd</sup> edn., Scarecrow Press.

within the larger context of the rulers' concern with managing people and things so that they flow properly and do not undermine the peace and the stability of the system.

At this time entrance bans and expulsions from the cities were the most widespread measure used to "deal" with the poor classified as beggars and/or vagabonds. The first act of repression and control that mentioned the Gypsies was the 1449 Act of the Scottish Parliament which was directed against "sorners, overlies, and masterful beggars, with horse, hounds, or other goods'. Sorners were people who forcibly quartered themselves upon others."<sup>217</sup> The Swiss Parliament banished Gypsies as early as 1471, in 1493 Gypsies were expelled from Milan, 1498 Germany ordered their expulsion, one year later in 1498 Spain through the *Pragmatica* of the Catholic Kings also ordered the Gypsies be expelled, in 1504 France followed suit, and in 1510 Switzerland went as far as to introduce death penalty for Gypsies found on its territory, in 1515 Bavaria closed its doors to Gypsies, in 1525 Portugal and Sweden ordered Gypsies to leave the country. As the state sought to maximize its power, the attitude towards those who defy it (both internally and from outside its territorial sovereign borders) hardened.

Things start to change roughly from sixteenth century onwards, when there occurred a gradual toughening of secular rulers' stance in Western European states towards "the beggars" and other "dangerous classes", associated with the development of more intricate mechanisms of micro-managing the population in its daily life. It cannot be emphasized enough that, although the Gypsies were often included in these categories, they were not singled out on the basis of their "culture" or "ethnicity" as it is currently assumed; rather, the fact that they were *poor* and *mobile* seems to have been considered as a source of internal threat by state authorities. This concern coincides with the declining power of feudal lords, the wars, famines and social uprootedness which created a highly mobile "poor", identified as an internal threat by most sovereigns in Western Europe, and with the beginnings towards a slow but real transition from a regulatory to a disciplinary rationality of power.

In the East, the domination of the Ottoman Empire beginning with the fourteenth century prevented the development of forms of statehood similar to those in the West. The Ottoman model of social and political organization blended with the local context, would create different political dynamics and interests shaping society in different ways. Most importantly, the tributes and taxes required by the Court in exchange of the political autonomy granted to local rulers kept the latter constantly "hungry" for position and money,

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<sup>217</sup> Vesey-Fitzgerald, Brian (1973) *Gypsies of Britain*, Devon: David and Charles, p. 21.

interested in squeezing their subjects (Gypsies and non-Gypsies alike) equally hard, regardless of socio-cultural differences.<sup>218</sup>

Ever since the study of the Gypsies has been undertaken in the early nineteenth century, their move into and later within Europe has been associated with nomadism, which is assumed to be somehow “imprinted” in their DNA. This assumption of the nomadic lifestyle of the Gypsy has been explained based on the fact that they travelled into Europe in groups, that they continued to move around Europe (particularly in the West, although some groups continued their internal movement in the East as well), and even where confined to a smaller sized geographical area would still continue to pursue cyclical movement within that area. Moreover, this assumption has been also fueled by the Gypsies’ own interpretation and justification of their own marginality, culture and traditions related to the caravan lifestyle and their love of freedom. However, looking only at the outcomes provides only a one-sided understanding (often biased, too) of what is a multifaceted phenomenon; we must also look at *the causes of that movement*. This is why an account for *how* the state, in particular, has sought to subject these groups and *how* they have resisted those efforts is so crucial for the present discussion.

Why did the majority of the groups who entered Europe through the Balkans settled here and why did some continue further West? What is the connection between the Gypsy mass enslavement (primarily Walachia and Transylvania, but also in Bulgaria and Serbia) and Ottoman occupation of the Balkans, and the continued movement of some groups (who would have sought to escape slavery) further West? What did settling down and integrating in the local communities entail, and why did some Gypsy groups resist it? What is the connection between the economic structure of the societies they entered and the Gypsies’ choice of a travelling or a sedentary lifestyle? These are questions that have not often been addressed, and whenever asked, the explanations provided have been culture/ethnicity-focused, failing to address how power exercise affects culture in the first place.

Some Gypsiologists have emphatically pointed to the fact that unlike all the other previous migratory peoples that invaded Europe, the Gypsy migration was not of a conquering nature and was not driven by a desire to gain lands and bounty from the settlers.<sup>219</sup> Rather, it has been argued, in their migration they were driven by their search for security, fleeing danger from military attack and avoiding being subjected to any

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<sup>218</sup> See, for example, McGowan, Bruce (1981) *Economic Life in Ottoman Europe: Taxation, Trade and the Struggle for land, 1600-1800*, Cambridge: Cambridge University Press; together with Sugar, Peter (1977) *Southeastern Europe under Ottoman Rule, 1354-1804*, University of Washington Press.

<sup>219</sup> The reasons why they left Anatolia and other parts of the Middle East where they had lived for a few centuries are believed to be related to worsening security environment: military incursions of the Turks, outbreak of disease.

one military power, as well as keeping away from disease. Achim argues that “the migration of the Gypsies was not a targeted migration. The Gypsies living in India or Persia were not aiming to reach Europe. It was a spontaneous movement determined by an entire range of factors. Their arrival in Europe was conditioned by their contemporary surroundings. Military events played the principal role in determining the direction taken by the different groups of the Gypsies. (...) They fled first before the Seljuk Turks, then before the Ottoman Turks, heading inevitably towards the West.”<sup>220</sup>

Assessing some early texts, Clébert also argues that these “are the first documents to describe and comment upon this invasion of the French civilization by foreign elements, a quite exceptional one because of its unwarlike nature. It was an event without precedent, which explains the care taken by the chroniclers to emphasize the reasons given by the Gypsies themselves for their wandering life, and to connect these utterances with the body of Christian legends”.<sup>221</sup> Adding a different dimension to our understanding, Marushiakova and Popov have argued that the Ottoman Turks used the Gypsies in their armies especially as servants in auxiliary detachments or as craftsmen servicing the army but also as direct participants.<sup>222</sup> But, we are still only scratching the surface of some of these issues, and in some cases, quite unwisely outside of the historical and local contexts.

In arguing all this, however, we need to recognize that, whereas the migration of the people we now refer to as the Gypsies in Europe is very likely to have been the result of a number of historical events primarily of military nature that determined the direction of their movement, much as their move out of India could have been, we can only speculate on these people’s interests and intents in their migration, as we lack contemporary accounts from them. The contemporary or later written accounts of what these people said and did must not be taken at face value for two reasons: first, any contemporary accounts of what the “Egipcions” said or what their intentions and motives were, if accurate, is very likely to only tell us what these thought the locals “wanted” or “needed” to hear, and not necessarily their real intentions; second, both contemporary and later accounts tell us what the locals thought of these groups and what measures they took against them, sometimes based on hearsay, other times on their own experience of interaction with them, but never an insider’s (Gypsy) view. The point here, is not only that the picture of the history of “the Gypsies” is much more complex than we are made to believe by simplistic descriptions of them, but also that

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<sup>220</sup> Achim, Viorel (2005) *The Roma in Romanian History*, Budapest: Central University Press, p.11.

<sup>221</sup> Clébert (1963), pp. 60-1.

<sup>222</sup> Marushiakova, Elena and Vesselin Popov (2001) *Gypsies in the Ottoman Empire- A contribution to the history of the Balkans*, Hatfield: University of the Hertfordshire Press. For a succinct version of this argument see their chapter on “Ottoman Empire” of Council of Europe’s Project Education of Roma Children in Europe.

the one-sided interpretation of what is a two-sided coin is not only incomplete, but through its very subjective nature and power asymmetry, does not allow for a balanced view.

If we are to paint a more balanced picture we need to also address these questions: what is the correlation between the internal social climate and political developments of these countries, the strength of these rulers' claim to power, on the one hand, and the "Gypsies" and similarly "troublesome" groups that continued to defy them by avoiding to be subjected to the rules and laws of higher authority, on the other? The attitude towards the "Gypsies" (both at this time and later), the *surge in written accounts* of and legislation against the "dangerous groups" cannot be understood in isolation of the larger context of bureaucratic efforts (particularly law-making and coercive power) to extend sovereign secular power and control over ever larger areas, by compiling data (statistics), keeping records of the administering rights and privileges associated with the subjects and preventing non-subjects from accessing the benefits allocated by the former to their subjects. The continued self reliance of kin-groups such as the Gypsies, following their own traditions, their own rules and their own relationship with their dead, and the manner in which they earned their livelihood (within the constraints of the Church, state and guild controlled economic activities) was a continued reminder of alternative ways of social organization, a "relic" of times past that was depicted as having outlived its purpose and usefulness in a world of individuals "released" from the shackles of tradition and the "burden" of the kinship ties, a new world where everyone fulfilled a particular function within a hierarchy of power and position.

Passing laws and setting public examples of sovereign power exerted against defiance and disobedience helped power holders to "educate" the masses on what represented accepted behavior and what not. However, the frequency with which edicts and orders were issued on the same issue is proof of their lack of efficiency in the absence of complex and far-reaching enforcement mechanisms to carry out those orders. By the end of the fifteenth century both the religious and the secular rulers begin to create new and sophisticated enforcement tools under an increasingly centralized system of disciplinary rule. A transition is made into a disciplinary type of technology of power that uses new practices and techniques to maintain order and maximize internal resources to be exploited for the security of the sovereign state.

Vitaly important, as we will see in the next section, the "wise disposition of people and things", which becomes the new disciplinary rationality of power, starts using the moral and ethical discourse of the pastoral power to conduct the behavior of the individual with the aim of achieving a condition of order and prosperity (in the initial meaning of "police"), and reinforcing the sovereign power of the state.



Simultaneously, these measures also allowed the state to redraw the community boundaries by “othering” and excluding *on ethical grounds* those who defied its authority. Moreover, the state begins to create a unity of population out of heterogeneous communities based on moral standards of behaviour. In its drive for the maximization of power, the state institutionalizes practices and techniques and builds relationships with actors which would benefit (economically and/or politically) from the disciplinary use of an immoral/backward/asocial “other”. The state, understood as the multitude of these power relationships and interest networks, thus uses the “other” as scapegoats and depicts them as sources of threat to the community, justifying the need for increased centralization of power and capability in the hands of few elites “responsible” for the security, welfare and prosperity of the people and entrusted with removing threats.<sup>223</sup>

## **2.4 EUROPE BETWEEN THE SIXTEENTH AND EIGHTEENTH CENTURIES**

Throughout the Middle Ages, the East-West schism and the rise of ever powerful feudal lords had contributed to the growing importance of secular sites of power to the detriment of the Church, which received its last major “body blow” in early sixteenth century when the Protestant movement and the ensuing religious conflicts effectively put an end to the belief in an Europe united by religion.<sup>224</sup> By the end of the sixteenth and the beginning of the seventeenth century the emergence of the *reason of state* marks a complete break with the “idea which had been predominant throughout the Middle Ages (...) that all kingdoms on earth would be one day unified in one last empire just before the Christ’s return to earth”.<sup>225</sup> The decline of the power of the Church as institution would bring significant changes not only within the Church itself, but crucially, also within the secular realm.

The constant dangers of Islamic incursions in Spain and South Eastern Europe, as well as the emergence of Protestant movements threatened a Church that was already losing social and political ground to secular rulers. An ever more threatening current, however, was undermining the position of the Church: the transition from the *heterodynamic* to *autodynamic*<sup>226</sup> mode of behaviour- that is, transiting from the reliance of people on powers and energies external to themselves (either the kin, or God) to relying on one’s own energies and thinking for security. Moreover, the rise of individualism caused by the revival of Classical

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<sup>223</sup> Kenrick and Puxon (1972) chapter 3: “Expulsion and Repression”.

<sup>224</sup> Sullivan *et al.* (1994) “Transition in Religion and Thought, 1300-1500”, pp. 326-36.

<sup>225</sup> Foucault (1988), p. 152.

<sup>226</sup> Kleinschmidt (2000).

knowledge and the expanding European trade and travel were also beginning to be felt among the masses. The resurgence of the Inquisition with its ecclesiastical courts and tribunals using torture and imprisonment needs to be understood against this background, as a last desperate effort to combat these threats.<sup>227</sup>

The decades-long lasting religious wars that plunged (North-Western) European societies into death, disease and famine would not only change the way in which people organized and carried out the daily business of their own societies but, more importantly, would lead to the emergence of new doctrines of power and new rationalities of government. The rationality of power is still one of *sovereignty*, but the changes occurring in the techniques and technologies of power - the emergence of *government* as tool of exercising power, the merger of the *pastoral* and *sovereign* rationalities under the banner of the state's *wise government* of people and things aimed at achieving peace, order and prosperity (the initial meaning of "police")- are the features of this new state.

From the sixteenth century then, an updated type of rationality of rule appears, one that begins to mark, according to Dean, the transition from a *deductive* form of power of the *sovereign* to a *productive* form of power of *government*. That is, whereas sovereignty "subtracts products, money, wealth, goods, services, labour and blood", government "seeks to foster them, to increase the means of subsistence, to augment the wealth, strength and greatness of the state, to increase the happiness and prosperity of its inhabitants and to multiply their numbers." This new notion of government needs to "take into account the nature of the things to be governed and their 'disposition'", that is "the spatial and strategic arrangement of things and humans and the ordered possibilities of their movement within a particular territory".<sup>228</sup> Despite the emergence of government as new technology of rule, this does not yet replace sovereignty as the dominant rationality, but rather becomes subordinate to it, serving the interests of sovereign rule. What this means is that the interests of the sovereign continue to dictate the political strategies and measures, and the people are still seen as tools to achieve those interests.

This rationality of rule is not entirely new in the sense that it is a continuity of previous (adapted) pastoral and sovereign forms of power and rationalities of rule. The innovative aspect lies in the separation of the concept of sovereignty from the body of the ruler, and the existence of the state as an entity outside of the individual person of the ruler whose aim of wise government is to be just and respect human, natural and

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<sup>227</sup> The Inquisition was set up in 1232 by Pope Gregory IX in order to suppress heresy especially in Northern Italian and Southern French cities, and it was well known for its use of torture from an early stage. In 1478 the Spanish Inquisition was set up to deal with the Islamic and Judaic threat but was later targeting Protestants as well (continued its activities until early nineteenth century). The Papal Inquisition was re-instituted in 1542 as a tool of papal government for the main purpose of combatting Protestantism.

<sup>228</sup> Dean (2010), p. 125.

divine laws. Here we see the merger of Christian pastoral government of the souls with the secular management/regulation of physical matters and the emergence of a new type of power rationality.

It has been argued that the revival in the sixteenth century of the neo-Stoicism effectively introduced governmentality in that it introduced three aspects of government as technologies of rule in the hands of the state: government of the state (politics); government of the household (economics) and government of the self (morality). This new rationality of government appeals neither to God's wisdom nor to the prince's strategies. It has its own logic and aims: to reinforce the state as an entity separate from both the people and the prince and to ensure its strength, greatness and wellbeing. This new rationality, commonly referred to as the *reason of state* uses neo-Stoic ideas of prudence and regulatory techniques to control and subject individuals politically, and create a well-ordered state.<sup>229</sup> But the sixteenth century state also contains a strong military aspect and the concern with security needs to be understood in its historical context of emerging Protestantism, the Counter-Reformation movements and the ensuing religious conflicts that reap havoc in Europe, hammering the final nails in the feudal coffin.

The collapse of the feudal estates led to increasing disorder, indiscipline, lawlessness, insecurity, social uprootedness and unrest that prepared the path for the rise of absolutist rulers, seen as the only viable way of restoring the peace and security, the ultimate common good (Hobbes). To deal with the outcomes of these terrible religious conflicts "sovereigns and other bodies issued territorial, local and ecclesiastical ordinances to regulate the lives of their subjects."<sup>230</sup> From this moment on, restoring the peace is of paramount importance and thus, *Police* (understood here in its original meaning of peace and order) emerges as the *aim* of government, as a technique of civil prudence and core component of the reason of state (only after the eighteenth century does *Police* become a *tool* of government and attain its current meaning). From here on, *law* is no longer the only tool of government as in the framework of sovereign power rationality. *Police* regulations and judicial proposals also become important tools of rule, despite the lack of means for comprehensive enforcement which emerge only after the eighteenth century. The state seeks to arrange and regulate the affairs of the household (both at the family level and the state level, understood as the royal household) and the behaviour of individual through pastoral morality.<sup>231</sup>

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<sup>229</sup> Gerhard Oestreich discussed by Dean (2010), pp. 102-5.

<sup>230</sup> Dean (2010), p. 106.

<sup>231</sup> Foucault (1994b), pp. 312-25.

Within the context of sixteenth century religious wars and the collapse of feudal socio-economic ties, this new rationality of rule inextricably links the security of the state with its internal power and external strength, seen to derive from the internal welfare of the population. Restoring peace, providing for the welfare of the people, from which state strength derives (particularly in the form of taxes), and enhancing state power are the immediate concerns of the new state. *Police* is an ideal to be sought by government, economy is an art of the household management, government is the “right disposition of things”- ordering and regulating humans and their relations with various “heterogeneous entities, e.g. proper behaviour, dress, diet; wealth, industry and subsistence; the soil, land and climate, and the orderly settlement and movements within and between productive households arranged within the territory”.<sup>232</sup>

It is at this moment that population emerges as “the sum of the inhabitants within a territory”, and the object onto which government is to be exercised. For that the state needs to know the details of the life and behaviour of the individual, the threats that (potentially) undermine its aim of order and security, which require preventive precautionary measures be taken to avert “unwanted consequences”. The object of government is the family, and the management of state affairs becomes alike the management of the household under the wise supervision of the father, as the head of the household. The aim of state government is the “right disposition of things, arranged so as to lead to a convenient end.”<sup>233</sup> This government is firmly embedded in a “patriarchalist, dispositional problematic of ‘government of things’” which would not escape from until the eighteenth century.<sup>234</sup> This does not yet happen in the East, where Ottoman domination continues; although internal developments such as the emergence of trading towns and a middle class do take place, these are not enough to upset the organization and dynamics of life there.

## **2.5 THE GYPSIES AND THE “WISE GOVERNMENT”**

Popular unrest emerging in these difficult times would turn the mobile, the poor and the un-subjected into veritable challenges to an increasingly assertive and centralizing sovereign state. Consequently, the state begins to exercise its sovereign power by adopting legislation regulating the poor and banning “aimless” mobility/movement. This combination would keep most Gypsy groups in the West on the move. It

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<sup>232</sup> Dean (2010), p. 114.

<sup>233</sup> Foucault (1991a), p. 93, quoting Guillaume de La Perrière, 1567.

<sup>234</sup> Dean (2010), p. 131.

must be emphasized, however, that not all communities chased them away, and not all state legislation was successful in its aims as local communities did not always and totally go along with the “dispositions from above”. (If there were some of these groups who integrated into the larger masses we will never know, as only those who continued to resist by being mobile and remaining poor later developed a distinct culture, becoming a permanent target for authorities).

If the power effects of the centralizing state were sporadically being felt at the end of the fifteenth century, from 1530 onwards the increasingly repressive wave of state measures (deportations and executions) levied against the “Gypsy menace” and other “vagabonds” leave no doubt about which side of the power relationship was doing to dominate, as legislation was copied from state to state throughout Europe. Britain is the second country after Switzerland to introduce legislation imposing the death penalty against resident Gypsies in 1531, one year after the 1530 “Egyptians Act” banned immigration by all “*Egipcions*” and ordered all those in England to leave the country.

The subsequent acts in the reigns of Mary Tudor and Elizabeth I went so far as to institute capital punishment for Gypsies found in the country more than one month, under the 1554 measures, which were widened in 1562 to include people who live and travel *like* Gypsies.<sup>235</sup> In 1534 Slovakia executes Gypsies in Levoca, in 1536 Portugal begins to deport Gypsies to its colonies<sup>236</sup> and the following year Spain begins to send nomadic males to galleys. By the eighteenth century most European states had instituted at one point the death penalty against the Gypsies: Austrian emperor Charles VI ordered in 1721 men being executed, and women and children having one ear cut off, in 1725 Prussia’s Frederick William I ordered through a decree that all Gypsy males and females over 18 years old should be executed if caught on Prussian territory. But these were not uniquely applied to the Gypsies, others suffering similar treatment.

Analyzing these restrictive pieces of legislation and persecutive measures against the “dangerous classes”, McGarry has argued that “[t]here was no systematic co-ordinated effort on the part of European leaders to repress their respective Romani populations but it is striking how many European states enacted hostile legislation and how quickly societies turned against Roma.”<sup>237</sup> However, it is misleading to see the Gypsies in isolation at this point, since the Gypsies were not yet occupying a “special” racial or ethnic status on their own in the state’s view. In Western Europe the *mobile, poor and un-subjected* aspects of the

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<sup>235</sup> For all these dates see Kenrick’s (2007) “Chronology of Gypsy History”.

<sup>236</sup> The intensive deportation that Portugal undertook is the main cause of the large Gypsy community in Brazil today, the largest in Latin America. See Donovan, Bill M. (1992) “Chancing Perceptions of Social Deviance: Gypsies in Early Modern Portugal and Brazil”, *Journal of Social History* 26(1): 33-53.

<sup>237</sup> McGarry (2010b), p. 16.

Gypsies represented an issue of “public order” for authorities, a feature common throughout Western Europe, explaining the similarity of measures despite lack of coordination, as McGarry rightly observes.

Besides the reaction they stirred from the Western European monarchs, the Gypsies have also been depicted as a nuisance to the other institutional source of power in European societies. *The Church*, which still continued to dictate the material conditions for the spiritual salvation and penitence of its followers, saw the influence of the Gypsies’ black magic and fortune telling practices as undermining of its authority and did its utmost to remove it, without much long-term success. The surging appeal of these “pagan” practices represented an even more serious threat than the Protestant movement, and this must be understood in the larger context of the people’s growing disaffection with God (in the face of all the death and misery caused by famines and plagues) and the influence of older forms of superstition and pagan belief, which were brought back and encouraged by ancient astrological interpretation and astronomical knowledge.<sup>238</sup> Nevertheless, there continued to be a majority of people who believed in God and particularly the Christian message of their local priests, who in upholding the authority of the Church preached against these pagan practices. If people quickly turned against magic and palm-reading practicing groups, as McGarry argues, it is more likely to do with the influence that the Church had on these believers through the fear that a contact with these “corrupt”, non-Christian ritual-practitioners would doom their spirits in the afterlife.

Although they were not quite “worthy” of the Church’ Inquisition and ecclesiastical tribunals as other dissenting groups,<sup>239</sup> the fortunetelling Gypsies were continuously seen as a corrupting force among the commoners, and, consequently, priests were ordered not to accept them into their churches, not to baptize them and, above all, not to condone or participate in their magic and palm-reading practices, on pain of excommunication.<sup>240</sup> Nevertheless, there have also been reported cases where the Gypsies were accepted by the local parishes and the priests were punished for it, which can also be seen as the gap between the

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<sup>238</sup> Seers like Nostradamus were in high demand around the time, particularly among the princes and the well-to-do families, who decided the timing or the course of their actions depending on the stars and ill omen, although the commoners were as enthralled by it. See Moore, Robert Ian (1977) *The Origins of European Dissent*, University of Toronto Press, and his more recent (2007) *The Formation of a Persecuting Society: Authority and Deviance in Western Europe 950-1250*, 2<sup>nd</sup> edn., Wiley Blackwell.

<sup>239</sup> Heretics and Epicureans, for example, were seen to represent a much more serious threat to the Church. Dante, in the ninth and tenth *cantos* of his *Inferno* speaks at length about these classes of people and their cries of hopeless agony. “The one were heretics who opposed the Church by deliberately spreading false doctrine; the other were Epicureans, and their sin against the Church lay in their general disposition, which was summed up in the belief that the soul dies with the body. The Church was well aware that this doctrine, if it gained ground, must be more ruinous to her authority than all the teachings of Manichaeans and Paterines, since it took away all the reason for her interference in the affairs of men after death.” Burckhardt (1995), p. 327.

<sup>240</sup> Kenrick and Puxon (1972) chapter 2: “The Roots of Prejudice”.

higher clerical ambitions and desires and the decisions and contexts of the local communities.<sup>241</sup> It must be emphasized that the Church institution, through the edicts and ordinances it issued against the Gypsies, in effect, dictating to the majority community how to treat them, played an equally important role to that of the state in socially stigmatizing and imagining the Gypsy stereotype. The cumulated result was for the Gypsies to be forbidden access to church congregations and economic exchange with shop owners and other locals.

Again, we need to caution on the danger implied in any generalization of the relationship between the non-Gypsy and the Gypsy along these lines, as the local conditions were very different not only from region to region but also from community to community. The fact that the Gypsies have a long tradition of crafts, (some which indeed represent economic niches, while other professions that have been undertaken by the non-Gypsy as well) is supportive evidence of the fact that they have not lived either completely isolated or out of stealing and cunning. Moreover, the large scale adoption of the local traditions and religion of the majority population is indicative of their intense long-term interaction and access to places of worship and the Church as institution.

Although it is not until the eighteenth and nineteenth centuries' usage of natural and scientific knowledge that the label of "the Gypsy" as asocial and ethnically flawed stereotype emerges, during the sixteenth and seventeenth centuries their poverty and mobility were already well established features providing enough stigma to feed into the images of them as thieves, beggars and deceitful people, who are not to be trusted and with whom one should not fraternize. Fearful of becoming "tainted by association", as Hancock explains, the Gypsies were "forbidden to use town pumps or wells, denied water by fearful householders, [and] uncleanliness became a part of the stereotype."<sup>242</sup> By the early seventeenth century when Cervantes wrote his story of *The Gypsy Girl (La Gitanilla)*<sup>243</sup> this image of the Gypsy had already been cemented both into the imagination and the social fabric of European societies.

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<sup>241</sup> Willems quotes the German sources discussed by Gronemeyer, [Reimer (1987) *Zigeuner im Spiegel fruher Chroniken und Anhandlungen, Quellen vom 15. bis zum 18. Jahrhundert*, Giessen: Focus] which pointed out that contrary to the position of the higher state and religious administrators, the local populations had an accommodating attitude towards the Gypsies, the frequency of the edicts issued in 1487, 1500, 1530, 1544, 1548 and 1551 indicating their ineffectiveness in carrying out the desired outcome.

<sup>242</sup> Hancock (1987), p.5.

<sup>243</sup> At the beginning of the story Cervantes writes: "*Parece que los gitanos y gitanas solamente nacieron en el mundo para ser ladrones: nacen de padres ladrones, crianse con ladrones, estudian para ladrones, y, finalmente, salen con ser ladrones corrientes y molientes a todo ruedo, y la gana del hurtar, y el hurtar son en ellos como accidentes inseparables, que no se quitan sino con la muerte*". (It would seem that the Gypsy men and Gypsy women had been sent into the world for the sole purpose of thieving: born of thief-parents, raised among thieves and educated as thieves, they finally go forth perfected in their vocation and all accomplished in it, and ready for every species of roguery; and their love of thieving, and the ability to exercise it, are qualities inseparable from their existence, that never leave them until the hour of their death.) Cervantes, Miguel de (1612) "La Gitanilla", in *Novelas Ejemplares*, available online at: <http://www.ciudadseva.com/textos/cuentos/esp/cervan/gitanill.htm> Accessed July 1, 2012.

In the West the control and repression of the Gypsies continued throughout the seventeenth and into the eighteenth centuries. A constant emerges from the measures that each state was “trying out”: the choice was between death or banishment. However, it is also important to notice the variety of other measures taken against them, measures that translate the type of concerns of the state and its disciplinary micro-management of the population in all the details of its daily life: banning Gypsy dress in 1579 in Portugal, deportation to colonies in 1715 by England, roundups and imprisonment in 1728 in Holland 1749 and in Spain, forced assimilation in the Austro-Hungarian Empire during Maria Theresa and Joseph II rule, the separation of Gypsy children from their families and their fostering with non-Gypsy families in 1830 German Nordhausen<sup>244</sup> district, a measure which would later become widespread in the colonies.

The situation in the East before the eighteenth century, on the other hand, had evolved quite differently. Already by the mid fifteenth century there were emerging clear differences between the situation of the Gypsies and other Travellers in the Western European countries and their situation in the Eastern Balkans states. Whereas the waves of legislation of Western states against beggars and wanderers that also included the Gypsies kept most of them on the move (either temporarily or permanently), in the Eastern European context the majority of the Gypsy communities were settled communities. The Eastern Gypsies either lived in areas adjacent to non-Gypsy villages, or inside the village, and although somewhat culturally isolated, in the sense that they upheld their cultural identity, language and professions, they were nevertheless socially and economically integrated into the larger community. In the communities that accepted their presence, the Gypsy communities performed professions that allowed them full integration into the socio-economic life of the community and also earned them a certain status and respect (acknowledgement both for their skills and the role they fulfilled in the local economy).<sup>245</sup>

Comparatively speaking, before the eighteenth century the Gypsies in the Balkans did not encounter the outright persecution from state administrators and religious authorities that their counterparts faced in the West.<sup>246</sup> On the one hand, this could be partly explained in terms of the long historical experience of foreign invasion and the culturally mixed populations these created in the Balkans, facilitating an easier integration of “foreign” elements. It has been argued that “[t]his privileged situation was largely due to the fact that the native inhabitants were themselves also of Asiatic origin, and because the Ottoman invasion brought into

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<sup>244</sup> Interestingly during World War II this city would become the site of a sub-camp of the Dora-Mittelbau concentration camp where the SS forced all the prisoners to work in the underground rocket factory.

<sup>245</sup> Ladanyi, Janos and Ivan Szelenyi (2006) *Patterns of Exclusion: Constructing Gypsy Ethnicity and the Making of an Underclass in Transitional Societies of Europe*, Boulder: Columbia University Press.

<sup>246</sup> Marushiakova, Popov and Kenrick (2001), p. 21.



those regions an 'Asianism' that was benevolent towards the Gypsies, their nomadism and their way of life."<sup>247</sup> Another explanation has proposed that, possibly as a consequence of the socio-political environment they found in the Balkans, the Gypsies here have been integrated into the social, cultural and economic life of the region. "The integration of the Gypsies in the life of the Balkan people took place in various ways- as nomads, as traveling actors, settled town craftsmen and traders. In this sense even slavery can be taken as a form of integration".<sup>248</sup>

On the other hand, this can also be explained in terms of the late process of power centralization and territorialization taking place in the Balkans, due to the equal status of subjugated people under the Ottoman empire, which prevented the autochthon political elites from developing the structure and the discourse necessary for the mobilization of the population as "nation", which we have seen in the West, were "[t]he rising crescendo of decrees against Gypsies was linked in part with the consolidation of national states and a lowered tolerance towards national minorities."<sup>249</sup>

Overall, Ian Hancock has argued that "[a]nti-Gypsism became established from the very time of arrival, which coincided with, and was a result of, the Seljuk incursions into Europe. Mongols were encroaching upon Russia and Poland in the east, Tatars were threatening the Byzantine Empire in the South, and the Moors had occupied parts of Western Europe. The Roma [Gypsies] were themselves thought to be part of this threat to Christendom, as the various names applied to them indicate; such labels as *Heiden*, *Saracen*, *Tatar*, and *Egyptians* (hence Gypsy) are still current today."<sup>250</sup> He argues that all these names were the result of the non-Gypsy's ignorance of the Gypsy's true identity, but he fails to explain why Gypsies needed to present themselves as Egyptians or as Christian converts. He fails to see the experience and the position of these people within their historical context of the problematization of the poor, the mobile and the masterless, and instead views it in terms of the ethnic and cultural problematization that takes place only after eighteenth and nineteenth centuries.

This is where the most fundamental problem lies in my view. There is a danger in using *concepts* and *assumptions* developed in the Western context of the nineteenth and twentieth centuries to analyse the situation of the groups we now refer to as the Gypsies in a time and a place where these did not exist, for

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<sup>247</sup> Clébert (1963), p. 96.

<sup>248</sup> Marushiakova, Popov and Kenrick (2001), p. 20.

<sup>249</sup> Kenrick and Puxon (1972), p. 43.

<sup>250</sup> Hancock, Ian (1991) "The East European Roots of Romani Nationalism", in David Crowe and John Kolsti (Ed.) *The Gypsies of Eastern Europe*, New York and London: ME Sharpe, p. 135.

example, in the East Europe before nation-state creation or throughout Europe during the Middle Ages. We need to avoid this analytical trap, not only because it does not help to realistically understand the different experiences of these people, but also, and, more importantly, because we do not manage to uncover the knowledge that has been hidden or masked away under the “functional coherences and formal systematizations of the state”. This type of analysis, far from unsettling the relations of power between the dominating and the dominated, in effect, reinforce the “state of domination”, to use Foucault’s terminology, by using the very same techniques and technologies of power that were used to silence, hide and subjugate the knowledges of those who resisted. We need to retrieve these subjugated knowledges if we are to unsettle the current “state of domination”, allowing these groups the “bargaining” power they used to have during the “strategic power game”, before the institutionalization and the ossification of the power relations in the current modern state.

A fuller explanation thus, must be sought in the local contexts of power asymmetries and the economic and political processes that determine and shape social structure as well as the processes of inclusion and exclusion. Unlike the Gypsies in the West, the Eastern Gypsies were allowed to settle and integrate in the primarily agrarian local societies and economies. Unlike the West, where the trading and manufacturing sectors were fully developed and monopolized by the locals, in the Eastern societies the Gypsies could easily find and perform professions over which they held a monopoly (particularly smithing, manufacture and trade in wooden objects and other small handicrafts) and which allowed them an economic standard of life equal to the rest of the population, but also which made their presence vital to the local economy. Moreover, in terms of their economic position, both Gypsies and non-Gypsy peasants were equal victims of their exploitative lords towering over them in the system of slavery and serfdom<sup>251</sup> that continued to characterize the premodern Eastern society until the mid nineteenth century.

The political power holders were interested in maximizing their economic profit out of the Gypsies just as much as the indigenous non-Gypsy serfs (formerly poor peasants who fell into servitude), without regard to their cultural or identity differences. Moreover, the non-sedentary groups of people were not seen as a threat to the stability of the society and the authority of the ruling class, since the power centralization changes experienced in the West following the collapse of feudalism and the transition to unitary States were not (yet) taking place in the East.

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<sup>251</sup> Known as “*later serfdom*” and distinct from the feudal system in the West that disappeared around the fourteenth-fifteenth centuries.

## **2.6 CONCLUSION**

This chapter has traced the experience of “the Gypsies” in Europe from the first written accounts of their presence and until the end of the eighteenth century. In it, I have tried to approach existing historical information from the governmentality perspective in the desire to overcome the trap of explaining the past in terms of present concepts, assumptions and biases. Rather than seeking to retrace the path of positivist research and answer the question of *who* and *why* associated with the Gypsy identity and experience, I have attempted to answer the questions of *how*, in the belief that it will unveil aspects of the Gypsies that have escaped previous academic inquiry. Placing the Gypsy in the context of constantly changing early modern societal context, this chapter has argued that the fix notions we currently attach to the Gypsy and the state (and Europe, for that matter) are creations of more recent origin than commonly assumed.

The overall aim has been to show how the interaction between sovereign and pastoral rationality of rule and the different manner in which they problematized social issues such as poverty, mobility and autonomy have shaped people’s identities and agencies. Contrary to most analyses focusing on the “Gypsy” during the pre-modern period, this chapter has argued that we need to understand the people we refer today as the Gypsies in their own temporal, spatial and ideational context and not through the eighteenth and nineteenth century context lenses that attach different ethical and normative value to the same issues of poverty, mobility and autonomy. I have also pointed at some of the key moments and events essential in the creation of the social stigma which would, in the modern period of state-building mix with “scientific social knowledge” to create the stereotypical imagery of the “Gypsy” as we know him/her today.

## **CHAPTER 3. THE GYPSIES AND THE MODERN EUROPEAN STATE**

### **3.1 INTRODUCTION**

This chapter analyses the relationship between the Gypsies and the modern state in its many variants. Here, I look at the principal events that led to the emergence, from the eighteenth century, of *bio-politics* and the notion of *government through processes* under the liberal rationality of government. This new shift translates the state's view of people as free individuals possessing rights and liberties and the depiction of the state as responsible administrator of the life of populations, who needs to govern (more or less) over all aspects that (potentially) infringe on the agreement that the state makes to respect and protect those individual rights and liberties.

I also identify how bio-politics, reason, science (particularly scientific formulations of species and races) and expert knowledge have been used to formulate and implement specific programs of government and the impact these have had on the positioning, identity and agency of the Gypsies within the larger "social" sphere. First, I look at the liberal state and its social mutation of "welfarism" after which I analyse the illiberal forms of authoritarian state that have emerged in the twentieth century out of the criticism to the liberal capitalist model. In the last section I look at the emergence of neoliberalism out of the welfarist crisis and the implication this last mutation has had for the Gypsies.

The overall argument in this chapter is that irrespective of the type of government, liberal or authoritarian, the modern state has incorporated from the beginning through its process of governmentalization a number of illiberal disciplinary and surveillance tools and practices of rule that have been associated with the security apparatuses. Due to the economic benefit and/or the political utility that such illiberal practices and tools entailed, they were incorporated and extensively used by the state in its operationalization of power, both against their own citizens and against those of other countries. The Gypsies, based on older social stigma of poverty, mobility and unruly nature, found themselves identified as threats, risks, sources of insecurity and confined by their states within the "grey security zones" of illiberal disciplinary and surveillance rule, to which they continue to be confined even at the beginning of the twenty first century.

### 3.2 EUROPE SINCE THE EIGHTEENTH CENTURY: LIBERALISM AND BIOPOLITICAL GOVERNMENT

A series of changes taking place during the seventeenth and eighteenth centuries would lay the foundations for yet another mutation in the rationality of power and the technologies of government employed by state governors. What had been thought of in the sixteenth century as the *dispositional* “government” through the *wise and just regulation of people and things* to ensure the peace and prosperity of the state, becomes after the eighteenth century a *government through* (economic, social, and biological) *processes* whose object is the population. “This government through these processes would come to generalize the pastoral government of religious communities to the entire population within the state.”<sup>252</sup>

From hereafter, government needs to be understood as a “unitary, centralized and localized set of institutions that acted in a field that was exterior to itself”.<sup>253</sup> That field is no longer understood in terms of the *household affairs*, but that of the *social affairs* of the population. In the face of the multiplying challenges brought by increasing urbanization and industrialization it would no longer suffice to dispose of and regulate the flow of people and things. Issues to do with “life and death, with birth and propagation, with health and illness, and with the processes that sustain or retard the optimization of the life of a population” become the “business” of government. The administration of all factors (social, cultural, geographical, environmental and economic) that impact on life is what Foucault refers to as *bio-politics*- or the justified state intervention in issues to do with the health, housing, employment and education of the population.

In order to create this unity of population and carry out its responsibilities of securing the “*survival*” of *the (homogeneous) nation* by caring for its needs and desires, the state sets out to *know* the population and to identify what is average and what is not, and, consequently, to dictate (by law and norm) what is *normal* and what is *deviant*. In the process it breaks down into subgroups the people that do not fit its norms, devises processes of normalization, and where necessary techniques and tools of government meant to “prevent, contain or eliminate” deviant individuals and behaviour, keeping them out either by confining them in limited security zones within the mainstream (the prison, madhouse, correctional schools), or keeping them through policing and surveillance methods outside the mainstream (camps of various sorts). In its drive for the standardization of human life, in its imagination of the social body of the nation and its struggle for

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<sup>252</sup> Dean (2010), p. 114.

<sup>253</sup> Dean (2010), p. 118.

survival, the state uses scientific knowledge and concepts from natural sciences of species, evolutionary development and the survival of the fittest.

Population comes to be portrayed as a nation that is “engaged in an epic struggle for survival, family [becomes] a private sphere outside government, economy an objective, autonomous and quasi-natural reality to be respected by government, and police merely one institution for the security of the state.”<sup>254</sup> Police is no longer an aim but becomes a technique of government, economy is a key component of reality and no longer simply an art of household management. Moreover, “population is inscribed within the laws of scarcity” according to the Malthusian theory. Family becomes de-politicized, no longer a unit in itself, but one component of the new political unity of the homogenous population; “family is no longer contiguous with political authority but external to it”.<sup>255</sup>

New techniques of discipline and surveillance as well as technologies of improvement are required that imply the existence of a complex and extended bureaucratic system. These tools and technologies are also used to divide the people into those who “can and will”, and those who “can’t and won’t”, with the help of *norms* (ex: moral and immoral, normal and deviant, productive and non-productive). This is the moment when the Puritan features and qualities of an obedient, productive, and industrious laborer become the yardstick against which individuals are measured, valued and classified. Moreover, the *legal system* also makes the distinction between those who are legally mature and responsible and those who are not (the minors, the mentally feeble, the criminal, the homosexual, the aboriginal, etc.). We see here that the tool of the “norm” supersedes in importance the value of *the law* as instrument of rule. “[L]aw operates more and more as a norm, and the judicial institution is increasingly incorporated into a continuum of apparatuses (medical, administrative and so on) whose functions are for the most part regulatory”.<sup>256</sup>

From this moment on (under the influence of the cameralists and the Malthusian thesis on population), government attains a dual concern: to ensure that each *individual* is industrious/productive and to promote the *collective* of the population. The belief until the end of the eighteenth century, that the wealth and strength of the nation-state depended on the *size* of the population is challenged and a concern emerges with the *quality* of the population. Questions of how they “were to be made industrious, whether this was to be achieved by make-work schemes, the establishment of workhouses, houses of correction and

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<sup>254</sup> Dean (2010), p. 113.

<sup>255</sup> Dean (2010), p. 114.

<sup>256</sup> Foucault, Michel (1978) *The History of Sexuality*, vol. 1: An Introduction, Pantheon Books, p. 144.

labour colonies, anti-recreational campaigns attacking the sports, leisure activities and holidays of the laboring population, or the lowering of real wages” become the guiding principles of the management of the population.<sup>257</sup>

Norms and processes of normalization seek to deal with the heterogeneity of the population both by formulating an “agreement” on a single mode of thinking and behaving, as well as creating differences and inequalities by re-drawing the boundaries between “us” and “them”, “in so far as it enables each to be individualized and hierarchically ordered in relation to it”. The individuals are no longer subjects to be disposed of and regulated but come to be seen as “living and social beings, with their own customs, habits, histories and forms of labour and leisure” who collectively make up the population, itself a living organism, which “is not just a collection of living, working and speaking subjects, it is also a particular objective reality about which one can have knowledge.” Population is seen to exist as a given, which “is not constituted by political or governmental institutions or frameworks”, but which just simply *is*, same as the unity of Christians was a given.<sup>258</sup>

From the eighteenth century, *government* supersedes *sovereignty* and *discipline*, which become subordinated to it, reframed and recast as its internal components. Government does this with the help of *liberalism*. On the one hand, it redefines its role as the security provider of all “the economic, social and biological processes that are external to its mechanisms and to the forms of liberty on which they depend”,<sup>259</sup> while on the other, it links the justification and legitimacy of mechanisms of control and power (bureaucratic institutions and tools) contained in sovereignty with new conceptions of law and the individual as legal subject possessing rights and liberties. The recast concepts of sovereignty and law in the liberal rationality “made it possible to superimpose on the mechanism of discipline a system of right that concealed its mechanisms and erased the element of domination and the techniques involved in discipline, and which, finally, guaranteed that everyone could exercise his or her own sovereign rights thanks to the sovereignty of the state.”<sup>260</sup>

This is also the moment when the division between the political and the non-political, the public and the private is redrawn. “The non-political sphere is construed as a quasi-autonomous and naturalistic reality

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<sup>257</sup> Dean, Mitchell (1991) *The Constitution of Poverty- Toward a genealogy of liberal governance*, London and New York: Routledge, pp. 35-52.

<sup>258</sup> Dean (2010), p. 127.

<sup>259</sup> Dean (2010), p. 129.

<sup>260</sup> Foucault (2003), p. 37.

constituted by processes that are irreducible to the will of the sovereign or its representatives. The economy is only one influential way of conceiving this reality as external to government: others include civil society, community, culture, or, as we have noted on several occasions, population.”<sup>261</sup> The economy and the population are the main domains onto which the practice of liberal government is focused. Equally important, the social space emerging from the knowing and the normalization processes of the population by the state comes to represent the space where the tensions between the economic and the politico-legal imperatives are legitimately played out.

Unlike the concept of “nation” that implies homogeneity, the space created by society is a heterogeneous one. “Society is a complex domain, one in which egoistic economic pursuits are found together with non-economic interests towards family, clan or nation, where self-interest is mixed with the human bonds of sympathy, affection, loyalty and pride. It is a domain not only of cohesion and solidarity, but also of breakdown and dissolution. It is one in which we can discover both a uniform set of norms that act on all members of society and an arena fractured by political faction, by class, by religion, by gender.”<sup>262</sup> At the same time, society emerges as a space onto which liberal government is carried out, but which also acts as a limitation onto that government.

Within this framework the question of “the poor” receives a make-up as well. We see here the emergence of the distinction between “good” poverty and “bad” poverty or *pauperism*.<sup>263</sup> Besides the normal poor we witness also the emergence of the abnormal and immoral poor. The latter were judged as lazy, dependent because they preferred charity instead of working to support themselves and their families. They were also seen to represent the source of their own poverty as they had more children than they could support, increasing the number of the economically non-viable, who would recur to criminality and illegality, disobedience and disregard for law and common sense.

The immorality of the pauper is identified as a corrupting source, as a “pestilence” that must be removed in order to ensure the security of the society by preventing the honest working poor from falling victim to moral corruption. The theme of the immoral pauper, and the lack of a distinction between hereditary and environmental factors that impact on development was heavily influenced by Darwinism and the extreme eugenic ideas that would later come to represent the bedrock of authoritarian governments and their racial

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<sup>261</sup> Dean (2010), p. 131.

<sup>262</sup> Dean (2010), p. 149.

<sup>263</sup> Procacci, Giovana (1991) “Social economy and the government of poverty”, in Graham Burchell *et al.* (Eds.) *The Foucault Effect: Studies in Governmentality*, Chicago: Chicago University Press, pp. 151-68.



policies, based on different justifications: ethnic (fascism and national communism), biological (Nazism) or evolutionary (colonialism), but with a common aim: removing the “parasites” from the social body. These ideas of bio-ethnic purity and eugenics were spreading among elites in Western liberal democracies as well (especially the US, France), but the social plurality existent in these systems kept their effects marginal, by comparison.

Linking up questions of security with pauperism justifies the intervention of the state in trying to solve the problem: on the one hand, it includes as many of the poor as possible into the market economy and the expanding labour force, and, on the other hand, it “knows” the population that is *prone to pauperism* and consequently, devises structures and instruments meant to contain, if not eliminate it. In particular, health and criminality related issues that linked paupers with the rest of the population implied a strong interest of the state to intervene in issues of poverty alleviation. This is especially salient in the context of the late nineteenth century and the acute problems that the effects of rapid industrialization and mass urbanization were bringing forth: poor health, bad housing, unemployment and lack of education. The problematization of social issues was made possible by the “development of statistics, commissions of inquiry, reports, censuses and surveys into issues of poverty, illness, mortality, crime, alcoholism and suicide [which] give to the social a kind of ‘positivism’, i.e., a reality with its own regularities, laws and characteristics.”<sup>264</sup>

The *social sphere* is formed as the space onto which state intervention is not only desired, but is required thus, constituting the legitimate aim of government. The question is not *if* the state should govern (intervene) or not, but rather *how much* (rightist view) or *how less* (leftist). The state does no longer *legitimately* and *directly* intervene in the lives of the individuals through force, coercion, surveillance and discipline (as in pre-liberal times), but rather, it governs *through freedom* and by managing and securing the “forms and processes of the economy”. This is because the private and public distinction, the separation of the family and the state, and the recognition of the private authority and autonomy of the individual advocated by liberalism make direct (illiberal) state intervention no longer possible, except *if* formulated in terms of security and risk. This is a crucial “if”: the state is “allowed” to use illiberal means and practices against anybody and anything that is associated with security and identified as a threat to state sovereignty and the security of the processes conducive to the wellbeing of the population.

One extremely important aspect of the liberal framework of government is the way in which it manages to close up the debate over alternative forms of government and rationalities of rule by internalizing

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<sup>264</sup> Dean (2010), p. 150.

the contest and critique within itself, while delegitimizing all other forms of competition and critique.<sup>265</sup> Key to this are the representative democratic institutions that open up a new space of politics of competition and improvement, within the confines of the liberal model: it is in this particular aspect that liberal government provides the space for criticism and contest from non-liberal/authoritarian forms of government. By arguing to keep the institutional brakes on, in order to prevent power from corrupting any particular group or sect, which might try to monopolize power for itself, the liberal system of democratic representation also prevents people from directly intervening in their own government. This is the source of tension that fuels populist and socialist parties and give rise to authoritarian regimes as alternative forms of political rule.

Emerged from the “belly” of the liberal government thus, authoritarian types of government share in common two most important aspects with the former: the same utopian idea of civilizational progress and the same elements of biopolitical control over the right to foster (and disallow) life through the sovereign right of death. With the help of techniques and practices of progress and improvement, both liberal and authoritarian government create and problematize certain categories of people that fall short of the norm, turning them into objects of government intervention targets of illiberal forms of control and discipline. Although there are differences between the liberal “benign” discourse of seeking to remedy the deficient populations by helping them improve and keeping them out (in security zones subject to illiberal measures) if they do not, and the “murderous” discourse of removing those deemed “unworthy of life” by chasing them away, sterilizing and even exterminating them, both share a belief in the possibility of human betterment and the state’s responsibility in delivering it, which legitimizes the use of illiberal policies (coercive means of surveillance and discipline) adopted and implemented for translating that utopia into reality.

Liberalism, under the benign look of concern with backwardness, underdevelopment and disempowerment, has itself employed illiberal forms of rule disguised as “*mission civilisatrice*” or in plain sight as securitization against those which were deemed incapable of exercising their rights and liberties (whether abroad or at home). Thus, as Foucault clearly emphasizes, liberalism does not do away with sovereign and disciplinary (illiberal forms of) power. It simply subordinates them to government, its rule through economic means, and its “conduct of conduct” of the population through the freedom it opened up for people in the *economic* realm. *Politically*, it retains the illiberal means associated with territory, which it uses against those identified as threats either to the security of its sovereignty, or the social order and welfare seen to depend on the security of the economic processes.

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<sup>265</sup> Koselleck, Reinhart (1988) *Critique and Crisis- Enlightenment and the Pathogenesis of Modern Society*, Cambridge, Mass: MIT Press. (Originally published in German in 1959.)

*Racism* becomes an important tool of government particularly in the twentieth century. Whether ethnic, biological or evolutionary, racism has provided the justification for deeper governmental intervention into the micro-management of life, facilitated by the larger rationality of survival of the race, by securing it both from outside and, more importantly, from inside threats. Racism allows authorities to “establish a division between those who must live and those who must die, and to distinguish the superior from the inferior, the fit from the unfit.”<sup>266</sup> Under the direct influence of eugenic thought, distinctions are further made between those who constitute a corrupting, degenerate source and those who constitute the fit, superior and intelligent “stock” of the nation. The survival of the nation becomes the primary concern of the state and policies are adopted in its pursuit.

Illiberal measures and policies are also part of the liberal government, and we see them at work most clearly in issues linked with *sovereignty* and *security*. In recent years, following the retreat of the welfare state, initially emerging in the US and later spreading to Europe and other industrialized states, we see it in the “irruption of the penal state”, which has taken over the role of policing and penalizing the negatives that have emerged out of the welfare state crisis. The penal system of the neoliberal state has successfully “demonstrated that the cause of crime is the personal irresponsibility and immorality of the criminal, and that the merciless sanctioning of ‘incivilities’ and assorted low-level disorders is the surest means of damming up violent offences.”<sup>267</sup> At the same time, however, the individual criminal responsibility is very conveniently turned into a generalized characterization (statistics and expert knowledge are always providing the legitimizing backup) of certain social groups whenever “necessary”: the immigrants, the poor, the dropouts, the young, etc.

This penal model has been gradually imported into the European state, most recently synchronized to its “American parent” following the student riots in the UK and France and the terrorist bombings in London and Madrid. The “state of exception”<sup>268</sup> that requires ever more powerful technologies (no matter the economic and social cost) to stay ahead of the “terrorists” and the “criminals” is the new discourse of

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<sup>266</sup> Dean (2000), p.165.

<sup>267</sup> Wacquant, Loïc (2007) *Urban Outcasts: A comparative Sociology of Advanced Marginality*, Polity, p. xiv. For more in-depth analysis of the reform of the *welfare state* into the *workfare state* and the criminalization of the poor see also his more recent (2009) *Punishing the Poor: The neoliberal government of social insecurity*, Durham and London: Duke University Press.

<sup>268</sup> Reference to Giorgio Agamben’s analysis of the “state of exception” and his argument that the “state of exception is no exception”. Agamben argues that political discourse is used to maneuver public opinion conducive to the adoption of extraordinary measures that would not otherwise be possible (or at least very difficult) in “normal” circumstances. See Agamben, Giorgio (2005) *State of Exception*, Chicago and London: The University of Chicago Press and its prequel *Homo Sacer: Sovereign Power and Bare Life*, Stanford University Press.

securitization and criminalization that politicians on both sides of the political spectrum have readily adopted and are professing. It is important not to be duped by this discourse and understand, as Wacquant convincingly argues, that the rise of criminalization and securitization and that of the “penal state” is not in response to the rise in crime, but “to the dislocations provoked by the social and urban retrenchment of the state and by the imposition of precarious wage labor as a new form of citizenship for those trapped at the bottom of the polarizing class structure.”<sup>269</sup>

### **3.3 THE GYPSIES AND THE LIBERAL STATE**

Max Weber once observed that “race creates a ‘group’ only when it is subjectively perceived as a common trait: this happens only when a neighborhood or the mere proximity of racially different persons is the basis of joint (mostly political) action, or conversely, when some common experiences of members of the same race are linked to some antagonism against members of an *obviously* different group.”<sup>270</sup> (Emphasis in original). In his analysis of the concept of ethnicity, Richard Jenkins discusses Weber’s definition and argues that the more important aspect of Weber’s argument is that “ethnic membership does not constitute a group; it only facilitates group formation of any kind, particularly in the political sphere”. Jenkins agrees with Weber that “it is primarily the political community, no matter how artificially organized, that inspires the belief in common ethnicity.” But he is keen to emphasize that the belief in common ancestry is the *consequence* of political action *rather than the cause* of it, and that ethnicity is employed to justify the pursuit of common interests, a process that defines and strengthens the identity boundaries of the “monopolistic social closure [that] defines membership, eligibility and access”.<sup>271</sup> Thus, the act of defining the “other” represents the core component of political action.

Self-identification is a process that takes place not through self-analysis but through the analysis of the “other”. “Self is defined and developed in interaction, a product of a looking glass process involving impressions of how we appear to others, impressions of the others’ assessments of us, and our feelings of pride or shame deriving from these imaginations.”<sup>272</sup> By analyzing the “other” we analyze what we are *not*,

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<sup>269</sup> Wacquant (2007), p. xv.

<sup>270</sup> Weber, Max (1978) *Economy and Society*, University of California, p. 385.

<sup>271</sup> Jenkins, Richard (2008) *Rethinking Ethnicity*, 2nd edn. London: Sage Publications, p. 10.

<sup>272</sup> Serpe, Richard T. and Sheldon Stryker (2011) “The Symbolic Interactionist Perspective and Identity Theory”, in Seth Schwartz *et al.* (Eds.) *Handbook of Identity Theory and Research*, New York: Springer, p. 227.

and therefore, we are able to identify what sets us apart from the “other” and at the same time become aware of what we share in common that separates us from the “other”. Psycho-social studies of the “self” have argued that humans have multiple types of “self”, one of which is the “social self”. This is, in turn, “multifaceted and a product of heterogeneous society, ideas of strategic significance in contemporary structural symbolic interactionism”, that is constantly changing and adapting to our environment.<sup>273</sup>

Inevitably then, changes in political rationality and technologies of rule will always impact on the factors employed in defining the “other”, and by implication the “us”, for the purpose of politically mobilizing the masses into action. But regardless of the many mutations of the political rationality, the actual processes of definition do not change. As mentioned earlier, the early modern state had identified the Gypsies as part of the larger groups of vagrants, beggars and other lawless classes, which it collectively saw as a threat.

In early modern “politics” Gypsies were part of “the other” identified either as pagan, outsider, vagrant or mobile and these labels have shaped both the Gypsy and the non-Gypsy perception and attitude. Moreover, these old processes of identification (under the influence of the Church and the state) inscribed the Gypsies in the collective consciousness as outsiders, as pagans who do not follow the same religious rituals, their black-skin being associated with evilness and inferiority, who look and dress differently, who speak an unknown language, come from unknown places and believe in mysterious powers they call upon when engaging in “fortune-telling” and sorcery. The physiognomical differences of the Gypsies continue to be a powerful enough reason to identify them as “strangers”. Also in a time when religious belief was so central to community and individual life, being discovered as not sharing a common faith or worse being seen to pretend believing only superficially could not have gained them too much acceptance. And yet, finding this much about the “other” implies a certain level of tolerance and coexistence with the “other” for both sides.

Despite many continuities with the previous age, the old ways of creating homogeneity of beliefs and behaviours needed for successful rule do no longer fulfill the needs in the new age of population management and industrialization, where people are much more different from each other and share far less in common than religion and social background. The problem for the state becomes one of how to create a homogeneous social body out of these diverse/heterogeneous people, and especially how to politically harness the power that the economically “liberated” masses provided. “In the early modern period, the time of the transition from feudalism to capitalism, concern was with the large body of ‘masterless men’ released from bonded labour to provide the workforce for emerging capitalism. The paradox was that such a freed

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<sup>273</sup> Serpe and Sheldon’s chapter in the Seth Schwartz *et al.* (Eds.) *Handbook of Identity Theory and Research* provide a review of the main contributions in the field made by early scholars such as G.H. Mead, H. Blumer, J. Dewey.

labour force meant that traditional ties and social bonds were also loosened, with unpredictable consequences for social unity and the security of the state. Such a concern with the moral, ideological and political danger posed by an independent and mobile labour force survived, and arguably was strengthened, in the nineteenth century, with the emphasis on the values of permanence and sedentarisation”.<sup>274</sup>

To explain the homogenizing anti-pauperism and specifically the anti-Gypsism that begins to develop from late eighteenth century through processes of “ethnic” imagining and the vilification and criminalization of the “other” according to West European/Puritan moral standards, we need to look at the political context of centralizing power of the bureaucratic state and the new rationality of biopolitical power it employs. In building that power and authority, the modern state needed to dig deeper and deeper into the private aspects of the individual and his/her community, which in turn required justification with the help of reason, social sciences and liberal thought for that interference, presented simultaneously and paradoxically as “paternalistic care” and as “government through freedom”.

The Scientific Revolution and the Enlightenment thought, with the help of the emerging natural and social sciences, were able to make the case for the unity of the social body and redraw the boundaries of belonging in terms of ethical and cultural traits. The English state institutions, the Enlightenment thinkers (particularly John Locke) and their principles of law and natural rights, as well as the changes occurring in the English countryside<sup>275</sup> regarding land ownership, productivity, and the work ethic (emerging capitalism) a “good” member of the society *ought* to possess, all contributed to the “othering” of unproductive labor, idleness and poverty/beggary.

“Labeling and categorizing are always symbols of agency, and hence intimately connected with ideology; in the context of states, they are acts of policy”.<sup>276</sup> The identification of mobile people/nomads as a threat did not occur over night so to speak, but has been the result of a long process of social labeling and classification through state policies. The long process of interpretation and recreation of these labels have had the accumulated effect of deeply embedding in our social consciousness the unchallenged assumption of “sedentarism” as natural and “nomadism” as deviant. However, it is only after the rise in the eighteenth century of the European Christian normative culture (tuned towards progress and profit oriented production)

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<sup>274</sup> Mayall, David (1995) *English Gypsies and State Policies*, Hatfield: University of Hertfordshire Press, p. 41.

<sup>275</sup> For more on the changes taking place in England conducive to the emergence of capitalism and the effects these had on the larger society see, Wood, Ellen Meiksins (2002) *The Origin of Capitalism: A longer view*, London: Verso.

<sup>276</sup> Berland, Joseph and Aparna Rao (Eds.) (2004) *Customary Strangers: New perspectives on peripatetic peoples in the Middle East, Africa and Asia*, Westport: Praeger, p.11 See also Shahar, Sulamith (2007) “Religious Minorities, Vagabonds and Gypsies in Early Modern Europe”, in *The Roma: A Minority in Europe: historical, political and social perspectives*, Budapest: CEU Press, pp. 1-18.

and the politics of difference it kickstarted, that cultural differences (real or imagined<sup>277</sup>) became issues for contestation in the public sphere, and “the Gypsy” as socio-political category emerges. A comprehensive understanding thus, requires a careful analysis of the political and historical conditions within which various asymmetric power relations produce social and cultural systems.<sup>278</sup>

Whereas the liberal ideology de-contested alternative ideological claims to power, it contested differences between individual communities and framed them within the liberal norms and standards used to imagine the community of the “Nation” and dichotomize the “us-them” relationship as good and evil, civilized and barbaric, sedentary and nomadic, etc. It is at this point that we see the Gypsy stereotype emerge. The most important first study into the Gypsies undertaken by Grellmann in 1807 is the first to provide the full picture of how the Gypsies were viewed through the Enlightenment lenses. “In addition to the chiromantic deception of the Gipsy women, they also - though not exclusively, as the men likewise profess the same talent - cure bewitched cattle, discover thefts, and possess nostrums of various kinds to which they ascribe great virtues”.<sup>279</sup> Although this image is a gradual accumulation of previous centuries of policy and prejudice, it is in this context of *passing a normative judgement* and “ethnic” classification that the “Gypsies” begin to be imagined for the first time as a separate ethnic group. Thus, Grellmann is arguably also the first to lay the academic foundations of a “scientifically” supported bias and discrimination against the Gypsies.<sup>280</sup>

Although the discrimination and repression of Gypsies continued, beginning with the second half of the nineteenth century, we witness the emergence, under the literary romantic trend, of the “idealized-romanticized” stereotype of the Gypsy. Gaetano Donizetti’s (1822) opera in two acts *La Zingara* (the Gypsy girl), Esmeralda and the Gypsy image in Victor Hugo’s (1831) novel *The Hunchback of Notre-Dame* (Notre Dame de Paris), Alexander Pushkin’s (1824) *The Gypsies*, all depict the Gypsies in a somewhat better, if idealistic light. Undeniably the most lasting mark on the creation of the romantic image of the Gypsy has been that of George Borrow, particularly through his depiction of the Gypsy in his *The Zingali* (1841), *The*

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<sup>277</sup> See Anderson, Benedict (2006) *Imagined Communities, Reflections on the Origin and Spread of Nationalism*, London and New York: Verso. (Revised edition of the original print of 1983.)

<sup>278</sup> For an example of how a positive relationship between the trader-peripatetics changes into a negative relationship see Marx, Emanuel (2004) “Roving Traders among the Bedouin in South Sinai”, and Rasmussen, Susan (2004) “Afflictions in the Stomach: Smith as ‘Stranger’ among Tuareg”, in Joseph Berland and Aparna Rao (Eds.) *Customary Strangers: New perspectives on peripatetic peoples in the Middle East, Africa and Asia*, Westpost: Praeger.

<sup>279</sup> Grellmann, Heinrich Moritz Gottlieb (1807) *Dissertation on the Gipsies, Being a historical enquiry concerning the manner of life, economy, customs and conditions of these people in Europe and their origin*, London: William Ballintine, p. 50.

<sup>280</sup> See Willems (1997) for an extensive analysis of the emerging “Gypsy” stereotype in the late eighteenth and nineteenth centuries and the central role played by Grellmann and Borrow. Willems also provides a detailed graph of the influences which they had on all other Gypsy scholars in his “Family Tree of European Thinking about Gypsies”, p. 304.

*Bible in Spain* (1843) - a source of inspiration for Prosper Mérimée's story of *Carmen*, later adapted by Georges Bizet in his opera *Carmen* (1845) - as well as the autobiographical *Lavengro: The Scholar, the Gypsy, the Priest* (1851) and the *Romany Rye* ("Gipsy Gentleman" also 1851). Subsequently, we have an extreme depiction of the Gypsy where "alongside the stereotype dirty, dishonest, child-stealing villain we have the dark, handsome violin-playing lover Gypsy, a 'noble-savage' camping in the woodlands and living off the earth. Both are far from the truth and neither in the long run have much assisted the Gypsy people to obtain recognition and minimum respect".<sup>281</sup>

The Romantic movement concerned itself with recording and preserving the many oral traditions and cultures that were fast disappearing and decaying under the menacing weight of industrialization and the twin processes of modernization and urbanization. This also led to the emergence of the cultural and academic interest in the exotic Romani culture about which still very little was known. In 1888, in Britain the *Gypsy Lore Society*<sup>282</sup> was created with the primary aim of bringing together scholars studying various aspects of the Gypsy history and culture. In its more than a century of existence, the Society has proven to be, although at times controversial, a vital tool in raising awareness about the Gypsies (and similar social marginals)' plight and struggle at various times throughout the twentieth century and it continues to further the interest and research of what now has become a "respectable field" of Gypsy/Romani studies. At the same time, it also needs to be emphasized that the majority of these Gypsiologists were non-Gypsies who, despite their intensions of objectivity and scientific accuracy, analyzed the Gypsy through non-Gypsy's moralistic and developmentalist lenses providing the "scientific" background against which state-policies towards them would be justified.

During the nineteenth century, the Gypsies went through the same socio-economic and political changes brought along by the process of modernization and nation-creation that the rest of the European societies went through. In the first part of the century, within the context of classical liberalism, the cultural or ethnic logic *did not* power the segregation of the Gypsies from other social groups. Their poverty was still considered the main element that dictated their social classification. As urban centers begin to expand and the process of industrialization picks up speed, it is the dichotomy between the rural and the urban that represents the main process of "othering". Those who moved to the city and relinquished tradition and frugal

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<sup>281</sup> Kenrick and Puxon (1972), p. 41.

<sup>282</sup> Since 1989 the Society has been headquartered in the US from where it continues the promotion of Gypsy, Traveller and other (semi-)nomadic cultures of the world. Its well respected journal has long been a source of information that aims to enhance the understanding of the Gypsy and related cultures. The society's main publication, previously named the *Journal of the Gypsy Lore Society*, appears biannually and since 2000 it bears the name of the *Romani Studies*.



livelihood were seen as progressive, civilized and modern people. The countryside became the new face of poverty and backwardness, as it represented conservatism and tradition “subjugation”.

From this moment on, the social construction of the ideal site that allows for human progress and civilization is conveniently associated with integration in the state and market structures of control and power newly located in urban areas, while mobility, fluidity/multiplicity of identity/history and belonging as well as self-sustainable subsistence techniques of rural life are associated with backwardness and primitivity.<sup>283</sup> Incidentally, most people that we currently identify *as the Gypsies* also lived in the country side, since those who moved into towns and became incorporated into the modern structures of the state and the market were not seen *as Gypsies*, but *as the new urban poor- “the dangerous classes”*. The widening gap between the rich and the poor in the big urban centers leads to a recreation of the old spatial segregation of the “dangerous classes” that had been played out before in pre-modern societies. The centralization of power in the hands of state governors intensifies and public policy pushes the “visible” into an “invisible” status both physically and administratively, by relocating them in the “no-man’s land” of “shantytowns” and ghettos. By the turn of the century, in Western Europe there is rising disappointment with the socio-political context and a radicalization of politics is under way.

In the East, however, following a slower development towards nation building and industrialization, the new century brought genuine enthusiasm about the fast social changes towards economic development and socio-political emancipation. Throughout the Eastern European countries the 1848 moment represented a new dawn, as the Revolutions brought in idea(l)s from the West that were promoting modernization and emancipation. Take the Romanian case, for example. Here, the push towards the formation of the national state implied and depended on a break with the past and an embrace of new ideals, which built momentum for the liberation of the Gypsies from slavery. Later, new constitutional provisions and agrarian reforms were to ensure, at least in legal terms, a much yearned for equality of status. Mass urbanization was yet to pose serious problems and raise social tensions, and the Gypsies were *not yet* classified as a “political problem” requiring a solution; consequently, they enjoyed some freedom of organization and mobilization to overcome the lingering inequalities rooted in their past experience and social position of pre-modern Romania.

Following the disintegration of the Ottoman empire and the end of slavery in Romania, many Gypsies left for Western Europe and the United States, fearing a reversal of policy and a return to slavery. For those who stayed, however, the dawn of the new century was looking promising, optimism that led to a

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<sup>283</sup> See, for example Scott, James (2009) *The Art of Not Being Governed - An Anarchist History of Upland Southeast Asia*, Yale University Press.

surge in civic awareness and organization, belief shared by *all* other citizens in the genuine nature of the reforms and hope in their participation in the new society and the nation being created.

In Bulgaria, in 1905 the Gypsy people set up a conference in Sofia to demand their right to vote in national and local elections following the 1901 changes to the electoral law that had removed the rights of some Gypsies (Muslim and nomads) as enshrined in the 1879 Constitution.<sup>284</sup> In 1919 the Gypsy foundation *Istiqbal* (Future) was created and four years later it started the publication of the first Romani language journal under the same name. After a few years of existence it was closed down only to resume in 1931 as the *Mohamedan National and Educational Organization*, which began publication of the *Terbie* (Education) newspaper two years later.<sup>285</sup> In 1927 *the first Serbian-Gypsy association for mutual assistance in sickness and death* is founded in Yugoslavia, and in 1935 the *Association of Belgrade Gypsies for the Celebration of Aunt Bibia* was established from which the first journal in the Romani language, the *Romano Lil* (Roma Newspaper), was issued. In 1939 the *Educational Club of Yugoslavian Gypsy Youth*, later expanded into the *Yugoslavian-Gypsy Youth*, was set up.<sup>286</sup>

In Romania, the first Gypsy organization was established in 1926 followed by some other local organizations: in 1933 the *Asociația Generală a Țiganilor din România* (General Association of Romanian Gypsies) and the *Uniunea Generală a Romilor din România* (General Union of the Roma in Romania) were established following the national conference of the Gypsies, and the *O Rom* (Roma), *Glasul Romilor* (Voice of the Roma), *Neamul Țigănesc* (Gypsy Nation) and *Timpul* (Time) journals began publishing.<sup>287</sup> In 1934 the first “international” conference of the Gypsies was organized in Bucharest.<sup>288</sup> All these organizations that had been set up by Gypsy groups from their own initiative did not go unnoticed by the state authorities. Against strengthening national fervour, minorities and their efforts at shaping and voicing their own viewpoints came under the hammer, and soon, as Ian Hancock argues, “[n]ot only did the non-Gypsy establishment attempted

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<sup>284</sup> Marushiakova, Elena and Vesselin Popov (1997) *Gypsies (Roma) in Bulgaria*, Frankfurt am Main: Peter Lang Verlag, pp. 29-30.

<sup>285</sup> Marushiakova and Popov (1997), pp. 30-1.

<sup>286</sup> Marushiakova, Elena and Vesselin Popov (2005) “The Roma- a Nation Without a State? Historical Background and Contemporary Tendencies”, in Burszta W., Kamusella, T. and Wojciechowski, S. (Eds.) *Nationalisms Across the Globe: An Overview of the Nationalism of the State- endowed and stateless nations*, Poznan: School of Humanities and Journalism, pp. 74-5.

<sup>287</sup> Achim (2005).

<sup>288</sup> Kenrick (2007).

to deny the notion of Romani political effort, but it has actively tried to suppress it where it has reared its head.”<sup>289</sup>

Starting with the mid 1920s, however, the Soviet Union however, began to set a totally new pattern. Retrospectively, this new pattern was maybe the first sign of the direction in which the communist ideology would head for two decades later. The Gypsy organizations here, unlike those elsewhere in Eastern Europe, were set under state initiative and functioned under its complete control. In 1925 the *All Russian Union of Gypsies* was set up, two years later the *Romani Zoria* (Romani Dawn), *Nevo Drom* (New Way) journal began publication, and the *Romen* Theatre and the *Romengiro Lav* (Romani Word) writers’ circle were created. This was to represent the same paternalistic care pattern that all Socialist states were to adopt following the end of WWII. Despite the situation looking somewhat promising for the Eastern Gypsies by the late 1920s, no one, not even the Gypsies themselves, could have imagined that the worst of their experience was still ahead.

### **3.4 GYPSIES AND THE AUTHORITARIAN STATE**

#### **3.4.1 THE “FORGOTTEN HOLOCAUST” (PORRAJMOS) OF THE NAZI AND FASCIST REGIMES** <sup>290</sup>

For the Gypsies things were to take a terrible turn from the late 1920s. At the same time as there was increasing movement towards attaining social emancipation, we witness a hardening of government and public attitudes towards them, against the background of populist discourses of authoritarian regimes and the build-up towards the Second World War. In 1926 the USSR begins to forcefully settle the nomadic

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<sup>289</sup> Hancock, Ian (1991) “Romani Nationalism” in David Crowe and John Kolsti (Eds.) *The Gypsies of Eastern Europe*, M.E. Sharpe, Indiana University Press, p. 139.

<sup>290</sup> *Porrajmos* literally means “devouring” in Romani. The word “Porrajmos” is a recent creation, as there was no word in Romani for the Holocaust. Unlike the Jews, the Gypsies do not have a common historical memory of the Holocaust. The most powerful explanation for this is, besides the lack of a culture of written history and records, the Gypsy people’s “acceptance” of their faith; unlike the Jews who were shocked by the Holocaust, the Gypsies have accounted for it by accepting it, in a way even “justifying” it: “we are Roma, that’s why”, some say. “*Our people are traditionally not disposed to keep alive the terrible memories from our history- nostalgia is a luxury for others, and the Porrajmos was not the first, but the second historical attempt to destroy the Roma as a people, following Charles VI’s extermination order in 1721. Roma in the United States, for example, have obliterated entirely from their collective memories all recollection of the five and a half centuries of slavery in Romania, which their great- great-grandparents came to America to escape during the last century. Survivors of the Holocaust are today likewise reluctant to speak about their experiences, and so it is that the story is only now beginning to unfold. The task of those collecting testimonies is made all the more difficult because, for some groups, the Sinti in particular, there are cultural restrictions upon speaking about the dead.*” See Hancock, Ian (2009) “Responses to the *Porrajmos*: The Romani Holocaust”, in Alan S. Rosenbaum (Ed.) *Is the Holocaust Unique?* Boulder and Oxford: The Westview Press, 3rd edn., p. 93. See also Barsony, Janos and Agnes Daroczi (Eds.) (2008) *Pharrajimos- The Fate of the Roma during the Holocaust*, New York: Idebate Press.

Gypsies, in 1928 the Povedim pogrom<sup>291</sup> takes place in Slovakia, in 1938 the Soviet regime removes Romani language from national minority languages.

These policies were representative of the more general context of rising extremist and nationalist fervor during the 1930s and the biopolitical focus of the micro-management of the population. The climax was reached in the form of the Holocaust or porrajmos genocidal policies of the German Nazi and other fascist regimes that reverberated across Europe causing hundreds of thousands of Gypsies<sup>292</sup> and an estimated 6 million Jews to perish from exhaustion, starvation or disease in forced labor camps, in medical institutions during experiments and murdered by medication or gas in extermination camps.

The beginning of these murderous policies date back to 1933 with the ascendance of the Nazi (National Socialist Party) to power. The core components of the Nazi ideology were the belief in the racial hierarchy with the Aryan Germans at the top of the ladder, underpinned by the principle of “Lebensunwertes Leben”<sup>293</sup> literally meaning “lives unworthy of life”, according to which the Nazi classified and identified the mentally ill and other disabled people, the political dissidents, the homosexuals, the criminals, the Jews, Roma/Gypsy and the ethnic Poles as well as some religious groups, as threats to German society due to their deviance or “potential” for social turmoil.

The appeal of the extremist Nazi and fascist ideology and their identification of the “other” as social threats requiring a “final solution” needs to be understood against the background of the radicalization and alienation of the population that had began at the end of the nineteenth century, but which was intensified by the WWI and its aftermath, in particular, the effects of the Great Depression and, in the German case, the financial retributions that it was forced to pay following the war.

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<sup>291</sup> Russian word of Yiddish origin, literally meaning destruction, devastation (of a town, country, etc., as in wartime). Usually applied to the context of the Jews, Gypsies and other minority groups to define the organized massacre, often condoned and encouraged by state officials. The word re-emerged after 1989 to refer to the violence against the Gypsies in Central and Eastern Europe, as well as elsewhere throughout the former Soviet states. Most recently, it has been used to define targeted violence against migrants throughout the world.

<sup>292</sup> Estimates range between two hundred and fifty thousand and one and a half million Gypsy victims. The numbers are notoriously difficult to estimate, not only because many of them did not have state-issued registration cards and identification documents, but also because many of the historical data have been tampered with, as multiple corrections having been recorded. See Hancock, Ian (2005) “True Romanies and the Holocaust: A re-evaluation and an overview”, *The Historiography of the Holocaust*, New York: Palgrave Macmillan, pp. 383-96.

<sup>293</sup> The expression first appears in the 1920 book co-authored by Karl Binding and Alfred Hoche entitled *Die Freigabe der Vernichtung Lebensunwerten Lebens* (Allowing the Destruction of Life Unworthy of Life).

The Gypsies were not identified as a direct target of the Nazi ideology from the very beginning.<sup>294</sup> An analysis of the historical evidence shows that Hitler had made no reference to the Gypsies in his *Mein Kampf* manifesto and had directly referred to them only twice in his entire time in office.<sup>295</sup> The small size of their community- only twenty six thousand Gypsies in Germany in 1933 -might be the reason behind this. Thus, current interpretations tend to agree on the fact that the addition of Gypsies to the long list of “lives unworthy of life” was almost an “afterthought” of the “Nazi ideologues and over-zealous German police officers eager to elaborate the vision of the Führer by uncovering ‘new internal enemies’ to combat”.<sup>296</sup> Rather than the Gypsy as a target *per se*, it was *the structures and networks necessary for the implementation of the Nazi program of government* that led to the addition of the Gypsy to the list of problems requiring a solution.

The Gypsies, just like the Jews, but differing from other social undesirables, were believed to be ethnically polluted, a threat to the purity of the German race that required immediate extermination through a policy of “racial hygiene”. Immediately after coming into office, Hitler’s cabinet adopted on 14 July 1933 the Law for the Prevention of Genetically Diseased Offspring (*Gesetz zur Verhütung erbkranken Nachwuchses*), also known as the Sterilization Law, which prescribed compulsory sterilization of any citizen who suffered from genetic disorders.<sup>297</sup> This concept and the Nazi categorization later served as justification for the T-4 Euthanasia Program,<sup>298</sup> a program of forced sterilization that officially ran between September 1939 and August 1941, although it continued until the defeat of the Nazi in 1945. This program is considered to have been a decisive step in the evolution of the Nazi policy of extermination culminating in the Holocaust.

A series of discriminatory and restricting laws and regulations targeting the Gypsies followed the 1933 Sterilization Law. As Donald Kenrick records, Gypsy musicians were forbidden from performing in the State Cultural Chamber; in 1934 Gypsies who could not prove German nationality were expelled; on 15

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<sup>294</sup> There is an ongoing debate over whether the Gypsies were targeted for extermination based on their ethnicity similarly to the Jews, or whether they were only targeted based on social reasons, which is the argument behind the treatment of their murder not as genocide but as “crimes against humanity”. Hancock (2009) provides a thorough review of both sides of the debate.

<sup>295</sup> Lewy, Guenter (2000) *The Nazi Persecution of the Gypsies*, Oxford and New York: Oxford University Press, p. 38.

<sup>296</sup> Pogany, Istvan (2004) *The Roma Café: Human Rights and the Plight of the Romani People*, London: Pluto, p. 39. See especially “The Devouring” chapter.

<sup>297</sup> “Whoever is not bodily and spiritually healthy and worthy, shall not have the right to pass on his suffering in the body of his children”, Adolf Hitler- *Mein Kampf* quoted in Proctor, Robert (2002) “The Sterilization Law”, in *Racial Hygiene: medicine under the Nazis*, Harvard University Press, p. 95.

<sup>298</sup> The T4 was the abbreviation of “*Tiergartenstraße 4*”, the address of the villa in Berlin serving as the headquarters of the “Charitable Foundation for Cure and Institutional Care”, run by Philipp Bouhler, the head of Hitler’s private chancellery and Dr. Karl Brandt, Hitler’s personal physician. See the facsimile of Hitler’s letter to Bouhler and Brandt authorizing the T4 program (in German only) available online at: <http://www.polunbi.de/pers/bouhler-01.html>. Accessed 3 January, 2012.

September, 1935 the Nüremberg Law for the Protection of Blood and Honor barred marriage or sexual relations with Germans, in the same year during the “Beggars’ Week” many Gypsies were rounded up and thrown in prison, in 1936 the right to vote was removed from them, the General Decree for Fighting the Gypsy Menace was instituted in June, and in November of the same year the Racial Hygiene and Population Biological Research Unit of the Health Office began operations. In April 1938 Gypsies were classed as anti-social, arrested and forced to labor in building concentration camps under the Decree on the Preventative Fight against Crime and six months later in October the same year, the National Center for Fighting the Gypsy Menace was established. The following year, 1939, represents the “beginning of the end” as it is the year when the deportation and resettlement of Gypsies began. Finally, in July 1941, the Gypsies were included in the plans for the “Final Solution” to the “Jewish Problem”.<sup>299</sup>

Although the Nazi policies were by far the most vicious, best coordinated and most successful in attaining their goals, other European countries did implement similar policies with similar effects, although on a much reduced scale. As Ian Hancock records, half of the estimated 11,200 in Austria, three quarters of the 20,000 Gypsy in Germany and 35,000 of the 50,000 in Poland were murdered. Belgium, the Independent State of Croatia (a Nazi puppet state), Estonia, Lithuania, Luxembourg and the Netherlands almost entirely decimated their Gypsy populations. The Kingdom of Hungary under the rule of Regent Miklos Horthy, France, Italy, Latvia, Romania, Serbia, Slovakia, and the Soviet Union also killed many of their Gypsies either directly or by handing them over to the Nazi.

Various scholars<sup>300</sup> have attempted to recreate an accurate picture of the gruesome experience of terror and murder that the Gypsy endured at the hands of Nazis and like-minded fascist regimes during WWII. Slowly, but surely, despite wearing out of historical proof and human accounts, *their truth* about this “forgotten genocide” begins to be retrieved. I do not try to recreate that detailed picture here. However, it is important to note that maybe the most chilling (yet understandable) fact about this horrible chapter in Gypsy history, must definitely be their own explanation and approach to accounting for the past. Unlike the Jews, who were shocked into their Holocaust experience, shock that later represented the driving force behind their

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<sup>299</sup> Kenrick (2007).

<sup>300</sup> Hancock, Ian (2009) “Responses to the *Porrajmos*: The Romani Holocaust”, in Alan S. Rosenbaum (Ed.) *Is the Holocaust Unique?*, 3rd edn., Boulder and Oxford: The Westview Press, pp. 75-102; Pogany, Istvan (2004) *The Roma Café: Human rights and the plight of the Romani people*, London: Pluto; Lewy, Guenter (2000) *The Nazi Persecution of the Gypsies*, Oxford: OUP; Zimmermann, Michael (2007) “Jews, Gypsies and Soviet Prisoners of War: Comparing Nazi Persecutions”, and Stauber, Roni and Raphael Vago (2007) “The Politics of Memory: Jews and Roma Commemorate Their Persecution”, both in Stauber, Roni and Raphael Vago (Eds.) (2007) *The Roma Minority in Europe- Historical, political and social perspectives*, Budapest: Central European University Press.

search for justice and compensation (and history recreation), the Gypsies have had the tendency to accept this chapter as just another of many attempts by the non-Gypsy to rid of them.

Despite the resistance mounted on the Gypsy side, by either physically resisting and seeking to escape capture or the countless letters and petitions<sup>301</sup> addressed to high officials in the regimes implementing such policies, the attitude from the Gypsy is revealing of their position and understanding of the “Gypsy” as “self” and as “other”. Instead of the outrage and the fight we see on the Jewish side, the Gypsy acceptance of the Holocaust as an “inevitable” consequence of their being “Gypsy” is the unsettling proof of how the long lasting experience of deep discrimination and marginalization as the “other” have affected their psyche.<sup>302</sup> Understanding this aspect of them and the discrimination of the non-Gypsy against them is imperative if we are to begin to understand their current position towards the non-Gypsy society, in general, and the state authorities, in particular, as well as the current and future attempts to “fix” the Gypsies.

### **3.4.2 THE COMMUNIST REPRESSION**

As WWII was drawing to a close and the Axis forces were being defeated, a new, but equally difficult, page in the Gypsy history was slowly being written. While many of the Gypsies who survived the Nazi ordeal in the West were leaving the continent for North America and Australia, the policy of closed borders of the communist regimes in Central and Eastern Europe kept most of them inside, migration or relocation as a means of resisting the state of domination not being an option any longer (as for the rest of the population, for that matter).

In the Eastern bloc the communist regimes set out to create their new classes of proletariats. As a first step, mass nationalization of land and private property was undertaken. Although these policies affected both the Gypsies and the non-Gypsies, the interpretation of this “event” differed tremendously. In Romania, for example, because the Gypsies lost less material property (as they possessed less to begin with) than the non-Gypsy population as a result of this policy, the leveling out of the socio-economic differences between

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<sup>301</sup> Woodcock, Shannon (2008) “What is in a Name? How Romanian Romani Were Persecuted by Romanians as Gypsy in the Holocaust and How They Resisted”, *Anthropology of East Europe Review* 26(1): 1-24.

<sup>302</sup> Grigore, Delia (2007) “Stimă și stigmă de sine în mentalul colectiv rrom” (Self-respect and Stigma in the Collective Roma Mentality), in *Anuarul Universității din București - Lucrările Conferinței din 2007 a Catedrei de Limbi Orientale a Facultății de Limbi și Literaturi Străine* - University of Bucharest.

the two created much more bitterness on the side of the non-Gypsy (who came to see the Gypsies as favored by the Communist Party).

The modern concept of “productivity” as equivalent of social worth had taken root in agrarian Romanian society well before industrialization (mainly as a result of hierarchy of interests and taxes developed during the Ottoman domination) but was imposed and particularly emphasized during the process of nation-state creation. “The idea of ‘productivity’ appears essential to understanding the Romanian’s treatment of the Gypsy. For the Romanian, labour is exclusively based on the idea of land and sedentary activities, and the nomadic traditions and non-agrarian of Gypsies are still completely strangers of the Romanian conception of labour”.<sup>303</sup> Particularly in the context of modernization where the yardstick of “productivity” was the most important measurement of social worth, Gypsies were easily identified as “unworthy”.

The interwar fascist-nationalist discourse of celebrating tradition and the landed peasantry had augmented the non-Gypsies’ sense of pride in their agricultural lifestyle and a superiority towards people who did not own land (many Gypsies included). Moreover, the tensions emerging between the Gypsies and the non-Gypsies were also due to the initial policy of the Communist party of mass-recruiting Gypsies, as well as other ethnic minorities, in order to bolster the party membership, in what represented an initial “ethnicity blind” phase meant to strengthen the weak and small Communist Party against the former fascist, capitalist and traditionalist elements.

Despite the Marxist-Leninist discourse of equality of the proletarian class, the pre-communist social hierarchy did not disappear in communism, but was recreated as the lower industrial skills of Gypsies cast the majority as unskilled laborers (although there were also many non-Gypsy workers who worked in unskilled jobs, particularly former peasants). Nevertheless, overall it can be argued that the communist policies had an equally devastating effect on both the Gypsy and non-Gypsy (majority and other minority) people. Although the communist oppression might have been felt differently- except for those individuals in high positions on the communist party ladder- the effects of forced proletarianization and quick industrialization had an equally disempowering effect on all these different communities. In the Gypsy literature there has been an over-emphasis on the communist “structural violence” and its effects on the Gypsy people, which is undeniably true, but it cannot be seen in isolation from the effects that the regime had not only on other ethnic/national minorities, but also on the general population as well.

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<sup>303</sup> Pons, Emanuelle (1999) *Țigani din România: o minoritate în tranziție*, București: Campania, Gabriella Ciubuc (Trans.) from the French original (1995) *Les Tsiganes en Roumanie: des citoyens à part entière?* L’Harmattan, p. 33.



Over the five decades of communist rule in the Eastern countries, the Gypsies, as well as all other ethnic minorities, were subjected to nationalist policies of assimilation which prohibited any expression of cultural, linguistic, religious difference from the nationalist expression imagined and proliferated by the Communist regime. In the case of the Gypsies, these policies meant different things *socially, economically, culturally, and politically*. Socially, for the few Gypsy communities that still led a (semi-)nomadic life, forced settlement was the first step. The imposed adoption of non-Gypsy customs and way of life, for example, with regard to married life was one aspect. Between 1956 and 1961 the Hungarian Socialist regime forced the Gypsies to marry and legalize their relationships, failure of complying with state policy leading to a lack of access to welfare benefits and healthcare. The mandatory registration with the local administration offices and the reception of state provided benefits did have some positive outcomes, particularly regarding the infant mortality rate. At the same time, the “visibility” that the registration of the Gypsies attained caused some regimes to adopt policies meant at controlling their population size, the most extreme case being that of the mass sterilization programs of Gypsy women in Czechoslovakia.<sup>304</sup>

Economically, they were forced to give up their traditional professions as artisans, entertainers, brick layers, tin and other metal workers, etc., and join mass production factories, working side by side other minorities and the majority non-Gypsy population. Economically speaking, full lifetime employment meant reduced risk and a stable income for most Gypsies. However, longterm these policies have had a tremendously disempowering effect for two reasons. First, the (forced) renunciation of their professions and traditional skills not only robbed away an important part of their identity and self-esteem, but also the (little) respect they enjoyed in their local communities due to their skills and the important role they fulfilled being integrated in the local economies. Second, the dependence on state employment and welfare left them particularly exposed in the post-communist transition period, when they were the first to be laid off and the first to be blamed for burdening the state by living off welfare benefits, “milking away” the precious little public finance available, which the emerging economies could ill afford.

Culturally, the Gypsies were prohibited from expressing their cultural identity, although in the countryside and in geographically segregated areas where the Gypsies were the majority and the central government had less influence, they managed to maintain their traditions and culture. Bulgaria banned public

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<sup>304</sup> Silverman, Carol (1995) “Persecution and Politicization: Roma (Gypsies) of Eastern Europe.” *Cultural Survival Quarterly* 19(2): 43-9; Helsinki Watch (1991) *Struggling for Ethnic Identity: Czechoslovakia’s Endangered Gypsies*, New York.

use of the Gypsy language and music,<sup>305</sup> Slovakia, Hungary and Romania forcefully relocated tens of thousands of Gypsies prohibiting nomadic lifestyle. The mandatory educational system only taught national language and culture, making many Gypsy parents reluctant to send their children to school despite stringent legislation punishing parents for not enrolling their children. In effect, despite statistics showing full or near full enrollment and graduation during communism, many Gypsy children did not attend school on a regular basis either due to the parents' desire to prevent their children from losing their cultural identity and language, or the desire to avoid the systematic discrimination that their children experienced in schools. Without regard to the difficulties children have in acquiring their first foreign language (which national language was for many Gypsy children raised in traditional families who only spoke Romani), Gypsy children were expediently classified as "backward" or "problematic" and discriminated against in normal schools, and were often placed in schools for children with disabilities, further reinforcing the discrimination from the non-Gypsy population.

Politically, the Gypsies in the Eastern bloc, unlike all other minorities, were not officially recognized and, therefore, there was *no official political* aspect to their life during the Cold War. However, as already briefly mentioned, the paternalistic (biopolitical surveilling and disciplinary) policies of the communist regimes, building on the pattern initiated in 1925 by the Soviet state, which created associations and organizations *for* the Gypsy, did have a strong impact on the creation of a new Gypsy elite during communism. Marushiakova and Popov argue that "it is due to this [assimilation] policy (in spite of its strategic goals) combination with the overall political and social environment, that the Gypsies have been able to participate more or less equally in social life and develop further their civil consciousness. (...) In the final analysis, it is due to the socialist era that a new 'Gypsy elite' was created with new dimensions and values and radically different from the traditional 'Gypsy' elite".<sup>306</sup>

Whereas it is arguable the extent to which the "communist Gypsy elite" *did* have an influence on raising the civil awareness or even creating a perception of unity and homogeneity among the Gypsies on a large scale, it is important to emphasize the fact that there are parallels to be drawn between the emergence and influence of the "communist Gypsy elite" and the more recent "pro-European Roma elite". The same fundamental questions regarding the changes and continuities that we ask *vis-à-vis* the non-Gypsy "political elite" seem to apply to the Gypsy elite as well. In effect, the five decades of communism have had the

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<sup>305</sup> Kolev, Deyan D. (2004) *Shaping modern identities: social and ethnic changes in Gypsy community in Bulgaria during the Communist period*, Budapest: CEU Press.

<sup>306</sup> Marushiakova and Popov (2005), p.75.

consequence of transforming, more or less successfully, the basis of the Gypsy social classification from an economic basis onto a political basis. Thus, the traditional separation and classification existent in the East between the Gypsy and non-Gypsy was upset through forced industrialization and mass urbanization. The Gypsy/non-Gypsy relationship that had been previously based on “complex difference of skills, and sanctioned by the constant dependence on livelihood” was turned into a relationship based on “political affiliation and sanctioned by the exercise of force and political fiat”.<sup>307</sup>

### **3.5 THE GYPSIES FROM SOCIAL WELFARE TO NEOLIBERAL ACTIVATION**

During the Cold War the Gypsies in the West were subjected than different measures to those of the Eastern Soviet bloc, but similar in their final aim: the control of (politically) mobile individuals and communities either by policies of assimilation or segregation and marginalization (ghettoization accompanied by criminalization and securitization). The social model adopted throughout the Western states premised the allocation of welfare benefits on the integration and participation of their citizens in the centralized socio-economic structure controlled from a bureaucratic center that was responsible not only with the allocation of those benefits and monitoring the assumption of responsibilities by its participating citizens, but also punishing and excluding those who, for whatever reason, had found themselves outside the system.

Thus, the Gypsies in the West that had developed and maintained a non-sedentary lifestyle (for reasons explored in the previous chapter) found themselves excluded from the social system that had been premised among others on the sedentary fixed lifestyle of its majority population. Moreover, in as much as they continued to be poor they were targeted for exclusion and castigated for their poverty and assumed criminality. In as much as they were not poor, but self sufficient and mobile, they were targeted because they continued to be a constant reminder of an alternative way of life that at least partly disregards and is un-subjected by state control and authority.

Following the war, the socio-economic discrimination against Gypsies continued, although politically they were considered to be part of the citizenry and, theoretically, integrated into the state structures, in many cases being allowed to vote and being entitled to claim welfare benefits (with certain conditions). In some cases incentives were given for the nomadic groups to settle on *state-managed sites of settlement*, while in others, they were assigned *special caravan sites*, where they could camp during their travel, and the

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<sup>307</sup> Barth, Fredrik (1969) *Ethnic Groups and Boundaries: the Social Organization of Culture Difference*, Universitetsforlage, p. 34.

benefits associated where *conditioned on their cooperation with authorities*. Conversely, refusal to accept the conditions for cooperation meant that many Gypsy groups not only had their access to benefits blocked, but also were effectively denied citizenship-associated benefits (including voting rights). Particularly following the 1960s and 1970s civil rights movements, various human rights organizations have demanded state authorities throughout Western Europe to grant the Gypsies equal rights regardless of their lifestyle (whether nomadic or not). Efforts were also made to recognize and compensate the Gypsies for the crimes committed against them during the war. Initially, West German courts agreed to compensate them for racial persecution, but only for deportations occurring in and after 1943, date that would be pushed back to 1938 only in early 1960s.<sup>308</sup>

Sustained efforts by advocacy groups also “scored” some occasional (mostly local) gains in the form of administrative “adjustments” introduced to suit the mobile lifestyle of the Western Gypsies: mobile education system, access to health care, etc. Critics argue that the local and regional authorities have done so in order to ensure they remain mobile and on the road, preventing them from settling down in any particular area. To a certain degree the advocacy groups, arguing for the cultural rights associated with travelling lifestyle of many Western Gypsies and Travellers, have provided the authorities with the “cannonballs” they needed to legitimately chase away, through official and unofficial policies, the Gypsies who showed their intention to settle under their jurisdiction, reinforcing the “nomadic” aspect of the Gypsy identity and culture that fuels current stereotypes, and firmly embedding the socio-geographical isolation/discrimination within the liberal multiculturalist framework.<sup>309</sup>

At the same time, following the neoliberal policies of Reagan and Thatcher administrations, and subsequent large public spending cuts, equal minority rights and demands for cultural freedom, self-administration and autonomy within the larger context of the multiculturalist ideology of the West, we have seen a worsening in the socio-economic and political situation of minorities, particularly the Gypsies. Critics have argued that the multiculturalist policies have added further disempowerment to ethnic minorities, as these policies have been nothing more than a “benign neglect”, leaving them totally exposed to fend for themselves against the majority’s discrimination and the negative consequences of economic globalization.

In the East, the communist regimes neither recognized officially the Gypsies nor excluded them from social welfare schemes; but paradoxically, the effects that these five decades have had on the Gypsy

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<sup>308</sup> Kenrick (2007), p. 211.

<sup>309</sup> Kymlicka (2000).

were equally devastating to those in the West. The (in)voluntary abandonment of a self-reliant life-style that had empowered the Gypsy created not only a total dependence on state-provided benefits but also deepened the discord and mistrust between some Gypsies unwilling to give into forced policies of assimilation<sup>310</sup> and those who became assimilated and were used by the Communist party to boost the membership numbers, performing as lower foot-soldiers in the system. The tensions that had built during the communist era have been powerful fuel for the violence that ignited at different times during the post-1989 period.

### **3.5.1 THE EASTERN GYPSIES AFTER 1989: RENEWED “LIBERATION” AND “EMPOWERMENT” UNDER NEOLIBERALISM**

The ideological “triumph” of liberal democracy over communist socialism meant that the neoliberal policies of the West were copied and applied quickly in the East. Consequently, over the past two decades we have witnessed a convergence of minority policy (some forced,<sup>311</sup> some voluntary adoption) in the East with the West, particularly regarding the Gypsies/Roma. Another consequence of the collapse of the Eastern communist regimes was to open up the doors for their nationals (Gypsy and non-Gypsy alike) to travel freely in and out of their country, a luxury only a few had known previously.

However, instead of the much yearned for freedom and hope for better days, the Gypsy of Eastern Europe have been confronted with increasing discrimination and violence caused by the nationalistic reaffirmation of the nation-state along ethnically dividing lines and the worsening socio-economic situation following the transition from planned to free-market economies. Inevitably this pushed some Gypsies and many more non-Gypsy from Eastern Europe to seek refuge and better lives in the West.<sup>312</sup> Nevertheless,

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<sup>310</sup> Despite stringent restrictions, Gypsy ethnic communities occasionally did continue to lead nomadic (seasonal) lives, most often continued to speak their language, profess their skills and practice their cultures.

<sup>311</sup> See, for example, Sasse, Gwendolyn (2008) “The Politics of EU Conditionality: the norm of minority protection during and beyond EU accession”, *Journal of European Public Policy* 15(6): 842-60.

<sup>312</sup> Generalizations even in the context of post communist Eastern Europe are dangerously simplistic and we need to keep this in mind. The situation is very different not only from country to country, but from community to community. These differences depend not only on the historical experiences of the local non-Gypsy and Gypsy communities (their demographics, their socio-economic conditions, etc.), but also the political views of the local and national authorities. An interesting comparative study into the differences between the Bulgarian, Hungarian and Romanian post-communist systems found strikingly different processes of social classification and socio-economic and political integration of the Gypsies. Ladanyi and Szelenyi found that out of all the main determinants of the social classification of the Gypsies, poverty, class, country and, to a less extent, ethnicity are the most important. They argued that despite widely held assumptions, the social position of the Gypsies is not a fixed phenomenon but rather a cyclical movement in interethnic relations that changes over time. Among a number of factors that determine the changes in their status, they identified the state and its policies as playing a highly consequential role, in that even where they do not achieve their intended objectives, they alter substantially the inter-ethnic relations. See Ladanyi and Szelenyi (2006).

what has been mistakenly portrayed as incoming “floods of immigrants” from the East (compared with the small number of political refugees that managed to flee the East during the 1945-89 period), caused panic among the Western elites and the public.

The subsequent *focus on security* shaped the discourse, legislation and policies that the Western states have adopted towards the East and particularly the Eastern Gypsies ever since. For example, in early 1990s Germany deported tens of thousands of migrants back to Central and Eastern Europe, sixty percent of the about 100,000 Romanian nationals deported by Germany in 1992, were Gypsies. (But this is after the West condemned the Romanian government for mistreating them and opening up their asylum systems to them...) Throughout the 1990s and early 2000s many Gypsies attempted to migrate to North America and Western Europe, but many were similarly returned.<sup>313</sup> The Gypsies had become a thorny political and diplomatic issue between the Western and Eastern countries.

Immediately after 1989, as Western media covered more and more stories about the life in the former Eastern bloc, the human rights situation of ethnic and other social minorities came under intense scrutiny. As a result of this renewed attention, the “Gypsy problem” again climbed on the top of the political agenda, both in the West and, by implication, in the East. Supporters of the Gypsy “cause” have laid out various reasons for their problematization of the Gypsy situation: genuine concern with the plight of the poor Gypsy (as well as the non-Gypsy people), desire to raise awareness, fight discrimination and prevent racial crimes. Critics have, however, argued that the Gypsy “cause” is just a misnomer for what are predatory narrow interests that many civil actors represent, either in the way they help to reinforce one or the other position/stereotype, or their taking advantage of what has truly become a “Gypsy industry” where there is money and status to be gained.<sup>314</sup>

The situation of the Gypsy both in the East and in the West has not fundamentally changed. Despite the “human face” put on the “Gypsy/Roma problem” by various civil society actors who purport to speak in the name and for the benefit of the Gypsies, the reality is that most of the efforts (financial and human) undertaken are reinforcing the main assumptions and stereotypes that have led to the disempowerment and the “underclass” classification of the Gypsies in the first place. Civil society actors have been critical of the short-term span of political commitment to solving the many problems faced by the Gypsies and have called for more intense cooperation of the government with the civil society. Critics like Valeriu Nicolae have argued

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<sup>313</sup> Liègeois (1994), p. 26; Kenrick (2007), p. xxxi.

<sup>314</sup> Kwiek, Gregor Dufunia (2010) “Afterword”, in Damian Le Bas and Thomas Acton (Eds.) *All Change! Romani Studies through Romani Eyes*, especially pp. 81-3; Richardson and Ryder (2012), p. 198.

that the increased funding and attention on the Gypsy benefits everyone in the “Gypsy industry”, *except* the Gypsy.<sup>315</sup>

This is due to the fact that all actors involved are interested in securing their own influence and funding, serving first and foremost their own interests. More importantly, most of these actors work on the underlying assumption that it is primarily the Gypsies who are responsible for their own predicament and that it is them who need to change and adapt by becoming integrated in the majority. This stance has guided public policies for a long time, but, more recently, the civil society has added new justification, reinforcing common stereotypes rather than contributing to a real debate about the core causes of their problems and tension with the non-Gypsy majority. As a consequence, and against a background of increasing economic uncertainty and social unrest, there is increasing tension brewing throughout the specter of European societies: crises in Ireland and Italy in 2008, toughening official stance that (again) culminated in proposed coercive sterilization of Romani women in the Czech Republic, Hungary and Slovakia in 2009, mass expulsions and riots in France that have extended to Italy and continue today.

Liberal democratic states, both in the West and in the East, have made use of *illiberal forms* of sovereign control and discipline *vis-à-vis* the Gypsies. Both towards their own citizens (within stricter constitutional constraints and legal provisions) and against second (EU) and third country (non-EU) nationals, national governments have employed disciplinary and legal measures in keeping them confined to zones of security and sovereignty. Towards their own nationals they have employed policing and surveillance measures in monitoring and controlling the daily lives of the Roma communities.

In the West these measures have been carried out more discretely towards those who agree to cooperate with local and national authorities and settle in state-sponsored camps, and less discretely towards those who refuse and thus, become targets of reinforced securitization and criminalization measures. In the East, where the majority of Gypsies are sedentary, the coercive illiberal forms of rule manifest themselves *discretely* towards those who cooperate with authorities participating in activation and training programmes,<sup>316</sup> and *visibly* against those who either cannot (geographical isolation, for example) or who will not cooperate, manifested in the removal of state benefits: cutting their provision of water, gas and other public services for failing to pay their monthly dues, demolishing their houses, building walls to

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<sup>315</sup> Nicolae, Valeriu (2011) “Why Fixing the Gypsies is the Wrong Approach”, in Monika Flasikova-Benova *et al.* (Eds.) *Roma: A European Minority- The Challenge of Diversity*, European Union: Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, pp. 89-99.

<sup>316</sup> See van Baar (2012).

separate them from non-Gypsy communities, evacuating them from public housing (recently, as in Yambol, Bulgaria or Baia Mare, Romania) arguing that they represent a public hazard, their houses infested with rats, cockroaches and fleas as in Romania.

While Western European states (France, Sweden, Italy, Denmark, and Germany<sup>317</sup>) take action against third country nationals of Roma origin by deporting them to their native countries invoking security concerns and their sovereign rights, the governments in origin countries like Romania and Bulgaria, employ “extraordinary” measures against the returnees such as retaining their passports at entry ports and prohibiting them from leaving the country for a certain period of time. In 2005, the Romanian government, for example, adopted an Emergency Ordinance OG 28/2005 in light of which border police officials were allowed to suspend the right of any Romanian national to hold and use his/her passport “who is found to have committed abroad the crime of begging, ascertained in accordance with the law, as well as against any person who is returned [forcibly repatriated] from abroad in accordance with the readmission accords signed by Romania with other states, and against Romanian nationals who overstayed, in an unjustifiable manner, the agreed terms of stay on the territory of the states where they travelled”.<sup>318</sup>

The development of this type of policies in the East targeted at the Roma partly came as a result of bilateral or multilateral pressure from Western states. For example, the Polish policy on the Roma minority came as a result of British government’s pressure. The Slovak policy on Roma came as a result of British and Finnish introduction of visa restrictions following Slovak Roma’s migration.<sup>319</sup> The “Roma card” was also employed in the negotiations towards accession and the indirect pressures put by older EU member states especially on Romania, Bulgaria and Hungary.

A brief look at the row between France and Romania and Bulgaria in Summer of 2010 can illuminate some of these issues.

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<sup>317</sup> Nacu, Alexandra (2012) “From Silent Marginality to Spotlight Scapegoating? A Brief Case Study of France’s Policy Towards the Roma”, *Journal of Ethnic and Migration Studies* 38(8): 1323-28. For Sweden, see Jansson (2010) and for Italy see Marinaro (2010).

<sup>318</sup> Art. 14(1) “Aceeasi măsură poate fi luată și împotriva persoanei care a săvârșit în străinătate fapta de cerșetorie, constatată potrivit legii, precum și împotriva persoanelor returnate în baza acordurilor de readmisie încheiate de România cu alte state și împotriva cetățenilor români care au depășit, în mod nejustificat, termenele de ședere în statele pe teritoriul cărora au călătorit.” Romanian Government (2005) “Ordonanța 28 din 14 iulie 2005 pentru modificarea și completarea unor acte normative”, publicat în *Monitorul Oficial* 647 din 21 iulie 2005 (M. Of. 647/2005).

<sup>319</sup> Vasecka, Imrich and Michal Vasecka (2003) “Recent Romani Migration from Slovakia to EU Member States: Romani Reaction to Discrimination or Romani Ethno-tourism?”, *Nationalities Papers*, Vol. 31(1): 29-47.



### 3.5.2 “L’AFFAIRE DES ROMS”<sup>320</sup>

In early summer 2010 a number of isolated incidents involving Traveller Gypsies (of French nationality) turned into a serious challenge for the Sarkozy government, who struggled with dwindling popular support ahead of elections, in a context of intensifying economic and social crises. In an attempt to appeal to right wing voters before elections, respond concretely to this series of incidents and appease popular concerns with insecurity, it was decided that 300 illegal camps and squats would be dismantled over the following three months.<sup>321</sup> This led to the forced expulsion of about 1000 Roma back to Romania and Bulgaria. Although Sarkozy cautioned that a distinction be made in between the delinquent minority and the majority of Traveller-population, which “just wants to live in peace and in respect of the republican order”, he did single out the Roma population of Eastern European origin for their situation of lawlessness. Sarkozy also called for the necessary legal reforms to be undertaken in the French immigration law that would make expulsions easier “for reasons of public order”.

In the same context, it was announced that an increased cooperation with Romanian and Bulgarian authorities would be initiated to facilitate the repatriation and reintegration back in their societies. Concretely, however, at this point, the only measures decided on were the mutual deployment of police officers to fight against human traffickers, and the signing of a bilateral convention between Romania and France allowing for the repatriation of Romanian minors who, it was argued, often fall prey to traffickers. It was also announced that the French Immigration Minister and the Secretary for European Affairs were due to visit Romania for negotiating the implementation of cooperation to facilitate employment and projects of development, targeting the Roma population in their native country.<sup>322</sup>

Responding to strong condemnation from civil society of the measures implemented, the French President and his Minister of Immigration, Integration, National Identity and Development, Eric Besson, strongly defended the government’s actions and explained that the procedures were in perfect agreement

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<sup>320</sup> See Carrera, Sergio and Anais Faure Atger (2010) “L’Affaire des Roms: A Challenge to the EU’s Area of Freedom, Security and Justice”, *CEPS Paper in Liberty and Security in Europe*, September 2010, pp. 1-18.

<sup>321</sup> *Declaration sur la sécurité- Déclaration de M. le Président de la République sur la sécurité, Conseil des ministres, Palais de l’Élysée. 21 juillet 2010.* Available online at: <http://www.elysee.fr/president/root/bank/pdf/president-9344.pdf> Last accessed September 26, 2012; and *Discurs sur le thème de la lutte contre l’insécurité, Préfecture de L’Isère, Grenoble, 30 juillet 2010.* Available online at: <http://www.franceinfo.fr/france-politique-2010-07-30-discours-extremement-muscle-de-sarkozy-a-grenoble-471346-9-10.html> Last accessed September 26, 2012.

<sup>322</sup> *Communiqué de presse, Communiqué faisant suite à la réunion ministérielle de ce jour sur la situation des gens du voyage et des Roms.* Available online at: [http://medias.lemonde.fr/mmpub/edt/doc/20101021/1429059\\_2147\\_2romscommuniquelysee28juillet.pdf](http://medias.lemonde.fr/mmpub/edt/doc/20101021/1429059_2147_2romscommuniquelysee28juillet.pdf) Last accessed September 26, 2012.

with the law and that all required legal steps had been taken in implementing these measures. Sarkozy was keen to clarify the legal and social context within which these measures were taken, pointing out that, in the period between mid August and mid September, no less than 355 operations were undertaken to dismantle the illicit camps of Travellers (almost entirely French nationals who were thus, not subject to expulsion), and that the Romanian and Bulgarian nationals were only a tiny fraction of those individuals. Moreover, Eric Besson argued that out of the 979 Romanian and Bulgarian nationals returned between 28 July and 27 August, 828 “voluntarily” returned after having received a “financial aid” of 300 euros per adult and 100 euros per child, whereas only 151 were forcibly repatriated.<sup>323</sup>

Counterattacking criticism that France was not basing its expulsion decisions on thorough evidence and on an individual consideration, the minister emphatically argued that French law only knows a person by his/her nationality, that it does not deliver decisions based on ethnicity as France does not practice “*expulsion collective*”, and that every decision is taken individually and under judge order. He also added that this was *not* an isolated incident either within France or within Europe. “From the beginning of year 2010, 8,328 Romanian and Bulgarian nationals have already been taken back in their origin country, and 29 flights specially chartered. The most part of big European countries use the same measures.”<sup>324</sup> Whereas he is surely correct in saying this, other states seem to have found different ways of doing it more “discretely”, so to say. For example, the difference between France and Italy is that whereas in France this strategy is adopted at national level, in Italy this happens at municipal level. In Denmark the expulsion decisions have often been contested and the strategy has shifted to Roma harassment and arrest.

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<sup>323</sup> “L’évacuation qui était concernée par la circulaire en question portait sur l’installation de camps illégaux en France, sur notre territoire. Nous allons donc continuer à démanteler les camps illégaux sans aucune distinction d’origine ou de culture. Naturellement, nous ne visons aucune population, nous visons le démantèlement de tous les camps illégaux, quels que soient ceux qui s’y trouvent, et bien évidemment dans le respect des traités européens. Les traités européens prévoient la libre circulation des personnes, ce n’est pas pour autant qu’on puisse passer d’un pays à l’autre, s’installer sur un terrain qui n’est pas à vous, l’occuper en violation de l’ordre public.(...) Peut-être serez-vous intéressés de savoir que depuis le début du mois d’août, nous avons procédé à 355 opérations de démantèlement de campements illicites s’agissant de gens du voyage. Qui pour la plupart, quasiment 100%, sont des citoyens français. Cela représente 23 000 personnes évacuées et 355 camps démantelés. Je parle des gens du voyage. Étant français, ils ne sont pas expulsés. Ces évacuations se font après décision administrative, sous le contrôle du juge. D’autres opérations concernaient des campements illicites. Ces autres opérations ont essentiellement concerné des Roms d’origine roumaine pour la plupart et bulgare pour une minorité. 99 opérations concernant 3 450 personnes, aujourd’hui nous sommes passés - c’étaient les chiffres qui avaient été publiés par le ministère de l’Intérieur - à 199 évacuations de camps de Roms pour 5 400 personnes. Et 7 opérations concernant une centaine de personnes ont visé des camps de non européens - Vietnam, Soudan, Iran, Irak. Au total ce sont plus de 500 campements illicites qui ont été démantelés au cours du mois d’août 2010.” *Conférence de presse à l’issue du Conseil européen extraordinaire de Bruxelles, 16 Septembre 2010*. Available online at: <http://www.france.cz/Conference-de-presse-a-l-issu-du-Conseil>. Last accessed September 26, 2012.

<sup>324</sup> *Discours d’Eric Besson, Ministre de l’immigration, de l’intégration, de l’identité nationale et du développement solidaire, Conférence de presse du lundi 30 août 2010 A propos de l’évacuation des campements illicites*, Paris, le 30 août 2010. Available online at: [http://www.immigration.gouv.fr/IMG/pdf/Discours\\_30082010.pdf](http://www.immigration.gouv.fr/IMG/pdf/Discours_30082010.pdf) Last accessed September 26, 2012.

To put into practice president Sarkozy's declarations and ministerial decisions a number of administrative guidelines (*circulaires*) were issued. These remained confidential until early September when one such document dated 5 August, 2010 and signed by a functionary of the Ministry of Interior was leaked to the French press. The *circulaire* in question gave instructions directly targeting the dismantling and expulsion of Roma. As soon as the *circulaire* was released to the press, a wave of fierce criticism was directed towards the French authorities and the president who was seen to be the initiator of this discriminatory strategy.

Up until this point the issue had in practice been a bilateral problem between France and Romania and France and Bulgaria, respectively, although various human rights organizations<sup>325</sup> and even the European Commission had followed the developments closely. However, the leaked document completely changed this as it seemed to point to the fact that the Roma had been singled out as target of expulsions and that their cases had not been judged individually. Although within the European context repatriating third country nationals is considered to be a sovereign right of any EU member country which, in exercising its obligations to ensure the security of its nationals, deems appropriate the removal of certain individuals who constitute a threat to that security, legally such measures can only be undertaken in a non-discriminatory, proof based and individual manner. Consequently, this revelation caused tensions between France and the European Commission because the repatriation of EU nationals in this context was judged to go against the principles of equality, non-discrimination and freedom, seen as the pillars of European society not only in France but all across EU space.

By far the most stringent voice of criticism was that of the EU Commissioner Viviane Reding, who likened the French measures to the Nazi practices during the WWII, and called them "a disgrace". An incendiary exchange ensued, culminating in the Commissioner threatening the begin infringement procedures against France before the ECJ, provided that France did not relinquish such practices. In this particular case, the European Commission, in what was thought to represent a toning down of its initially uncompromising position, concluded that the French had failed to update national law in line with the latest European legislation. Consequently, it set a deadline for the Sarkozy government a time limit to make the

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<sup>325</sup> The UN, European Parliament, European Commission, the Vatican, Human Rights Watch, Amnesty International and French Roma leaders all criticized the French government's expulsion of Romanian and Bulgarian Roma. Human Rights Watch (2010) "EU: A Key Intervention in Roma Expulsions - France Should Review Policy to Ensure No Collective Expulsions". Available online at <http://www.hrw.org/news/2010/09/14/eu-key-intervention-roma-expulsions> Last accessed, June 2, 2012. See the statements of Henri Braun, the lawyer of the French Roma leaders group, particularly regarding the indignation felt by French Roma leaders for having been "snubbed" from discussions. They also criticized, besides the measures themselves, the government's exclusion of Roma participation in these discussions as well as the tone and the language employed.

necessary changes in domestic law, and it reaffirmed its commitment to beginning infringement procedures before the ECJ provided France did not comply with the deadline and follow EU standards.<sup>326</sup>

A year after the row, the French authorities had modified the country's legislation to ensure the respect for the free movement right in accordance with the 2004 EU directive on the freedom of movement and along the requests of the European Commission by translating it through Law No. 2011-672 on Immigration, Integration and Nationality of June 17, 2011.<sup>327</sup> This seems to end the row between France and the Commission, but it leaves ten other members, including Germany, Spain, UK, Poland and the Czech Republic, that are yet to revise their national legislation in accordance with the European legislation, at risk of being the object of European judicial procedures should they fail to do so. Recently, the European Commission argued that it was close to winning the "battle" for the right of free movement within the European space, and that it had resolved 90% of the cases identified as violating that right since summer 2010. Reding affirmed she was satisfied with the measures the member states had adopted to ensure the European right, although she added that the Commission had begun legal action against the 10 members who have not yet done so.<sup>328</sup>

Reports from various concerned NGOs warn that the expulsion of the Roma continues, particularly in France, Germany and Italy, where the Kosovo Roma (third country nationals) are targeted, who are not under EU jurisdiction. Moreover, campaigners argue that the European Commission is not protecting the Roma EU citizens, not fulfilling its role as protector of the basic rights of *all* EU citizens. Human Rights Watch has criticised the French government for pushing the bill that is meant to transpose three EU directives following the Commission's request, because it "contains last minute amendments that would widen the grounds for expelling EU citizens to include abusing France's welfare system, profiting from begging by

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<sup>326</sup> European Commission (2010c) Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizen- Statement on the latest developments on the Roma situation. Available online at [http://europa.eu/rapid/press-release\\_SPEECH-10-428\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-10-428_en.htm) Last accessed October 1, 2010.

<sup>327</sup> *LOI n° 2011-672 du 16 juin 2011 relative à l'immigration, à l'intégration et à la nationalité*. Available online at: <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024191380 &categorieLien=id> Last accessed September 26, 2012. See also Human Rights Watch (2011) "France's Compliance with the European Free Movement Directive and the Removal of Ethnic Roma EU Citizens". Available online at <http://www.hrw.org/print/news/2011/09/28/france-s-compliance-european-free-movement-directive-and-removal-ethnic-roma-eu-citi> Last accessed August 14, 2013.

<sup>328</sup> The Guardian (2011) "Roma campaigners dismiss Brussels' claim on evictions and expulsion". Available online at: <http://www.guardian.co.uk/world/2011/aug/25/roma-campaigners-dismiss-brussels-deportations-claim> Last accessed September 2, 2011.

others, and abusive occupation of land. The timing and focus of the amendments, and statements by government ministers, strongly suggest the measure is aimed at the Roma".<sup>329</sup>

European Roma Rights Centre (ERRC), an international law organization that works to combat anti-Romani racism and human rights abuse, carries extensive research, policy development, advocacy and human rights education, has also criticised the law, arguing that there are "problems with the manner in which the law complies with the Free Movement Directive and inadequate implementation of the law in practice gives rise to persistent discrimination against certain categories of EU citizens such as Roma".<sup>330</sup>

Victoria Vasey, the ERRC juridic director, says that the expulsions continue and that, since 2010 summer events, a climate of increased racism and discrimination has been created that threatens the Roma and puts them in danger, with the effect that they are forced to leave without being deported. To avoid the cumbersome judicial process, the strategy of some local authorities is to push them out of the city (for example, between June and beginning of August around 650 Roma were thrown out of their camps in Marseille). In Italy, between March and May 2011, 154 operations affected 1800 Roma. Vasey criticizes this and more recent "voluntary repatriation" cash handouts as a way to avoid the required (cumbersome and time-consuming) legal and administrative procedures. "These payments, for the large part, are a way of seeking to circumvent due process and to create an illusion that people are leaving voluntarily. It is rarely the case that people are leaving voluntarily. They either feel they have no other option or they simply do not understand what is happening to them".<sup>331</sup> Moreover, it has been argued that this kind of payments are also functioning as an incentive for Roma to come (again) to France.

The French government has cooperated with the Romanian and Bulgarian governments in order to put into practice the reintegration of the Roma returned from France. Money has been made available for the Roma who decided to return voluntarily and further cooperate with authorities. The French government aims to stop these individuals from returning to France as they have done so many times in the past. Asked how they felt about the "cash for repatriation" schemes they were offered, some Romanian Roma half-jokingly

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<sup>329</sup> Human Rights Watch (2010) *France: Reject Anti-Roma Bill Parliament Should Scrap Problematic Provisions in Draft Immigration Law*. Available online at: <http://www.hrw.org/news/2010/09/27/france-reject-anti-roma-bill> Last accessed September 26, 2012.

<sup>330</sup> ERRC (2012) *Parallel Report by the European Roma Rights Centre Concerning France to the Human Rights Council, within its Universal Periodic Review, for consideration at its 15<sup>th</sup> session (21 January to 1 February 2013)*, p. 4. Available online at: <http://www.errc.org/cms/upload/file/france-un-upr-submission-9-july-2012.pdf> Last accessed September 26, 2012.

<sup>331</sup> Victoria Vasey, quoted in Mogos, Adrian (2011) "French Payouts Tempt More Roma Immigrants", *Balkan Insight*. Available online at: <http://www.balkaninsight.com/en/article/french-payouts-tempt-more-roma-immigrants>. Last accessed, September 26, 2011.

said to them it was like a paid-vacation,<sup>332</sup> that they were happy to be back to visit, but that they intended to return. From October 1<sup>st</sup> 2010, the French biometric database OSCAR (Outil de Statistiques et de Contrôle de l'Aide au Retour" in French- Tool for Repatriation Aid Statistics and Control) has been used in tandem with the expulsion measures and the financial assistance in order to prevent the abuse of the system.<sup>333</sup>

This cash for repatriation system is not new, in France having been adopted and implemented as a measure in 2005, foreseeing the consequences of the Romanian and Bulgarian accession to the EU.<sup>334</sup> Since then the number of people "benefitting" from the "humanitarian repatriation help" grew constantly from less than 400 in 2005 and 2006 to 3000 in 2007, jumping to over 10,000 in 2008, and to 12,000 in 2009.<sup>335</sup> Against the use of the OSCAR system three NGOs drafted a common communication through which they strongly criticize its meaning and discriminatory nature, "contesting mainly the gathering of biometric data (numbered face photos and 10 fingerprints) in the OSCAR [database], both for the beneficiaries of the repatriation aid and for their children aged above 12 years old, as well as the excessive period for which the collected data is kept (5 years).<sup>336</sup> The associations underline the disproportionate and arbitrary character of this recording, with regard, on the one hand, to the management through the [biometric] files of the simple purpose of managing the repatriation aid, and on the other, the minimum amount of no more than 300 euros per adult and 100 euros per child."<sup>337</sup>

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<sup>332</sup> The Roma who experience this French system of repatriation have dubbed it "*le tourisme des Euro-deportées*".

<sup>333</sup> No sooner had the OSCAR database started running, despite heavy criticism, that the French government was embarrassed by another revelation and forced to take the defensive stand again. This time, following complaints from associations of Travellers (*Gens du voyage*), it became known that the Gendarmerie had been keeping an illegal "ethnic" database containing information regarding "minorités ethniques non sédentarisés". See Johannès, Franck (2010) "Le gouvernement embarrassé après la révélation d'un fichier illégal sur les Roms" and "Le fichier des Roms du ministère de l'intérieur", *Le Monde*, October 8. Available online at: [http://www.lemonde.fr/politique/article/2010/10/08/le-gouvernement-embarrasse-apres-la-revelation-d-un-fichier-illegal-sur-les-roms\\_1422196\\_823448.html](http://www.lemonde.fr/politique/article/2010/10/08/le-gouvernement-embarrasse-apres-la-revelation-d-un-fichier-illegal-sur-les-roms_1422196_823448.html) and <http://libertes.blog.lemonde.fr/2010/10/07/le-fichier-des-roms-du-ministere-de-linterieur/> Last accessed September 26, 2012.

<sup>334</sup> In May 2007 a new Ministry of Immigration, Integration and National Identity was set up, reflecting an increasing concern with safeguarding national French identity against fears of uncontrolled immigration and its social implications.

<sup>335</sup> Agence France-Presse (2010) "Immigration: début vendredi du fichage biométrique des étrangers bénéficiaires du retour aidé". Available online at: [http://www.google.com/hostednews/afp/article/ALeqM5jNvjs\\_VflSjpBcJXDAiEZFh1u6og?docId=CNG.ea4a39be45cba2b8b56a2fe74781113b.281](http://www.google.com/hostednews/afp/article/ALeqM5jNvjs_VflSjpBcJXDAiEZFh1u6og?docId=CNG.ea4a39be45cba2b8b56a2fe74781113b.281) Last accessed September 26, 2012.

<sup>336</sup> GISTI, IRIS and LDH (2010) *Fichage biométrique des Roms: L'annulation du fichier Oscar par le Conseil d'État devient urgente- 31 août 2010 Communiqué commun*. Available online at: <http://www.iris.sgdg.org/info-debat/comm-oscar0810.html>. Last accessed September 26, 2012.

<sup>337</sup> "Le GISTI, IRIS et la LDH contestent principalement la collecte dans OSCAR de données biométriques (photographie numérisée du visage et empreintes des dix doigts), tant pour le bénéficiaire de l'aide au retour que pour ses enfants dès l'âge de 12 ans, ainsi que la durée excessive de conservation des données collectées (5 ans). Les associations soulignent le caractère disproportionné et arbitraire de cet enregistrement, eu égard, d'une part, à la simple finalité de gestion de l'aide au retour du fichier et, d'autre part, aux montants minimes de cette aide. Ainsi, les Roms, ressortissants communautaires ne bénéficient la plupart du temps que de l'aide au retour dite humanitaire, dont le montant s'élève à 300 euros par personne, majoré de 100 euros par enfant."

Despite these and many other calls from civil society actors, France has continued its camp dismantlement/eviction and expulsion of Roma.<sup>338</sup> According to a recent report by ERRC, in 2011 it recorded at least 80 forced evictions of about 8,000 Roma people and in the first quarter of 2012 it registered at least 15 forced evictions of about 2,400 people.<sup>339</sup> Currently, the Roma issue continues to be at the top of the agenda of Romanian and French relations, with the French Interior Minister Emanuel Valls and Minister for European Affairs, Bernard Cazeneuve signing a new voluntary repatriation deal during their recent visit to Bucharest where they went to demand Romanian authorities better integrate their Roma population.<sup>340</sup> Apparently this time the French authorities have been doing things right, in the sense that they are following the required procedures and therefore, have gained the approval of Madame Reding, who stated she was pleased with the French efforts in mixing firm security decisions with positive action.<sup>341</sup>

This is not the first time that French authorities have tried to “integrate” the Romanian Roma back in their origin country. In 2008 when the first wave of Romanian Roma as EU citizens were returned from France, the French Immigration and Integration Office (l’Office Français de l’Immigration et de l’Intégration, OFII) charged with helping voluntarily returning Roma to socially and economically reintegrate, promised Roma who would return to the Berini village of Banat county in western Romania a payment of 3,600 euro to set up small livestock farms.<sup>342</sup> The measure, however, backfired as rumours spread like wildfire pushing more Roma from across Romania to migrate to France.

### **3.6 CONCLUSION**

The experience of the Gypsies over the past two centuries and the processes of the governmentalization of the state show how, for economic profit and/or political utility, and in pursuing certain governmental programmes, powerful actors institutionalized and employed governmental practices that capitalized on excluding and discriminating against certain members of society, among which also the

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<sup>338</sup> Human Rights Watch (2013) “Will the Summer of 2013 Be Any Different for Roma in France?” Available online at: <http://www.hrw.org/news/2013/07/16/will-summer-2013-be-any-different-roma-france> Last accessed August 14, 2013.

<sup>339</sup> ERRC (2012), p. 3.

<sup>340</sup> French Interior Minister Manuel Valls and European Affairs Minister Bernard Cazeneuve during talks with Romanian officials in Bucharest September 12, 2012, signed pilot program.

<sup>341</sup> See Reding comments on French visit to Bucharest. *Le Monde* (2012) “Bucarest et Paris s’engagent à œuvrer ensemble pour l’insertion”. Available online at [http://www.lemonde.fr/societe/article/2012/09/12/bucarest-et-paris-s-engagent-a-uvrer-ensemble-pour-l-insertion-des-roms\\_1759312\\_3224.html](http://www.lemonde.fr/societe/article/2012/09/12/bucarest-et-paris-s-engagent-a-uvrer-ensemble-pour-l-insertion-des-roms_1759312_3224.html) Last accessed December 27, 2012.

<sup>342</sup> See Mogos (2011).

Gypsies. However, it must be understood that, *rather than the Gypsies or other excluded groups in themselves*, it was the practices, the networks, the interests and the expertise employed in implementation of particular governmental programmes (and the pursuit of certain economic profits and political gains) that had a value for these powerful actors. This is why, simply targeting discrimination and punishing racism will never be effective steps on their own.

In this chapter I have focused on the historical processes leading to the emergence of the Gypsy as a political label and the different purposes it has served in the process of the governmentalization of the state. This account, while not meant to be an exhaustive explanation of all the factors and actors involved, aimed to show how different political rationalities of government have sought to legitimize their role and the pursuit of their interests, to assemble and mobilize various resources and people by playing on the ever present fear of insecurity and risk and by recycling old labels and stereotypes. It has argued that illiberal forms of government that employ coercive forms and practices of sovereign and disciplinary control are characteristic not only of authoritarian regimes, but are to be found also within the liberal democracies. The Gypsies are confined in both cases to “security zones” where disciplinary and sovereign practices of power represent (more or less visibly) the justified and justifiable means of fighting insecurity and risk.

After all, as Dean has powerfully argued, “[g]overning in the name of freedom is a plural, paradigmatic and heterogenous task. It concerns how to use the full range of governmental and sovereign technologies, from persuasion, encouragement, seduction, enticement, obligation, petty humiliation, shame, discipline, training and propaganda through to violence- in its different forms- and the symbolics and threat of violence, in a manner which can be reconciled with the claim, always understood nominalistically, to govern liberally, to govern in a free political culture, to govern in the name of freedom, to respect individual liberty or to govern through freedom.”<sup>343</sup> In other words, the government through freedom that has been contained in the liberal form, does not remove the negative and repressive side of power, but rather subordinates it to the objectives of liberty and rights. In order to make possible a space of freedom and rights, liberal government needs to suppress and control those aspects that are seen as threatening and constantly finding new measures and techniques needed to justify the exercise of that control.

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<sup>343</sup> Dean, Mitchell (2002) “Liberal Government and Authoritarianism”, *Economy and Society* 31(1): 37-61, p. 58.



## **CHAPTER 4. THE EUROPEAN UNION ROMA POLICY**

### **4.1 INTRODUCTION**

Scholars following the developments surrounding EU Roma policy have argued from various perspectives and have, according to their own focus, criticized or praised the EU's role and objectives. I do not intend to review all these different perspectives here, my point is only to state that, outside the governmentality approach, all the different perspectives put forward have sought in one way or another to look into the question of *who* governs the Roma, and into questions of legitimacy, authority and effectiveness. Breaking with this focus, the governmentality approach looks into "how" the EU seeks to carry out its vision of government. What this approach seeks to do is not to deny the importance of inquiries into *who* questions, but rather, the point is to complement existing literature, by trying to shed new/different light on the issue at hand, by focusing on aspects that existing perspectives have not taken into consideration (at all or enough).

This chapter outlines the path along which the role of the EU as a promotor and protector of Roma rights has been constructed and naturalized and analyzes the meaning and the context of its main milestones. The following chapter will analyze the manner in which the European Union seeks to govern the Roma as expressed in this emergent Roma policy and the implications for the larger process of integration.

### **4.2 EMERGING EUROPEAN ROMA POLICY - EARLY 1990s**

Until the end of the Cold War, the EU/EC did not have a clearly defined approach to minorities, let alone one on the Roma. Very few documents focusing exclusively on the Gypsies were issued before 1989 by the EU/EC institutions.<sup>344</sup> Despite this, it is possible to tease out the main characteristics of the pre-1990 approach. Maybe one of the most important documents relating to the Gypsies released before 1990s is the European Parliament's Resolution on the situation of the Gypsies in the Community. The target group of this Resolution are the Gypsies who live in the Community but who "can be Community citizens, non-Community citizens or Stateless persons". There is a clear assumption of "cultural difference" of the Gypsies from the rest of the population, transparent both in the affirmation "gypsies still suffer discrimination in law and

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<sup>344</sup> More in-depth research on the pre-1994 period is required here, especially as the EU appears to have changed its stance quite significantly, and efforts have been undertaken to "reconstruct the narrative of the 1980s to bury the memory of the EU's then aspirations". (Thomas Acton in personal correspondence; I wish to thank Dr. Acton for pointing this limitation out).

practice as a result of their way of life, which falls outside the traditional classifications”, but also in their presumed nomadic/itinerant lifestyle, their heterogeneity being recognized only “inasmuch as they belong to a variety of social classes”. This approach is very much representative of the attitude that can be seen in all pre-1990 documents issued at the EU level, concerned with various aspects (mostly education) of the people who have “no fixed abode”. Foreseeing the need for a free-travel visa for those individuals who did not fulfill the requirements for obtaining citizenship after the planned Single European Act (SEA) of 1986, this Resolution urged “Member States coordinate their approach to the reception of gypsies and draw up provisions which are as uniform as possible”. It also asked the Commission to formulate programmes aimed at improving the situation of the Gypsies without destroying their separate identity and to provide European Social Fund aid “to develop areas designed for itinerant people.”<sup>345</sup>

The EP’s problematization of the Gypsies here is placed not within the social cohesion context but rather in the migration-security context, associated with the adoption of the SEA and the Schengen Agreement, which removed the internal borders among the member states creating a common area of free movement. As far as their mobility becomes an issue of concern this is related to internal security. However, when questions were asked about the allocation of resources from the European Social Fund for the budgetary year 1985-6 to Gypsies in all the member states of the Community, a representative of the European Commission argued that the Gypsies were not singled out on the basis of their ethnic background, and that, in line with the regulations of the European financial tools, “assistance granted in their respect cannot be distinguished from the assistance in respect of the working population in general”. The funds were to be provided for Gypsies falling under one of the following categories: unemployed people, women reentering labor market, handicapped people, migrant workers, people employed in small enterprises and those “who require retraining with a view to the introduction of new technology or the improvement of management techniques in those undertakings”.<sup>346</sup>

Overall, the pre-1990 EU attitude towards the Gypsies displays a strong cultural aspect, and the push for standardization of measures and tools, as evident in this EP document, is very much in line with the national governments’ concerns with immigration and security. Moreover, the logic underpinning these early

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<sup>345</sup> European Parliament (1984) *Resolution on the situation of gypsies in the Community*, No C 172/153, 24 May 1984. Published in *Official Journal of European Communities* of 2 July 1984. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:1984:172:0115:0207:EN:PDF> Last accessed October 22, 2012.

<sup>346</sup> European Commission (1988) *Allocation of European Social Fund resources to Gypsies*, *Official Journal of the European Communities* No C 61/27, 4 March 1988. Text available in Marielle Danbakli (Ed.) (2001) *Roma, Gypsies: Texts Issued by International Institutions*, Centre de recherches tsiganes, Hatfield: The University of Hertfordshire Press, p. 50.

documents is that of the liberal state-centric approach to the Gypsy/Roma issue, where central authorities act as the main actors responsible and capable of providing security and assistance. This is an approach quite different from that of the Commission, which emphasizes the inclusion of the Gypsies/Roma in the larger socio-economic context.

This divided emphasis between the cultural and socio-economic aspects coincides with the different nature of the concerns with immigration, crime and internal security on the one hand, and the social cohesion on the other hand. As we will see later in this chapter, the concern with security and migration of the member states has not changed as expressed through the European Council and the Parliament, but nor has the Commission' socio-economic focus of Roma inclusion in the mainstream society altered either. Nevertheless, over the past two decades, significant changes have occurred that have altered "the balance of power" between the Commission and the member states, with consequences for the EU engagement with Roma. A shift has taken place in the overall approach to them, not only at the European and national level, but also at the civil society level. The more recent developments and shift of focus are inextricably linked not only with the changes within the international context of human rights but also with the growing assertiveness of the European Commission and the wider role it has been given in the social affairs of the member states.

Two main security concerns in the aftermath of the Cold War facilitated this change: 1) the fears of East-West mass migration and 2) the increasingly tense ethnic relations in some of the former communist states, particularly the Balkans. Within the common area of security and freedom of movement created after 1986, these security concerns gained particular salience. These shared concerns created both the momentum and the consensus for further European integration and for the (gradual) development of EU competence into minority affairs. It must be emphasized however, that at this moment, the EU competence applied only to minority issues within the foreign policy context of EU enlargement, in its negotiations with candidate states but not with the existing members.

The same concerns with security and migration that affected the attitudes of the national states and the EU also affected the international organizations and civil society actors' focus and discourse. Rising ethnic tensions and increasing forced/voluntary migration in the early years following the collapse of the Soviet Union effectively put the human rights of minorities on the political agenda. Two of the most influential actors in this politicization of minority rights (including Gypsy/Roma rights) have been the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe (CoE). Prior to their redefinition in

the early 1990s of the Gypsies/Roma as a “transnational minority” united by a common language, the Council of Europe had based its approach towards the Western Gypsies and Travellers onto a “culturally” oriented anti-discrimination approach that took “nomadism” as its core feature.<sup>347</sup> The OSCE had not focused on minority issues during the Cold War but it became very active after 1990,<sup>348</sup> in the context of its institutional reorganization and mission restatement. In 1993 it set up the High Commissioner on National Minorities, and in 1995 it included the Roma in the Paris Charter for a New Europe. These have had a particular influence on the subsequent international approach to Roma and by implication have also influenced the direction of EU’s own approach.

In 1993 the EU-15 agreed on a series of political criteria now famously known as the “Copenhagen Criteria”,<sup>349</sup> which lay out the standards in a variety of legal and political areas that the candidate countries needed to be accepted as full members of the Union. These criteria also included provisions on human rights and particular reference was made to the respect and protection of minority rights. “These applied only to candidates, so the EC was able, at least initially, to develop a minority policy for candidate states without affecting policy *within* the EC.”<sup>350</sup> (Emphasis in original)

An important aspect of the development of minority policy to be noted is the fact that both in the EU (EC) criteria on minorities and in the Council of Europe Framework Convention for the Protection of National Minorities, on which the former is based, there is no clear definition of what a minority represents, signatory states being free to interpret the term differently. Practically, it meant that only some of the “older” *national*

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<sup>347</sup> See Council of Europe, Committee of Ministers (1983) *Recommendation No. R 83(1) of the Committee of Ministers to Member States on Stateless Nomads and Nomads of Undetermined Nationality*, adopted by the Committee of Ministers on 22 February 1983 at the 356<sup>th</sup> meeting of the Ministers’ Deputies. Later the CoE adopted the 1992 *Charter for Regional or Minority Languages*, its Parliamentary Assembly adopted in 1993 the *Recommendation 1201* on an additional protocol on the rights of national minorities to *the European Convention on Human Rights*, and in 1994 its *Convention Framework on National Minorities*.

<sup>348</sup> In early 1990s the CSCE (OSCE after January 1, 1995) adopted a series of landmark documents that helped set the foundation for a new rights-based approach to minorities. *The Charter of Paris for a New Europe*, 19–21 November 1990 (Paris: Conference on Security and Co-operation in Europe) was adopted in the middle of the three meeting-series of the Conference on the Human Dimension of the CSCE (Paris May-June 1989, Copenhagen June 1990, and Moscow September-October 1991). These events would result in the adoption of the *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, 5–29 June, 1990 (Paris: Conference on Security and Co-operation in Europe) and *Document of the Moscow Meeting of the Conference on the Human Dimension*, 1991 (Paris: Conference on Security and Co-operation in Europe). In 1991 it adopted the *Report of the Geneva Meeting of Experts on National Minorities* (Paris: Conference on Security and Co-operation in Europe) and the following year the *Helsinki Document: The Challenges of Change* (Paris: Conference on Security and Cooperation in Europe).

<sup>349</sup> European Council (1993) *Copenhagen Presidency Conclusions of 21-22 June*, DOC/93/3, Sec. 7 A.iii Available online at: [http://www.europarl.europa.eu/enlargement/ec/pdf/cop\\_en.pdf](http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf) Last accessed September 29, 2012.

<sup>350</sup> Guglielmo, Rachel and Timothy William Waters (2005) “Migrating Towards Minority Status: Shifting European Policy Towards Roma”, *Journal of Common Market Studies* vol. 43(4): 763-86, p. 766.

minority groups would be recognized, while the more recent (immigrant) minorities would not.<sup>351</sup> Nevertheless, the opening up of a social space for intervention *vis-à-vis* internal issues of the state, be they non-member states, represented a significant development and lay the foundation for the development of EU's own policy and jurisdiction, separate from that of its individual member states.

Retrospectively and overall, the EU minority policy concerned with the Central and Eastern European minorities throughout the 1990s betrayed a clear self-interest with security and migration of the main member states who used the "minority card" to justify intervention and condition relations with third countries, particularly towards accession. This approach to minorities seemed to serve more the member states' interest in keeping unwanted migration at bay and maintaining a quiet "neighborhood" by preventing minority related conflicts between countries, rather than the well-being of these minorities *per se*.

As the 1990s were drawing to a close, we begin to witness a change in the more general EU discourse and attitude regarding minorities and their rights. On the one hand, this adjustment of focus came from an internal need for change and adaptation to the post 1989 situation, particularly the ever diversifying ethnic and cultural background of an expanding EU population. Growing inconsistencies and gaps between internal discourse and practice (within individual member states as well as between EU institutions and national policies regarding ethnic/national minorities) came under scrutiny. The external aspect also came to be questioned in light of the debacle that unfolded in the Balkans (with genocidal consequences recalling of WWII atrocities) towards which the EU was criticized for doing too little, too late to stop. Another internal factor greatly contributing to the shift came from the changes within the European Commission itself.

1999 witnessed the breakout of a corruption and malpractice scandal within the Commission that led to the resignation of the entire College of Commissioners led by Jacques Santer. Accusations of corruption at the core of the scandal caused popular outrage, intensifying what was an already serious (perception of) democratic deficit within the EU. The new College of Commissioners headed by Romano Prodi took office

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<sup>351</sup> See Council of Europe (1995) *Framework Convention for the Protection of National Minorities*, signed in Strasbourg on February 1, 1995, entered into force three years later. There are two broad categories of countries in the EU: "those whose law explicitly recognizes the existence of national, ethnic, religious or linguistic minorities; and those whose legal order ignores the concept of 'minority' in the international law sense of the term. Among the latter, however, a further distinction can be made between States which admit, at the international level, the existence of minorities in their territory, although their internal law does not use this term, and those States which deny that any minority exist in their population. Furthermore, while not using the language of 'minority rights', the legal system of certain states do provide for a special status for certain cultural or linguistic groups, which, in certain cases, could qualify as minorities in the sense of international law." For a clear if brief analysis of the definition of a minority and its status in domestic law in the EU context, see Appendix A of EU Network of Independent Experts on Fundamental Rights (2005) *Thematic Comment Nr. 3 The protection of minorities in the European Union*, pp. 66-77. Available online at: [http://www.fd.uc.pt/hrc/pdf/eu\\_fund\\_rights/them\\_comments2005EN.pdf](http://www.fd.uc.pt/hrc/pdf/eu_fund_rights/them_comments2005EN.pdf) Last accessed November 1, 2012.

with a clear purpose of reviewing their own role and renewing the purpose of mission embedded in EU at its creation under visionaries such as Jean Monnet and Robert Schumann.

On the other hand, however, this change can also be seen as the result of outside influences, especially the OSCE and the CoE norm-setting, and the activism of civil society actors regarding minority rights and protection. The EU was coming under increased criticism from civil society actors who argued that it played a “double-standard” game: on the one hand, it emphasized human rights and democracy in its foreign policy by conditioning relations with third countries and accession to candidate countries based on their minority and human rights track record, while on the other it neglected its own minority-related domestic issues.<sup>352</sup> As Guglielmo and Waters argue, throughout the 1990s the EU had slowly imported from these European institutions “a standard of minority protection for which there was no foundation in EU law, no definition, no monitoring mechanism, and widely varying practice between the Member States”. Importing this minority protection framework that had developed outside its institutional setting looked more like the EU was placing the cart before the horse. The biggest problem however, lay in the fact that the EU was using these standards as yardstick for “candidates to gain admission to a community that itself neither knew what the standard meant nor applied it to its own members”.<sup>353</sup>

Thus, the EU justified the need for the development of a minority policy of its own on the basis that it needed to respond to such criticisms and to prepare for after the enlargement, when previously external ethnic tensions of the CEE would become an internal EU problem. In 1997 the European Commission issued the “Agenda 2000”,<sup>354</sup> a document which addressed all the political, economic and social issues relating to enlargement and contained the Commission’s opinion on the candidates’ progress towards accession. In it, the Commission warned that “minority problems, if unresolved, could affect democratic stability or lead to disputes with neighboring countries. It is therefore in the interest of the Union and of the applicant countries that satisfactory progress in integrating minority populations be achieved before the accession process is completed, using all opportunities offered in this context”. It also assessed that, “[e]xcept for the situation of

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<sup>352</sup> Vermeersch, Peter (2002) “Ethnic Mobilisation and the Political Conditionality of European Union Accession: the case of the Roma in Slovakia”, *Journal of Ethnic and Migration Studies* 28(1): 83-101, p. 85; Kymlicka, Will (2000) “Nation-building and minority rights: comparing West and East”, *Journal of Ethnic and Migration Studies* 26(2): 183-212, p. 185.

<sup>353</sup> Guglielmo and Waters (2005), p. 771.

<sup>354</sup> European Commission (1997) *Agenda 2000 - For a Stronger and Wider Union*, COM(97) 2000 final, p.42. It was adopted full two years later during the Berlin European Council on 24 March 1999.

the Roma minority in a number of applicants, which gives cause for concern, the integration of minorities in their societies is, in general, satisfactory”.<sup>355</sup>

With the post-enlargement worries in mind, the EU brought set up in 1998 a Reflection Group on the Long-term Implications of the EU Enlargement. In light of escalating interethnic tensions in the former Yugoslavia, the experts recommended the EU “pay more explicit attention to the issue of minority rights. Hitherto, the EU has avoided issues of this sort, leaving them to the Council of Europe. Closer cooperation with the Council of Europe, with its accumulated experience and commendable record of activities in this field, is desirable, especially when interacting with other European states (...) but there is also the case for the EU itself taking on more responsibility (...) the EU now needs to set up credible arrangements for the monitoring adherence on the part of all members states (not just the applicants and new member states), as well as for constantly developing new ideas and promoting ‘best practice’ among its members.”<sup>356</sup>

The group discussed the role of the different EU institutions and recommended that the EP took the major role and cooperating fully with national representatives, that the EC played the supporting role especially in organizing the NGOs, academic community and other opinion-formers network and participation as well as setting up a specialist commission that regularly reported on member states developments and recommended, where necessary and appropriate, joint action under EU framework. It justified EU involvement not only based on the principles of liberalism and democracy that lie at the very core of the European project, but also on the historical experience of having ignored some of these issues in the past as well as the prospects for the continued (even intensification) of minority tensions after the enlargement. The Reflection Group urged the EU to see the enlargement as “a stimulus and an opportunity to renew the sense of the EU’s original mission - that of transforming the pattern of European politics on the basis of reconciliation and integration-by injecting new meaning and urgency into it.”<sup>357</sup>

As a consequence, throughout the accession negotiation process, the EU placed strong pressure on candidate states to resolve the conflicting issues of minority rights and protection, but still lacked a concrete approach to Roma. The EU has been credited with “successfully” changing the political discourse and defusing tensions between the majority population and minority groups in CEE, and it is quite likely that EU pressure managed to avoid the escalation (if not quite solve) certain conflicts in the region. For example,

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<sup>355</sup> European Commission (1997), p. 41.

<sup>356</sup> Amato, Giuliano and Juddy Batt (1999) *Reflection Group on the Long-term Implications of the EU Enlargement- Final Report*, Florence: European University Institute, p. 63.

<sup>357</sup> Amato and Batt (1999), p. 62.

after the Reflection group had identified the tension between Romanian ethnics and Hungarian minority in Transylvania as particularly difficult and dangerous, the EU applied pressure on the government to address this issue during Romania's accession negotiation process. Other national minorities came under spotlight and received attention proportionate to their size and the degree of contention they raised. Except, the Roma, who were still only viewed in migration terms. This was pointed out by the Reflection Group when it stated that "[t]here is a particularly compelling reason for the EU to concern itself directly with the plight of Roma citizens, Europe's largest transnational minority present in all existing member states as well as in candidate countries, who have hitherto received inadequate attention on account of their social marginalization and lack of political resources".<sup>358</sup>

Echoing this call, in 1998 in its first regular report on the progress towards accession, the Commission stated that the political criteria had been met in nine out of ten candidates, but underlined that the integration of Roma represented a priority for the five countries that have the largest number of Roma, and funds from Phare<sup>359</sup> program were made available to assist the national governments in this regard. "The situation of the Roma continues to be problematic as the candidate countries concerned have made little progress in addressing the issue. Although their legal status and rights remain stable, the Roma suffer discrimination and social exclusion, in particular in Hungary, Slovakia, Bulgaria and the Czech Republic. Home to several million Roma, Romania needs to step up its efforts to improve the situation of this minority."<sup>360</sup> The following year's report was even more critical of the lack of progress, identifying "deep-rooted prejudice" as being the main cause of discrimination affecting the socio-economic situation of the Roma. It also noted the increasing "racially-motivated violence" against them and the failure of state

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<sup>358</sup> Amato and Batt (1999), p. 6.

<sup>359</sup> "The Programme of Community aid to the countries of Central and Eastern Europe (Phare) is the main financial instrument of the pre-accession strategy for the Central and Eastern European countries (CEECs) which have applied for membership of the European Union. Since 1994, Phare's tasks have been adapted to the priorities and needs of each CEEC. The revamped Phare programme, with a budget of over EUR 10 billion for the period 2000-2006 (about 1.5 billion per year), has two main priorities, namely institutional and capacity-building and investment financing. Although the Phare programme was originally reserved for the countries of Central and Eastern Europe, it is set to be extended to the applicant countries of the western Balkans." Retrieved from the EU legislation homepage. For more details on this see [http://europa.eu/legislation\\_summaries/enlargement/2004\\_and\\_2007\\_enlargement/e50004\\_en.htm](http://europa.eu/legislation_summaries/enlargement/2004_and_2007_enlargement/e50004_en.htm) Last accessed August 14, 2013.

<sup>360</sup> European Commission (1998) *Composite Paper- Reports on progress towards accession by each of the candidate countries*, p. 4. Available online at [http://ec.europa.eu/enlargement/archives/key\\_documents/reports\\_1998\\_en.htm](http://ec.europa.eu/enlargement/archives/key_documents/reports_1998_en.htm) Last accessed September 29, 2012.



response in protecting them, and argued that “a concerted effort is still required to ensure that these [newly adopted, specific] programmes are actually implemented”.<sup>361</sup>

It was the strongest call yet from the EU for the CEES candidates to start taking Roma issues more seriously and also, the first time the Roma were identified by the EU as a priority minority requiring special attention. Although the problem of the Gypsies had been raised up at different points in time<sup>362</sup> when occasional studies were commissioned, resolutions were passed, recommendations were made and funds were made available for various projects that included the Gypsies as well, or some even focused extensively on the education of Gypsy and traveling children,<sup>363</sup> the Gypsies had not been singled out as a target group requiring European monitoring before. Simultaneously, however, this was also criticized as a political process of scapegoating the Gypsy/Roma for failures on both state and EU sides: on the one side, they were becoming a “thorn” in the back of the candidate countries’ governments, who portrayed them internally as “obstacles” in their country’s path to accession, while on the other side, the Roma were increasingly perceived as a tool in the EU-15’s push of the CEES to give further legal and political concessions.

While the EU’s own discourse on minorities began to resemble the concerted fine-tuning efforts of an international focus on minority rights and protection, spearheaded by CoE but including the OECD and the UN, the practical aspect of its engagement with the Eastern Roma continued to reflect the old member states’ security and migration concerns as the Roma were “yet” to make the transition from migrants to minorities in the EU policy. Things begin to change however, starting with the early 2000s, when can see a clear shift in the EU discourse and approach to Roma from the security and migration concern towards an emphasis on anti-discrimination and minority rights. This did not happen overnight as the member states’ concerns with security and migration continue(d) to underpin and limit EU’s approach. “Roma were still seen as a ‘problem’, albeit one preferably resolved by persuading them to stay where they were rather than by

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<sup>361</sup> European Commission (1999) *Composite Paper- Reports on progress towards accession by each of the candidate countries*, p. 16. Available online at: [http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/1999/composite\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/1999/composite_en.pdf) Last accessed October 24, 2012.

<sup>362</sup> For the entire list of texts adopted by the European Union institutions up to late 1990s (and beyond), see Danbackli (Ed.) (2001).

<sup>363</sup> For example, European Council (1989) *Resolution of 22 May 1989 on School Provision for Gypsy and Traveller Children*, Resolution 89/C 153/02 published in *Official Journal of the European Communities* No. C 153/3, 21st June 1989; European Parliament (1984a) *Resolution on Education for children whose parents have no fixed abode*, Resolution 16th March 1984, published in *Official Journal of the European Communities* No. C 104/144, 16 April 1984; European Parliament (1988) *Resolution on the Illiteracy and Education for Children Whose Parents Have No Fixed Abode*, A2-0379/88, or European Commission (1987) *Document on School Provision for Gypsy and Traveller Children: a synthesis report*, by JP Liégeois, Luxembourg: Commission of the European Communities.

resort to anti-immigration measures that could damage the EU's image as a 'community of values'.<sup>364</sup> Nevertheless, we begin to see an ever increasing emphasis on the Roma rights and freedoms and their positioning within the larger context of "Europe's need" to fight discrimination, racism and extremism, ensure equality of rights and freedoms, and promote the integration of marginalized groups within the mainstream societies.

#### **4.3 SHIFTING DISCOURSE AFTER 2000**

Since 2000, within the Lisbon Strategy context<sup>365</sup> of renewed commitment to economic development and emphasis on inclusive social policies, EU documents concerning the Roma have made constant reference to EU legislation on equality, freedom of movement and non-discrimination, considered fundamental rights of *all* EU citizens and enshrined in the more recently adopted European Charter of Fundamental Rights (drafted in 2000 and adopted in 2009 with the Lisbon Treaty). *Equality* between different EU citizens regardless of their racial or ethnic origin has been legislated through the Council Directive 43,<sup>366</sup> also known as the Race Equality Directive. It aims to ensure the equal access to education, employment, health and housing as well as access to justice to all EU citizens.

Equality in terms of labour is one of the thorniest issues, particularly in the context of the newly admitted members. In the case of Romanians and Bulgarians, for example, restrictions have been in place that limit their access to labor market and, by implication, their legal presence for longer than three months in another member state, (conditioned on their possessing a valid work permit or proof of financial means to sustain themselves without working). The point is here, that equality is not unconditional and non-discriminatory. Although the current restrictions are due to expire in 2013, unless the states decide to extend by two more years, these restrictions (effectively prohibiting the access of Eastern nationals to legal jobs by

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<sup>364</sup> Guglielmo and Waters (2005), p. 773.

<sup>365</sup> The *Lisbon Agenda for Jobs and Growth* is a strategy adopted in 2000 by the European Council in order to deal with the low productivity and stagnating economic growth in the EU. It formulated a number of policy reforms to be undertaken by member states, in their common efforts "to make Europe, by 2010, the most competitive and most dynamic knowledge-based economy in the world". Its four priority areas were reforming EU industrial policy by focusing on knowledge and innovation, competitiveness in the business sector, modernizing the European social model by tackling social exclusion and investing in people's knowledge and skills, and dealing with energy and climate change issues. See European Council (2001) *Lisbon Presidency Conclusions* of 23 and 24 March, 2000. Available online at: [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/00100-r1.en0.htm](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00100-r1.en0.htm) Last accessed, November 26, 2012.

<sup>366</sup> European Council (2000a) *Directive 2000/43/EC of June 29, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*. Published in the *Official Journal* L 180 of 19 July 2000. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML> Last accessed November 26, 2012.

punishing employers who hire workers without permit) are clear examples of this. Referring to these people's dependence on welfare benefits, the squalid living conditions and the proliferation of criminal activities among the Roma camps as *threats to public order and security*, these restrictions have been amply used as legitimizing policy tools in the hands of host governments.

The right to *free movement* of the Roma after enlargement is ensured through the Council Directive 38,<sup>367</sup> according to which all EU citizens (member state nationals) and their family have the right to move and reside freely within the territory of any other member state. This too should not be taken to mean unconditional freedom. First, there are time restrictions attached which say that the right is valid for up to three months, beyond which, in order to continue residing, any EU citizen is required to have a paid job or sufficient resources to live, thus, without being a burden on the host country's social services system. Second, the freedom of movement and stay is also conditioned on *whether or not the individual EU citizen is not considered to be a threat to public order* by the host state. This is of particular relevance to the situation of Eastern Roma as this provision has been used and abused in justifying the long string of deportations that these communities have been subjected to in the past years.

The right to *non-discrimination* as enshrined in Article 21(1) of the Charter of Fundamental Rights, specifically forbids discrimination based on race, color, ethnic/social origin or membership in a particular group or minority. Point two of the same article 21 prohibits any discrimination based on nationality, but only "[w]ithin the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties." The principle of non-discrimination has also been reaffirmed through the Council Framework Decision number 913 of 28 November 2008, also known as the EU Framework Decision on Racism and Xenophobia.<sup>368</sup> Furthermore, the Treaty of Lisbon enshrined the principle of non-discrimination on the basis of nationality in its Article 18 and Article 19 (formerly Article 13 of Amsterdam Treaty) and gave the European Parliament and the Council powers to legislate against such discrimination. However, the Charter of Fundamental Rights did not have a legal bearing until its inclusion into and entry into force of the Lisbon Treaty in 2009. Nevertheless, as we have seen in the provisions concerning the new acceding states, temporary discrimination on the basis of

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<sup>367</sup> European Council (2004) *Directive 2004/38/EC of 29 April 2004 of the European Parliament and the Council on the right of the EU citizens and their families to move and reside freely on the territory of the Member States*. Published in the *Official Journal* L 158 of 30 April 2004. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF> Last accessed November 26, 2012.

<sup>368</sup> European Council (2008a) *Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law*. Published in *Official Journal* L 328 of 6 December 2008. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0055:0058:EN:PDF> Last accessed November 26, 2012.

their nationality was part of the post accession five-year transition period agreements. Most importantly, the Fundamental Rights Charter is (as of yet) only legally binding on EU institutions, and cannot be used as a legislative tool against the conduct of the Member States.<sup>369</sup>

“Foreseeing” the continued relevance of Roma issues and necessity of monitoring the situation, in 2003 the Commission helped set up the European Roma Information Office (ERIO) as “an international advocacy organization that promotes political and public discussion on Roma issues by providing factual and in-depth information on a range of policy issues to European Union institutions, Roma civil organizations, governmental authorities and intergovernmental bodies.” According to the organization’s website, it does not purport to replace any other Roma organization, its mission being to act as an informational platform which “ensures that the voices of all European Roma are heard by EU and governmental officials”.<sup>370</sup> Its stated mission is focused on anti-discrimination policies in the same four areas identified for action by the EU: education, employment, healthcare and housing.

ERIO cooperates with a large network of organizations and acts to combat racial discrimination and social exclusion by raising awareness, lobbying and developing policy. The institution brings together concerned actors who, whether Roma or non-Roma lobbying on behalf of the Roma, in effect help to define and convey the interests of the Roma across to policy-makers. ERIO has evolved much since its creation and has been strongly influenced by its interactions with the Commission in that it has not only learned how “business” runs in Brussels, but also what kind of projects are required and how they need to present themselves when applying for funding, lobbying and access to political process.<sup>371</sup> In many ways it functions as a distribution platform of EC views and priorities to the plethora of civil society and officials involved.

The accession of the A8 (all the CEES candidates, except Romania and Bulgaria) in 2004 coincided with a wave of violence and increased discrimination against Roma in the region, which forced the issue high on the agenda.<sup>372</sup> The crisis-like situation in the acceding states and “[t]he pressure created by Romani

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<sup>369</sup> See Reding, Viviane (2012) *Observations on the EU Charter of Fundamental Rights and the Future of the European Union*, speech delivered at the XXV Congress of FIDE (Fédération Internationale pour le Droit Européen), Tallinn, May 31, 2012. Full text of the speech available online at [http://europa.eu/rapid/press-release\\_SPEECH-12-403\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-12-403_en.htm) Last accessed November 26, 2012.

<sup>370</sup> See ERIO website <http://www.erionet.eu/about-us>.

<sup>371</sup> For more on ERIO evolution, see McGarry (2010b), pp. 152-7.

<sup>372</sup> European Commission (2004) *The Situation of Roma in an Enlarged European Union*, DG Employment and Social Affairs, Luxembourg: Office for Official Publications of the European Communities, pp.9-10. Available online at: <http://www.equalrightstrust.org/ertdocumentbank/Situation%20of%20Roma%20Enlarged%20EU.pdf> Last accessed, November 26, 2012. See also the Council of Europe (2008) *Recommendation CM/Rec (2008)5 on Policies for Roma and/or Travellers in Europe*, adopted by the Committee of Ministers on 20 February 2008. Available online at: <https://wcd.coe.int/ViewDoc.jsp?id=1253509&Site=CM> Last accessed September 29, 2012.

migration in Europe has generally created conditions for the development of Roma policies by the major regional organizations - the EU, the Council of Europe and the OSCE and has also brought Roma into focus as a primary concern of the UN human rights machinery.”<sup>373</sup> But it also did much more than that. It exposed the failure of the EU to bring about real change on the issue at the national and subnational level. It also showed that the political statements of well intent had been just that: statements, and that very little concrete effort had been made in addressing the *status quo* in practice. It also provided the ammunition for the civil society actors against the EU, which was accused of having prioritized other issues to the detriment of minority protection. In effect, the EU was criticized for having rewarded the CEES with membership despite their poor performance on minority issues, and, in particular, the Roma.

Against this background the EU Network of Independent Experts in Fundamental Rights pointed out in their 2003 Report that “the existing EU legislation failed to protect and to guarantee the rights conducive to the “integration of groups that are traditionally excluded, such as Roma” and argued that the “most important contribution which the European Community could make to the protection of minorities, within the framework of its existing powers, would be the *adoption of a Directive specifically aimed at encouraging the integration of Roma*”. (Emphasis in original). The argument was made that although the Equality Directive protects them from discrimination based on their membership of an ethnic group, this document was inappropriate as it “was not specifically aimed at achieving the *integration* of groups that are traditionally excluded, such as the Roma”.<sup>374</sup> (Emphasis in original) Although a legally binding Directive was not achieved, the softer approach of strategies and communications aimed at Roma integration has rigorously been pursued ever since.

A first step the Commission took was to contract a comprehensive study in order to “better understand the situation of the Roma, Gypsy and Traveller community in the EU25 and in what way existing and future EU and other policies might improve the situation. This research, the Commission stated, was commissioned in the context of enlargement, when Roma, Gypsy and Traveller communities became the largest ethnic minority within the EU, and of a failure of existing policies within both the EU-15 (the ‘old’ Member States) and the new Member States to address adequately discrimination against these communities and to promote their social inclusion.” This study effectively represents the first step in creating a unified EU policy object out of the Roma, by bringing together the Western and Eastern sides of the

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<sup>373</sup> Cahn, Claude and Elspeth Guild (2010) *Recent Migration of Roma in Europe*, second updated edition, OSCE High Commissioner on National Minorities and Council of Europe Commissioner for Human Rights, p.15. Available online at: <http://www.osce.org/hcnm/78034> Last accessed September 29, 2012.

<sup>374</sup> EU Network of Independent Experts in Fundamental Rights (2004) *Report on the situation of the fundamental rights in the European Union for 2003*, p. 103. A Roma Directive could best be justified under article 13 of EC, the experts argued in the report, p. 105.

“problem” and homogenizing their situation, not under an ethnic or a cultural approach, but rather, under the anti-discrimination, human rights and social inclusion banner. Justifying its intervention on the basis of state policy failure, the Commission argued that the “EU must take the lead in targeting these groups within existing and new policies”.<sup>375</sup>

This is also the first moment when the Commission identified the EU as the protector of the Roma communities, highlighting the contours of a EU Roma policy and setting into motion the institutions and technical tools for the promotion and protection of Roma rights. The Commission argued that, “[a]s not all Member States accept Roma, Gypsies and Travellers as distinct ethnic minorities, their recognition as such represents an essential first step to the removal of discrimination and the promotion of social inclusion.”<sup>376</sup> In its concluding remarks the report draws a list of recommendations that set the trend for developments beyond 2004. In acting upon its newly defined purpose of gaining recognition and respect for the Roma (necessary for their inclusion) the Commission urged the member states to collect “data on aspects of race and ethnicity of relevance to social inclusion”, adding that the Commission itself had established a Working group on ethnic data collection. It also asked the member states to transpose the Race Equality Directive and the Framework Employment Directive into national legislation.

Since 2004 we have witnessed a real “flood” of documents and reports regarding the Roma in Europe. The European Parliament has shown specific interest, issuing in 2005 a Resolution on the Situation of the Roma in the European Union, recognizing the racial dimension of the Roma marginalization and calling for active participation in political life, in 2006 a Resolution focused on the discrimination faced by Roma women, in 2008 calling for the development of an EU strategy on Roma and a Resolution on the practice of ethnic profiling of the Roma in Italy.<sup>377</sup> By far the most active role has been that of the Commission, who has literally taken the lead in policy and strategy formulation on Roma and has

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<sup>375</sup> European Commission (2004) *The Situation of the Roma in an Enlarged European Union*, Luxembourg: Office for Official Publications of the European Communities, pp.3-4.

<sup>376</sup> European Commission (2004), p. 3.

<sup>377</sup> European Parliament (2005) *Resolution on the Situation of the Roma in the European Union P6\_TA(2005)0151*; European Parliament (2006) *Resolution on the discrimination of Roma women P6\_TA(2006)0244*; European Parliament (2008) *Report on the EU strategy on Roma PE 454.401v02-00*; European Parliament (2010b) *Resolution of 9 September 2010 on the situation of Roma and on the freedom of movement in the European Union P7\_TA(2010)0312*; etc. All available online at <http://www.europarl.europa.eu/>

commissioned a number of studies, building up its expertise and networking capacity with civil society, NGOs, Roma organizations and the academia working on/with the Roma.<sup>378</sup>

The more recent “crises” relating to Roma in Hungary, Ireland, Italy, Bulgaria, and France have given further impetus to EU institutions’ role in the Roma issue, as these have created a growing consensus about the necessity for EU involvement in monitoring and supporting capacity both at national and sub-national level for Roma integration in their countries of origin, as well as through facilitating European funds, tools and expertise and providing the setting for cooperation and mutual learning. This consensus found expression in December 2007 Brussels European Council’s statement that “[t]he European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion. To this end it invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008”.<sup>379</sup> This has reinforced the Commission’s role and vision for itself as the protector of EU citizens’ rights and freedoms and has allowed it to be perceived as a key actor in the field.

The approach to the Roma as a migration threat that used to define the policy and measures adopted towards them during the 1990s has now disappeared from public view, as the accession of the CEES to the Union has literally overnight made them EU citizens with full rights. However, since their socio-economic situation has failed to change considerably over the past years the member states’ concern associated with migration, generally, and with the Roma, in particular, has not dissipated either. If it is still true that enlargement “has not altered the underlying security and social integration concerns of the old members that drove the pre-accession policy”<sup>380</sup>, this is no longer the defining tone of the EU institutions’ discourse. The way in which the latter argues the case of successful Roma integration is one which portrays the Roma as enhancing rather than undermining European security, not only in economic terms, by providing much needed labour force, tax revenues and lowering the financial burden associated with dependency on

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<sup>378</sup> The Commission both issues its own reports and relies on independent experts it pulls together for policy analysis and recommendations. European Commission, DG Employment and Social Affairs (2004) *The Situation of Roma in an Enlarged European Union*; Fundamental Rights Agency (2006) *Roma et Travellers dans L’enseignement public*; European Network Against Racism (2007) *Report on the High Level Advisory Group (HLAG) of Experts on the Social Integration of Ethnic Minorities and their Full Participation on the Labour Market*; European Commission (2008b) *Non-discrimination and equal opportunities: A renewed commitment: Community Instruments and Policies for Roma Inclusion* COM(2008) 420; Fundamental Rights Agency-FRA (2008) *Report on Consultation Process on Future FRA Work on Roma and Traveller Issues*; European Commission (2010a) *Improving the tools for Social Inclusion and Non-discrimination of Roma in the EU etc.*

<sup>379</sup> European Council (2007) *Brussels Presidency Conclusions* of 14 December 2007 16616/1/07 REV 1. Available online at: [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/ec/97669.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf) Last accessed November 26, 2012.

<sup>380</sup> Guglielmo and Waters (2005), p. 777.

state assistance, but also in social terms, by enhancing respect for human rights and other European values, showing the world that Europe is not only *talking* rights and norms, but also *practicing* them. As it recently argued, “[n]ow is the time to change good intentions into more concrete actions”.<sup>381</sup>

The constant challenge on the Commission part has been to avoid being caught between the hammer and the nail. Aware that national governments might use its new role as an excuse for inaction, the Commission has painstakingly emphasized that the “primary responsibility for that action rests with public authorities”.<sup>382</sup> Whereas initially the member states, particularly the CEES, welcomed the EU involvement and lent their support to its efforts to Europeanize the “Roma problem”, the Commission soon became aware of national governments’ desire to escape responsibility and gain legitimacy from the portrayal of Roma as a serious European problem that can be solved *only* through a European solution, thus excusing their “best intended” but clearly “insufficient” national attempts. Simultaneously, the Commission has tried to avoid being perceived as the ultimate “diehard Roma defender” who forces national governments’ hand to act and it has emphasized that the “the social and economic integration of Roma is a two-way process which requires a *change of mindsets of the majority of the people as well as of the members of the Roma communities*.”<sup>383</sup> (Emphasis added)

The other fine line that the Commission has had to walk on has been the balance between the emphasis on enhancing and protecting the ethno-cultural rights of the Roma as a group, as well as the socio-economic rights of the individual. Despite heavy criticism from Roma activists, the Commission has tried to avoid as much as possible the issue of ethno-cultural rights and has placed the emphasis on the socio-economic issues. To this end it has constantly sought to contextualize the situation of the Roma within the larger social policy area, as it did in its proposal<sup>384</sup> for a renewed Social Agenda presented on 2 July 2008, later adopted by the Council in its November Brussels Meeting. The Council (echoing the Commission view) sought to give “a new impetus to policies to combat poverty and exclusion and the policies of combating poverty discrimination against all vulnerable groups including the Roma”. It also called on the Commission and the member states to “take account of the situation of the Roma when designing and

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<sup>381</sup> European Commission (2011) *An EU Framework for National Roma Integration Strategies up to 2020* COM(2011)173 final, p. 14. Available online at: [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf) Last accessed November 26, 2012.

<sup>382</sup> European Commission (2011).

<sup>383</sup> European Commission (2011), p. 2

<sup>384</sup> European Commission (2008c) *Renewed Social Agenda: Opportunities, access and solidarity in 21<sup>st</sup> century Europe*, COM(2008) 412 final and European Commission (2008) *Non-discrimination and equal opportunities: a renewed commitment- Community Instruments and Policies for Roma Inclusion*, COM(2008)420 both of July 2, 2008.



implementing policies to defend fundamental rights, combat poverty and discrimination and uphold gender equality, and ensure access to education, housing, health, employment, justice and culture” reminding them they need to use the Structural Funds, the Pre-Accession Instrument and the European Neighborhood and Partnership Instrument to promote the multidimensional inclusion of the Roma.<sup>385</sup> This is not only due to the mandate that has been given to the Commission by the Council, but, more importantly, it is related with the vision that it has for Europe in the twenty-first century. (I will return to this discussion later in this chapter)

Particularly within the context of the current economic and social crisis in Europe, the Commission has urged for “explicit *but not* exclusive” emphasis on the Roma socio-economic needs. In an age of austerity the European populations are shouldering an ever increasing burden and the Commission realizes that the exclusive focus on the socio-economic situation of the Roma can easily backfire, by presenting a favoritism that further feeds animosity and discrimination against them. This is particularly relevant, the Commission argued, against the findings of a more recent survey according to which “a quarter of Europeans would feel uncomfortable to have a Roma as their neighbor: a striking difference to the level of comfort with a person from a different ethnic origin in general.”<sup>386</sup>

On 16 September 2008 at the First European Roma Summit hundreds of delegates from across Europe gathered in Brussels to discuss solutions to the acute discrimination surrounding the Roma. One of the main outcomes of this first summit was the proposal to set up a European forum for debate and exchange of ideas regarding Roma inclusion. Building on this proposal, the European Council of Ministers of 8 December 2008, asked the Commission to set up a European Platform for Roma Inclusion as well as to “provide analytical support and stimulate cooperation between all parties concerned with Roma issues, including the organizations representing Roma, in the context of an integrated European platform”.<sup>387</sup> Some observers have been critical of this move, not being able to understand how in “[bringing] together national governments, the EU, international organizations and Roma civil society representatives” and “stimulating

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<sup>385</sup> European Council (2008b) *Inclusion of the Roma- Draft Council conclusions* 15976/1/08, General Affairs and External Relations, Brussels, 26 November 2008, pp. 3-4. Available online at: <http://register.consilium.europa.eu/pdf/en/08/st15/st15976-re01.en08.pdf> Last accessed on October 4, 2012.

<sup>386</sup> See European Commission (2008a) *Discrimination in the European Union: Perceptions, Experiences and Attitudes*, Special Eurobarometer Report nr. 296/69.1, pp. 43-5. See the latest report on Discrimination at [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_393\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_en.pdf)

<sup>387</sup> European Council (2008c) *Press Release 16862/08*, General Affairs and External Relations, p. 52. Available online at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/gena/104617.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/104617.pdf) Last accessed November 26, 2012.

cooperation and exchanges of experience along all stakeholders on successful Roma inclusion and integration policies and practices”, this platform could make a tangible change in the daily lives of Roma.<sup>388</sup>

However, for the past few years the Platform has become one of the core tools in legitimizing the role of the EU institutions and shaping the course of the Roma policy. The Commission has recently identified it within the EU Framework for National Roma Integration Strategies (see below) as a “useful forum for debate and concerted actions of all relevant stakeholders” having “significantly contributed to making both European and national policies more sensitive to Roma needs” and has stated its own intention to play a more active role within this forum for debate and negotiation.<sup>389</sup>

It was in the context of its first meeting, held on 8 June 2009 under the auspices of the Czech EU Presidency, that the Council of Ministers identified a set of 10 Common Basic Principles needed to address Roma inclusion and integration which it annexed to its Conclusions. These principles represent the clearest expression of the EU policy to date and upon endorsement by national governments, have become the key tools in defining national approach and strategies towards Roma. They are: 1) constructive, pragmatic and non-discriminatory policies, 2) explicit but not exclusive targeting, 3) inter-cultural approach, 4) aiming for the mainstream, 5) awareness of the gender dimension, 6) transfer of evidence-based policies, 7) use of European Union instruments, 8) involvement of regional and local authorities, 9) involvement of civil society, and 10) active participation of the Roma.<sup>390</sup>

The Council specifically called on the member states and the Commission to use these basic principles in designing, implementing and evaluating their individual national policies. Moreover, in the subsequent five meetings of the Platform for Roma Inclusion that have been held since then, these principles have functioned as main guidelines on the basis of which different topics have been discussed and problematized: the role of education (second meeting), creating a mid-term framework of stakeholder actions and identifying expected outputs for the Platform (third meeting), early childhood development (fourth meeting), a territorial approach to poverty (fifth meeting) and discussing the “role of stakeholders in making the EU Framework a success” (sixth meeting). These meetings had the purpose of providing “all stakeholders - Member States, EU institutions, international organizations and civil society organizations -

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<sup>388</sup> McGarry (2010b), p. 151

<sup>389</sup> European Commission (2011), p. 12.

<sup>390</sup> See *Vademecum The 10 Common Basic Principles on Roma Inclusion* available online at: [http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011\\_10\\_Common\\_Basic\\_Principles\\_Roma\\_Inclusion.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf) Last accessed August 15, 2013.

with adequate space for exchanges and joint reflection”.<sup>391</sup> Most recently, in March 2012, an extraordinary meeting of the EU Platform on Roma Inclusion “[gave] all stakeholders involved an opportunity to express their views on the national efforts and to pave the way for the successful implementation of national Roma integration strategies” not only with regard to the current situation of national integration strategies, but also “on how the implementation of the strategies can be made efficient and sustainable”.<sup>392</sup>

In 2010 in preparation for the second European Roma Summit held in Cordoba Spain, the European Commission also released a Communication on the Social and Economic Integration of the Roma in Europe<sup>393</sup> and a Progress Report on the implementation of the EU instruments and policies for Roma inclusion 2008-2010.<sup>394</sup> Both documents restate and reinforce the Commission’s position that Roma integration represents primarily a socio-economic imperative, downplaying, though not negating, the role of ethnicity and culture. The emphasis is placed on mobilizing support for Roma and calling on states to remove the barriers that block their access to equal opportunities and services. The primary means identified for activating the Roma is in prioritizing education and skill training necessary to make the Roma employable, allowing them to actively participate in the labor market.

#### **4.4 EU FRAMEWORK FOR NATIONAL ROMA INTEGRATION STRATEGIES UP TO 2020**

In 2011 the European Parliament issued a Resolution<sup>395</sup> in which it called on the Commission to develop the necessary implementation and monitoring tools needed to support and assess the progress made by member states in carrying out the Roma inclusion strategies. It drew up a list of seven priority areas and more than thirty objectives for the Roma Inclusion Strategy. The broad outline of the EP was to be

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<sup>391</sup> See the Roma Platform website for more: [http://ec.europa.eu/justice/discrimination/roma/roma-platform/index\\_en.htm](http://ec.europa.eu/justice/discrimination/roma/roma-platform/index_en.htm)

<sup>392</sup> European Platform for Roma Integration (2012) *Report of the Extraordinary meeting on the national Roma integration strategies A sustainable process for Roma inclusion*, Brussels, 22 March 2012, p.1. Available online at: [http://ec.europa.eu/justice/discrimination/files/roma\\_platformreport220312\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/roma_platformreport220312_en.pdf) Last accessed November 26, 2012.

<sup>393</sup> European Commission (2010d) *The Social and Economic Integration of the Roma in Europe*, Brussels COM(2010) 133 final. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0133:FIN:EN:PDF> Last accessed November 26, 2012.

<sup>394</sup> European Commission (2010b) *Progress Report on the implementation of the EU instruments and policies for Roma inclusion 2008-2010*, SEC(2010)400. Available online at: [http://europa.eu/rapid/press-release\\_MEMO-10-121\\_en.htm](http://europa.eu/rapid/press-release_MEMO-10-121_en.htm) Last accessed November 26, 2012.

<sup>395</sup> European Parliament (2010a) *Resolution of 9 March 2011 on the EU strategy on Roma inclusion*, P7\_TA(2011)0092 (2010/2276(INI)) Available online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0092+0+DOC+XML+V0//EN> Last accessed November 26, 2012.

developed and devised by the Commission and the member states. In April 2011 the Commission responded by adopting a Communication on EU Framework for National Roma Integration Strategies by 2020.

By far the most comprehensive document that it has issued so far on Roma inclusion, the Commission argues that “it is crucial to step up a gear and ensure that national, regional and local integration focus on Roma in a clear and specific way, and address the needs of Roma with explicit measures to prevent and compensate for disadvantages they face”. The integration efforts need to be powered by a targeted approach, that fits within the larger strategies regarding poverty and exclusion, ensuring throughout they are compatible with the principles of non-discrimination and equality. It sets a number of common goals in the four areas identified as priorities: education, employment, health and housing, and underlines the importance of common goals as well as the need for a “robust monitoring system” that can allow for the evaluation, assessment and reviewing of measures and tools in order to achieve “concrete results for Roma people”.<sup>396</sup>

The specific aim of the Framework is “to help Member States to make a tangible difference to Roma people’s lives *by bringing about a change in the approach to their inclusion*”.<sup>397</sup> (Emphasis added). The Framework tries to re-define the responsibilities and duties of the member states *vis-à-vis* their Roma communities by emphasizing the need for involving and delegating more authority to the regional and local authorities, as well as to non-state civil society actors, who are collectively called upon to play a more active role in creating, implementing and assessing/improving policies and tools of implementation. The Commission reaffirms its own position regarding the Roma, and argues that despite being *the largest minority group in Europe*, the Roma continue to face a higher risk of poverty and lack of access to opportunities than the rest of the European population. Their dire circumstances, it is argued, are caused not only by the social and political structure but also by the long lasting discrimination, which, in effect, further deepens and reinforces their economic poverty and social marginalization.

The Commission asks the states to do more to remove the structural barriers (especially discrimination and inequality in information and service provision) that contribute to the Roma marginalization/exclusion from mainstream society. The goals outlined the necessity to *close the gaps* between the Roma and the non-Roma in a comprehensive policy that involves regional and local authorities and addresses *all* the following areas: employment (grant complete non-discriminatory access to job market;

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<sup>396</sup> European Commission (2011).

<sup>397</sup> European Commission (2012) *National Roma Integration Strategies: a first step in the implementation of the EU Framework* COM(2012) 226 final, p. 3

facilitate access to micro-credit; provide public employment services and mediation; employ qualified Roma in public sector); education, especially children (reduce absenteeism and early drop-out; widen access to early childhood education and care, provide same education quality as to non-Roma and encourage secondary and tertiary education participation; and prevent educational segregation); healthcare (provide equal access to quality services, preventive care and social services, employ qualified Roma mediators and involve them in programs targeting Roma communities) and health (promote equal access to housing, including social housing, address the needs of non-sedentary Roma communities).

It also calls on the member states to draw up (in collaboration with regional and local authorities and by involving the grass-roots civil actors) individual national inclusion strategies suited to their own specific context with their own specific tools and mechanisms, but “in line with the Common Basic Principles on Roma Inclusion”<sup>398</sup> and on areas identified as priorities for action. On the one hand, the Commission emphasizes that the conditions are different across the EU and therefore the strategies are also likely to differ. What the Commission emphasizes is not the standardization of methods and policies, but rather the *harmonization* of goals and results to be achieved. On the other hand, however, it also continued to urge national governments to translate into national law the European Directives pertaining to this issue.

Although the Commission emphasized that the primary responsibility over the integration of these communities resides with national governments, within the larger EU context, the Commission also identifies an important role for itself in the provision of expert knowledge and guidance as well as making available specific funds that can be used to complement (but not replace) national budgets allocated for this purpose. In its role as the guardian of the EU Treaties the Commission has also taken upon itself to monitor and provide recommendations with regard to the necessary legal and political changes at national and subnational level in order to attain the European standard of minority protection and empowerment required for a European Union member. To this end, the Commission has been building on a sophisticated and extended network of civil society actors that act not only as grass-root “sensors” for policy impacts, but also function as extended arms of a monitoring/supervision system coordinated loosely from the Brussels center but very much guided by a shared belief in the liberal norms and rights.

Within the Framework for National Roma Integration Strategies up to 2020 document, the Commission has been keen to emphasize<sup>399</sup> the fact that this framework is part and parcel of the larger

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<sup>398</sup> European Commission (2011), p. 8.

<sup>399</sup> European Commission (2011), pp. 4-7.

Europe 2020 strategy for economic growth under which member states, must strive among other objectives to attain 75% employment of the 20- 64 year-old people, reduce school drop-out rates to under 10%,<sup>400</sup> and lift at least 20 million people from poverty and social exclusion by 2020.<sup>401</sup> “Three out of the five Europe 2020 headline targets are directly linked to the EU Framework targets for Roma inclusion: the fight against poverty and social exclusion, raising employment levels and, reducing school drop-out while increasing attendance in tertiary education”.<sup>402</sup>

The framework highlights the issues, sets goals and offers the whole array of available EU tools and funds including the European Social Fund (ESF) and the European Regional Development Fund (ERDF) and the European Agricultural Fund for Rural Development (EAFRD), in order to support the member states in the development of their own national, regional and local policies for Roma integration. It must be emphasized that these financial tools cannot be used exclusively and specifically only within the Roma policy implementation and that they need to be used within a context that although includes Roma, focuses on larger issues: agricultural development, regional development or social issues that affect a wider population than only the Roma. EU is now also co-funding projects for Roma in education, employment, micro finance and equal gender opportunities. However, it is up to the member states (authorities at national, regional and local levels) who have to provide part of the funding, to decide whether or not to access and allocate these funds and tools for specific integration projects.

In this document the EC is urging the states to reassess and readjust the operational programmes co-financed by structural funds, the European Agricultural Fund for Rural Development so as to also include the Roma and to better support Roma- focused projects. In order to monitor progress on Roma integration the European Commission has asked the Fundamental Rights Agency (FRA) to carry out regular surveys concerning the socio-economic situation of the Roma and to cooperate with national statistical authorities to collect more accurate and comprehensive data. Member states were required to set up National Contact Points that will manage, report on and monitor their own national strategies. Based on the data collected

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<sup>400</sup> See also Belgian Presidency of the EU (2011) *Preventing Social Exclusion through the Europe 2020 Strategy- Early Childhood Development and the Inclusion of Roma Families*, Available online at: <http://www.ecdgroup.com/pdfs/Preventing-Social-Exclusion.pdf> Last accessed November 26, 2012.

<sup>401</sup> European Council (2010a) *Europe 2020- A new strategy for jobs and growth*, adopted by the Council in the context of its at the June 17, 2010 Brussels Summit Conclusions CO EUR 9 CONCL2. Available online at: [http://ec.europa.eu/eu2020/pdf/council\\_conclusion\\_17\\_june\\_en.pdf](http://ec.europa.eu/eu2020/pdf/council_conclusion_17_june_en.pdf) Last accessed November 26, 2012. For more see Europe 2020 website at [http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm)

<sup>402</sup> European Commission (2012), p. 3.

from these national contact points and other additional sources, the EC will draw up annual reports on the progress of the member states, to be submitted to the European Parliament and the European Council.

Following the submission of the National Roma Integration Strategy plans by individual states at the end of 2011, the European Commission assessed and presented to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, in May 2012 a report<sup>403</sup> on the status of implementation of the EU Framework to date. According to this document, the Commission appreciates the progress made with regard to the adoption of European legislation to protect Roma from discrimination and to permit the free movement, but notes that these alone are not sufficient when there is a weak socio-economic context still underlying the status of these people. The assessment was that the national strategies were broadly in line with EU framework, but that they lacked clear quantitative targets, focused more on employment and education than on health and housing and that the measures and financial tools to be employed were either not laid out or were unspecific, not commensurate with the target and lacking a clear timeline and implementation mechanism. “The weak points in the national strategies such as a lack of monitoring, a lack of information on funding possibilities and a lack of stakeholder involvement need to be addressed. Some strategies lack ambition and concrete deadlines. The Commission will try to resolve this through yearly monitoring and recommendations.”<sup>404</sup>

Again the Commission describes the situation of discrimination, exclusion and poverty that characterizes the Roma population in Europe. It restates that “[t]he Member States have the primary responsibility and the competences to change the situation of marginalized populations, so action to support Roma lies first and foremost in their hands. To support them in addressing this situation, the EU has made available a wide range of legal, policy and financial instruments”. Acknowledging the specific local differences, the Commission nevertheless emphasizes that “the shared values of freedom of movement and fundamental rights and the common objectives of political stability, economic prosperity, social cohesion and solidarity between Member States call for a European role in policies for Roma integration”.<sup>405</sup> The Commission also identifies the failure of the member states policies to fully integrate the Roma as a cause of foreign policy problems with third countries such as Canada, where some European Roma continue to apply for asylum.

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<sup>403</sup> European Commission (2012).

<sup>404</sup> The role of the Commission as understood and explained by EC employees Michel Verschraegen (DG Justice) and Dora Husz (DG Employment Social Affairs and Inclusion) in their presentations given at “EU Roma Strategy: from policy to regional and local practice”. Conference held by VLEVA (Flemish Government- Flanders-Europe Agency) on 26 September 2012. See VLEVA (2012) *Report EU Roma strategy: from policy to regional and local practice*. Available online at: <http://en.vleva.eu/euromastrategy>. Last accessed November 15, 2012.

<sup>405</sup> European Commission (2012), pp. 2-3.

Overall, these are the reasons that the Commission gives for its adoption of the EU Framework for National Strategies and its call on the member states “to prepare or revise National Roma Integration Strategies in order to address more effectively the challenges of Roma inclusion to tangibly improve the situation by the end of the current decade”. In this report the Commission also sets the outline of what “needs to be done” as the next step. “In the next phase, efforts must focus on implementation based on action plans with specific measures commensurate with Roma inclusion targets, supported by a clear timetable and appropriate funding”.<sup>406</sup>

#### **4.5 CONCLUSION**

This chapter has traced the path along which the outlines of a Roma strategy have become increasingly visible in the past years. Through a long process of innovation and adjustment of focus the EU, under the leadership of the Commission, has managed to slowly access areas of internal nature that were previously associated with national sovereignty and security and therefore, out of its reach. In the development of this particular policy, we see the EU becoming increasingly more assertive and active in carving out a social space that requires and legitimizes its intervention. Arguing a failure of state government, the EU spells out its own vision of liberal government while it formulates the “Roma problem” and “what is to be done” to positively affect the situation of exclusion and poverty surrounding the European Roma population. Next chapter digs deeper into the meaning of these developments, with a particular focus on the four aspects of the governmentality approach, the added value of the European (regional) government and the implications this has for the national state.

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<sup>406</sup> European Commission (2012), p. 4.



## **CHAPTER 5. ANALYSIS OF EU ROMA POLICY**

### **5.1 INTRODUCTION**

In this chapter I analyze the content of the EU Roma policy from a governmentality perspective; this allows us to understand not only its role but also the meaning it holds within the larger context of twenty-first century European social model. I shall analyze the Roma policy from the four “angles” of the governmentality approach: 1) the political rationality and the “play of forces and identities” underpinning it, 2) the forms of power and apparatuses through which the Roma are identified as a European social space that needs to be made knowable and governable, 3) the many technologies of power assembled and deployed in the construction and the management of the Roma as a European social space, and 4) the identities it presumes and constructs both for the governed (the Roma) and the governors (the EU institutions, the national governments and the multitude of other “stakeholders” it mobilizes in governing the Roma).

In doing so, I also seek to identify the points of similarity and difference between the government of Roma at the national and European levels, addressing the question of what the EU added value is. The argument is that the EU policy seeks to bring the Roma out of the “sovereign security zones” associated with direct illiberal (surveillance and disciplinary) measures of control and into the “liberal governmentality zones” where governors use freedom to direct the conduct of their political subjects.

### **5.2 POLITICAL RATIONALITY IN EU ROMA POLICY**

In order to identify the political rationality underlying the EU Roma policy there are a few questions that we need to address: How is Europe being imagined here? How does the EU define its role in this policy? What is the political reasoning behind the way in which the EU seeks to govern here? Power and government are exercised here in a specific, a particular way. What is this way? Most importantly, what can we say about the way in which the EU *problematizes* the Roma issue? Does it see it as a failure of national governments? Why? What are the problems that the Roma pose and why does/can the EU claim it has the powers to do something about it? Answering these questions should enable us to understand the political rationality underpinning EU action in this area, the way in which it addresses the problem of government and its role in the “European society”.

The European Union is presented in the Roma policy as an entity built on the very same liberal democratic rationality that has been its centerpiece since its foundation. It is important to remember,

however, as Walters points out, that “the EU is not Europe, as such, but rather a political project which seeks *to speak in the name of Europe*”,<sup>407</sup> an Europe that is not generic, but a certain kind of Europe, one imagined and built on the liberal mentality of rule. (Emphasis in original) This liberal worldview was embedded in the Treaty of Rome which “proposes a rule for Europe, a mode that governs *through* freedom” and which is characterized by “a political regime that administers populations in ways that both depend on and elicit the capacities of what are constructed as free individuals and collectivities.”<sup>408</sup>(Emphasis in original)

Over the years this has been reiterated over and over in all the amendments and subsequent treaties that have reformed the Union and has also represented the foundation of the more recent European Framework Convention of Fundamental Rights. But this liberal mentality is fundamentally a concern with the economic aspect of government, as it sees it as the main vessel towards individual and collective emancipation and thus, social progress.

The European integration project was founded on the belief in the power of economic forces to change history and shape a new future for Europe. At the core of the European Union then lies a primary concern with economics.<sup>409</sup> The European project was from the beginning, even before the advent of the common market, constructed within the liberal framework as a *geo-economic* problematization (rather than the geo-political or geo-strategic problematizations that had been employed at the national level), where problems of a socio-political nature are formulated and solved through economic means. Over the years, primarily as a spillover from the creation of the single market, this geo-economic problematization has come to define an increasing number of “social” domains, that have been redefined as European problems and challenges (i.e., not political conflicts, but economic competitions and/or partnerships).

Throughout this process of extending EU competence in social area, the legitimizing factor has been the shared liberal values and the conviction that the social interests of European populations are to be addressed through economic means. This still represents the backbone of the EU government. *The Lisbon Strategy* of March 2000, adopted a “new strategic goal for the Union in order to strengthen employment, economic reform and social cohesion *as part of* a knowledge based economy”. (Emphasis added) It also states that “[t]he European Union is confronted with a quantum shift resulting from globalization and the challenges of a new knowledge based economy”, challenges that affect “every aspect of people’s lives and

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<sup>407</sup> Walters, William (2004) “The Political Rationality of European Integration”, in Wendy Larner and William Walters (Eds.) *Global Governmentality: Governing international spaces*, London: Routledge, p. 168.

<sup>408</sup> Walters and Haahr (2005), p. 43.

<sup>409</sup> Walters and Haahr (2005).

require a radical transformation of the European economy". This Lisbon Strategy is argued to represent a "positive strategy which combines competitiveness and social cohesion".<sup>410</sup>

Ten years later, along the same lines, *the Europe 2020* refers to the European values, identifying them as Europe's source of strength, but places them within the economic realm. Despite challenges of global proportions, "Europe can succeed", it argues, but only if it acts together as a Union, building on its inherent qualities: "the talent and creativity of our people", "our strong values, democratic institutions, our consideration for economic, social and territorial cohesion and solidarity, our respect for the environment, our cultural diversity, respect for gender equality". For confidence that it can do it, it makes reference to its past achievements: "a strong industrial base, a vibrant services sector, our single market and common currency, our position as the world's biggest trading bloc and leading destination for foreign direct investment".<sup>411</sup> All this action is deliberately confined to economics, where it is argued, internal competition and innovation can build a strong united Europe, allowing it to maintain its global leader role and position of privilege. Economics is still seen as the only means to build a strong, united Europe. In the European integration context "questions of power and rule are reformulated in terms of governance of social and economic processes".<sup>412</sup>

In all policy documents on the Roma integration we see constant reference to the core values and principles as enshrined in its founding documents. In the most comprehensive document on Roma issued so far, the Commission describes the situation of socio-economic marginalization and poverty as "not acceptable in the European Union (EU) at the beginning of the 21<sup>st</sup> century". The Europe imagined here is a Europe that is seen as incompatible with the appallingly poor conditions of living of the Roma, with the prejudice, intolerance, discrimination and social exclusion they face. From its very beginning, as spelled out in the Treaty of Rome, and throughout the six-decade lifespan of the European project, "[t]he fundamental social objectives of Europe have not changed: a strong commitment to harmonious, cohesive and inclusive societies respecting the fundamental rights in healthy social market economies."<sup>413</sup> Thus, the current situation of the Roma is seen as a real challenge, because a failure in achieving social cohesion and a higher standard of life for *all* its citizens is seen as a failure of the Union in fulfilling its fundamental purpose and promise.

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<sup>410</sup> European Council (2000b).

<sup>411</sup> European Council (2010a).

<sup>412</sup> Walters and Haahr (2005), p. 10.

<sup>413</sup> European Commission (2012).

Despite the fact that the Treaty of Rome did not envision a social role for the EU,<sup>414</sup> the logic underpinning the creation and development of the European project was the liberal belief in the power of economic development to make possible *social progress* that would allow Europe to break away with its past of total wars, chauvinistic nationalism and massive destruction. This most fundamental and constant concern with the social aspect, the need to change history through economics and create its own peaceful and prosperous destiny for itself, the assumption that the common goods the EU strives to achieve- peace and prosperity- represent the outmost desire of the European populations, continue to legitimize its actions: even when “clashing” with individual member states, it does so in order to further peace and stability for *all* its citizens.

The strong belief in the power of the market and economic government to provide these collective/ common goods, achieved through individual freedom, have continued to underpin the European integration project and, therefore, also form the basis of the EU view of the Roma people. The EU seeks to reaffirm its commitments and promises to the liberal principles and the view of the economy as the “vessel” for “deliverance”, but it seeks to renew the European social model from one where the economic sphere is governed separately from the social sphere, into one where the social sphere is no longer directly governed by the state, but it is released and liberated, activated along neoliberal policies and programmes to provide and take care of itself. Since the market is seen as a centerpiece of achieving its purpose of peace and stability, the economic concern dominates all actions the EU takes in every aspect of its government. As early as the second paragraph of the Roma Integration Strategies up to 2020, the Commission places the Roma issue within the context of this economic strategy that it has formulated and put forward in 2010 under the title: “Europe 2020: A strategy for smart, sustainable and inclusive growth”.

Europe 2020, as the subtitle suggests, envisions a “social market economy for the 21<sup>st</sup> century” that is *smart*, in the sense that it possesses a knowledge-based economy run by a highly skilled, active, flexible and innovative labour force. It is also a *sustainable* Europe not only because it uses green technology and maximizes the use and returns of its (human and material) resources, but also because it is fueled by an (assumed) active and flexible labor force. Lastly, it envisions an economy that is based on *inclusive* growth, in the sense that it delivers high-employment, which, in turn, allows for social and territorial cohesion. In carrying out this strategy, the EU put forward seven flagship initiatives that are, it is argued, key to reforming

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<sup>414</sup> See for more on this topic, for example: Teague, Paul (1989) *The European Community: The Social Dimension*, London: Cranfield School of Management; Hantrais, Linda (2007) *Social Policy in Europe*, 3rd edn., Basingstoke: Palgrave Macmillan; Shaw, Jo (2000) *Social Law and Policy in an Evolving European Union*, Portland: Hart Publishing.

the European economy: research and innovation, education, digital infrastructure, resource efficiency, industrial reform, labour force reform and fight against poverty and social exclusion.

Although the Europe 2020 puts forward a detailed plan for achieving economic growth through a restructuring and refocusing of European national economies, the vision behind this cannot be separated from the social purpose that this economic growth is meant to bring. Economic growth is not desirable only as an end in itself, but it is a tool for the larger social concern of the Union. This link between the economic and the social have been recently reiterated in the Commission's 2008 communication, the "Renewed Social Agenda: Opportunities, access and solidarity in 21<sup>st</sup> century Europe". Although a detailed analysis is beyond the scope of this chapter, a few issues raised in it are important for our current analysis.

In this document the Commission outlines its view of the positive role that both the state and the EU can play in governing a twenty-first century Europe that is challenged due to globalization, technological advances, demographic challenges (aging population and immigration) as well as climate change. The Commission identifies these changes as an opportunity for Europe to reform, innovate and maintain its prosperity and peace. But it also underlines the challenges that remain: "too many people are inactive or unemployed and too many young people leave school early, and as a result, there are still too many people living in poverty (especially children and older people) and in social isolation. And, new issues have emerged- an aging and better off population brings with it increased old age dependency and diseases of affluence (obesity, stress). On top of this far reaching set of societal changes, 2008 is witnessing a global economic slowdown, with increased competition for scarce resources, including food and energy and continued turbulence in the financial markets". The Commission states that the European governors have to pursue a renewed social agenda in order to turn these challenges into opportunities by building on the positive achievements that the Union has accumulated over the past six decades. "The fundamental goals are set in the Treaty. The means to achieve them need to be renewed. The focus needs to be on *empowering and enabling* individuals to realise their potential while at the same time helping those who are unable to do so".<sup>415</sup> (Emphasis in original)

What the Commission does is to restate the value of and the belief in the liberal principles of the market and freedom as tools of government, renewing the Treaty's goal of governing through freedom and the common (nowadays, single) market. However, as stated, it calls for a rethinking of the way in which this

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<sup>415</sup> European Commission (2008c) *Renewed Social Agenda: Opportunities, access and solidarity in 21<sup>st</sup> century Europe* COM (2008) 412 final, p. 1. Available online at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0412:FIN:EN:PDF> Last accessed November 26, 2012.

social agenda is carried out, the way in which the fundamental aims of peace, prosperity and solidarity for Europe are to be achieved. It argues that the renewed “agenda cannot be confined to the traditional social domains; it must be *cross cutting* and multidimensional, covering a wide range of areas from labour market policies to education, health, immigration and intercultural dialogue”.<sup>416</sup> (Emphasis in original) There is a conjoined-twin like relationship between the social and economic aspects of government that cuts not only across the national and supra-national levels but also across different policy fields, as the renewed social agenda is fully coherent with and reinforces the Lisbon Strategy for Growth and Jobs.

The advanced liberal way<sup>417</sup> in which the EU seeks to govern here is founded on its belief in the freedom of the individual to make educated decisions on his own, having the capability to act responsibly in exercising his rights and freedoms, maximizing his own potential and fulfilling his destiny. The role of government (carried out both by state and European institutions) is presented here as the “freeing of the individual”, activating him and educating him to act responsibly, which presupposes the removal of all the obstacles that prevent him/her from accessing those rights and freedoms. The image of Europe that is portrayed in the Roma policy is not only one of the present, but it is also a vision of a future Europe and that of its individual members. Very much in line with the liberal belief of the possibility to bend history, the vision for a future Europe also exposes a belief in the ability to plan the future and act upon that plan, bringing it into fruition.

By placing the Roma Integration Strategies in this context of advanced liberal governmentality we are able to make sense of the vision and the purpose behind the EU intervention, and its attempt to govern the Roma people in accordance with the liberal mentality of rule. The aim of the EU is to convince the member states and the European populations alike about the socio-economic value of integrating the Roma people into mainstream society. Due to the negative implications that a continued exclusion of Roma entails for the larger socio-economic situation of the European society, the Commission has argued that “[b]etter integration of Roma is therefore both a moral and an economic imperative, which moreover, will require a change of mindsets of the majority of the people as well as of members of the Roma communities”.<sup>418</sup>

A shift is pursued here from the catering paternalistic role of the state as envisioned in the social government of the “welfarist model” to the “coordinating” role of the central authorities governing the social

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<sup>416</sup> European Commission (2008c), p. 1

<sup>417</sup> Miller, Peter and Nikolas Rose (2008) “Governing Advanced Liberal Democracies”, in *Governing the Present-Administering Economic, Social and Personal Life*, Cambridge: Polity, pp. 199-218.

<sup>418</sup> European Commission (2011), p. 2.

market, who, instead of centrally assembling and re-distributing benefits, opportunities, etc., is envisioned as a regulating-facilitating entity whose role is to enhance the flow of opportunities and access/exercise of their rights and freedoms to all active and responsible individuals. *Within the Roma context, a shift from a sovereign and disciplinary form of rule (associated with security concerns and confined at the physical and/or symbolic margins in security zones) to governmental forms of “conduct of conduct”, of government through freedom and at a distance, is pursued.*

The justification, in the Commission’ s view is not only moral, as the discrimination based on “old” classifiers that have outlived their usage and usefulness (race, blood, even culture), is no longer accepted/ acceptable and no longer justified in distinguishing between *good* citizens that are to be nourished and protected, and *bad* citizens who are to be “interned” or “kept out” from mainstream. Equally important is the economic reasoning behind this, as Europe is facing labour shortages and struggling with impracticable/ unsustainable pension systems.

In social terms the integration of the Roma is portrayed as conducive not only to the achievement of the fundamental objectives of social cohesion and stability, as it helps remove the exclusion and discrimination leading to poverty which, in turn, contributes to violence, illegality and criminality, but also helps to reinforce the respect for fundamental rights and increasing tolerance in society. In economic terms, activating a relatively young population of ten to twelve million individuals is argued to bring benefits not only for the states in increased tax revenues, lower public spending for social assistance and increased economic productivity, but also for the larger communities they are part of, by helping alleviate labour shortages, becoming consumers for local businesses, supporting their own communities, etc.

A failure of acting on this policy is also presented as “a loss of potential which renders the endeavor to secure growth even more difficult”, and negatively impacts on the social wellbeing of the entire European society. Moreover, it also affects the EU’s relationship with some third countries as Roma will continue to invoke discrimination and lack of opportunity as reasons for filing asylum claims. Since all EU members are designated as “safe countries”, such asylum requests damage the EU’s image and raise questions about its *internal* commitment to and respect for the values and principles it upholds externally.

The EU has adopted legislation through which the member states are obliged to ensure equality and non-discrimination for the Roma people, but it says that legislation alone is not enough. Because it does not want to be perceived as “forcing” the states into action, the EU is painstakingly trying to convince national governments as well as mainstream populations about the benefits of a full Roma integration. For that it has

called on the member states to devise their own policies of Roma integration in accordance with their own domestic contexts by working on the four priority areas it identified: education, employment, healthcare and housing, and the goals it has set within the larger Europe 2020 strategy.

In all these areas the intended objective is for the states to take all necessary measures that allow the Roma nondiscriminatory access to the same opportunities as the rest of the population. Moreover, it is emphasized that EU actions are complementary to the actions of the states; and, since a successful integration of the Roma implies a partnership undertaken for the common good, it is necessary that each and every stakeholder does their part in assuming their own duties and responsibilities. The implication is also that since this is a common good, it requires a common effort as well, which it should not be left only to the state to perform and provide.

The EU role in this policy is defined as the protector of the human rights and freedoms of the Roma people, the facilitator and supporter of the Roma communities in becoming active individuals who participate fully in society. The Commission, in its role as the guardian of the Treaties and through its statutory function as body in charge with proposing legislation and initiating common action, has identified itself as particularly responsible for forwarding the cause of the Roma people. The concrete responsibility assumed by the Commission here is to monitor the implementation of existing legislative tools, gather up expertise and advise the national governments on how to act in accordance with the stated objectives and responsibilities, but also to tie up all the stakeholders in a network that supports, protects and voices the Roma rights and needs.

Another important aspect of the Roma policy that allows for a reading of the EU rationality of power is the way in which it *problematizes*<sup>419</sup> the current situation. As Walters and Haahr argue, “[i]t is in all those sites where a given policy or practice is called into action, identified as deficient, failing, too costly, unethical- it is in these places that mentalities of government lend themselves most readily to our scrutiny”.<sup>420</sup> For this we need to look at the *language* that the EU has used in relation to the Roma and identify its reasoning for intervening in this particular issue.

The way in which the EU/EC problematizes the situation of the Roma, calling it “one of the most serious social challenges in Europe” and a socio-economic imperative for action both for the Union and its

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<sup>419</sup> For more on the problematization of policy objects, see Miller, Peter and Nikolas Rose (2008) “Political Power Beyond the State: Problematics of Government”, in *Governing the Present- Administering Economic, Social and Personal Life*, Cambridge: Polity, pp. 53-83.

<sup>420</sup> Walters and Haahr (2005), p. 6.



member states, allows it to identify and open up a “social” space that justifies its (urgent) intervention. By defining the Roma the way it does and by expressing its position *vis-à-vis* the current situation the way it does, the EU, in effect, creates a normative image of how Europe *should be*. By defining the Roma situation and discussing “what is to be done”, defining (in negotiation with all stakeholders) who the Roma are, what rights they have and how they should access those rights, etc., the EU does not simply help imagine the Roma as one community out of the many heterogeneous groups that come under the Roma term umbrella,<sup>421</sup> but, most importantly, it creates and regulates the framework within which the Roma and the stakeholders are to act as free individuals. The process of integrating Roma is an aim in itself, as allowing the Roma to break the intergenerational poverty and exclusion cycle contributes to the general social and economic prosperity. But it is also much more than that because, in shaping the discourse surrounding the Roma and framing it in terms of free individuals equipped with freedoms and rights whose access must be ensured and protected, the EU makes a statement about the larger EU population, its own role and that of the state.

Framing the discourse in such terms and calling for states and other stakeholders to work together to remove the barriers that prohibit the Roma from accessing and exercising their rights and freedoms, is part and parcel of the neoliberal view and the more general calls of the EU on the state to remove obstacles in all contexts and for all individuals, to unleash the potential of the free individuals. In asking for the individuals (Roma and non-Roma alike) to access and exercise their rights and freedoms, the EU is in fact supporting individuals in forcing the state to step back, to change its role from a provider and manager of society and its welfare, to facilitator and protector of their rights (from welfare to workfare).

The elements characteristic to the sovereign and disciplinary rationality that still underpin the government of the “social” by national governments are problematized, and the state is in this way urged to undertake the transition to an advanced liberal type of rationality in managing this population. Both the EU and the member states are staunch believers in the power of the market economy to deliver prosperity and stability, thus facilitating social progress. But the reminiscences of the post-war devastation and the role that the state undertook in providing social protection have become financially and morally untenable in a social context of increased mobility, diversity and risk, where citizenship and solidarity are no longer based on concepts of nation and cultural homogeneity. Nowadays, Europe is increasingly depicted as a pluralistic entity that has not one but multiple levels of governance and loci of power.

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<sup>421</sup> See also Introduction, “Note on terminology” subsection.

Grasping the larger context of the vision that the EU sets out for Europe in policy documents such as the Renewed Social Agenda and the Europe 2020, can broaden our understanding of EU's political rationality and the role of the Roma in twenty-first century Europe. In EU policy Roma are cast as equal members of the European citizenry with equal rights and freedoms but who, due to social and structural barriers, have their access to those rights partially restricted or blocked altogether. The emphasis on non-discrimination and equality is aimed specifically at removing these barriers and allowing Roma to become active individuals who possess the knowledge and ability to act responsibly on their rights and freedoms in such a way that enhances both their wellbeing and interests, and those of the communities they belong to. Here, the Roma are explicitly targeted in the sense that they face more obstacles than the rest of the population, but they are not exclusively targeted in the sense that many other Europeans struggle in a similar way and require similar support in changing their lives, becoming active participants, updating their skills, and where necessary push the state back. But when the case is made in such a way, not only the Roma identity and behaviour are imagined and assumed, but also those of the larger non-Roma population.

What the EU is doing is unprecedented: it proposes a shift in areas that had previously been under the monopoly of state sovereign and disciplinary power towards a framework of governmentality where the government is decentralized and de-etatized, of a "government at a distance" where the state does not seek to rule in a totalizing way, but becomes an "economic" (getting maximum returns on minimum investment) government. The advanced liberal type of government is a government that does not directly govern. It governs only by defining and controlling the space within which the individual is exercising his rights, and the framework which defines and controls the freedoms that the individual responsibly exercises in pursuit of his own happiness and his self-defined destiny. The EU seeks to activate the individual Roma and non-Roma alike, and is connecting all social actors (from civil society to business) to create networks that are capable and willing to carry out the implementation of its policies according to its governmental plans and to also forge the solidarity needed to care for those who cannot take care of themselves (the old, the physically impaired, etc.).

Although the EU shares the member states' belief in freedom, the possibility of social progress by means of economic development that is possible on the basis of rational decisions and objective knowledge, the EU claims it possesses a quality that is vital to successful government in an age of globalization, quality that the member states individually do not possess. That quality is its highly specialized expertise and its networking system that connects all social actors into one big framework of cooperation and coordination, a

quality that allows it to “govern at a distance”. The added value is that it liberalizes areas previously under sovereign and disciplinary power that have come under public scrutiny. However, it does so without removing the need and utility for these types of power, instead simply refocusing them onto newly refashioned objects of control.

### **5.3 FORMS OF POWER IN EU ROMA POLICY**

To identify the forms of power existent in the Roma policy we need to address the following questions: How is the Roma and, by implication, Europe made knowable and governable as a space of social economic and political processes? Where does the power to govern lay? The answers to these questions are closely linked to the rationality of government, but they are not reducible to it. They are closely linked because they relate to the subjects that act in accordance with that rationality, and the objects onto which that rationality is being imposed.

In the current liberal frame it is in the *population*, who is seen not only as the object of the government but also as the source of that power, the individual (his body and his mind) and his freedom represent the source of power that allows for the carrying out of government. As economy represents the means of liberal government, then the management of every aspect of the individual life related to the management of the economy becomes object of political government. Thus, the forms of power relevant here are the individual and the population, as sources and aim of power exercise. The apparatuses that are employed in carrying out government are also forms of power in themselves, and I will also address those.

In the current context, questions of government are related to the wellbeing and security of the individual, understood as a member of the population. Unlike the “transcendental and religious forms of reason” which were concerned with the security of the soul and which were used as the foundation of early modern political rule, the current political rationality “has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security”.<sup>422</sup> Today, government is concerned with the material security of the body whose needs are to be provided through economic management of the entire specter of factors that can potentially enhance or endanger that security, existing both *within* the space delimited by state borders but also *beyond*. This security concern, itself dominated by a sovereign rationality and carried out through direct coercive means, is framed within the

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<sup>422</sup> Foucault (1991a), p. 102.

liberal discourse of prosperity, development and resources. Also, unlike disciplinary mechanisms, within the current context, security relies on a “number of material givens” that are to be known and managed to maximize the “positive” and minimize the “risky and inconvenient”.<sup>423</sup>

For the enhancement of the material security of the body, the liberal rationality identifies the *individual* (as part of the *population*) as both the object *and* the subject of the exercise of government; it is the individual and his relationship to “people and things” that must be made knowable and governable. The individual is the *object* of government because it is in the process of 1) *knowing* the precise causes and effects of his/her actions, 2) the identifying and assessing the intervening variables (direct and indirect, possible or probable), and 3) satisfying the necessity for their management (understanding, calculating, planning, strategizing, etc.) that society is made governable. The individual is also its *subject*, because government is carried out through the freedom and the self-conduct of the individual who, as part of the civil society, acts to keep a check on the limits of government.

Next to the *individual* as a form of power, political *apparatuses* also represent forms of governmental power. Expert knowledge as an objective and impartial tool of knowing and governing represents the site within which power is located, quite unlike the pre-liberal state systems that restricted political power to the realm of the ruler and his direct instruments of rule. The interaction of the individual with “things and people” leads to consequences that need to be understood, foreseen and prepared for, which makes expert knowledge a key component of government.<sup>424</sup>

The link between these *apparatuses* and *events* is extremely important here. Again, within the context of mechanisms of security we see a different way of explaining events such as scarcity, disease, etc. The explanation does not rest with the metaphysical anymore as in the sovereign and disciplinary system, but it is contextualized in terms of resources and “good or bad” management of those resources. It becomes a problem of risk management and preparedness, which justifies a detailed and in-depth knowledge accumulation. All these calculations, projections, estimations and preparations require a clear grasp of a wide array of factors on which information can only be obtained and processed through a sophisticated bureaucratic system, their milliard technological and statistical tools and their methods for data collection,

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<sup>423</sup> Foucault (2007), pp. 19-20.

<sup>424</sup> Foucault (2007), p. 21. “The apparatuses of security work, fabricate, organize, and plan a milieu even before the notion was formed and isolated. (...) The milieu is a set of natural givens-river, marshes, hills- and a set of artificial givens- an agglomeration of individuals, of houses, etcetera. The milieu is a certain number of combined, overall effects bearing on all who live in it.” This milieu is the field of government intervention. “What one tries to reach through this milieu, is precisely the conjunction of a series of events produced by these individuals, populations, and groups, and quasi natural events which occur around them”.

analysis and operationalization. In the context of the centralized state, this bureaucratic system was created, coordinated and controlled from the centre and used to define clear social domains for government intervention; this process turns individuals into homogenized and objectified (workers, unemployed, low skilled, immigrants, etc.) targets of government through clearly defined policies.

Government in the European context, seeks to govern “by remote”, at a distance, and only in those areas that define and restrict the exercise of freedoms and rights of individual citizens. European governmentality is thus, truly an “economic” government, not governing more than it needs to. “Put very schematically, European integration implies a mutation in the logic of power. As with the governmentalization of the state, one sees questions of power and rule reformulated in terms of the governance of social and economic processes. Power is transformed by the recognition, institutionalization and actualization of spaces irreducible, and transversal to the formal system of states or international organizations.”<sup>425</sup> We see here the development of a “parallel” system of government that assembles already existing (state *and* non-state) sources of knowledge and expertise reforming, adapting and where necessary innovating in terms of their operationalization, allowing them to pull together their authority in a de-centralized pluralistic system of power loci.<sup>426</sup>

At the same time, the power of the individual to act rationally on the knowledge, skills, rights and freedoms that he/she is provided with allows European reformers to argue that the role of the government should not be in micro-policing each move and providing for every need, but should be instead to set up and regulate the bigger framework within which the individual should be left to govern him/herself. “People are Europe’s main asset and should be the focal point of the Union’s policies”, the Lisbon Strategy argues. “Investing in people and developing an active and dynamic welfare state will be crucial both to Europe’s place in the knowledge economy and for ensuring that the emergence of this new economy does not compound the existing social problems of unemployment, social exclusion and poverty”.<sup>427</sup>

But this is not to be done through direct management of every aspect of the individual life. In the context of European integration this “conventional” approach to governing directly from the centre is undergoing a significant change. Although the objectivization of groups as policy targets has not changed in its fundamentals, the categories employed still reflecting the economic nature of the liberal rationality of

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<sup>425</sup> Walters and Haahr (2005), p. 10.

<sup>426</sup> See Miller and Rose (2008), especially pp. 28-38.

<sup>427</sup> European Council (2000b), point 24.

government, the manner in which this process is carried out in European government is different from that of the liberal state. Whereas the first instance of the advanced liberal governmentality in the EU context emerged with the birth of the common market, “this field of European governmentality will be built in successive layers as various social and economic spaces are created/discovered”.<sup>428</sup>

The Roma social space is one such layer. The way in which the prosperity and the stability of the European society is connected to the successful integration of the Roma in mainstream society warrants the necessary measures that the EU takes to not only compile “accurate, detailed and complete data on the situation of Roma in the Member States and to identify concrete measures put in place to tackle Roma exclusion and discrimination” but also to set up all the mechanisms that are necessary for objectifying the Roma, making them knowable and governable by creating around them a space of social economic and political processes subject to strategies, plans, programmes, surveys, etc.

For example, in a survey carried out in June 2012 and released in report format in November the same year, the EU uses statistical analysis to estimate the situation of the Roma discrimination as well as the perceptions and the expectations that the population has of the EU in this field. The report argues that respondents found that the efforts to integrate Roma are not only ineffective but also insignificant, people in some countries being virtually unable to rate their country’s efforts (ex. Germany, the Netherlands, Poland, the UK or Luxembourg) in this field, due to very little or no visible efforts on their government’s part. “If we compare these results with those obtained for the question measuring the perceived effectiveness of general efforts to combat discrimination in the Member States, it is clear that Europeans are far more critical of the efforts made to integrate the Roma.”<sup>429</sup>

In the Roma policy we see a call for increased efforts to grasp a clearer picture of the local conditions of the Roma population, the size of the community, their geographical presence and their socio-economic situation<sup>430</sup> not only through standard census tools (both at national level and European level through Eurostat), but also through non-state actors that have access to these communities and, therefore, grass-roots knowledge. By compiling statistics about the Roma population (in areas that are not available from national statistics), the EU is in fact objectifying the population intended to be governed. The EU builds

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<sup>428</sup> Walters and Haahr (2005), p. 11.

<sup>429</sup> Eurobarometer (2012) *Special report on Discrimination in the EU in 2012*, November no. 393, p. 108. Available online at: [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_393\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_393_en.pdf) Last accessed November 26, 2012.

<sup>430</sup> Hungarian Presidency (2011) *Discussion Paper on the Territorial Aspects of Extreme Poverty- Drawing up a European Extreme Poverty Map*. Available online at: [http://ec.europa.eu/justice/discrimination/files/romaplatform\\_discussion\\_paper\\_poverty\\_2011\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/romaplatform_discussion_paper_poverty_2011_en.pdf) Last accessed November 26, 2012.

the bureaucratic and administrative instruments at the centre (Brussels) that allow for the Roma population to become knowable and governable. But in the process of building the network of mechanisms, instruments and actors necessary for making the Roma knowable and governable, the EU also builds the framework within which these structures are to operate.

The management of Roma problem requires not only knowledge of the entire array of factors that contribute to their current situation, but also devising tools and policies that can help deal with those issues in such a way that it improves their condition. Arguing from the advanced liberal perspective for the activation of the individual Roma by allowing and supporting him/her to access his/her rights and freedoms enables the EU to obtain information that pertains directly to Roma but which has implications far beyond. In this field the EU draws its power and legitimacy to govern on the basis of Roma's lack of access and discrimination. The EU thus, identifies the Roma both as the source and object of its power exercise. But it goes beyond the Roma, as it addresses national governments, identifying them as the locus of power and the site of responsibility for releasing the individual Roma from the confines of sovereign and disciplinary power, by removing the barriers to his/her access and exercise of his/her fundamental rights.

All the knowledge that the EU gathers on the Roma has the purpose of compiling the picture of their "dependence", "poverty", "powerlessness" and "exclusion". This mapping not only makes them knowable and governable, but also allows for the means of their governing to be created and set into motion. These regimes of government that deal with their needs and desires, that problematize the restrictions they face are the same regimes that power their inclusion and integration, allowing them to participate in programs that empower them both by claiming and acting upon their rights and freedoms, but also by engaging "in the provision of services, and [overcoming] a passive, indeed a dependent, relationship to government".<sup>431</sup>

Whether in the relationship between the pastor-shepherd and his sheep-like followers, where the former assumed responsibility for the needs and deeds of the latter (universal membership), whether in the relationship between the rulers and the citizens in ancient city-states, where the care for the poor was based on the social solidarity (limited membership) between the rich and the poor members, poverty and exclusion have for a long time represented the battle ground for power regimes and their rationalities of rule. This is because the relationship between the rich and the poor translates not only the different forms of self-government, different forms of personality and different sets of obligations. Equally important, the care for the poor and the marginalized is not only a question of principles, philosophies and ideologies. It is directly linked

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<sup>431</sup> Dean (2010), p. 83.

with “the construction of authority”, its legitimation and the de-legitimization of alternative sources, “re-mapping the contours of inclusion and exclusion, acquiring status for its leaders based on a new ethical comportment and, finally, overcoming the old civic culture.”<sup>432</sup>

In the Roma policy, then, we see efforts undertaken not only for the well-being of the Roma, but most importantly, we see a construction and a legitimation of the EU authority and European reformers. In addition, we witness a re-drawing of the boundaries of inclusion, no longer along cultural belonging to the nation, but a shared European culture of liberal norms and principles. Furthermore, we see the EU not trying to replace or delegitimize state authority, but attempting to change the latter’s way of exercising power from sovereign and disciplinary-based security and risk to governing the Roma through freedom, not only by drawing a different ethical comportment for itself (EU’s leaders and institutions) but also by trying to institute an advanced liberal culture instead of the old welfare culture of dependence.

#### **5.4 TECHNIQUES AND TECHNOLOGIES OF GOVERNMENT IN EU ROMA POLICY**

Power does not just simply exist in abstract or in theory, but is translated and exercised locally and specifically through everyday practices and technologies of power. In the European context, as Walters and Haahr argue, “[t]here is no generic European government or European integration. There are only particular regimes of thought, and practice within which certain ways of governing are possible.”<sup>433</sup> In order to identify them we need to ask “by what means, mechanisms, procedures, instruments, tactics, techniques, technologies and vocabularies is authority constituted and rule accomplished?”<sup>434</sup> Also, how are specific practices and technologies born, how do they mutate and migrate across policy domains and countries? How do innovative practices and technologies emerge onto this policy field?

The main tool of translating the rationality of advanced liberal rule in technologies and practices of government has been through the creation of expert knowledge and innovating the tools necessary for obtaining it. There are two main methods: one is “the adoption and appropriation of existing practices, the borrowing of techniques from elsewhere”.<sup>435</sup> The other is the creation of techniques that did not previously exist, in this sense the EU representing a laboratory of technology creation and testing beyond the

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<sup>432</sup> Dean (2010), pp. 98-9.

<sup>433</sup> Walters and Haahr (2005), p. 14.

<sup>434</sup> Dean (2009), p. 42.

<sup>435</sup> Walters (2004), p. 164.



conventional governmental sites associated with the state. Assembling all the existing technologies, making them cross over from one domain to another, readjusting their focus and enhancing their capabilities is the innovative way in which the EU institutions have sought to govern. The Commission is constantly arguing that the EU has to innovate in terms of policy formulation and implementation.

Initially the EU had to borrow many of its technologies from the domestic national realm. For example, Walters and Haahr describe how Monnet, in particular, translated much of his knowledge of policy-creation and implementation that he had developed when working in the lower ranks of the French government. However, over the years, the EU has also innovated on a case by case basis, almost always out of necessity, as ways of emerging from moments of tension, crisis and clashes of perspectives. The necessity to emerge from a deadlock or to appease the fears of national governments regarding the EU's "trespassing" implied that new methods and ways had to be devised for the European integration to develop further.<sup>436</sup> This is also one of the reasons why the future of this ongoing process and its finality cannot be predicted, despite the best plans, calculations and efforts to stir movement in a particular direction. The historicity and locality of the various sites of innovation makes this simply impossible, but also points to the flexibility, mobility of the EU identity and its institutional form.

One of the many technologies employed in the Roma policy is the *technology of de-differentiation*, which has "the virtue of suggesting a procedure that can be continued indefinitely through the production of new differences to be removed".<sup>437</sup> By making the liberal case for equality and non-discrimination in the Roma context, the EU enables the production of procedures that expose relationships of domination based either on status or gender, rendering them as illegitimate and urging action for their removal. This is closely linked with technologies of transparency and politicization of certain problematics.

De-differentiation cannot function without "the existence of complex apparatus of norms, laws, concepts and practices" assembled in accordance with the mentality of rule in such a way that "will allow for

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<sup>436</sup> "The development and use of instruments other than the well-known infringement procedures can be understood as resulting from the constraints of the EU system. Member states' reservations about transferring additional powers, as well as the political costs of enforcement and the limited capacity of the European Commission to systematically follow up on all cases, have been driving forces to enlarge room for maneuver by instruments that can be categorized as competitive in their governance mode (e.g., benchmarking.) Interaction with subnational actors in the form of whistle blowing increases the amount of information available to the Commission and hence increases the ability of the Commission to enforce compliance with the directives. Empowerment of individuals and organized interests to use preliminary rulings increased indirect pressure capacity." Hartlapp, Miriam (2009) "Extended Governance: Implementation of EU Social Policy in the Member States", in Ingeborg Tommel and Amy Verdun (Eds.) *Innovative Governance in the European Union: The Politics of Multilevel Policymaking*, London: Lynne Rienner Publishers, pp. 221-36, p. 235.

<sup>437</sup> Baker, Keith Michael (1990) *Inventing the French Revolution*, Cambridge: Cambridge University Press, p. 190, quoted in Walters and Haahr (2005), p. 69.

the identification, politicization, production and removal of further differences within the social body, but in ways that cannot always be predicted".<sup>438</sup> By exposing certain aspects of the daily life of the Roma with the help of the experts, civil actors and the media, it allows for the formulation of certain aspects (restricted access to public services for Roma, discrimination and violence against Roma women or Roma children, etc.) as political problems that require attention and solving. Whatever the causes or actors that contribute to the problem, they are subjected to the *tactics of denunciation* that allow for the deployment of the necessary means to implement the reforms required.

*Law* is one of the most basic technologies of power. Although Foucault identified law as the main technology associated with sovereign rationality of rule, he also argued that legal and disciplinary technologies of rule do not disappear within the modern liberal government, but rather, become subordinate to it, adapting to the needs and aims of the dominant rationality. In the current context, illiberal technologies and practices of power are locked under the concern with security of the sovereign rationality, but whenever necessary, can always be called upon taking a temporary position as dominant rationality, as is often the case with "the state of exception".

Thus, law continues to represent an important technology of power. "So there is not a series of successive elements, the appearance of the new causing the earlier ones to disappear. There is no legal age, the disciplinary age, and the age of security (...) In reality you have a series of complex edifices in which, of course, the techniques themselves change and are perfected, or anyway, become more complicated, but in which what above all changes is the dominant characteristic, or more exactly, the system of correlation between juridico-legal mechanisms, disciplinary mechanisms, and mechanisms of security".<sup>439</sup>

As a matter of fact, existing legislation and (where necessary) new legislation represents a very important technology through which the EU carries out the liberal rationality of rule. "The EU has put in place a robust legislative framework for the well-being of Europeans by establishing and strengthening their rights as citizens, consumers and workers in many areas, including mobility, health and safety, social security, working conditions, information and consultation, gender equality and non-discrimination".<sup>440</sup>

But law is not something fixed, it has to be updated and streamlined in light of emerging issues, new forms of work organization and jurisprudence from the ECJ. The constant defining and redefining of

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<sup>438</sup> Walters and Haahr (2005), p. 72.

<sup>439</sup> Foucault (2007), p. 8.

<sup>440</sup> European Commission (2008c), p. 15.

legislative technologies are a vital part of European government. Monitoring the way in which member states translate and implement European law as well as the decisions of the ECJ are important aspects of this process. Nevertheless, defining rights and ensuring their protection through law, despite their vital importance, is not enough. That is why, it is argued, the EU needs to develop a robust system of implementation and monitoring through which the legislation is carried out in practice.<sup>441</sup>

This system of implementation is inextricably linked with the *technologies of agency and performance*. Based on the identification and definition of the Roma as a social space to be known and governed, technologies of agency and performance allow for the creation and activation of the individual Roma as a free subject, capable of responsible exercise of rights and possessing of a duty to participate not only in social life but also in political life, by shaping and conducting the “business of” government. Here, all social actors, from regional and local authorities to civil society actors and ultimately, the individual, are called on to become involved in the collective government.

The European Social Dialogue is considered by the Commission to be “one of the cornerstones of the European social model”. Social partners are encouraged in the Renewed Social Agenda to “make full use of the possibilities offered by the European Social Dialogue. With their knowledge and experience they are best placed to identify changing social realities and have a specific role to play helping to provide responses”.<sup>442</sup> So, social partners are seen not only as important consultants for policy makers, but also as important actors in themselves through the action and agreements they foster with each other. Reaching a common understanding in line with the larger framework of the national and EU level policies, these social partners act as “foot-soldiers” in proliferating and implementing policy, acting within the general framework of liberal standards and norms.

The *technique of temporalization* is also an important part of the EU government. Deadlines and timetables not only help the EU project present itself as constantly evolving along a predetermined path, towards a finality of integration, but also allows for the constant monitoring and supervision of progress,

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<sup>441</sup> Leibfried associates the increasingly “prominent role for courts in policy making” with the emergence of a distinctive multi-tiered social policy system in the EU. He argues that “[a] series of ECJ rulings and Commission-Council initiatives is the source of new social policy. While the latter are stasis-prone, the ECJ’s design fosters activism. Faced with litigation, the ECJ cannot avoid making what are essentially policy decisions. The Court relies on secret simple-majority votes, sheltering it from political immobility, which is a common feature of the EU legislative process. Only a unanimous vote of the Council can generally undo ECJ decisions on European primary law. The EU system therefore places the ECJ centre stage. (...) But a court-led process of social-policy development has its own logic. Legal decisions reflect demands for doctrinal coherence more than substantive debates about policy outcomes.” Leibfried, Stephan (2010) “Social Policy”, in Helen Wallace, Mark Pollack and Alasdair Young (Eds.) *Policy-Making in the European Union*, 6<sup>th</sup> edn., Oxford: Oxford University Press, p. 279.

<sup>442</sup> European Commission (2008c), p. 16.

measurement of performance against the constant formulation of mid-term goals and results to be delivered. This technique continues despite past failures and is recast in new policy documents, making the case for a new beginning every time. For example, the Lisbon Strategy failed to achieve most of its socio-economic goals by its 2010 deadline,<sup>443</sup> but this did not prevent the Commission from recasting those goals anew in the Europe 2020 strategy. The point here is not to pass judgement on the value of such goals, but rather to underline the way in which temporality is used as a technique of government.

The technique of temporality is also employed in the Roma policy where the use of timeframes that break down the integration process into stages and steps to be taken, has the similar effect of presenting the Roma integration as positively evolving, progressing in clearly identified and timed stages. A first step of the policy was identified in the drafting of national strategies, the second step is argued to be the setting up of a monitoring and implementation system. Missing deadlines or falling short of midterm goals is reason for innovation and intervention, so that new measures of “catching up”, overcoming obstacles, learning from past failures and other techniques of improving performance are devised. This temporality helps drive the process forward along predicted and predetermined paths, on a scheduled path into the future.

The *technique of policy coordination* through *benchmarking*,<sup>444</sup> or assessments of progress and recommendations for improvement on individual national strategies in accordance with the guidelines and common principles it outlined in previous documents, is identified by the EU as a basic method of carrying through this policy. Although this policy mode was developed in the EU early on, being used particularly in the economic field by the Commission, according to Helen Wallace, three fairly recent developments have rendered coordination “as a policy mode in its own right”: 1) the move towards the European Monetary Union and its “coordinated” macroeconomic policy 2) the introduction of the “open method of coordination” (OMC)

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<sup>443</sup> See midterm assessment *Facing the Challenge- The Lisbon strategy for growth and employment*, the Report from the High Level Group chaired by Wim Kok, November 2004. Available online at: [http://ec.europa.eu/research/evaluations/pdf/archive/fp6-evidence-base/evaluation\\_studies\\_and\\_reports/evaluation\\_studies\\_and\\_reports\\_2004/the\\_lisbon\\_strategy\\_for\\_growth\\_and\\_employment\\_\\_report\\_from\\_the\\_high\\_level\\_group.pdf](http://ec.europa.eu/research/evaluations/pdf/archive/fp6-evidence-base/evaluation_studies_and_reports/evaluation_studies_and_reports_2004/the_lisbon_strategy_for_growth_and_employment__report_from_the_high_level_group.pdf) Last accessed November 25, 2012. For an overall assessment of the Lisbon Strategy see Copeland, Paul and Dimitris Papadimitriou (Eds.) (2012) *The EU's Lisbon Strategy: Evaluating Success, Understanding Failure*, Basingstoke: Palgrave Macmillan.

<sup>444</sup> For more on this in the European context see Walters and Haahr's (2005) chapter 6 “Benchmarking Europe: Advanced Liberalism and the Open Method of Coordination”.

and 3) the recognition of cross-country variations that made it harder to make the case for “uniform policy templates”.<sup>445</sup>

The EU has created not only a very complex multilayered network of expertise made up of specialized committees and institutions that gather, analyse and produce proposals for policy and implementation in a particular field. It has also incorporated an ever increasing number of civil society actors working at grassroots. The EU picks and chooses from a wide array of civil actors only those organizations and agencies that share its approach.<sup>446</sup> In exchange for funding, special access to policy makers and the visibility this participation bestows on the collaborators, the EU expects them to perform, to deliver on time concrete results that fit the framework and the standards it sets out for them. They not only provide the valuable information in real time about the situation on the ground and the impact of specific measures and policies, but also channel the Roma voices to EU.

With EU funding and support these actors help identify the gaps in implementation and are increasingly called on and empowered through financial and technical support to carry out on their own

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<sup>445</sup> The Commission plays a central role in this method because of its functions it performs: as the “developer of networks of experts or epistemic communities, or of stakeholders and/or civil society, and accumulating technical arguments in favour of developing a shared approach to promote modernization and innovation; the involvement of ‘independent’ experts as promoters of ideas and techniques; the convening of high-level groups of national experts and sometimes ministers in the Council and occasionally the European Council, in brainstorming and deliberative rather than negotiating mode; the development of techniques of peer pressure, ‘benchmarking’, and systematic comparisons in order to encourage policy learning; dialogue (sometimes) with specialist committees in the EP, as the advocates of particular approaches; and outputs in the form of ‘soft law’ and declaratory commitments rather than ‘hard law’ and binding commitments, oriented at gradual changes in behaviour within member states”, and, by implication, also in the behaviour of all other social actors, I would add. Wallace, Helen (2010) “An Institutional Anatomy and Five Policy Modes”, in Helen Wallace, Mark Pollack and Alasdair Young (Eds.) *Policy-Making in the European Union*, 6<sup>th</sup> edn., Oxford: OUP, especially pp. 98-100.

<sup>446</sup> Any call for project proposals subjected to such an inquiry should allow a clear picture of how the EU works in selecting and assessing its partners. Take, for example, the EU funding for lifelong learning “*Roma Multilateral Projects*” that has been running since 2011 with an allocated budget of over 500,000 Euros in 2011, and 2 million Euros in 2012 and 2013, respectively. Their objective is “to support the creation of transnational cooperation projects to develop lifelong learning measures for Roma integration joining-up educational and other social measures (health, employment, housing) to raise participation and attainment levels of Roma students in general education and VET”. The beneficiaries of funding can be any organization, public or private, that is active in the field of lifelong learning or related to fields connected with education such as health housing or employment, which complies with the criteria for application and selection: relevance, quality of the work programme, innovative character, quality of the consortium, European added value, cost-benefit ratio, impact, quality of the dissemination and exploitation, and if applicable, participation of organizations from third countries. The applications must fulfill all the detailed requirements specified. For example, on relevance requirements, applications and the results foreseen must, among others, be clearly “positioned in the specific, operational and broader objectives of the Programme”. The quality of the work must be clear, appropriate and distributed among partners so that results are achieved on time and on budget. The project to be carried out must provide innovative solutions to clear targets groups and problems, “either by adapting and transferring innovative approaches which already exist in other countries or sectors, or by developing a brand new solution not yet available in any of the countries participating in the Lifelong Learning Programme.” The consortium of partners must possess “the skills, recognized expertise and competences required to carry out all the aspects of the work programme”. As an European Added Value, the EU requires that “the benefits of and need for European cooperation (as opposed to national, regional or local approaches) are clearly demonstrated”, the impact of the project is not only clearly defined, measured and achieved, but is also properly disseminated and activities exploited for the results to impact “beyond the participants in the proposal, during and beyond the lifetime of the project”. See the call for application at [http://ec.europa.eu/education/llp/doc/call13/fiches/pol2\\_en.pdf](http://ec.europa.eu/education/llp/doc/call13/fiches/pol2_en.pdf) Last accessed November 25, 2012.

policy implementation at the grass roots level. What this extended process of consultation effectively does is to circumvent state monopoly in producing and conveying information, to act as a monitor on the national government and the regional and local authorities' implementation of policies they have agreed to, as well as provide the EU with the legitimacy for intervention *vis-à-vis* state action (or inaction) which represents strong encouragement and support of non-state actors' active involvement in implementing and monitoring EU policies.

The direct contact between the EU and the various grass roots actors, including the Roma organizations themselves can also be seen as a *technology of proximity*, through which the EU does not only feel the pulse and hear the voices of the "people", but also uses to redress its democratic deficit in a way that not only adds value to the individual citizen, but also allows it to be *seen* delivering an added value. It does not serve the EU simply to provide and protect, to deliver and cater if it is not also *visibly* doing it, particularly in the current context of rising Euro-skepticism and criticism of elitism. "The rise of discourses (often encouraged and mainstreamed by the Commission) concerning the role of 'civil society' in contribution to participatory democracy or to the development of a 'European Public Space' has created a context, however, in which instead of being unaccountable 'integration by stealth', the incorporation of a wide number of actors through new policy methods is increasingly viewed as a model of good governance".<sup>447</sup> Reconnecting with the citizens is also a concern that is visible in the Roma policy.

The manner in which the EU employs this technology of proximity is by setting up open forums for debate, online streaming of various events, setting up websites and tools that enhance the access to information relating to the Roma action and projects. This is also linked with the *technologies of inscription* (that translate governing rationality into the language, format and assumptions of the act of inscription),<sup>448</sup> the way in which the EU uses graphs, tables, and symbols to not only makes information easy, simple and accessible, but also to build the European brand. From the "one click away" Eudatum site, to the "help us improve" web-tools, the social networking tools, the "join the European debate" type of calls, and to the two-euro coin-sized mini-Charter of the Fundamental Rights, the printing and distributing of self-help manuals and Policy-framework explaining manuals and guides, these tools are all meant to bring the EU closer to the citizen, making itself a daily presence and necessity.

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<sup>447</sup> Cram (2009), p. 99.

<sup>448</sup> For more on this, see Miller and Rose (2008) "Political Power beyond the State" chapter.

The technology of proximity, which the EU has developed for the larger context in which it deals with its democratic deficit and visibility problem, is also employed in the Roma policy. Particularly within the justice context dealing with the rights of all EU citizens, the Roma have direct access to consultation and they can lodge complaints regarding the violation of their rights. The Commission has officially named 2013 to be the “European Year of the Citizens”.<sup>449</sup> The Commission is likely to increase its efforts in making Europeans aware of the link between their rights and their future, bringing the EU ever closer to the individual citizen.<sup>450</sup>

Maybe one of the most important techniques that is allowing EU to penetrate deeper in social affairs is the *Open Method of Coordination* (OMC), which was introduced as a policy tool following the 2000 Lisbon Summit. It was envisioned as an alternative method of supranational governance, “the means of spreading best practice and achieving greater convergence towards the main EU goals” of economic integration and social cohesion.<sup>451</sup> Within the economic context, OMC meant to create “a complete and fully operational internal market” and transition towards a knowledge-based economy, among others, by removing barriers to services, setting up coordinated action to simplify the regulatory environment and identifying the areas where further action is needed to rationalize the transposition of Community legislation into national law. It was also meant “to promote competition and reduce the general level of state aids, shifting from supporting individual companies or sectors towards tackling horizontal objectives of Community interest, such as employment, regional development, environment and training or research.”<sup>452</sup>

Within the social context, the OMC was presented as the means through which the EU goals of eradicating poverty, tackling unemployment and promoting social inclusion would be reached. By fixing guidelines, setting specific short, medium, and longterm timetables, establishing quantitative and qualitative indicators and benchmarks allowing for comparison and measurement, setting specific targets and adopting specific measures as well as setting up the system for monitoring, evaluation and peer review allowing for mutual learning, the OMC effectively changes the way in which both the social and the economic spaces are

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<sup>449</sup> European Commission (2012) “*It’s about Europe. It’s about you. Join the debate*”- 2013 is the ‘European Year of Citizens’, Press Release 23 November 2012. Available online at: [http://europa.eu/rapid/press-release\\_IP-12-1253\\_en.htm?locale=en](http://europa.eu/rapid/press-release_IP-12-1253_en.htm?locale=en) Last accessed November 26, 2012.

<sup>450</sup> See European Commission plans to strengthen the Single Market with measures to boost growth and enhance citizens’ rights, IP/1-/1390, October 27, 2010. Available online at: [http://europa.eu/rapid/press-release\\_IP-10-1390\\_en.htm](http://europa.eu/rapid/press-release_IP-10-1390_en.htm) Last accessed November 26, 2012.

<sup>451</sup> European Council (2000b), point 37. See also Dale, Roger (2004) “Forms of Governance, Governmentality and the EU’s Open Method of Coordination”, in Wendy Larner and William Walters (Eds.) *Global Governmentality: Governing international spaces*, London: Routledge, pp. 174-94.

<sup>452</sup> European Council (2000b), under point 17.

governed. It marks the transition from a direct rule of these areas to government by remote, government at a distance.

The Commission considers OMC to be “key to the EU Social Agenda, having helped Member States to develop a shared vision of social challenges, fostered a willingness to cooperate and learn from each other’s practices, created a new dynamism in furthering and implementing reforms, and promoted more knowledge based policy making, geared towards openness, transparency and participation”.<sup>453</sup> The OMC has been applied successfully in a variety of areas: since 2002 in Education and Training, and by 2008 in the Social Protection and Social Inclusion area, which had previously been beyond the direct Community competence (e.g. Pensions, family and disability benefits social areas and it is referred to as the Social OMC).

The OMC is also employed in the Roma policy, where it is used as a tool in pushing the integration of the social domain, allowing the EU to access those areas of state competence it could not access before; “...rather than making a shift away from supranational influence in the area of social policy, [OMC] has in fact provided a unique opportunity for the Commission to participate in hitherto forbidden policy reserves of the member states”.<sup>454</sup> The OMC is voluntary, but it acts as pressure on the states to change. The system is set up in such a way as to provide information that allows for improvement, for progress. Within the liberal context, being seen as choosing not to use that information is equivalent of illiberal government. The EU has also attached great value to the technology of quantified targets, indicators, common principles, goals and priorities for the implementation of which common instruments have been created and employed. The huge number of policy recommendations are tools for pushing progress forward along certain lines.

The accumulation of information on the Roma from across the EU members in the Brussels centre of officials and experts “makes them powerful in the sense that it confers upon them the capacity to engage in certain calculations and to claim legitimacy to their plans and strategies because they are, in a real sense, *in the know* about that which they seek to govern. The inscriptions of the world which an individual or a group can compile, consult or control play a key role in the powers they can exercise over those whose role is to be entries in these charts”.<sup>455</sup> (Emphasis in original) Thus, the EU does not only develop the info but also the powers that come with possessing that info and the capacity to employ it for its own purposes. The

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<sup>453</sup> European Commission (2008c), p. 16.

<sup>454</sup> Cram, Laura (2009) “From ‘Integration by Stealth’ to ‘Good Governance’ in EU Social Policy”, in Ingeborg Tommel and Amy Verdun (Eds.) *Innovative Governance in the European Union: The Politics of Multilevel Policymaking*, London: Lynne Rienner Publishers, pp. 86-99, p. 88.

<sup>455</sup> Miller and Rose (2008), p. 66.



purposeful, intense efforts of the EU to know the Roma is proof of what Miller and Rose identify as the “interdependence between inscription, calculation and government”.<sup>456</sup>

All the forums for debate, the platforms for shared knowledge and the best practice exchanges created to deal with the Roma issue prepare the field for and pressure states into adopting a common approach, which is translated through Commission policy recommendations and project proposals. Therefore, what the Commission says and does is extremely important. Policy proposals and recommendations are also an important way in which the Commission puts government in practice. In recent years the Commission has released an impressive number of such documents. Far from being trivial insignificant paperwork, these documents represent government being exercised specifically and concretely, their gradual accumulation representing the most effective way in which the Commission shapes the debate and stirs actors into action. Commission recommendations are not legally binding documents, but they represent a high-level agreement by heads of state and government that can be referred to by the ECJ, which adopts legally binding decisions.

Another way in which the Commission can initiate action is in the way it sets debate and discussion agenda with non-state actors. When it invites academia and other experts in producing assessments and proposals for issues to do with a specific issue, Roma issue in our case, it does not only seek to take the pulse at various social levels, but it also seeks to build the pressure for action from below. Sometimes it might announce it plans to issue a policy recommendation or proposal on a particular issue in the near future and, either because of lack of consensus, or because of specific opposition from member states, it fails to do so. At such moments civil society stakeholders, particularly NGOs, mobilize into lobbying the Commission, demanding it carries through.

This is what happened, for example, in 2008 when the Commission stated in its Renewed Social Agenda’s priority of combating poverty and social exclusion that it was planning to propose a Recommendation on active inclusion covering questions of income support, links with the market labour and better access to quality services.<sup>457</sup> Months later, when the Commission failed to produce such a document, civil society actors were quick to mount a “concerted lobbying by European Social NGOs [that] convinced the European Commission to honor its original commitment and issue a recommendation”.<sup>458</sup> It is arguable

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<sup>456</sup> Miller and Rose (2008), p. 65.

<sup>457</sup> European Commission (2008c), p. 16.

<sup>458</sup> Eurodiaconia (2008) “Social NGO pressure leads Commission to issue recommendation on active inclusion”. Available online at: <http://www.eurodiaconia.org/policy-areas/active-inclusion/1679-social-ngo-pressure-leads-to-active-inclusion-recommendation?lang=> Last accessed November 26, 2012.

whether the outcome was singlehandedly the result of NGOs pressure, but the point is that the EU knows how to “build the pressure” in public so that it mobilizes the necessary actors and creates the momentum for it to act legitimately, in the interests of, and in accordance with “popular demands”.

### **5.5 THE “CONDUCT OF CONDUCT” AS IDENTITY FORMATION AND AGENCY OF POWER IN EU ROMA POLICY**

What identities does the EU policy presume and construct for those (Roma) intended to be governed as well as for the governors? The EU does not only presume and create identities for those subjects it seeks to govern, but it also does the same for the governors as well. This is why we see the process of self-government carried out in line with the Charter of Fundamental Rights. By utilizing this tool the EU does not only construct its own identity but also enhances the meaning and value of this particular tool of government.

In the Roma policy the actors are not only the state officials and the institutions we commonly regard as holders of legitimate power and decision making authorities. Here, as reflected in Foucault’s understanding of government, power exists at the individual level, and therefore it is also at the individual level that the focus of government is directed. The “conduct of conduct” implies the attempt of governors to direct the way in which individuals self-conduct themselves. This is inextricably linked with the liberal view of the individual as a source of power, his freedom to think and act also being the cause of the drive of political government to affect the way in which the individual thinks, and by implication, the way he behaves.

The identity of the governed as well as the governor is very important. The identity of the governed has shifted over time: from one of “*sheep-like*” subjects who are to be protected and guided under a pastoral-paternalistic approach of the governing of souls, to the *citizens* of the community of free persons who voluntarily subject themselves by common consent to the rules and conditions of a solidarity that defines and guides them, to *bio-political organisms/bodies* who need to be secured, protected, promoted and in certain cases terminated to ensure the wellbeing and survival of their common social body, and to the *individuals* subjects of freedom and choice, who are the masters of their own destinies, capable to act responsibly and rationally in accordance with the regulatory framework that defines and delimitates their (free) conduct.<sup>459</sup>

The assumed identity of the governed in the context of the EU Roma policy is consistent with the latter. The Roma, as equal members of the universal community of humans, are presented as individuals

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<sup>459</sup> Walters and Haahr (2005), p.12.

who possess the very same rights and freedoms as the rest, who have the same ability to act rationally and responsively in accessing and utilizing their inherent rights and freedoms for the purpose of maximizing their potential and fulfilling their destinies. However, the practice of government at the European level, continues to be territorially determined and legally binding by the physical and sovereign borders of its member states and the population being limited to the EU citizens, nationals of the member states. Moreover, the framework within which these freedoms and rights are to be exercised is determined and regulated by the governors.

Within the Roma context, the problem of poverty and dependence is omnipresent. The discourse of lack of, or restricted, access of the Roma is seen as the root cause of their poverty and dependence, and therefore, the solution is cast in the language of empowerment. Empowerment here is seen as the granting of access to rights and freedoms available to the rest of the population, and the activation of the individual Roma, removing him/her from the marginality of the “security zones” that the system of welfare and the structurally embedded exclusion and discrimination have confined them to.

The language of empowerment and activation is important here not only because it is ideologically charged, but, more importantly for our discussion, because, as a tool of government, it shapes the structures that are used to direct human conduct.<sup>460</sup> This discourse of empowerment emerged in the US in the 1960s and has been proliferated and refined ever since by civil society actors to the extent that today it has come to dominate governance and government debates.

This discourse of “dependence” and “empowerment” associated with the poor applies to the Roma, despite their heterogeneity that is not only cultural but also socio-economic. This technology is used for the purpose of homogenizing the Roma, in very much the same way in which the US government tried to homogenize (unsuccessfully) the poor in its War on Poverty. Various social sciences mobilized to identify and know “the culture of poverty” and to “discover what they considered the ‘second face of power’, which included ‘non-participation’, ‘non-events’ and ‘non-decision-making’. (...) Governmental interventions, such as the CAPs [Community Action Programs], sought to create a set of conditions which *required* that the poor should act so that government might become effective. The poor were subjected to these programmes and to the authority of their agents in order that they might attain a certain type of subjectivity”.<sup>461</sup> (Emphasis in original)

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<sup>460</sup> Dean (2010), p. 80.

<sup>461</sup> Dean (2010), p. 84

Although Dean described the US government's policy on the poor and intended objectives, his analysis is unsurprisingly capturing the EU efforts regarding the Roma at the beginning of the twenty-first century. Interestingly, Dean argues that the US government later withdrew its support of the policy "no doubt partially owing to the failure of the programme to constitute a coherent community, but also owing to the effects of the agency granted to activists and the poor themselves".<sup>462</sup>

Most importantly, the assumed identity and agency of the Roma, and the actions they enable the EU to take towards turning their governmental programmes into a reality, are *not* tools that allow the Roma to escape power relations. "It is to seek to establish particular kinds of power relations, and to effect a specific use of expertise."<sup>463</sup> Welfare dependence, like all other dependencies, was believed to be caused by something more than just the poverty characterizing the poor. Within the current context, the EU is going beyond this line of reasoning, arguing that the poor and marginalized Roma are *not* the cause of their own predicament, but rather that they are the result of barriers, discrimination and lack of access, that were put in place to protect the welfare system. Nevertheless, though the discourse might be framed differently, the message of empowerment is still the same. The "romanticization of the 'victim' that is often coupled with the critique of ideology" still underpins our "experience or understandings of those who are subjects of governmental practices and perceptions, e.g. the victim, the oppressed, the powerless, the marginalized, the poor."<sup>464</sup>

The role of the EU is to inform on, support and protect the Roma rights by working at various levels to dismantle the barriers that have been raised blocking the access of the Roma people to their rights, freedoms and opportunities. At the same time as the identity of those who are meant to be governed is assumed and/or being created, so is the identity of those who seek to govern, in this case, not only the EU but also the state institutions, civil society actors and even the Roma organizations that participate in carrying out this advanced liberal rationality. The EU power is visible in the process of shaping new identities creating a new subject of government: "as active individuals seeking to 'enterprise themselves', to maximize

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<sup>462</sup> Dean (2010), p. 85. What is more, Dean argues, is that "[d]espite such failures and unanticipated outcomes, the [US War on Poverty] programme has wider implications in the larger history of the government of minorities and the marginalized, and in women's government, and it established a link between the self-government of individuals and groups and their effective government."

<sup>463</sup> Dean (2010), p. 86.

<sup>464</sup> Dean (2010), p. 81.

their quality of life through acts of choice, according their life a meaning and value to the extent that it can be rationalized as the outcome of choices made or choices to be made.”<sup>465</sup>

It is important to emphasize the fact that the individual in advanced liberal society does not simply have rights and freedoms, but he/she is also responsible (indeed, obliged) to act upon them. Participation and inclusion implies that individuals act in a similarly normalized way, they make the best of their own potential and, therefore, contribute to the prosperity and security not only of themselves but also of those communities to which they belong.

“[T]he problem is to find means by which individuals may be made responsible through their individual choices for themselves and those to whom they owe allegiance, through the shaping of a lifestyle according to grammars of living that are widely disseminated, yet do not depend upon political calculations and strategies for their rationales or for their techniques.”<sup>466</sup> We no longer talk of a unified, homogenous nation, community of like-minded patriots, but about individual members of diverse communities, which, although culturally and linguistically distinct, share a common belief in the liberal creed, in the value of freedom and human rights, and are all contributing to the overall social progress.

The EU uses the cultural/ethnic identity of the Roma to argue its point. However, the image of the Roma it assumes is not a unified culturally one, but a heterogeneous identity; the “Roma” term is an umbrella under which it includes Gypsies, Shinti, Manouches, Travellers, etc. Still, despite recognizing the cultural heterogeneity, the EU and other stakeholders have created the image of a homogeneous community along the socio-economic destitution that they problematize in order to create the necessity and justification for intervention. Thus, on the one hand, we witness a process of cultural de-differentiation from the attached labels and stereotypes next to processes of re-differentiation along the socio-economic terms, that classify the Roma members as consumers, workers, etc. with rights *and* responsibilities that come with the freedom they enjoy.

People concerned with the cultural aspect of the Gypsy/Roma have been critical of the fact that the EU emphasizes the socio-economic aspects of the problem to the detriment of the cultural one. The cultural aspect is recognized in as much as there is nowadays an understanding that allows for a multicultural pluralistic Europe, a heterogeneous “cultural kilt” made up of many diverse cultural communities, each with their own equal worth and worldview that embellishes in its own way the European societal fabric. The

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<sup>465</sup> Miller and Rose (2008), p. 214.

<sup>466</sup> Miller and Rose (2008), p. 214.

cultural rights of the Gypsies/Roma are, therefore, emphasized in as much as they help to maintain the cultural identity seen as necessary to enhance the well-being and potential of the community. However, the emphasis on the socio-economic aspect is much more important in the EU project because it is the basis on which the most important achievement has been attained so far: the single market. It is the single market that has allowed the EU to implement the liberal rationality of government, that allows it and the member states to play what is seen as a positive role in social and economic affairs of the society.<sup>467</sup>

Equally important it is to emphasize that even in advanced liberalism identity is not all inclusive. Despite the universal discourse of freedoms and rights, their practice within the EU is very much particularized, and access to these freedoms and rights is guaranteed by the EU *only to EU citizens*. There is still exclusion taking place, the partial de-nationalization of citizenship and the harmonization of practices across EU means that the inclusion is targeting the EU nationals, excluding third-country nationals of Roma origin. The compromise that was reached in the nation-state between the government of the population on the one hand and the surveillance and policing of the territory (and the people and things that threaten its security) on the other, as well as the paradox between the economic liberty and political control created under liberal capitalism are still very much replicated in this redefinition of inclusion.

The Roma objectified as target for inclusion is marginalized, uneducated or only receiving under-standard education, is faced with endemic discrimination and finds him/herself in an abject socio-economic condition of poverty and dependence. The inclusion of the marginalized European nationals of Roma origin is part and parcel of this move towards a new mode of governance. However, although the EU seeks to extend governmentality to the EU nationals of Roma origin, it does not upset the balance between sovereign, disciplinary and governmental power; it does not make the former two irrelevant, but rather, it only re-inscribes them upon different objects, in different terms, with different (future) consequences.

The other type of exclusion that takes place at the level of the individual *disability* to assume the rights, freedoms and the duty to exercise them according to expectations, is dealt with in the context of European social solidarity. It is assumed that in an advanced liberal society, within the EU space, those individuals/groups who cannot be activated, who cannot take advantage of their rights and freedom and continue to be dependent on others (either because of physical or mental impairment) are no longer dependent on state welfare but are supported and integrated in the larger society through an assumed solidarity of the European people and their communities. This solidarity, it is argued, is a European quality

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<sup>467</sup> Walters and Haahr (2005), p. 58.

that is not and should not be the monopoly and control of the state. The group or the community to which the individual owes loyalty and allegiance is responsible not only for allowing the him/her to fulfill his own potential, but is also acting to support and cater for those members of the community who are not able to do so (the old, the children, the handicapped, etc.).

One last point regarding the identities of the governed and the governors. Foucault had once famously said that where there is power there is always resistance, power residing in the individual as long as there exists the possibility, the ability for him to act in a different way than that which is expected or required by those who seek to govern/conduct him. Power cannot be exercised, for example, onto a dead person, or someone in a vegetative state. Similarly, power is not lost even when the individual is imprisoned or tortured, because he still retains the power to resist by thinking differently that those who confine him or torture him. The point is here that “[r]esistance is not merely a reaction to power, but a condition of its exercise”.<sup>468</sup> Moreover, the duality of the relationship between the identities of the governed and the governors means that there is a constant interplay between the action of the governors and the governed. Thus, the identity of the two is never fixed, but rather in constant flux, a constant interaction between the governed and the governors reacting to the processes of government and subjection. The identities of the Roma and the EU are, therefore, subject to continued and continuous change, which will depend on the degree to which the current power play between these actors transforms from a stage of strategic power exercise to the ossified, institutionalized version of the state of domination.

## **5.6 CONCLUSION**

This chapter has employed a governmentality approach to analyzing the content and context of the EU Roma policy. It has argued that the problematization and objectivization of the EU nationals of Roma origin as targets for social integration and strategies of activation and mobilization serve a much larger purpose than *simply* the wellbeing of these Roma individuals and their communities. By placing the analysis of the Roma policy within the larger context of the EU efforts to engineer a transition from a biopolitical approach where disciplinary and security apparatuses are employed to police the Roma to one of government “at a distance”, I aimed to show how the discourse as well as the techniques, technologies and identities developed and employed by the EU in the Roma integration policy context are also used to affect a

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<sup>468</sup> Walters and Haahr (2005), p.12.

change not only in the approach of the member states but also in the mentality of the entire EU population and beyond, in what Walters calls “international normalization”.<sup>469</sup>

The EU’s political rationality is embedded into a (neo)liberal government rationality, where social progress is facilitated through economic freedom, where the geopolitical problems that had dictated the troubled path on which Europe travelled in the past, are cast in its framework in geo-economic terms, problematized as issues of “competitiveness” and “economic performance”. In the new Europe, individual citizens are assumed to possess the capacity to access and exercise their rights and freedoms in such a way as to contribute positively to this social progress.

Roma are viewed in this context as individuals with equal rights, freedoms, but also equal duties in integrating and acting responsibly on their rights and freedoms so as to maximize their natural potential and fulfill their own destinies. The direction and the measures undertaken by the EU in the social area, in general, and the Roma in particular, are inextricably linked to the larger picture of the *governmentalization of Europe*. Narrowly, the Roma also present a new space where the “social” is re-created, shaped and acted upon, a testing ground for diverse subjectivities and identities to be assumed and acted upon, where technologies of government cross over and mutate.

The main conclusion coming out of this chapter is that analyzing the EU Roma policy from a governmentality perspective, which goes beyond the traditional concern with the *who* questions of government and focuses instead on the questions of *how* government is carried out in the twenty-first century Europe, allows us to shed light on the role and position of the Roma in the 21<sup>st</sup> century by identifying the conditions and processes that make them “special” and require particular attention. Moreover, addressing how the EU institutions are attempting to govern the Roma, we are also able to paint the picture of how the non-Roma are imaged and governed through the same advanced liberal rationalities and technologies of rule.

The wider changes that the governmentalization of Europe carries for the state are not as fundamental as one might be inclined to think. By opening up a new social space where it justifiably intervenes, the EU simply replicates the governmentalization of the state. While the consequences of this process could potentially have positive outcomes for the Gypsies recast as activated Roma (from sovereign and disciplinary zones to governmental zones), the EU *does not* fundamentally remove the application of sovereign and disciplinary powers in the liberal state. It simply relocates them onto newly refashioned

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<sup>469</sup> Walters (2012), p. 128.



objects without affecting the dynamics and practices of power that have previously led to the exclusion and discrimination against the Gypsies at the national-state level.

When Foucault defined the modern society as a “society of security”<sup>470</sup> he did not mean that we live in a police state, but rather that we live in a society that is defined by “apparatuses of security” which define and delimit all social and economic processes, apparatuses through which government penetrates and secures area of rights and freedoms that exist beyond the traditional framework of state power. The EU does not change this reality through its own process of governmentalization. In the end, as Walters and Haahr argue, the unprecedented structure through which governing is increasingly being carried out (different actors, forums and spaces), the constantly changing nature and space as well as the constantly mutating practices and technologies of power should not impede us from grasping the reality of governance in the twenty first century Europe. “The point is to recognize that our societies as well as our human capacities [whether Roma or non-Roma] are ‘inescapably technologized’. It is not a question of rejecting the fact of agency, so much as specifying the historical and technical conditions which make it possible.”<sup>471</sup> Recognizing this aspect of our reality should also enable us to understand that problems such as discrimination and exclusion are the indirect results of the actors who, in pursuit of their own economic benefits and political gains, use of practices and technologies that lead to exclusion and de-humanization of certain members of our society.

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<sup>470</sup> Foucault (2007), p. 11.

<sup>471</sup> Walters and Haahr (2005), p. 16.

## **CONCLUSION: GOVERNING THE EUROPEAN ROMA?**

This research has analyzed, with the help of the governmentality approach, the broader context within which the European Union's Roma policy needs to be understood. Looking at the Gypsy/Roma from this perspective has two benefits. First, it allows us to understand *the emergence of the "Gypsy"/"Roma"* as a socio-political category no so much as a result of the racial hatred or the towering monolithic state that has sought to use him/her as a "scapegoat" for its own political aims, as has been often argued in literature. Rather, we see it as the result of the intricate interaction of processes and actors within the liberal framework of government, who for economic profit and/or political utility and in the pursuit of their governmental programmes, have incorporated certain technologies and practices of power into the centralized state system, which institutionalizes and ossifies a certain type of power relations, and which excludes and discriminates against certain members of the society. Second, it allows us to understand the reconceptualization and reformulation of Roma currently undertaken by the EU, in collaboration with both state and non-state actors, within the context of the wider transformations of the liberal rationality, the radicalization of the liberal paradox of economic mobility and political control, and the "governmentalization of Europe" processes.

I have argued that, beyond the optimism of some commentators heralding a "new dawn" for the Roma in Europe and the pessimism of those who constantly focus on the gap between policy goals and the implementation reality, the EU Roma policy needs to be viewed against a series of complex dynamics of different actors and networks interacting to pursue their own (narrower) interests, visions and objectives, but which are all (more or less) in alignment with a more general unified neoliberal vision of government. Moreover, by drawing a parallel with the position and the role of the Gypsy in the context of the governmentalization of the state, I have argued that the (old "Gypsy", recast in the politically correct "catch-all" term of) "Roma" plays a similar function in the current "governmentalization of Europe". In making this argument I have sought to de-naturalize the Gypsy, by describing and analyzing him/her in terms of the nation-state creation processes that have contributed to his/her positioning not only in socio-political but also economic terms, at the fringes of the liberal society, confining him/her to the "security and risk areas" dominated by sovereign and disciplinary rationalities and exercise of power.

I have also argued that this is a characteristic of the modern society and its processes of nation-state creation. In the early modern period, the competition between various power contenders created a context

where self-dependent kin-groups such as the Gypsies (before they were known as such) possessed not only much more physical and political, but also socio-economic mobility. With the gradual removal of these alternative types of community organization (by elimination or incorporation in larger sites of power), the Church and the state emerge as the dominant power holders who *seek* to rule by various means (falling within the pastoral and sovereign powers frame) in the pursuit of their own political programmes which depended on the subjection and control of the masses in a general political frame of order and security.

The efforts of the Church and the state to eliminate alternatives were not entirely successful, as the emergence of the Guilds and the free-cities in Northern Europe, or the survival of some kin-groups among which the Gypsies, attest to. Nevertheless, this did not prevent the former from continuously *trying* to bring all these “challengers” in alignment with their political rationality and under their sphere of influence, either by forceful assimilation or by threatening with exclusion and banishment. The Church tried this by exerting its pastoral power over the moral conduct of individuals under the constant threat that disobedience would doom the security of their soul in the afterlife. The state, on the other hand, tried it by exerting its sovereign power and tools of physical force over the individuals who lived within the boundaries of its territorially defined realm.

Those alternative sites of power that voluntarily or forcefully aligned themselves (internalized the governor’s rationality and aims) with the state and the Church we hear of no longer. It is those who continued their struggle and resistance against subjection, that were objectified and became targets of de-legitimation and de-humanization campaigns. The latter continued to maintain a distinct social organization and/or rationality of power that allowed them to retain control over the relationships of power, enabling them to remain in what Foucault called a state of “strategic power”, preventing an ossification and institutionalization of a “state of domination”.

Starting with the sixteenth century, considerable changes (the decline of the feudal system and its hierarchy of power, the impact of Protestant and Counter-Reformation movements, and the religious wars they ignited) created a context of private and public rupture and lawlessness. For peace (the ultimate common good) to be restored, political innovation was required. This came in two forms: one was in the concept of the *sovereign*, which transitioned from its old meaning of the physical *being* of the ruler, to the abstract meaning of the *unity* of society and its political representation, authority entrusted with the role of securing the peace and wellbeing of the subjects by means of discipline, i.e., *police* understood in its original pre-eighteenth century meaning of order and harmony.

The other was in the revival of Stoicism, a form of ancient philosophy that emphasized the role of logic and ethical judgement in guiding human behaviour. Both of these had the role of providing security, a sense of stability and continuity amidst the insecurity and impermanence that the religious wars and social order collapse wrought. This is also the moment when the merger of *pastoral* and *sovereign powers* allow for the creation of a new mode of exercising power, understood as “*governmentality*” or “the conduct of conduct”, i.e., the indirect governing of people’s bodies by controlling their thinking.

From here on, a series of developments would favour the subordination of *sovereign* and *disciplinary* forms of power to that of *government*, and the transformation of the former in tools supporting and reinforcing rather than challenging the latter. This was achieved with the help of *liberalism*, which emerged less from a Lockean type of conscious contractual relationship between the state and the individual, and more from the utility that *law* provided in allowing for the creation of a general framework of universal rights and responsibilities within which the particular management of individual bodies and thoughts could be contextualized, and where the economic freedom could be unleashed and encouraged, while the political constraints and controls could be instituted and justified.<sup>472</sup>

I have placed “the Gypsy” within this framework and sought to explain his/her position and behaviour not in terms of the twenty-first century understanding of him/her, but rather according to the different historical processes and concerns that determined and constrained him/her. By tracing this genealogy of “the Gypsy” I have not sought to argue a “victimization” stance or a “celebration of obstinacy”, nor did I mean it as a criticism against the “structural violence of the state” portrayed as an imaginary monolithic entity that “leeches off” its “powerless and passive” subjects. What I have tried to do is identify the actors, factors and processes through which power emerges and is exercised by a constantly shifting and adjusting network of interests, subjectivities and actions existent at all levels of society. In effect, I have sought to show the Gypsy *in context*, cooperating and resisting, acting and being acted upon, being the cause and the effect of not only other’s actions upon him/her, but also that of his/her own actions upon him/herself and others.

Based on this analysis I have sought to understand the interests and the processes through which the European Union became involved in the Roma issues. I have argued that a series of developments taking place both before and especially after the collapse of the Iron Curtain allowed the EU to carve an ever more important and far reaching role for itself in the social domain. I have also argued that these developments do not mean that the EU is encroaching and taking over from a reluctant resisting state, as

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<sup>472</sup> Gordon (1991), pp. 19-20.

some argue, but that indeed, as a consequence of complex globalized dynamics of power and rule, in cooperation with the state, the EU is recreating (along the state) the framework where a new social agreement between the *governors* and the *governed* is sought, where a new political “subject” is envisioned and acted upon. This happens neither as a full consequence of, nor according to a well devised pre-determined, planned grand scheme of those who seek to govern, but rather by necessity (if not, by force), as a result of constantly changing dynamics of society and life in the twenty-first century.

Just as *police*, as a dominant political rationality was made impossible by industrialization and the mass dislocation of people and things- when it literally became impossible to keep track of and control every detail of industrial life, instead requiring a new rationality envisioned in the liberal government through processes and acting at a distance- so is the social government of the twentieth century requiring a makeover, a new “agreement” that takes into account the changes that have taken place during this period. The “crisis of the political” that we are witnessing today is not new, and most likely it is not going to be the last either. Although it might feel like an earthquake (we often hear words like “groundbreaking”, “tectonic shift”, “new paradigm”, etc.), this is nothing more than the regularly occurring and necessary adjustment meant to release the pressure accumulated by the constant, if slow, movement of the social “plates” lying underneath our (unreal) perception of fixity and permanence.

What the EU is able to do today is unprecedented from the perspective of its own history, or that of any other non-state organization, for that matter, but it is not unprecedented in the history of government. An institution that seeks to assemble together various actors, forces and resources over which it does not have direct control, but over which it is capable of exerting influence and inserting into a coherent framework of power and order, is something we have seen before in the “governmentalization of the state”. In many ways, then, the financial “price” that the EU is paying in setting up and funding the plethora of experts, platforms, websites, programmes, etc., targeting the Roma is a small fee to pay considering the huge gains it is making not only for itself, developing the legitimacy and authority of a social role, but also for “the state” as concept in helping it to reframe the “social contract” and refashion the blockages and tensions accumulated within its structures into new sites of flexibility and harmony.

The test, which the EU has been able to withstand so far, is whether it can *transform assemblages into apparatuses*, that is, whether it can institutionalize the relationships and networks it has created through these technologies of assemblage into permanent self-perpetuating elements/resources (over which it *maintains* a monopoly of usage) transforming them in its permanent arsenal of “foot-soldiers” that enhance,

maintain and justify the institution's "irreplaceable" role of administrator and guardian. This is also where the challenge of those who seek to resist lies at. Their task is to prevent whatever "game of strategic power" is under way at the moment to be turned into an institutionalized self-perpetuating and self-justified "state of domination". Keeping the critique going on should at least contribute to the maintenance of a wider space of maneuver without which a change in relations of power becomes impossible.

It is within this larger context that I have sought to explain the rationale behind the EU's involvement in Roma issues, particularly the EU's choice to push for the socio-economic agenda rather than the cultural one, as some activists have demanded. The EU is advocating the socio-economic mobility of the Roma in accordance with the (neo)liberal rationality of unlimited freedom and mobility in the economic domain, and with the belief that, vertical economic mobility will bring the Roma out of both the symbolic and physical "security zones" (of the *bidonvilles* and *campi nomadi*), where sovereignty and disciplinary powers are most visibly, unrestrainedly and illiberally employed to control their (political) mobility. The hope is that activation of the otherwise (assumed) "inactive" Roma will allow them the vertical economic mobility that will remove the need for the horizontal (political) mobility that in state context is met with coercive means of control.

The full effect of these developments on the Roma will require another research and more time to grasp, but there are already signs that the governmental programmes envisioned by the EU *vis-à-vis* the Roma are (as they usually do) failing to achieve their intended goals, despite the best intentions. In a preliminary assessment of the impact that the neoliberal programmes of activation and mobilization of "inactive" Roma is having in Slovakia, Huub van Baar has argued recently, that rather than serving as a "temporary solution to those who are looking for employment", activation work schemes serve as a tool allowing for the retreat of the welfare state. This is done by refashioning welfare benefits as "activation payment" from work that "includes employment in garbage collection, public garden work and other low-skilled [public service] professions" for those who participate in and cooperate with authorities, while reinforcing the exclusion and destitution of those who do not participate by removing the benefits altogether. The overall result of these activation programmes in Slovakia, he argues, has been the creation of an underpaid labour force (pay lower than national minimum wage) that "enables employers to recruit flexibly a cheaper and easily exploitable labour force." Moreover, while through this type of activation schemes "citizenship has been conceptualized less as a 'status' -associated with rights, safety nets, benefits and the like- and gradually more as a 'contract': a conditional access to rights", it has recreated and reinforced the

dehumanized image of the Gypsy/Roma where the necessity for disciplinary and sovereign practices of power has not been removed, but simply “rearranged”.<sup>473</sup>

The EU emerges here as a supporter rather than a challenger of state authority, not only because it helps remove the tensions that the state faces, but also because in acting to pursue its own aims and interests of power, the EU is reinforcing the liberal capitalist rationality that underpins the modern state. Overall, the current developments represent more or less a desperate search for political solutions to what is a fundamentally economic problem. The EU itself seeks to govern by remote, economically and through freedom, but *it indirectly depends on the sovereign and disciplinary powers of the state*. Subsequently, not only does it *not* remove (the need for) sovereign and disciplinary power application, but it indirectly reinforces them by re-inscribing them in line with contemporary requirements and criticisms. Moreover, the EU does not address the fundamental dichotomy between the economic freedom and the political control embedded in the liberal paradox; if anything, it helps radicalize it.

Today, as at other times in the past two centuries, the failures of capitalism in the economic realm create social problems to which political solutions are devised. This is not meant as a criticism, rather as a statement of fact. The top of the agenda in every political and economic forum for the past years (*Davos 2013*, the most recent) has been the question of how to make individuals, communities and markets capable of *absorbing shock*. Whether this comes from direct or indirect economic sources is not important to governors; what is important, we are told, is creating the *flexibility* “required” in the globalized twenty-first century, flexibility without which the EU will not continue to stay at the top of the winning squad.

Thus, in broad terms, the governmentalization of Europe, while allowing the EU institutions to legitimately intervene in the internal social space of its members states in pursuit of its own governmental vision and programmes, reinforces rather than undermines the current *status-quo* and the application of illiberal forms of power within the liberal state. Consequently, we are yet to address the root cause of the current impasses, as we have not really begun to innovate in ways that, as Foucault suggested, begin to remove the need for sovereign and disciplinary power exercise.<sup>474</sup>

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<sup>473</sup> van Baar, Huub (2012) “Socio-Economic Mobility and Neo-Liberal Governmentality in Post-Socialist Europe: Activation and Dehumanisation of the Roma”, *Journal of Ethnic and Migration Studies* 38(8): 1289-304, especially pp. 1295-9.

<sup>474</sup> See especially Foucault, Michel (2003) “Lecture one, 7 January 1976” and “Lecture two, 14 January 1976”, in *“Society Must Be Defended”: Lectures at the Collège de France 1975-76*, New York: Picador; and Foucault, Michel (1994a) “Confronting Governments: Human Rights”, in James D. Faubion (Ed.) *Michel Foucault- Power: Essential Works of Foucault 1954-1984*, London; Penguin Books.

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