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# Comparative Report on Ethnic Relations



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#### ABOUT EDUMIGROM

Ethnic Differences in Education and Diverging Prospects for Urban Youth in an Enlarged Europe is a collaborative research project that aims to study how ethnic differences in education contribute to the diverging prospects of minority ethnic youth and their peers in urban settings. Through applying a cross-national comparative perspective, the project explores the overt and covert mechanisms in socio-economic, political, cultural, and gender relations that make ethnicity a substantive component of inequalities in social status and power. The project involves nine countries from old and new member states of the European Union: the Czech Republic, Denmark, France, Germany, Hungary, Romania, Slovakia, Sweden, and the United Kingdom. EDUMIGROM began in March 2008 and will run through February 2011. The project is coordinated by the Center for Policy Studies at Central European University.

#### ABOUT THE PAPER

The first research phase of EDUMIGROM focused on background studies on education and ethnic relations in the domestic contexts of the project's target countries. During this phase, research teams gathered and processed macro-level data and information with three adjacent goals in mind: to supply the 16 comprehensive country studies on education and ethnic relations; to inform cross-country comparisons on minority ethnic youth in education; to provide ample information for the multi-level selection of samples for surveys, community and school case studies.

The second research phase of EDUMIGROM, by applying a cross-country comparative perspective, focused on exploring similarities and differences among the project's target countries in three broad topical areas: inter-ethnic relations, the educational situation of minority ethnic youth, and educational policies attaining inclusion. The three closely related comparative studies rely on the outcome of the 16 background reports that discuss these issues in the domestic contexts. Taking into account the decisive influence of the diverse historical legacies of inter-ethnic relations and the potentials and limitations that the prevailing welfare state arrangements put on shaping these relations, these comparative studies introduce meaningful variations in the situation and opportunities of minority ethnic youth within and beyond education. By putting the notion of citizenship into their focus, the reports address general issues of 'minoritisation' that affect indigenous Roma in the countries of Central and Eastern Europe and second-generational migrants in Western Europe in a similar way, and bring up the differential clusters of responses that the project's target countries give to the surfacing challenges. On the basis of these analyses, the studies also draw out important implications with relevance to policies in the areas of minority rights, distributional justice, educational arrangements, and the broader perspectives of ascertaining equal opportunities for all. The publication of the three comparative studies is intended to provide valuable comparative knowledge and stimulate inter-regional and international discussions on issues related to the socio-political and economic situation, education, and integration of minority ethnic youth in Europe.

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## Chapter 1

### **Ethnicity: comparing inter-ethnic relations and categorisation**

#### **1.1 Introduction**

The purpose of this cross-country comparative report is to provide a meta-analysis of the themes and issues examined in the eight background reports on ethnic relations produced by teams in October 2008<sup>1</sup>. This will inform a classification of the causes, manifestations and functions of ethnic difference in educational arrangements in the context of the varying welfare regimes in the participating countries. The cross-country comparative analysis will present a comprehensive account of the history and present situation of minority ethnic youth with particular concern for drawing together a synthesis of the comparative situation of second generation migrants and the Roma. The material presented in section 3 of the country reports on 'Issues of ethnicity in the context of the welfare state' is primarily concerned with matters of policy and these will only be drawn on in this report to support the analysis presented in the chapters discussed below.

As the overall project proposal confirmed, the main body of literature which examines ethnic identity discusses either macro level processes, policy formulations and effects, or micro-social settings and the integration of these three levels of analysis is a central objective for this report. The proposed three level approach allows the mapping of variations in the construction of social status as it is forged through identity formation and empowerment in local communities, on the one hand, and through macro-level developments and policies in education and employment, on the other. With its focus on the combined effects of macro- and micro-level factors, along with individual experiences in shaping identity, this report aims to contribute to the advance of an interdisciplinary theory of identity formation.

The persistence, durability and, in some cases, increasing strength of ethnic identities, divisions and conflicts across these national contexts is evident. This contextualises the growing importance of ethnicity in forging young people's career paths and life chances, despite political, legal and policy interventions to tackle discrimination and target support. There are significant variations and differences in migration processes, economic development, welfare provision and forms of citizenship here, but these have led to some strong similarities in the creation of patterns of ethnic exclusion and minoritisation across second-generation immigrants in the western half of the continent and Roma in Central and Eastern Europe. The overt and covert mechanisms through which socio-economic, political, cultural, and gender relations that make ethnicity a substantive component of inequalities in social status and power are examined in this report.

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<sup>1</sup> These reports cover ethnic relations in Romania, Slovakia, Hungary, the Czech Republic, France, Germany, the UK, together with a comparative report on Denmark and Sweden, which constitute the participating countries of the EDUMIGROM research project. The reports are, as follows: Schiff et al.: Country Report on Ethnic Relations: France; Kusá et al.: Country Report on Ethnic Relations: Slovakia; Magyari et al.: Country Report on Ethnic Relations : Romania; Law et al.: Country Report on Ethnic Relations: United Kingdom; Katzorová et al.: Country Report on Ethnic Relations: Czech Republic; Ohliger: Country Report on Ethnic Relations: Germany; Kallehave and Moldenhawer: Country Report on Ethnic Relations: Denmark and Sweden; Dupcsik and Vajda: Country Report on Ethnic Relations : Hungary.

In providing a comparative evaluation it is also important to acknowledge both the significance of specific contextual settings and the many dimensions of difference and diversity in these contexts. Many of the selected countries have long-established immigrant communities; in addition some are confronted with a more recent increase in migration. There are differences in the ethnic composition of these countries, such as overall size and types of ethnic groups, which makes a direct comparison of the countries rather difficult. The comparability of data is even more complicated due to different categorisations of groups used in the process of data collection, differences regarding the availability of differentiated data, and diverse educational systems. In addition, differences in processes of ethnic mobilisation and ethnic conflict are likely to be evident. Lastly, differences in intellectual traditions, the construction of research agendas and types of research complicate the assessment of current 'cutting edge' research.

The main aims of the report will be to:

- provide a comparative overview of the working of inter-ethnic relations and the state of minority ethnic groups across the nine country contexts<sup>2</sup>
- compare the situation of the selected ethnic minority groups<sup>3</sup> across national contexts;
- compare the nature and extent of discourses, rights, representation and conflicts around ethnicity, with particular emphasis on those where the selected ethnic minority groups are involved;
- synthesise existing knowledge on patterns of ethnic relations and identify an agenda of under-investigated issues;

Chapter 1 provides a comparative overview of the working of inter-ethnic relations and the state of minority ethnic groups across the nine country contexts, together with a comparative analysis of the situation of the selected ethnic minority groups, with particular consideration given to a wide range of indicators of exclusion, living conditions, poverty and marginalisation. It will also address the construction of official statistics on ethnicity, forms of self-identification and problems in the comparative analysis of ethnicity data and ethnic relations.

Chapter 2 will provide a comparative analysis of laws and regulations on immigration with significance for citizenship and the relationship between legal arrangements and multicultural values, with particular consideration to the position of selected ethnic minority groups. It will also address patterns of political representation for these groups and related issues of consultation and conflict. Lastly, it will address comparative processes of ethnic mobilisation, civil movements and initiatives, and struggles for recognition by these groups.

Chapter 3 will provide a comparative analysis of the ways in which inter-ethnic relations and conflicts are framed in public discourse and related central and local state responses. It will examine similarities and differences in 'hot ethnic issues' across the different national contexts with relevant case studies as appropriate, with attention to the ways in which these have been represented and the ways in which the policy context of ethnicity has been framed.

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<sup>2</sup> These countries include the UK, France, Germany, Sweden, Norway, Romania, Slovakia, Hungary and the Czech Republic.

<sup>3</sup> In each country specific ethnic minority groups were chosen for study based on unalterable markers that qualify for high probability of being 'othered', experience of 'minoritisation' along ethnic lines on the part of the majority and groups facing high risks of poverty and marginalisation.

Chapter 4 will synthesise existing knowledge on patterns of ethnic relations, identify leading theories and ‘leading edge’ research, using examples, and present an account of differing scholarly traditions of researching ethnicity across the national contexts. It will also identify an agenda of under-investigated issues in this field.

## 1.2 Why ethnicity matters

Ethnicity refers to the differentiation of groups of people, who have shared cultural meanings, memories and descent, produced through social interaction. In classical Greek the terms *ethnos/ethnikos* were used in a number of ways to refer to a collectivity that shares similar cultural or biological characteristics, for example a tribe of people or a band of friends, and who were not Greek, outside the nation, foreign, different and also inferior, barbarian and less-civilised. This distinction between ethnically marked ‘others’ and non-ethnically marked ‘us’ persists in modern popular usage with references to ethnic fashion, food, music, literature and forms of verbal and non-verbal communication. Sociological accounts of ethnicity are highly varied but tend to break the classical linkage between ethnicity and ‘other’, in asserting that we are all ethnically located in that our subjectivity and identity are contextualised by history, language, descent and culture. Ethnicity usually refers to the differentiation of social groups on the basis of five distinct criteria. Firstly, a notion of a ‘homeland’ or place of common origin is a key element, which is linked to the idea of a diaspora, where an ethnic group has migrated from that place to form communities elsewhere that identify with their place of origin. Secondly, a common language, either distinctive in itself or a distinctive dialect of a language shared with others, may be central to the construction of shared memories and affective belonging. Thirdly, identification with a distinct religion, e.g. Sikhism, or a religion shared with others can be a central feature of many ethnic groups. Fourthly, a common culture with distinctive social institutions and behaviour, diet and dress and, fifthly, a common tradition, or shared history of one’s own ‘people’ or nation are other criteria used in specifying ethnic groups. This last marker, a shared history is particularly important for ethnic groups like the Roma. Not all markers are used to differentiate all ethnic groups, but identification of the five, or less, criteria provide a sound basis for mapping the complexities of ethnic differentiation.

How and why does ethnicity matter? In fleshing out some of the ways in which ethnicity matters we need to look closely at specific social contexts. The strength of ethnic loyalties is evident in contemporary patterns of ethnic conflict which continue, despite international declarations and interventions, creative national policies and inter-ethnic mixing. It is ‘a world-wide phenomenon that has become the leading source of lethal violence in international affairs’ (Esman, 2004: 26). In organised structure of domination, such as exclusionary domination in apartheid South Africa or inclusionary domination such as the French Republican model of assimilation, ethnic relations across the globe encompass highly varied, complex forms of social relations. Apart from these more formal contexts, ethnicity may also be of high importance in informal social contexts (Jenkins 1997) such as:

*Primary socialisation:* in the social construction of children’s identities encountering and learning about oneself, who we are, and others may involve the use of ethnic labels and categories alongside other primary identities of gender, selfhood and human-ness.

*Sexual relationships and marriage:* inter-ethnic sexual relationships have often been a key site for violence and conflict, for example in the British race riots of 1919 and 1948, and also for aspects of patriarchal power and control which may often be concerned to enforce ethnic

exclusivity or group possession of women, for example where a female English Traveller may be ‘outcast’ if she marries outside the group.

*Routine public interaction:* informal ethnic categorisation may often help to organise and interpret social interaction. Verbal and non-verbal cues including dress, language, humour and verbal abuse may often be key to the expression and mobilisation of ethnic identities and group boundaries, who is part of my group and who is not. Everyday cultural ignorance, miscommunication and misrecognition of difference, where individuals coming from two contrasting ethnic communities may bring with them different value assumptions, expectations, verbal and nonverbal habits that influence social interaction and communication, may result in offensive behaviour, affronts to dignity and lack of respect which can all lead to ethnic conflict and violence.

So, the extent to which ethnicity matters may be highly variable dependent on society, time and context, but it is arguably ‘a basic universal facet of the human cultural repertoire’ (Jenkins 1997: 77). The leading contribution of Modood’s work on ethnicity is widely acknowledged and his theoretical position is located as a bridge between political theorists of multicultural citizenship, including Parekh (2005) and Kymlicka (2009) and the long established tradition of sociological investigation of post-imperial migrant settlements in Western Europe. He emphasises five key dimensions of ethnic difference. These include:

### **Box 1.1 Dimensions of Ethnic Difference**

- |  |
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| <ol style="list-style-type: none"><li>1. cultural distinctiveness (norms and practices such as arranged marriage),</li><li>2. identity (affective meanings that may motivate or demotivate),</li><li>3. strategy (differential responses to a set of circumstances that may contribute to group consciousness),</li><li>4. creativity (group innovations e.g. clothing styles) and,</li><li>5. disproportionality (differential structural characteristics e.g. unemployment).</li></ol> |
|--|

(Source: Modood, 2005: 189)

The purpose here is to capture both the subjective and objective features of a group defined by descent, and there is a central concern here to explore why certain social contexts over-determine or reduce the significance of ethnicity and the ways in which the different dimensions of ethnic difference may be operating in local circumstances. These issues are examined below in relation to the ethnic groups selected for analysis in this study.

### **1.3 Selected ethnic minority groups and inter-ethnic relations**

The nature and complexity of relations between the movement of people (migration), the formation of boundaries between groups of people who have shared cultural meanings, memories and descent (ethnicity) and the formation and negative treatment of racial groups (racism) is a key focus for this study. Two key forms of ethnicity are examined in this study: *migrant workers* and their descendants forming strong ethnic communities, for example Turks in Germany or Pakistanis and Bangladeshis in the UK, and the *Roma*. This study is broadly concerned with comparing the situation of indigenous Roma in four Central and Eastern European countries with the situation of second generation migrants in five Western European countries. But, as the choice of selected minority groups shows, it is also concerned to identify how ethnicity and education operate across a range of different social and political contexts. Firstly, the situation of the Roma is examined in both Eastern and Western Europe, as the UK study also sets out to explore Gypsy and Traveller perceptions and experiences.

Secondly, post-colonial migration flows to Europe are examined with a focus on a varied range of groups including North Africans, Black Caribbeans and Pakistani/Bangladeshi groups, which have differing patterns of educational achievement. Thirdly, other migrant groups including the Vietnamese, a cross-Communist migration flow, two guest worker migration flows from Southern Europe (Portuguese) and Turkey, and a refugee group, the Somalis, provide further detailed exemplars for the analysis of ethnicity.

**Box 1.2 Selected Ethnic Minority Groups**

Country	Selected Ethnic Minority Groups
Hungary	Roma
Slovakia	Roma
Romania	Roma
Czech Republic	Roma, Vietnamese
UK	Black Caribbeans, Pakistani/Bangladeshi, Gypsy/Roma/Travellers
France	North Africans (Algerians, Moroccans, Tunisians), Turks
Germany	Turkish, Lebanese
Denmark	Pakistani, Somali
Sweden	Multi-ethnic community in Stockholm

The migration history of each of these groups, and the resources and networks they have established, provide a set of key contextual factors that are likely to have a significant influence on patterns of educational achievement, together with the structural context of provision and discrimination. In examining this range of ethnic minority groups, it is to be expected that national, ethnic and intra-ethnic differentials in social, political and economic location and patterns of achievement will be significant and the complexity of positions and trends is important to capture, particularly for the purposes of policy intervention. Super-diversity is a concept that foregrounds a level and kind of ethnic complexity surpassing anything that has been previously experienced (this has been applied to the UK by Vertovec, 2006). This is distinguished by a contrast with previous periods of migration and identification of the dynamic interplay of variables among an increased number of new, small and scattered, multiple-origin, transnationally connected, socio-economically differentiated and legally stratified immigrants. This concept is employed here. It is also important to identify structural dynamics at the transnational level, the articulation of global market forces within local networks and transnational forms of political identification and action, as seen for example in the construction of European Roma identity, agencies and agendas. Although the mobilisation of ethnicity is operating differently across these groups examined here there may also be commonalities in forms of negative treatment and majority hostility.

*Negative treatment: the commonality of discrimination and hostility*

There has been an accumulating mass of research evidence from the 1960s onwards which has sought to both establish an evidence base and win social and political recognition for the reality of mundane everyday racial discrimination in Europe and elsewhere across the globe. The response of many governments and their politicians and policy makers has been ambivalent ranging from denial of the significance of discrimination to pro-active recognition and intervention. Reaching ‘square one’ on this issue, i.e. recognition, has been a long and arduous task, let alone building a platform of successful interventions to tackle these fundamental problems. Here, the compatibility between, on the one hand, racial and ethnic exclusionary practices, and on the other, institutional behaviours, environments and

objectives may be one key link in explaining their durability and persistence, rather seeing these as the exceptional, unwitting or warped attitudes of isolated individuals. General trends in racism and discrimination in a range of EU member states were examined in fieldwork with 11,000 respondents from ethnic minority and migrant communities between 2001 and 2005 (FRA 2006a). This shows that a significant number of migrants in all twelve countries examined<sup>4</sup> have subjectively experienced discriminatory practices in their everyday life, with many being particularly vulnerable to such exclusionary behaviour in the spheres of employment, housing, education and in interactions with the police. This high level of everyday, often casual, racial discrimination and the resulting perception across many groups and communities of systemic hostility may have a range of significant effects including alienation. The report also highlights a significant gap between the amount of experienced discrimination and the rate of reporting such discrimination to public authorities. This observation points to the theme of the availability and profile of institutions registering acts of discrimination. It may be that many victims either have no opportunity to report instances of discrimination, or are not aware of existing possibilities. About one third reported experiences of discrimination in employment including harassment at work, refused access to jobs and differential treatment in promotions. About a quarter reported harassment on the street, on public transport and by neighbours with 15 per cent of migrants saying they had been the victim of violence or other types of criminal offences. One in five reported being denied access to either restaurants or discotheques and discriminatory treatment in restaurants or shops because of their 'foreign background', even including being denied entry to a shop. In the context of private commercial transactions just under 30% reported that they had experienced discrimination in settings of commercial transactions being denied access to housing, credit or loans. In institutional contexts, every sector investigated in this study uncovered a significant level of experiences of racial discrimination across these European countries. About one in four had been subject to discriminatory treatment by the police in the last year and slightly less in educational establishments. One in five experienced racial discrimination in interactions with providers of welfare benefits and with employment agencies with slightly lower rates in healthcare and social service institutions. Across these differing national contexts targets and levels of discrimination vary widely. In Belgium for example Moroccan, Turkish, Congolese and Chinese people were key targets of discrimination with employment at 37% being the sphere with the highest level of perceived discrimination. In Germany, Black people were key targets with 57% reporting that they felt they had been denied a job for racist reasons, and in institutional contexts such as education the average rate of perceived discrimination was twice as high as for other groups such as Turkish people. In France over half of people from the Maghreb (North Africa) reported racial discrimination in access to jobs with slightly higher levels of discrimination being reported by people from Central African backgrounds. Lastly and most worryingly 86% of those who had experienced discrimination did not report these incidents which indicate a gulf of trust between minorities, migrants and public and private institutions in Europe. For this study, the finding that about a quarter of migrants reported perceived racial discrimination in education indicates the necessity of examining this sphere and assessing ethnic differentials and their causes.

A further study of the attitudes of majorities to ethnic minorities (FRA 2005) provides a set of data on racial and ethnic hostility for our selected countries; UK, France, Germany, Denmark, Sweden, Czech Republic, Slovakia, Hungary and Romania, see table below.

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<sup>4</sup> The countries included in this study were Belgium, Germany, Greece, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal and UK and migrants groups selected for study came from a range of backgrounds, being those especially affected by racism and discrimination, including Black Africans, Turks and those from Arab countries.

**Table 1.3 Racial and ethnic hostility by selected country**

Country	% hostile to the formation of a multicultural society	% opposed to civil rights for legal migrants	Aggregate hostility ranking
Germany	34	48	1
Denmark	22	41	2
Hungary	18	50	3
Slovakia	28	38	3
UK	20	48	3
France	22	40	3
Czech Republic	39	21	7
Sweden	12	34	8
Romania	12	15	9

(Source: FRA 2005)

This data indicates that firstly, there is a substantial level of popular hostility towards ethnic minorities, towards the formation of a multicultural society and towards the granting of migrant rights. Secondly, there is wide variation between the countries under scrutiny here with no consistent pattern differentiating Western Europe from Central and Eastern Europe, which are indicated by for example the wide variation between the Czech Republic's level of hostility to a multicultural society (39%) and Romania (12%). There is however, a tendency for opposition to migrant rights to be higher in Western Europe, with the exception of Hungary where the level of opposition is at its highest (50%). The aggregate ranking combines both of these sets of data and indicates three groupings of countries; very high levels of hostility in Germany and Denmark, similar and slightly lower levels of hostility in Hungary, Slovakia, UK and France, and lastly moderate levels of hostility overall in the Czech Republic, Sweden and Romania. The key drivers of majorities' attitudes towards ethnic minorities were identified here and they include *immigration* (the actual and perceived numbers of asylum seekers, refugees, legal and illegal migrants together with immigration control and border policing), *Europeanisation* (the role of new Member States and their citizens in the EU, and future accession of other countries to the EU), *global conflicts* (the impact of on-going and recent global conflicts on relationships between populations within the EU – such as the attacks of 11 September 2001, the Israel/Palestine conflict, Iraq and Afghanistan), and lastly *new policies of diversity and multiculturalism* (the increasing recognition and promotion of diversity in different aspects of social/public life; public information about immigration, citizenship and cultural diversity). Majority concerns and anxieties over immigration, threats remain a long-standing factor terrain for the construction of racist and exclusionary discourse. The resurgence of defensive forms of nationalism as a reaction to processes of globalisation, and the 'de-centring of the West' which has been linked to shifting economic and power relations, are processes which have led to the undermining and fracturing of national identities in late twentieth century Europe. In addition, the renewed debates over nationalism in the face of Europeanisation are seen as highlighting the criteria for citizenship, belonging and identity and providing political and cultural space for the re-articulation of racist discourse. Also, international hostilities including 9/11, 7/7 and the War on Terror, the Israeli-Palestinian conflict, and other conflicts which may be driving the movement of asylum-seekers and refugees may all be relevant here in increasing local tensions and perceptions of insecurity, threat and risk. Lastly, hostility to inclusionary policies of various types has developed, often portrayed as majority resentment over unfair preferential treatment of ethnic minority groups.

There are a complex, wide-ranging set of causes and motivations for racial and ethnic hostility and related violence. Identifying potential factors which make this more likely, more acceptable and more durable involves consideration of a complex set of interlocking environments.

- Virtual environment, internet sites and networks which may be influential in encouraging hostility and violence
- International conflicts and events including ethnic and racial conflicts, acts of terrorism, which heighten local perceptions of insecurity and fear and which are used to rationalise racist violence
- National political and media messages on migration, ethnicity and racism which shape racial hostility
- Economic factors including patterns of unemployment and low pay, economic decline, exclusion from new economic opportunities
- Educational factors that make hostility more likely such as patterns of underachievement, exclusion, racial and ethnic segregation, lack of explicit focus in schools, failure to challenge racism through school curriculum and ethos
- Family factors where hostility is socialised and legitimated across generations and genders, with old/young, female/male attitudes and talk promoting hostility in different ways
- Local social/ community factors, such as the balance between conflict ‘preventors’ and ‘promoters’, and the level and nature of social interaction across ethnic/racial lines
- Adult / youth factors, active local cultures/sub-cultures, values and norms of peer groups which may encourage hostility
- Activities of ideologically driven groups, e.g. far right groups, who encourage and promote hostility.

The macro, meso and micro contexts which collectively frame majority responses to migrants are highly dynamic with for example, changing migration flows, global conflicts, media images and national debates, yet the levels of racial and ethnic hostility reported by the FRA (2005, 2006a) appear to have remained relatively stable over the last decade. Changing times and environments play out across a fixed hard core of entrenched patterns of racial and ethnic discrimination and hostility.

#### *The formation of ethnic boundaries: the Roma and anti-gypsyism*

The long history of discriminatory treatment of Roma and Travellers, by both states and in civil society, has placed these groups as the most vulnerable to racism in Europe. Marginalisation, discrimination and persecution have always been defining characteristics of the social life of the Roma since their entry into Europe in the fourteenth century. Three competing forms of understanding and conceptualising Romani identity have been set out in recent debate (Vermeersch 2006), and as the Hungarian report confirms there are no

universally agreed objective criteria to determine Roma ethnicity. The Roma have been, firstly, identified as a historical diaspora, emphasising common origin and descent of a group of people from a military caste in India with a common Romani language now scattered across Europe. This ‘deliberate fabrication’ of classic ‘gypsyologists’, Nazi scientists and contemporary academics has been challenged for its homogenising exoticism (Okely 1983, Vermeersch 2006:14). Secondly, others have argued the Roma can be recognised by their affection for travelling/itinerant lifestyles, being marginal in national contexts and having a specific set of cultural practices and musical traditions. Yet, movement and migration characterises humanity and also most Roma in Central Europe do live in settled communities. Thirdly, others have argued that the Roma are genetically related and have biological kinship, although this raises the spectre of a return to forms of scientific racism through the use of racial and ethnic categories in the construction of genetic and genomic databases and related forms of mapping. The lack of agreed criteria for defining Roma ethnicity causes major problems for data collection and is discussed below. The Romanian report also identifies ‘an identity crisis’ at the level of the Roma population as it is characterised by many internal divisions and fragmentations including differences between those who are characterised by cultural heterogeneity and by a rigid internal hierarchical stratification, which obstructs communication with the outside world, and those who comprise the fragile political class and especially the vocal civic Roma society. Trehan and Kóczé (2009) argue powerfully for the need to construct grassroots alternatives to the dominant, neo-liberal paradigms within which Roma peoples are materially and symbolically captured—paradigms informed both by ‘older’, dichotomised (‘Occidental’/‘Oriental’) understandings of cultural difference and by ‘newer’ EU pressures brought to bear on eastern Europeans to prove their western credentials, which have only led at times to their further separation from the Roma, or to the consolidation of a racialised social order in which they and other travelling peoples are ironically fixed in (last) place (Huggan and Law 2009). The Hungarian report identifies a growing divide between intellectuals and entrepreneurs and the mass of the Roma population living in increasing poverty.

The contemporary vilification, discrimination and hostility faced by the Roma in Europe and their selection for total annihilation along with Jews in the Nazi Holocaust arise from their positioning as a racial threat to national stability. The Romani people arrived in Europe in the 1400s, having moved from India in a succession of migrations due to Islamic invasion of Asia during the Ghaznavid Empire. The historical roots of anti-gypsyism can be traced from this period and some key causes for this specific form of racism have been identified by Hancock (1997). These include early associations between the Roma and an Islamic threat with terms such as heathen, Saracen, Tatars and Gypsies being used and the equation of Roma skin colour with darkness, sin, dirt and evil, with accusations that they were spies, carriers of the plague and traitors to Christendom. Exclusivist Roma culture with restrictions on contact with non-Roma, combined with their positioning as outside the state, with no protective territorial, military or economic strength, has facilitated their treatment as vulnerable scapegoats. This treatment included mass murder, enslavement and removal of children from families, for example in Germany from 1400 to 1800. By the early 1800s Roma were referred to as ‘the excrement of humanity’ and the ‘refuse of the human race’ (Hancock 1997: 7). In Romania, Marshall Ion Antonescu’s pro-Nazi government was vehemently anti-minority, and especially anti-Roma. Mass deportation of Roma began, particularly of nomadic Roma who were primarily thought to be criminals. Some 25,000 Roma were thus sent to land captured from the Soviet Union (Transdnistria), in 1942. The Romanian People’s Court set up a War Crimes Commission in the aftermath of the war. According to the Commission, 36,000 Roma died in Romania during the war, the highest number from any European country (although as a percentage of the Roma population it was far lower than in countries such as Poland and Germany). After the Second World War

socialist governments in Central and Eastern Europe (CEE) engaged in a concerted and culturally repressive effort to assimilate and settle the Roma populations. The target was to gradually eliminate national differences, but actually this meant the elimination of ethnic minorities (i.e. their forced assimilation) (Pons 1999: 28). In all CEE countries, Roma culture was considered to be one of poverty and underdevelopment and by eliminating any references to Roma, the state denied the specificity of the Roma community. Although socialist policies improved conditions by increasing access to education and employment, they failed to provide equality of opportunity providing jobs that were mostly unskilled, low-paying and physically demanding and education marginalising them in the labour market, further weakening their access to decent housing, health and education and subjecting them to open racism and discrimination. In the 1990s anti-Gypsyism re-surfaced in European countries that were facing the prospect of increased numbers of Roma asylum seekers. At the same time, Central and Eastern European countries failed to tackle the reasons behind large numbers of Roma seeking to leave.

Segregation and discrimination against the Roma is evident in both housing and education. Across the EU migrants and settled minorities do generally appear to suffer higher levels of homelessness, poorer quality housing conditions, poorer residential neighbourhoods (such as shanty towns), and comparatively greater vulnerability and insecurity in their housing status. Very serious housing problems include lack of access to basic facilities such as drinking water and toilets, significantly higher levels of overcrowding than for other households, and exploitation through higher comparative rents and purchase prices. Persistent difficulties are faced by Roma, Travellers, Gypsies and Sinti, and refugees and asylum seekers, across the EU in securing adequate basic housing. There is also evidence of some improvement in patterns of housing conditions over time, but relative housing inequalities are highly durable. Poor mental and physical health, lower levels of educational attainment and lower income levels, together with many other dimensions of social exclusion, also have identifiable links with poor housing conditions. In Romania, 52.2% of the Roma were identified as living in severe poverty in 2001, infant mortality is four times higher than the total population and unemployment rates (28% in 2002) are almost three times the national level. In Hungary, 80% of the Roma were identified as living in poverty, being less integrated than any other minority group. In Slovakia, the Roma have been severely affected by the continuing economic depression and their living and housing conditions deteriorated not only due to joblessness but also due to the halting of social programmes which ran under the communist regime, which together with insufficient political representation, political advocacy of Roma interests and comprehensive welfare programmes has led to general deterioration in their living conditions and life opportunities. These trends are evident across all CEE countries.

The Roma population in Europe is disproportionately young, due to both a relatively high birth rate and a short life expectancy. The parents of Roma children who are starting school today already belong to the generation that have never been permanently employed in their lifetime, and this circumstance heavily influences these children's opportunities of further education. (Kertesi and Kézdi 2005). Some Roma children receive no formal education at all, particularly in Romania for the nomadic groups in remote parts of the country, due to ongoing racial discrimination and processes of exclusion, and those that do attend may suffer racist humiliation and physical abuse by their teachers and peers. Also very few Roma will ever learn, in school, about Roma culture, history or language, or about the rich contributions Roma have made to the societies in which they live (ERRC 2008, OSI 2007). Enrolment and attendance in primary education is low in most European countries and absenteeism is a persistent, common and serious problem affecting all Roma and Traveller pupils. Transition to secondary education is low and dropout rates increase with age, as a result of both moves into employment and low levels of educational attainment. Indirect discrimination in

enrolment resulting from differential application of bureaucratic regulations requiring proof of residence status, or other documentation not readily available, and direct discrimination by open refusal of school authorities to enrol Roma and Traveller children have been well established (FRA 2006b). Punishing Roma and Traveller pupils by placing them in classes lower than their age group, largely as a result of erratic attendance, academic failure or temporary abandonment of school has also been found, which prevents peer group integration, has a demoralising effect and can result in higher dropout rates. Formal and informal practices of segregating Roma and Traveller pupils persist, despite strategies and policies that have been developed to combat them. Although systematic segregation no longer exists as educational policy, segregation is practised by schools and educational authorities in a number of different, mostly indirect, ways sometimes as the unintended effect of policies and practices and sometimes as a result of residential segregation.

Wider patterns of anti-Roma hostility in relation to education are also evident. In Bulgaria, 86% of respondents in a 2005 Gallup Poll, said they would not want their children attending school where more than half the children were Roma. This partly explains government failures to implement school desegregation programmes. In Hungary, general anti-Roma hostility was reported by about 37% in 2003, with increasing levels of hostility up to the present and it therefore affects a large section of Hungarian society (OSI 2007). In Romania, research conducted by the National Council for Combating Discrimination in 2004 showed a significant level of discrimination in relation to employment, authorities and schools. In Serbia, discrimination has been identified as one of the key obstacles to equal access to education for Roma. In Macedonia, a UNICEF report on the Situation Analysis of Roma Women and Children states that 80% of people polled apply negative stereotypes to the 'Gypsies' (OSI 2007). In the Czech Republic many common people still equate Roma distinctiveness with biologically inherited shortness.

The Czech Republic is the only non-Western country where detailed examination of the relative position of the Roma in comparison to another minority group is the subject of study in this project. The Vietnamese group arrived in this country as a Communist guest worker flow from the 1950s onwards, and then later through family reunification and as illegal migrants and asylum seekers. Low levels of unemployment characterise this group which together with excellent educational attainment sets this group apart from the position of the Roma, despite having higher levels of social closure with relatively low levels of inter-ethnic marriage for example.

### *The Roma and other selected ethnic minority groups*

Outside Central and Eastern Europe, the Gypsy and Traveller population is also being studied as part of the UK project and here this group appears to be both in the most vulnerable position of economic, political and social marginality of any ethnic minority group and subject to continuing hostility and discrimination, although data for this group is much more limited (Cemlyn and Clark 2005). Analysis of the position of the other selected groups in the UK shows that the Black Caribbean population tends to be economically disadvantaged and socially assimilated, in terms of cohabitation and marriage patterns, and with some significant degree of political incorporation; and the Bangladeshi population tends to be in a position of greater economic marginality and poverty, with more social distinctiveness, due partly to social closure, and less political incorporation (Peach 2005, Modood 2005). Both of these groups had the right to settle in the UK, to acquire citizenship and participate in electoral politics due to previous British colonial relations and obligations (Robinson and Valeny 2005). So within the UK, comparative analysis of ethnicity indicates that the Gypsy and Traveller groups, who are a part of the Roma diaspora, despite centuries of residence are

doing worse, particularly for example in educational attainment than more recent migrant groups. A similar picture emerges in both comparing the Roma in Central and Eastern Europe with post-colonial migrant groups examined here including North Africans (Algerians, Moroccans, Tunisians) in France, and guest workers such as Turks in Germany and France. The population of North African origin and the Maghrebian second generation (the Beurs) in France have high levels of social marginalisation and racial hostility. Whereas the Turkish group of migrants tend to have lower levels of cultural integration and inter-ethnic relations of marriage and friendship than North Africans, and also high failure rates at school. In France, about 50% of Turks and 45% of North Africans (less for women) have no school qualifications. Turkish migrants to Germany came as guest workers from the mid 1950s onwards subsequently settling, establishing a permanent presence with increasing levels of intermarriage. Ethnic differentials in education remain striking with 23% of Turkish students failing to achieve school qualifications compared to 1.5% of non-immigrants. In Denmark, Somali migrants are primarily a refugee group and have the lowest levels of educational and labour market outcomes, with Pakistani migrants, a guest worker group, occupying a better position, but still showing a considerable level of ethnic inequality in comparison to the majority population. Although broad comparative patterns of ethnicity can be identified, there is still considerable difficulty in carrying out systematic comparison of the relative position of these groups. The purpose of primary research by the country teams involved in this project is to facilitate such a comparison through production of relevant quantitative and qualitative data. For the German case, “patterns of ethnicity” are hard to substantiate. The focus on “Turks” comprises pupils with Turkish citizenship who may well consider themselves Kurds; or as well Alevi - in ethnic terms. Any use of given statistical data is in fact of limited in respect of ethnicity because we do not use this category to quantify (see below: German category “migrant background”).

#### **1.4 Categorising ethnicity**

The problem of identifying the Roma population has led to the use of variously termed methods (hetero/ascription/outsider/external-identification) in addition to census self-assessment. In Romania data on ethnicity is obtained through the national census using self-definition. The real number of this minority remains more or less hidden to the authorities, partly due to the traditional tendency to be an *untouchable ethnicity*. Ahmed et al. (2001) notes in a study using hetero-identification that about 10% of the respondents who self-identified as non-Roma were designated as Roma by interviewers. Here, the external characteristics of an individual affected the probability of being hetero-identified as Roma: residence in a (perceived) majority Roma/Gypsy settlement, low level of education (elementary or less), number of people in the household and low income. Residence in Roma neighbourhoods increased this probability by twelve times, the lack of education around three times, and poverty and agglomeration each around one and half times. The tool of ‘Roma Social Mapping’ has been developed (Sandu 2005) to improve data collection. This uses both Roma and non-Roma local informers to identify compact local communities and estimates of population size are then made, without attributing ethnic identities to individual respondents.

In Hungary, similar problems of data collection on ethnicity arise, this position is described as “statistical chaos” (Kocsis and Kovács 1999: 13.) caused by the legal prohibition of the registration of ethnicity as well as the methodological difficulties of defining “who is a Gypsy” which creates serious difficulties for research. The lack of objective criteria to determine Roma ethnicity has led to a reliance on census self-identification data, and identification by outsiders with the both methods being the subject of intense debate and are highly contested. Current approaches seek to combine these methods whilst maintaining that

everyone has a right to decide their own identity. In Slovakia, a similar problem of census under-enumeration exists. During the 1990s, several administrative bodies surveyed (externally attributed) ethnicity and collected data on kindergarten attendance, births, infectious diseases and criminal cases, but such practice has now ceased. Sociographic mapping of Roma settlements was carried out in 2003-04 and has brought about the most precise information about the residence and habitation conditions of the Roma population. This was based on local expert interviewing (such as mayors and other municipal representatives, teachers, priests and like) and done in 1,087 towns and villages (38.4% of all in Slovakia) and has been processed into a typology of Roma communities according to their level of disadvantage which has been used in various official classifications and policies. Currently discussion about implementing legislation to facilitate collection of ethnic data is underway. In the Czech Republic statistical data on the Roma are generally not reliable and the problem of Roma non-declaration of ethnicity also persists. Here, nationality is a key identifier which permits the production of more reliable data on the Vietnamese minority as they appear to have no major concerns with self-declaring as Vietnamese nationals. The unreliability of data on the Roma has led to the use of proxy categories such as socially weak, disadvantaged or excluded, but there is a poor fit here as at least half the Roma population do not live in localities containing concentrations of socially excluded people.

In the UK no national census data on European Roma has yet been collected, although discussion is taking place about possible inclusion in the 2011 census. Since 2003 data has been collected in schools and Gypsy/Roma and Travellers of Irish heritage are two distinct ethnicity group categories within the School Census. The Gypsy/Roma category includes pupils who identify themselves as Gypsies, and/or Romanies, and/or Travellers, and/or Traditional Travellers, and/or Romanichals, and/or Romanichal Gypsies, and/or Welsh Gypsies/Kaale, and/or Scottish Travellers/Gypsies, and/or Roma. It includes all children of a Gypsy/Roma ethnic background, irrespective of whether they are nomadic, semi nomadic or living in static accommodation. The Travellers of Irish Heritage category are either ascribed and/or self-ascribed and include: Minceir, Travellers, Travelling People, and Travellers of Irish heritage. Travellers of Irish heritage speak their own language known as Gammon, sometimes referred to as 'Cant' and which is a language with many Romani loan-words, but not thought to be a dialect of Romani itself. The school census guidance explains that for children aged up to 11, those with parental authority should make the decision on the ethnic background of the child. Children aged 11-15 should make this decision with the support of their parents. Young people aged 16 and over can make the decision for themselves. However, an individual's perception of their own ethnic identity is considered sensitive personal data and ultimately it is the 'data subject', i.e., the pupils who determine their own identity by ethnic group. For children aged 11 and above, it is the child's decision that matters and should take precedence over that of their parents. In the event of a significant disagreement arising either between parents or between parents and their child over ethnic identity, the matter should be referred to the relevant government department. When a parent fails to return the ethnic group collection form, the school can use its best judgement to determine the ethnic group of the pupil. This process is also known as 'third party' ascription. If ascription is to be carried out then the information should be requested from the parent by post along with a letter that explains that the school will ascribe an ethnic group to their child if there is no response and parents do not formally refuse to provide this information. If a formal refusal is made, schools must not ascribe an ethnic group. Parents should be informed of the school's decision and given the opportunity to see, amend or remove the ethnic group record. The ethnic group record will be marked as 'ascribed by the school.' If the school has a confident belief that the children in question are likely to be, or have a Traveller heritage, then they should be encouraged to declare it within the context of the ethnic group completion form, but only after establishing, through diplomatic questioning, whether they

agree to subscribe to the ethnic status of either Gypsy/Roma or Traveller of Irish Heritage. The historic social status of Gypsy/Roma and Travellers of Irish Heritage has been negative and there may well be some parents who feel that they are protecting their children by not declaring their ethnic background. In these circumstances, every encouragement and reassurance should be given to these families by carefully explaining the value to be gained for the child from the exercise. So, clear guidance is in place for dealing with the difficulties that may arise in ethnic monitoring and the rights of the 'data subject' are prioritised.

Danish, Swedish, German and French data is very limited with no collection of information on self-declared ethnicity. These countries rely primarily on identification of country of birth, lines of descent and citizenship status. For example in Denmark the 'immigrant' category refers to people who were not born in Denmark and whose parents were not born, or are not Danish citizens. So, the Pakistani and Somali groups and their descendants are defined by both nationality and whether they are Danish or foreign citizens. The Roma cannot be identified in Denmark in national data. In Sweden the only way to identify ethnic origin is through information of place of birth or citizenship. Here, the Roma are an officially recognised minority group of 40-50,000 people. In Germany, similar problems arising from reliance on citizenship and country of birth data has led to a wider debate which has led to the creation of a new category, 'persons of migrant background', which was included in the 2005 micro census which roughly doubled the count of migrants and included identification of second-generation migrants. In France, legal regulations prohibit the collection of data on ethnic or racial origins but there is recent debate that may lead to relaxation of these laws. So, data in this country also draws on citizenship and country of birth to identify immigrants and their descendants. Also, in Germany and France it is not possible to identify the Roma population. In the UK measurement and classification of ethnicity in national statistics began in 1976, prior to this proxy measures such as country of birth and nationality were used. The national decennial census, the Labour Force Survey and the four national surveys of ethnic minorities conducted by the Policy Studies Institute provide benchmark data sources, together with local education authority data, the school pupil census and excellent national data sets on entrants to higher education providing more detailed information on education. The lack of consistent cross-national data on ethnicity remains a key problem for social research in this field.

### **1.5 A post-ethnic world?**

How should we understand the meaning of racism and ethnicity in a post civil-rights, post-apartheid, post-colonial, post-national, post-racial, post-communist world? Up to 1990 in Romania, but also in the entire communist world, scholars and political actors considered that the importance of ethnicity must decline along with the development of modernisation and homogenisation. But, as this report confirms, racism and ethnicity are not in decline, and many sociologists have been wrong in predicting their demise, including Max Weber,

'Weber may be criticised along with almost every other social thinker from the time of the French Revolution to the outbreak of World War 1 for failing to give sufficient weight to racial, ethnic and national conflicts' (Stone, 2003:29).

The strength of racial and ethnic loyalties and their practical adequacy for many people in making sense of their position in the world, in pre-modern, modern and contemporary times indicates the likelihood that such conflict will continue, despite international declarations and interventions, creative national policies and inter-ethnic mixing. The level of ethnic and cultural diversity in a society does not have any significant effect on the likelihood of racial

and ethnic conflict and associated violence and genocide (Lattimer 2008). This thesis draws on quantitative longitudinal analysis of a range of causal hypotheses (Harff 2003) and provides an empirical challenge, particularly to national political discourse which seeks to either control or reduce migration, or reject the creation of multiethnic and multicultural societies in the name of reducing racial and ethnic conflict. Whereas factors such as the habituation to illegal violence among the armed forces or police, prevailing impunity for human rights violations, official tolerance or encouragement of hate speech against particular groups and, in extreme cases, prior experience of mass killing are all much more likely to increase the likelihood of violence and atrocities being committed. The multiplicity of groups under threat and the complexity of these contexts indicates the importance of both recognising the global significance of the forces of ethnicity, racism and migration and developing a wider understanding of these issues across a range of regional situations. As Ulrich Beck (2006) reminds us, the increasing development of inter-cultural and inter-ethnic social relations across modern societies has been identified by a range of intellectuals and scholars including Kant, Goethe, Marx and Simmel, who all saw the modern period as the product of a transition from 'early conditions of relatively closed societies to 'universal eras' [universellen Epochen] (Goethe)' of societies, marked by economic and social interdependence together with increasingly complex patterns of movement and cultural interaction. The resulting swirl of social change has brought into being two opposing positions. On the one hand, cosmopolitanism brings with it an emphasis on openness to others, recognition and acceptance of difference and the universalist view that all are equal and everyone is different. Whereas anti-cosmopolitanism, which can be found across all political camps, organisations and countries, emphasises hostility to , linguistic and cultural differences, and promotes exclusion of and contempt for racial, ethnic or cultural groups who are perceived as threatening in some way. These opposing forces are both central features of the European tradition and of twenty first century Europe and provide the context for micro inter-ethnic interactions in educational and community contexts for this study. The advocacy of post-national cosmopolitanism as liberation from the binding and wearisome attachments of locality, ethnicity and nationality has also been the subject of recent debate (Habermas 1998, May et al 2004). Advocacy of complex, hybrid identities, global polis and citizenship, and the transcendence of the nation-state are some of the key elements of a post-national politics. Here there is a tendency to both underestimate the opportunities for participation in multi-national cosmopolitan politics, and the value of belonging for many people. The solidarities on which people depend whether family, community, clan or group can be too easily dismissed, especially as these solidarities may form the central basis for struggles of the less privileged (Calhoun 2004).

Across the EU, and particularly those member states under investigation here, there are commonalities of experience. All of these groups have been subject to racism, xenophobia, hostility, violence and practices of restriction and exclusion during the process of migration and settlement. They have also been subject to varying levels of political and cultural recognition, acceptance of racial and ethnic difference, inter-ethnic marriage and cohabitation and incorporation into political, economic, cultural and social spheres of activity. Many of the states under scrutiny here have strong national discourses which emphasise tolerance of minorities, but empirical evidence shows that interethnic relations are sharply competitive and conflictual, particularly in Romania for example in comparison with other Central-European countries (Culic-Horvath-Lazar-Magyari 1998). The rising 'ethnicisation of politics' in Central and Eastern European countries and the return to 'aggressive majoritarianism' (Gillborn 2008) in Western Europe are indicative of these trends.

## Chapter 2

### Comparing Minority Rights and Issues of Representation

#### Introduction

This chapter will provide a comparative analysis of laws and regulations on immigration with significance for citizenship and the relationship between legal arrangements and multicultural values, with particular consideration to the position of the selected ethnic minority groups for empirical research. It will also address patterns of political representation for these groups and related issues of consultation and conflict. Lastly, it will discuss comparative processes of ethnic mobilisation, civil movements and initiatives, and struggles for recognition by these groups.<sup>5</sup>

Legislation on minorities is not the equivalent of legal provisions securing minority rights. The latter category refers to a specific group of characteristically collective rights that protect and promote minority identities, languages and cultures, in accordance with the Framework Convention for the Protection of National Minorities (1995), the European Charter for Regional or Minority Languages (1992), and other relevant international and European normative documents. The subject of such rights are, thus, primarily groups (i.e. national minorities), and secondly members belonging to such groups. This body of rights contains only a broad formulation prohibiting discrimination, in order to secure equality before the law and equal protection by the law for members of minorities (Framework Convention, Articles 4 and 6).

The regulation of ethnic minority affairs in general covers a much more extensive area, including immigration, integration and citizenship policies as well as actions to combat discrimination, equal opportunities policies, affirmative actions, and a set of welfare regulations. In these matters, a wide range of international and European agreements and conventions apply, setting the norms for the protection of human, civil, political, and social rights.<sup>6</sup> Given the nature of our project (addressing issues of discrimination and segregation) and the peculiar situation of the ethnic minority groups in question (subjected to multiple disadvantages), it appears useful to approach our subject matter from a broad perspective, comprising all sorts of policies affecting minorities.

#### 2.1. Precarious paradigms: integration, multiculturalism and citizenship

Our central concern is to examine the ways in which issues of ethnic and cultural difference as well as social and political inequalities are addressed in particular contexts. The following discussion compares some of the basic paradigms of national political approaches and debates with respect to ethnic and cultural diversity. The conceptualisation of ethnic minorities and the development of related regulations and policies are largely determined by the make-up of the society in question, produced by its historical experiences and memories,

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<sup>5</sup> The analysis provided here primarily draws on the data and statements provided in the background country reports (WP3) of the EDUMIGROM project listed in footnote 1. Specific references to these reports are indicated only occasionally.

<sup>6</sup> For the general normative framework of the protection of ethnic and national minorities and details about anti-discrimination legislation see section 2.3.

which are fused into a kind of ideologised image of itself.<sup>7</sup> While such notions stand for a point of departure for public policies in general, and policies on minorities in particular, their implications should be regarded with caution, as they often contradict actual practices derived from the central paradigm, or disregard the unintended consequences or utter failure of certain policies.<sup>8</sup> What is more, seen as theoretical models, ideological formulations in themselves may be inconsistent or ambiguous.

Almost all the countries participating in our research are multi-ethnic societies. However, this fact is evaluated and represented in a variety of ways, suggesting differing modes in the treatment of ethnic minority groups/communities. Even post-colonial societies show basic differences with respect to the vision of ethnic and racial diversity and the acceptance of their own status as immigrant countries. Both British and French societies have developed from complex historical migration, and experienced periods of conflicts, conquests, empire and decolonisation. Nevertheless, while the United Kingdom recognises itself as a multi-cultural and multi-racial society and adopts the normative understanding of cultural pluralism, French republicanism strongly opposes any form of differentiation and resists the public recognition of ethnic groups. Thus the United Kingdom aims to nurture and foster diversity as a means to secure the equality of citizens, while the national ideology in France is that of assimilation, based on the idea that cultural conformity and a relatively open access to citizenship should be sufficient to prevent inequalities in the treatment of individuals belonging to ethnic groups. At the same time, both countries – like any other European states – apply increasingly tight and selective controls on immigration, show strong protectionist tendencies concerning the access to long-term residency and the labour market, and struggle with difficulties in terms of the inclusion of 2<sup>nd</sup> and 3<sup>rd</sup> generation immigrants.<sup>9</sup> In addition to social inequalities, immigrant groups are subjected to xenophobia and racism (as discussed above in Chapter 1). Thus the ethnicity (and race) issue arises in universalist France, stubbornly denying its political relevance officially and using euphemisms in public discourse (“immigrant” for “non-white”), just like in self-consciously “super-diverse” Britain that overstresses its own

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<sup>7</sup> There are a number of internationally significant events and periods that have left deep marks in collective memories and thus are still very influential. The most outstanding historical factors shaping state and societal ideologies, relevant for the approach of minority issues, include colonialism, the second World War, the Cold War and state socialism. Tentatively, the major effects of these historical events and periods can be summarised like this: A sense of guilt has emerged as an effect of the colonial past and involvement in World War II in some of the concerned states. Post-colonial states like the United Kingdom and France have developed a notion of responsibility towards post-colonial minorities, affecting their attitudes towards more recent immigrants as well. State policies and ideologies, especially in France and Germany but also in East and Central European countries that were aligned on the side of Nazi Germany during World War II, reflect a great deal of uneasiness regarding the acknowledgment of ethnic differentiation. The Cold War produced paternalistic attitudes in Western Europe, and frustration and a desire to catch-up on the other side of the iron curtain. Finally, the ambiguous legacy of state socialism have generated a kind of amnesia, indifference and lack of solidarity towards, and responsibility for, disadvantaged minorities.

<sup>8</sup> Ideologically informed and constrained approaches to minority issues are loaded with taboos and underinvestigated problems. Thus they are often too rigid to acknowledge and address long-term difficulties, or respond adequately to emergent needs. At the same time, a paradigm may hold itself even in the face of accumulating contradictions, that is, when actual occurrences and practices are not consistent with it.

<sup>9</sup> Leaving behind the age of relatively liberal immigration policies, especially targeting post-colonial minorities, both states have adopted a tough stance on immigration. British government policy regarding the rights of, and provisions for, immigrants is essentially conservative and still has strong racial implications. Direct controls on immigration are complemented by restricting recourse to public funds, reducing the benefit rights of asylum seekers and tightening job search requirements. As for integration, the performance of France is in contrast to this, depending on the dimension in question. In international comparison, it is the highest country regarding anti-discrimination but has the worst score in terms of the admissibility of foreigners to the labour market (Migration and Integration Policy Index 2007).

multicultural character, as if it was a novelty, as well as the significance of cultural and racial differences.<sup>10</sup>

Where immigration is a more recent phenomenon, like in the case of Sweden and Denmark, coherent immigration and integration policies exist only since the 1990s. In spite of this commonality, there are huge differences in self-conceptualisation between the two countries, pointing, again, to distinct political and ideological traditions. Both states are representative of the integrationist Nordic welfare model, the universalism of which is recognized for its strong understanding of social equality, yet often criticised for being susceptible to cultural uniformity. Yet, while Sweden defines itself as an ethnically and culturally diverse society, and its multiculturalist politics have been seen as a role model for the integration of immigrants, Denmark stubbornly tries to avoid becoming a multicultural society by demanding the acceptance of “Danish values” from ethnic minorities. Danish immigration law is more restrictive than the Swedish one, and the process of naturalisation is extremely long and complicated. Migration and integration have been particularly controversial issues in Denmark, provoking criticism both nationally and internationally and leading to changes in relevant legislation.<sup>11</sup> Denmark places a particular emphasis on inculcating language and culture and national history (similar requirements apply for the introductory period in France and Germany as well) besides demands regarding self-supporting capacities as conditions of naturalisation (which, in turn, is alien from the French system). In contrast, integration is conceptualised as a mutual process in Sweden, heading towards the full participation of ethnic minorities in a diverse society (a concept that is close to the British approach and also accepted as the standard interpretation in the European Union). At the same time, both Denmark and Sweden respond to the challenges of the “new economy” (characterised by the introduction of new technologies and the lack of qualified labour) by a change of welfare to “workfare” approach in state policies (Christiansen & Markkola 2006, Esping Andersen 1990). This shift involves tying social benefits to work and other duties, which comes especially hard on disadvantaged and discriminated minority groups that are statistically more dependent on welfare and less able to find employment. Alongside concerns about welfare expenditures and the spread of neo-liberalism, the present transformation of the Nordic model also entails underlying assumptions regarding ethnic minorities that “do not want to work” and “should contribute something in return” for social support.<sup>12</sup> Such notions tend to be backed by arguments referring to distinct (and unwelcome) cultural traits, and function to cover the reality of discrimination. Thus the workfare approach to integration, practically leading to new modes of exclusion, serves dominant political interests also by placing the responsibility for low employment rates onto “culturally distinct” immigrants.<sup>13</sup>

With respect to the acknowledgment of its own situation as an immigrant society, Germany stands for a case in between the two poles represented by the United Kingdom and Sweden, at one end, and France and Denmark, at the other. Germany considers its ethnic fabric an unintended by-product of having become a country of immigration, which fact has been recognised officially only recently (in the Immigration Act of 2005). The country’s

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<sup>10</sup> For a discussion on the ‘incomplete nationalisation’ of British culture and the historical significance of cultural and racial differences see Miles 1993.

<sup>11</sup> Important legislative developments include the modification of the Aliens Act in 1997 and the passing of the Integration Act in 1999, both of which aimed at reducing immigration and improving the basic system for integration. Subsequent regulations introduced further restrictions (e.g. the so-called 24-year (or minimum age) requirement, preventing marriage under this age).

<sup>12</sup> The Copenhagen Integration Policy is a case in point.

<sup>13</sup> A Foucauldian strand of research in Scandinavia (e.g. Hvenegård-Lassen 2007, Mik-Meyer 2004) examines how public discourses are producing understandings of ethnic minorities as different, problematic, unrealistic and unwilling, thereby legitimising exclusionary and restrictive practices according to dominant interests.

intelligentsia made efforts to promote a multiculturalist agenda in the 1980s, which was largely discarded by a recent shift towards integration. Criticism of multiculturalist policies for promoting separated ethnicities has increasingly led to promotion of policies favouring cross-ethnic loyalties and values. Like the two Scandinavian states, Germany developed a coherent immigration and integration policy only from the 1990s on. Immigration into the country became relatively easier, especially for selected groups (like students, investors, or highly skilled immigrants), while the acquisition of citizenship – tied, besides other conditions, to passing a test on culture, history and politics since 2008 – has recently been made complicated again. Legislation on citizenship and naturalisation is in the midst of substantial transformation, too, the most important aspect of which is the introduction of an element of *jus solis* in a system previously characterised by the exclusive validity of the *jus sanguinis* principle (allowing now children of legally residing foreigners to automatically obtain German citizenship upon birth). Nevertheless, the German concept of citizenship still emphasises the place of birth, which exacerbates ethnic divisions between Germans and ‘foreigners’ (who may have lived in the country for several generations). In initiating a variety of socio-economic, political and ethno-cultural changes immigrants should undergo in order to become part of the receiving society, the ‘ethnically blind’ integration policies also indicate a sense of unease and anxiety over increasing ethnic and cultural diversity in Germany.

Immigration being a recent and relatively insignificant phenomenon, the approaches of Central and Eastern European countries to ethnic and cultural diversity is conditioned, first of all, on the presence of historical national and ethnic minorities. Tensions in inter-ethnic relations are owing to, on the one hand, conflicts around state formation and the repeated redrawing of borders during the past century, the memories of which are deeply ingrained in identities and attitudes due to the rise of nationalism and ethnicism in post-Socialist times. On the other hand, the complex transformation of these societies since the fall of state socialism has brought a series of social, political and economic problems to the surface, leading to the intensification of the “Roma issue” as the primary concern of integration policies. Despite their historical multi-ethnic composition, multicultural ideals are weakly represented in Central and Eastern European societies. However, language legislation in Slovakia or Romania, as well as the 1993 Act on National and Ethnic Minorities in Hungary point toward the formal recognition of multiculturalism. Insensitivity towards the fundamental acknowledgment of diversity may be conceived as a result of the multiple impacts of political regimes of the 20<sup>th</sup> century. Primordialist views of ethnicity of the pre-war era and the imposition of uniformity by Communist ideology (coalescing in a blend of nationalist Communism that primarily characterised pre-1990 Romania but, to a lesser degree, other state socialist regimes as well) underpin the framework of reference of inter-ethnic relations as well as minority politics in the region.

The concept of citizenship, also central in Central and Easter Europe, is not as comprehensive, and its actual contents are less elaborate than in Western European states. The integral elements of citizenship – especially civil and political rights – are less developed, insufficiently enforced and often misinterpreted and misused due to the immaturity of civil society and the impotence or negligence of the state. As a result, violations of basic human rights are relatively frequent and not easily detected and remedied. Ethnically differential conceptions of aspects of citizenship are evident, just like some Western welfare states. What is more, the ‘ethnic’ character of citizenship (i.e the understanding of social membership based on ethnic criteria) predominates in the CEE region, as opposed to the overall ‘civic’ conception of citizenship characterising western societies.

Thus, although citizenship is the prevailing principle in governing social relations in post-socialist states as well, formally secured rights are not enforced equally towards all national and ethnic minorities. (In Hungary Roma are considered an ‘ethnic minority’, while in other countries of the CEE region they are regarded as a ‘national’ minority). This causes disadvantage particularly for the Roma populations, while informal and unwritten rules and relationships tend to take over the management of affairs. This weakness, coupled with the low degree of understanding regarding the principles of equal treatment and equal opportunities, contributes to widespread discriminatory practices against the Roma. With view of their significantly limited access to legitimate rights and public services, it is often affirmed in Central and Eastern Europe that Roma are actually classified as second rate citizens. This remark may refer to different practices in individual countries, involving more or less obvious infringements of rights. However, with respect to the precarious nature of citizenship in the case of Roma, the common sources and make-up of problems seem to have more significance than the differences in their appearance. Most significantly, although there may have been differences in the intensity and articulation of ethno-nationalism in transition states, depending on the democratic credential of early governments as well as the success of economic reforms and general economic prosperity, this tendency seems to be quite ubiquitous now, considering that any Central and Eastern European states appear to be prone to fall into a “spiral of ethnic politics”.<sup>14</sup>

In sum, the legacies of previous political regimes and experiences related to immigration and multiculturalism are filtered through the self-conception of societies in terms of ideals of diversity as opposed to uniformity, as well as according to dominant understandings of citizenship. It is through such ideological constructions that historical trajectories of contemporary liberal democracies contribute to setting the conditions of minority politics. The recognition of ethnicity, as we have seen, is conditioned, first of all, on ideological and intellectual premises, which – either by overestimating or by underestimating it – seem to evade, in one way or another, the actual implications and significance of ethnic difference for the minorities in question. The dominant Eurocentric norms influencing state policies and public attitudes may be identified as the general underlying cause of this kind of evasion or partial blindness concerning minority issues, affecting ideas and practices in all European states. At the same time, as a result of ideological differences between individual states, similar challenges posed by immigration and ethno-cultural diversity may lead to different kinds of responses, though fundamental problems appear to have much in common. And, *vice versa*, divergent historical trajectories and ideological backgrounds may give way to similar formulations in policy-making regarding the protection of minorities.<sup>15</sup>

The following section provides an overview of integration agendas – as the backdrop of securing minority rights – in connection with the social position and perception of ethnic minorities.

## **2.2 Status and perception of ethnic minorities – challenges of integration**

Ethnic minorities are engaged in processes of inclusion and integration and are differentially incorporated into various spheres of society, depending on their (actual or perceived) attributes and the local context. Societies with many immigrant groups are characterised by great ethnic complexity, resulting, on the one hand, from diversification and stratification (the

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<sup>14</sup> The authors of the study alluded here concluded, in 1997, that this tendency was characteristic of Romania, Slovakia and Bulgaria. (Vachludova and Snyder 1997, p. 14.)

<sup>15</sup> Issues of integration and minority politics are expanded in the following sections (2.2 and 2.3).

emergence of social and cultural differences between and within ethnic communities) and, on the other hand, from differing forms and degrees of inter-ethnic communication leading to the mixing of communities and the formation of multiple and hybrid identities. Such developments are also characteristic of post-socialist societies. Processes of social integration and ethnic interaction are promoted or hampered by majority or host societies, depending, firstly, on their political visions and, secondly, on their interests and actual capacities.

Integration, as opposed to inclusion, is a political priority in virtually every state under discussion. This goal is approached in a variety of ways and has been accomplished to various degrees and in different dimensions (namely, with respect to language, culture, education, labour market, and politics). In this regard, the ethnic minority group in question – its immigration history and present position *vis a vis* the majority society – is highly relevant, just like the dominant approach of the concerned state. Though integration policies are different, and they target individual groups differently, the underlying assumptions and expectations form a more or less comprehensive theory that is shared by European states. In short, mainstream policy tends to assume that ethnic minorities are culturally different and need to undergo some degree of acculturation. The hopes related to such (typically simplistic) normative conceptualisations, however, often remain unfulfilled. For instance, instead of progressive and extensive assimilation, leading to the elimination of all differences, France has experienced segmented assimilation, suggesting that integration processes in different dimensions are interconnected in a highly complicated manner, so that cultural accommodation does not necessarily involve any improvements in the socio-economic dimension (Portes and Zhou 1993). On the contrary: groups characterised by a significant degree of cultural separation (like the Turkish minority) may be relatively prosperous, while culturally more assimilated ones (like North Africans) are much more disadvantaged economically and socially. Another example is provided by the fate of Roma, who have been treated with varying levels of tolerance and refusal over history, facing several periods of persecution, and ending up as the most outcast ethnic minority in all the European countries they have ever appeared. Although they repeatedly underwent (often forced) assimilation, Roma have maintained their ethnic characteristics, owing to resistance and survival strategies employed in the face of social rejection and hostility. At the same time, their social separation is also due to the effective denial of the opportunities of assimilation on the part of majority societies. These examples suggest that integration policies tend to be misconceptualised and misconceived, even counter-effective or directly detrimental, implying the necessity of their revision from the point of view of the interests of particular minorities and the norms of social inclusion, equality and participatory parity.

As for the ambitions of states regarding the integration of minorities, it can be asserted that – even though this possibility is officially ruled out – (perceived) ethno-racial characteristics are of great importance.<sup>16</sup> Besides other factors – like the historical connection of the

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<sup>16</sup> Restrictive immigration policies since the 1980s or 1990s tend to hinder possibilities for family reunification and immigration by marriage. Such policies are based on a normative (and Eurocentric) conception of family and marriage as well as stereotypes and prejudices regarding immigrants, which has provoked serious controversy (especially regarding Denmark). Furthermore, the mere fact that while immigration, integration and community cohesion policies are controlled centrally but implemented locally in virtually all countries suggests the peripheralisation (and thus the lack of control) of the issue of racism. Decisions about the provisions to newcomers during the transitional period of application are transferred to the local level. Thus in Denmark and Sweden municipalities, and in the United Kingdom local authorities and community relations agencies take care of the management of inter-ethnic relations. Likewise, in CEE states decisions concerning the entitlement for welfare benefits are made by local welfare assistance agencies. Another illustration of the point about covert racism is provided by the notorious arguments with reference to the ‘basic problem’ with immigrants, i.e. their lack of relevant classifications and skills in explaining their social exclusion, whereas widespread forms of racial discrimination and exclusion in both education and employment operate also. This kind of

minority group with the host society, the time and circumstances of immigration, the intensity of internal and external community relations and interest-enforcing capacities, creating considerable variation – the imputation of “cultural” difference on the part of the authorities and institutions of host societies strongly determines the course of, and opportunities for, integration of an ethnic minority. Within this framework, the treatment and opportunities of ethnic minorities are largely determined by their economic, social and political functions. More specifically, they are valued for their actual contributions in case there is a demand for their labour and services, and refused, mistreated or (in the case of Roma) even subjected to persecution when they are no longer needed. As a rule, restrictive regulations on immigration and discriminatory policies and practices, emerging when there is no need for labour supply, go hand in hand with increasing policing and reduced access to public services and welfare provisions. This state of affairs, practically leading to social exclusion, also implies processes of racialisation, as the underlying agenda is stopping non-white immigration and the restraining of welfare resources from ethnic minorities having a “distinct lifestyle” and “not deserving” support.

The political function of ethnic minorities is more complex and versatile: roles of ethnicities range from active or passive participation in nation-building processes (representing a positive contribution to multiculturalism or the outsider negative “other”) to acting as a (risk) factor in national politics (as a potential partner or an actual or perceived threat) and international relations (for instance, during decolonisation processes, in post-war settlements, or in the course of the accession process of Central and Eastern European states to the European Union). Thus the political/symbolic significance of ethnic minorities is not at all overlapping with their social and economic usefulness in the eyes of majority societies.

A simple periodisation of the history of immigration since the second part of the 20<sup>th</sup> century seems helpful in understanding the changing attitude towards immigrant groups, particularly those from outside Europe. Post-war labour immigration (partly determined by post-colonial and guest-worker arrangements), was followed by migration on account of marriage and family reunification, alongside the arrival of several waves of asylum seekers. Obviously, as long as they were seen as providing a solution to labour shortage, immigrants were welcome. However, they were deemed undesirable as soon as becoming superfluous labour force as a result of economic transformations (specifically the reconfiguration of the industrial sector). A parallel dynamic may be discerned in Central and Eastern Europe. Here, too, Roma had relatively better opportunities of social membership in the post-war period of reconstruction (also owing to ideological reasons, namely the equalising and uniformising premises implied in the state socialist notion of social membership), while the economic transformation of the early 1990s, causing massive unemployment, revealed their precarious situation. In fact, though Roma came to Europe several centuries ago, their case manifests several similarities with more recently arrived non-European (and non-white) immigrant groups in terms of representing a serious problem of social integration and even regarding their citizenship rights.<sup>17</sup> What is more, in terms of social standing and acceptance, the situation of Roma seems to be worse than that of any other ethnicities.

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misinterpretation of problems, involving the transference of responsibility onto the victims, also holds for the case of Roma.

<sup>17</sup> Roma usually have the same citizenship rights as the majority, however, these are not enforced to the same extent. This is especially true in Romania, loaded with a dark history of Roma slavery, and the Czech Republic that was unwilling to grant citizenship and residency to Roma migrant workers and their families after the split of Czechoslovakia in 1993 (unlike Slovakia that accepted those Roma who were expelled from the Czech Republic).

On the one hand, it is at the moment when an ethnic minority group loses its relatively stable position in the social network and economic structure of society that the political urgency regarding ‘the need to promote integration’ arises. On the other hand, the political concerns resulting from the perceived otherness of minorities, distinguished on account of origins, language, culture, religion and/or outward appearance, represent a direct challenge for integration. In the meantime, in constituting a set of constraints and opportunities, inducing processes of accommodation, assimilation, or even social exclusion, integration policies effectively transform the characteristics of ethnic groups and their relations with the rest of society in an intricate manner. For all these reasons, the interests and claims of ethnic minorities are quite different. Differences arise not only due to the historical constitution and present situation (in both national and transnational contexts) of groups but also as a result of complex transfigurations provoked by the various policies they have been subjected to. Nevertheless, ethnic and national minorities are subjects of a quasi-unified framework of international and European regulations of minority rights. This framework not only sets the norms of the appropriate treatment of minorities but – through related policies – also induces further changes in the conditions and opportunities, social regard and self-conception – therefore, the very nature – of individual ethnic groups.

### **2.3 Minority rights**

#### *“Classical” minority rights concerning culture, language and identity*

With the exception of France that is not a signatory, all the states covered in this analysis have ratified both the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and adopted them in their national legislation in the second half of the 1990s or during the early 2000s. Thus, in theory, they have paved the way for promoting and protecting the rights of ethnic and national minorities regarding the maintenance and development of their culture, preservation of their identity, religion, language, traditions and cultural heritage, as well as enhancing their freedom of association and participation in resolving matters of their concern, and allowing the use of their language in public, particularly in education and in communication with authorities and the courts. Based on the fundamental principle of human rights, the conventions stipulate free optional membership in a minority and prohibit assimilation against the will of persons belonging to national minorities.

As a result of the implications of the dominant ideology of individual states, there is a sharp divide between the United Kingdom and Sweden, on the one hand, where such principles have been introduced well before their pre-eminence in international norms, and France and Denmark, on the other, where assimilationism is still a leading tendency in politics. Thus there are five recognised national minorities in Sweden, and the first policies promoting the equality of minority languages and cultures started in 1975. During the past years, Sweden has taken important steps to advance the protection of national minorities, providing public support to Finnish and Sami language media programmes and other cultural initiatives. Denmark, in turn, has only one recognised national minority and does not consider the issues of minority languages and cultures a priority. The United Kingdom developed the liberal approach termed “race relations” policy already in the mid-1960s, founded on the ideas of cultural pluralism and emphasising racial and ethnic differences within a human rights paradigm and community relations framework, first oriented by the principle of racial harmony and later that of racial equality. In contrast, France does not recognise ethnicity at all in its legislation and policy-making (see the section on categorising ethnicity in Chapter 1). Nevertheless, it shows certain regard for religious plurality, manifested, for instance, in

the creation of a “French Islam” since the 1990s. Germany has accomplished little so far with respect to the protection of minority languages and cultures, since claims for cultural or territorial autonomy have not yet even been raised by its minorities (including the large and well-organised Turkish minority). At the same time, problems with implementation – due to the generality of formulations, as well as the *ad hoc* adaptation of the English law – result in a lack of clarity and limited recognition of cultural diversity even in the United Kingdom. Separate and distinctive treatment and regulations of affairs of distinct minorities is revealed, in particular, by the fact that the extent to which religious practices become controversial and are seen as appropriate for legal intervention is highly variable across religions: those used by marginalised minority communities to express their identity and as a territory to play out conflicts are more prone to lead to criticism and restrictions (Poulter 1992). Global issues, like the terrorist attacks of 9/11 and 7/7, and the responses provoked by them on the part of European states, have also significantly changed attitudes towards Muslim minorities. In the field of minority politics, this change may be detected through the issue of wearing the veil. (See more on this issue in chapter 3 of this report.)

In Central and Eastern Europe, where ethnicity has traditionally represented a prominent issue (even though it was suppressed during state socialism), multiculturalism (though not in the contemporary sense of the term) has been a key reference point in state policies, its implications being sometimes recognised and at other times contested throughout history. At present, particular minority rights are recognised in national constitutions (like in the Czech and Slovak Republics, where they are included in a constitutional act since 1968) as well as in charters (in the Czech Republic) and separate acts (in the Czech Republic, Slovakia and Hungary). Characteristically, these states have developed specific legislation to secure the rights of national minorities, elaborating and adopting minority acts during the 1990s. Such endeavours were motivated at first by the regime change and the intention to obtain international reputation for the new democracies (especially in Romania and Hungary), and later by the imminent accession to the European Union (like in the Czech Republic and Slovakia). Legislative and policy-making processes were often informed by political considerations falling outside of the genuine responsibility of the state towards its own minorities, and contradicting the interests of the concerned minorities, thus provoking criticism for being concerned merely about crisis management and appearances, thus representing a kind of “politics on display” (Kovats 2001).<sup>18</sup> Furthermore, power relations in the national context, i.e. the presence of powerful and territorially concentrated ethnicities, also had a determining influence on the course of negotiations and final outcomes. In particular, the Hungarian minorities, striving for cultural and even territorial autonomy in Romania and Slovakia, played an important role in this process, although with differing results: in Slovakia, a separate legislation on minorities was developed, while in Romania, this issue has not yet been settled so far.<sup>19</sup> As a matter of fact, where legislation on minorities

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<sup>18</sup> For instance, while Hungary was appreciated for being the first state in the region to introduce a law on national and ethnic minorities (in 1993), this deed as well as the formulations of the act reflect “alien” interests. The legislative process, driven by the desire to gain the recognition of Western Europe, was also motivated by notorious concerns related to the fate of Hungarian minorities in neighbouring countries, which constitutes a token issue in national politics. This is reflected in the design of the system of minority self-governments, provided for in the act, which disregards the specific problems, concerns and conditions of the Roma population. The categorisation of the Roma as an “ethnic” as opposed to “national” minority in Hungary is already suggestive of differences in their treatment as a minority.

<sup>19</sup> The Act on Minority Language Use was finally adopted in Slovakia in 1999, curtailing the impacts of the previous Act on the State Language of 1996. In contrast, the hazardous career of the draft law on minorities, determined both by the growing influence and the strategic concerns of the Hungarian Coalition Party as part of the government during two consecutive cycles (from 1996 to 2004), did not lead to the adoption of the act that was deemed futile and detrimental for creating new tensions. Instead, a step-by-step approach was adopted,

is in place, it does not fully comply with European normative regulations and is also criticised for the elasticity of its formulations (like in Slovakia and Hungary). Inadequate conceptualisations in setting the agenda, particularly with respect to problems concerning the participation of minorities in decision making, as well as the lack of sufficient means to support newly established institutions, significantly hamper the implementation of minority rights. In other words, the restrictive application of norms and laws precludes the genuine recognition of minorities (curtailing their opportunities to receive public financing for projects), and their full scope of rights (particularly those related to political participation) are not respected. As a result, nationalist approaches survive in these institutional frameworks, albeit in a covert form. At the same time, overt nationalism is also manifest in public and policy discourses, particularly concerning the Roma populations (see more on this in Chapter 3).

In sum, there have been significant developments regarding classical minority rights, especially during the past one and a half decades but also looking back on a long tradition in certain societies. However, existing frameworks have deficiencies even in states with an elaborate framework of minority rights, and the enforcement of regulations and policies is generally insufficient, leaving space for ongoing struggles. Consequently, this issue represents the subject of repeated conflicts and tensions, continuously feeding minority and majority efforts to reach (temporary) consensus.

#### *Anti-discrimination legislation*

The elimination of all forms of discrimination, including discrimination suffered by persons on account of belonging to a national, ethnic or religious minority, represents an integral part of international and European law. This body of fundamental rights is primarily constituted, at the international level, by the Universal Declaration on Human Rights (1948) and the International Covenant on Civil and Political Rights (1976) of the UN and, at the European level, by the Equal Treatment Directive (76/207/EEC), the Racial Equality Directive (2000/43/EC) and the Employment Framework Directive (2000/78/EC) of the European Union. As it has been emphasised earlier in this chapter, the regulative framework of specifically minority rights, though thoroughly informed by the principles of tolerance and understanding, contains only a broad formulation regarding the prohibition of discrimination.

As for individual states, the anti-discrimination principle is everywhere included in national constitutions, and it is generally reinforced by particular acts and government resolutions as well. Such acts and resolutions either govern specific policy areas (like employment, housing or education), or have general validity in public policy. The histories of combating discrimination and accommodating basic human rights principles being different in each country, the level of protections against, as well as consciousness about, discriminatory practices is also diverse across Europe. Yet, concerns regarding the implementation of the anti-discrimination principles have much in common. A fundamental controversial issue regards the inability of formal protections in precluding hidden and indirect forms of discrimination. This fact was recognised early in the United Kingdom as well as in Sweden, while it is a rising concern in Central and Eastern Europe as well as in Denmark, Germany and France.

The concern about human rights and equality among citizens emerged relatively early in the United Kingdom and France. In conformity with the traditional philosophy of liberal

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manifested in individual affirmative action measures to integrate the claims of the Hungarian minority for cultural autonomy, including minority education.

democracy, both states prioritise individual rights over collective remedies. However, there is, again, a fundamental difference between the two states. The British race relations acts have been constantly trying to work out effective protections against discrimination since 1965, by defining (direct and indirect) discrimination and harassment, introducing statutory obligations concerning public agencies to eliminate discrimination, prohibiting hate speech, and even allowing for positive discrimination. The Commission for Racial Equality, recently integrated into the Commission for Equality and Human Rights, as the main responsible official body for safeguarding human rights and positive community relations, is entitled to start legal proceedings and contributing to legislative developments (like the stimulation of equal opportunities policies) and expected to change public perceptions. France, in contrast, having a deep trust in the formal provisions of equality embedded in its welfare system, has not developed a specific body to initiate and coordinate anti-discrimination regulations and policies. At the same time, as against the predominant denial of the relevance of ethnicity in social relations and conflicts, there is in France, too, a rising national conscience regarding racial and ethnic discrimination, which led to the establishment of the High Authority for the Struggle Against Discrimination and for Equality in 2004. This independent administrative body, however, is devoid of any representative, legal or executive powers, and its functions include only the preparation of studies and reports, providing legal advice, conducting investigations and counselling the government.

Sweden, where national minorities used to be strongly discriminated against in the past, has by today established an extensive system of minority protections. In the past years, Sweden has taken a number of important actions in this field, including the development of institutional capacities to combat discrimination against Roma and other minorities. A commitment to improve minority protection further has been recently expressed in the National Action Plan for Human Rights (2006-2009). Discriminatory policies in Denmark and the lack of effective protections, especially concerning immigrants, have provoked heated national and international controversies (Kallehave and Moldenhawer 2008).

The two EU directives of 2000, mentioned above, gave a strong impetus to develop anti-discriminatory legislations in the Central and Eastern European states (as well as in Germany). Roma representing the primary concern regarding discrimination, the tackling of the problem was among the most important criteria of accession to the European Union. In accordance with the European model, these countries have developed a compound legislation on equal treatment and equal opportunities, complementing and reinforcing existing protections (included in constitutional guarantees as well as labour codes, acts on public education, etc.). As far as implementation is concerned, official bodies have been established in a number of states (e.g. the Equal Treatment Authority in Hungary, or the Slovak National Centre for Human Rights) to investigate cases and impose sanctions. Furthermore, the offices of parliamentary commissioners (or ombudspersons) of human rights and minority rights, a type of institution widespread in the region, also have an important function in monitoring cases and formulating recommendations as to the improvement and application of anti-discrimination legislation.

A notorious problem of anti-discrimination policies (often coming up in the United Kingdom as well as in Central and Eastern Europe) relates to deficiencies of enforcement. Besides concerns about the inherent problems of legal proceedings (difficulties of proving cases, lengthy procedures, etc.), weak sanctions of little restraining power are also often criticised (see national background reports: WP3, EDUMIGROM). Furthermore, structural and institutional problems arise with respect to the compound and comprehensive nature of legislations (covering all sorts of disadvantaged minorities struggling with different forms of discrimination) and the excessively wide brief of responsible institutions. An additional

deficiency is the lack of affirmative action policies. Though positive discrimination is a legal possibility in many countries (not in France or Germany though), it is seldom practised, both because of the traditional colour blindness of the liberal approach and due to the strong public aversion against, for instance, “privileging the Roma” (see also Chapter 3). As a result, the protection against discrimination is not effective even in those states where it is considered a political priority (see data on discrimination in Chapter 1).

### *Accomplishments and ambiguities*

The recognition of ethnic minority cultures and languages and the protection of persons belonging to minorities form an important terrain of political struggles in virtually every state. These goals have acquired prominence either on their own account, or due to other political exigencies and interests, including considerations belonging to national and foreign politics. The multiplicity of political concerns in the background led to disproportions, ambiguities and anomalies in the formulation and enforcement of minority rights. This can be illustrated by the case of Roma.

The legislation and policy framework of minority rights in Central and Eastern European states were conceived from the point of view of historical national minorities seeking, first of all, the promotion of their language, culture and identity. At the same time, the interests of the Roma minority were typically marginalised. Although they may formally be part of the same institutional structure of minority rights, their specific problems arising from racial hostility, discrimination and segregation are not remedied within this institutional framework. What is more, in enhancing the relevance of cultural and ethnic differences in community relations and as the legitimate basis of self-organisation, the legislation and policies that are in place imply further risks for the Roma, given that their characteristic injuries – i.e. discrimination, segregation and racism – arise precisely from the imputation of difference. In addition, though they may be able (like in Slovakia and Hungary) to obtain public funds to establish cultural and educational institutions, start projects, and engage in cultural activities in general, as made possible by current legislation, given their disadvantaged social position, the Roma can make significantly less use of existing provisions as compared with other national minorities.

Besides having been subjected to long-term discrimination and being the target of intensifying hostility, this state of affairs is owing to the lack of resources and influence of Roma communities. In the absence of a supportive mother state and a wealthy middle class, they are completely dependent on public funds in financing activities. In addition, as a result of the detrimental effects of previous policies concerning the Roma (especially those employed under state socialism), the community relations of Roma have suffered serious damages. Such problems related to misrecognition, coupled with the experiences of poverty and social exclusion, make the Roma end up struggling with significantly more difficulties than other minorities in formulating, representing and promoting their interests. An important international initiative to compensate for such difficulties and promote the social inclusion of Roma populations is represented by the Decade for Roma Inclusion (2005-2015), a regional cooperation agreement of 11 countries in Central, Eastern and South-Eastern Europe to improve the social and economic conditions of Roma.

Overall, the issue of ethnic minority rights represents an expanding domain of legislation and policy-making. At the same time, there is high variation as far as accomplishments are concerned, owing to differences in deeply rooted notions about statehood and the regard of specific minorities, on the one hand, and incidental circumstances characterising political processes, on the other. The recognition of ethnic minorities represents a dynamic aspect of

the entire political process, since related struggles may involve a broad range of claims, changing with time and occasionally reaching beyond the original framework of minority rights as established by international norms and interpreted by individual states. This dynamic process, vowed to be promoted by some states and obstructed by others, may become misdirected or even reversed even in culturally open societies, as a consequence of global and international events as well as due to structural reasons. Thus the rising political concerns about Islam have led to restrictions on religious freedom and the re-interpretation of fundamental freedoms and community relations. As for the structural deficiencies inherent in minority legislations, it is generally unacknowledged that remedying the problems of the most vulnerable minorities – i.e. those exposed to various forms of injustices caused by discrimination – requires a complex approach, which, in turn, implies the revision, and possibly the restructuring, of the entire policy framework related to minority rights. This undertaking is a thorny one, not only given the difficulties in designing appropriately targeted policies but also because concerned groups (like the Roma) often lack the power to enforce their rights and influence decision making. (See more on the political concerns and structural problems related to policies on minorities in chapter 3.)

## **2.4 Political participation and representation of ethnic minorities**

As for the distribution of power along ethnic lines, the picture is highly varied across Europe. Differences have to do with the characteristics of institutional structures, the political priorities and attitudes of majority societies, and the level of organisation and resources of ethnic minority groups.

### *Political rights and representation in official bodies*

As long as they are naturalised or nationals, members of ethnic minorities formally have equal political rights (regarding voting and organisation of political parties) compared with the majority in each state under discussion, since these rights are linked to citizenship status. (Consequently – with a few exceptions<sup>20</sup> – foreign citizens are virtually excluded from politics.) At the same time, it has been generally observed that ethnic minorities have relatively reduced access to, and influence in, decision making, especially at the national level.<sup>21</sup>

### Electoral and party politics

Members of ethnic minorities, as a rule, are comparatively less likely to vote or to be registered to vote, though the level of their interest in getting involved in electoral politics is, again, varied according to groups and states. Differences seem to be attributed to the degree of the inclusion of minorities in majority institutions as well as to the strength of relationships and organisations within the ethnic minority communities. Thus previous colonial relations and intra-community ties affect positively the participation of Black Caribbeans and Bangladeshis in the United Kingdom, or of North Africans in France. The well-developed Turkish community in Germany has been discovered only lately as a constituency in

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<sup>20</sup> Non-naturalised residents living in the country for more than 3 years are allowed to vote at municipal elections in Sweden and Denmark. (This issue has been on the agenda in France, too, however voting rights have not yet been secured to foreign residents.)

<sup>21</sup> On the political activity and relatively low level of political participation of immigrants and Roma see especially the national reports on ethnicity (WP3) of the EDUMIGROM project and also the Migrant Integration Policy Index (MIPEX 2007). For further analyses of the problem see also Togeby 2002, Kotvanová, Szép and Šebesta 2003, National Democratic Institution for International Affairs 2003, etc.

Germany, which is due to the fact that before the change of the legislation on citizenship, the number of naturalised immigrants was much lower. The attitudes of the majority society and politics are also highly significant: negligence and the lack of solidarity create disinterest among marginalised minorities. It is a general feature characterising all the societies under discussion that most members of marginalised and discriminated minorities (e.g. Roma or Muslims) are unable to name a politician or a party that represents their specific interests. As long as a minority group is not recognised as a potential constituency on its own right – as is the case with Roma populations – its interests remain peripheral in politics, while, at the same time, its voting power gets easily abused by politicians.

For the same reasons, the ability of ethnic minorities to run for elected positions is also relatively weak and varied. In effect, with the unique exception of Sweden, national parliaments fail to reflect the ethnic composition of societies. Minority candidates, if at all, are elected from the lists of mainstream parties, rather than of their own. This is inevitable in France and Germany, where due to the official non-recognition of ethnicity, the shared background and status of particular ethnic groups have not materialised into a common marker for political mobilisation and party formation. Another, internal, cause of the incapacity of minorities to support their own candidates relates to the lack of unity among existing organisations, which is a serious problem faced by Roma minorities in Central and Eastern Europe. Successful groups in terms of being fairly represented through majority parties (also by creating platforms) include the Turks in Germany, the Black Caribbeans in the United Kingdom and selected minorities in Sweden. The major parties created by the Hungarian minorities in Romania and Slovakia, in turn, have even been able to serve several terms, as a coalition partner, in government, promoting their own interests (like schooling in minority language or regional infrastructure) as well as issues that affect other minorities as well (equal treatment and anti-discrimination).

The situation of Roma minorities is especially critical with regard to parliamentary representation. In Central and Eastern European states a number of Roma were members in the first elected democratic parliaments after 1990, however, they have been virtually absent there ever since. Part of the reason why majority parties have lost interest in Roma has to do with growing intolerance and racism: the fear to lose potential voters in case of nominating Roma candidates.<sup>22</sup> Even though Roma have been able to form several parties in the region, these have never been able to pass the critical threshold and make their way to legislative bodies. This is largely due to the fractured nature of the Roma public sphere and the difficulties of political leaders in mobilising support. The Gypsy and Traveller community of Britain, that used to be characterised by disunity as well, has traditionally been the most excluded minority from politics in the United Kingdom. Recently, however, there has been a slow improvement regarding the participation of this compound ethnic minority in electoral and party politics. At the same time, it still does not have any representatives in the House of Commons or in the Welsh and Scottish parliaments.

The situation looks somewhat better at the local and regional levels. This is especially true for the two Scandinavian states where, given the right of residents with foreign citizenship to vote at municipal elections after 3 years of staying in the country, ethnic minorities are more strongly nominated and represented at this level. In France, North Africans managed to enter local government structures in the 1990s. There are Roma members of communal governments and Roma mayors in Slovakia, and a few Roma have won seats at local

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<sup>22</sup> At the same time, several Roma candidates in Hungary have been elected members of the European Parliament, which indicates a kind of double standard in attributing significance to the democratic norm of the political participation of minorities.

elections in the Czech Republic. The minority acts of Hungary (1993) and the Czech Republic (2001) provide for the establishment of minority self-administration with elected representatives.<sup>23</sup>

It should be noted that the representative of an ethnic minority, even if not promoting issues that exclusively concern his/her own group (as is usually the case), tends to be seen as a spokesperson of that minority or of the policy goals related to it (like immigration and integration). This entails the risk of becoming enclosed in a political ghetto, which has been the fate, for example, of some Turkish politicians in Germany. Another typical danger faced by minority representatives consists in the occasional attempts of the political establishment to manipulate them. As a consequence of such strategies, many North African representatives of local administrations in France became isolated from anti-racist social movements. In sum, real inclusion in politics presupposes the ability of minority politicians to represent their own (or their party's) agenda, which, in turn, entails a kind of politics of recognition.

### Non-elected bodies

With the exception of France, where there are no official intermediary bodies through which minorities can express their claims, government and administrative structures have been established in each state to deal with the affairs of ethnic minorities and manage inter-group relations. In effect, these special representative bodies are primarily functional in implementing integration policies. The councils and commissions – operating at national and local levels – as well as ministerial departments and government offices have usually merely consultative functions, and often both their representative and political values (i.e. power) are questionable.

Community relations organisations form an extensive network in Britain, connecting the national and local levels, and engaged in advocacy and representation.<sup>24</sup> Although the semi-official status of these bodies has led to conflicts over the extent and nature of participation and representation, they have played a significant role in developing the legislative framework to combat racial discrimination and implementing community relations policies. In contrast, initial efforts to create special representative political bodies for ethnic minorities in Germany have had no effects since these function only as advisory boards. By the same token, the actual impact of national and local councils, created by the Danish state as consultative bodies to the government to deal with integration, has been questioned on account of their lack of human and material resources and expertise. In Sweden, too, immigrant councils exist in some municipalities, usually having a consultative status, but there are a few umbrella organisations as well that have been created in order to establish a dialogue with municipalities.

In Central and Eastern Europe, the framework of ethnic minority politics has been devised under external pressure (represented by the European Union), without a real understanding

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<sup>23</sup> Minority self-governments in Hungary have long struggled with serious legitimacy problems, because (until the 2005 modification of the minority act introducing registers for minorities) majority citizens were allowed to elect, and even to be elected as, representatives of minorities. Though this issue has been solved, the autonomy of Roma self-governments is still deficient: for having comparatively more difficulties in generating funds than other minorities, they are too much exposed to mainstream local self-governments through which they receive public funding.

<sup>24</sup> Community Relations Councils, renamed as Racial Equality Councils, operate under the Race Relations Board and the Community Relations Commission that has been recently replaced by the Commission for Racial Equality.

and acknowledgment of the problems to deal with. This accounts for many of the deficiencies of the institutional design.

In Romania, the Department for the Protection of National Minorities and the National Council for Minorities (created to comply with the obligations involved in Council of Europe membership) both participated in the preparation of the ultimately failed Act on National Minorities. The Department for the Protection of National Minorities includes the National Agency for Roma (previously called Office for Roma Affairs), presently having a Roma person for president, which is an independent agency having regional offices as well, responsible for cooperating with governmental institutions and developing a national strategy within the framework of the Decade of Roma Inclusion. Despite all these developments, the instruments to implement policies and enforce the rights of minorities remain inefficient in Romania.

The main co-ordinating body of Roma policies in Slovakia, the Office of the Governmental Plenipotentiary for Roma Communities, was established from a grant of the World Bank in 1995 to prepare a governmental strategy to advance the situation of the Roma population. However, its mission in “dealing with problems of citizens who need special assistance” is not backed by sufficient remits. Another concern around the institution relates to its lack of representativity: its *Proposal of tasks and measures*, issued in 1996, was prepared without the participation of Roma. At the same time, as a reaction to skinhead attacks against Roma in the following years, the Council of the Government for Minorities made recommendations for mayors to promote the participation of Roma representatives in the work of municipal commissions and local police.

In contrast, there is a rule concerning the composition of membership of the Czech Council of the Government for National Minorities, stipulating that 50 per cent of the delegates must belong to national minorities.<sup>25</sup> This permanent consultative and initiative body (actually set up in 1968) – just like other public organisations of minorities – has actively participated in the preparation of the Minority Act of 2001 that reinforced its powers. However, the Council for Roma Community Affairs, consisting of 15 regional representatives directly appointed by the government, has been criticised as non-democratic and also for having no real political power as an advisory unit. Finally, there are coordinators for Roma Affairs in each region, and Roma advisors and social workers at the municipal level, which indicates that the real issue in the Czech Republic – as well as elsewhere in the Central and Eastern European region – is conceived in terms of assisting the Roma.

The career of bodies representing the Roma minority has been particularly convulsive in Hungary, characterised by *ad hoc* decisions and influenced by particularistic political interests, preventing the continuity and effectiveness of Roma policies. The principal government organisation – the Bureau of National and Ethnic Minorities (1990-2007) – had a wide range of duties, from outlining a theoretical approach and preparing government decisions related to minority issues, to coordinating programs concerning the Roma. It was not until 2004 that policy-making and coordinating functions were unified within a single body, the Directorate of Roma Affairs, which became invested with significant authority and a considerable budget. The office was first headed by a Roma politician who, as ministerial commissioner, launched an intensive campaign for integration in education. In spite of such achievements, Roma politics is still effectively managed by a host of loosely connected offices with unclear responsibilities in Hungary, as indicated by the problematic status and weak influence of the National Roma Self-government.

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<sup>25</sup> The Vietnamese, not being recognised as a national minority, are obviously not represented in this body.

In assessing achievements regarding the political participation of ethnic minorities, distinction must be made between the formal involvement of ethnic minorities in decision-making, on the one hand, and informal (political) processes of gaining influence, on the other. For instance, in Britain, the heads of community relation agencies are appointed by the government, without the formal involvement of minorities in such decisions, which first resulted in significant “white” domination. Nevertheless, there has been a gradual shift since the 1960s towards increasing leadership, management and participation of Black and minority ethnic groups in race relations bodies. At the same time, provisions formally securing the participation of minorities in decision making are insufficient in themselves as long as the overall participation of the minority population in question is marginal. Individual ethnic minority politicians may easily fall prey of cooptation and “divide-and-rule”-type of tactics, as it often happens with Roma leaders in Central and Eastern Europe.

Given the insufficient, or often marginal, opportunities of ethnic minorities to influence policy-making, the restructuring of the system of minority representation, or at least the introduction of specific positive action-type measures to balance power relations, is of great significance.

#### *Remedies to correct disadvantages*

The relative lack of political power of ethnic minorities is both a cause and a consequence of the inefficiency of mechanisms and instruments securing political participation. Affirmative action-type measures to promote and equalise political participation are rarely adopted. Instances of specific provisions and actions to empower minorities include the following:

- Voting rights at municipal elections conferred to residents with foreign citizenship who have stayed in the country for over 3 years (Sweden, Denmark)
- Reserved seats for national minorities in the national parliament (Romania)
- Minority self-administration at the local and municipal levels (Czech Republic, Hungary)
- Training for Roma women in politics (Czech Republic, Hungary)<sup>26</sup>
- Formation of all-party parliamentary groups in which MPs work closely together with representatives of minority groups and speak on their behalf (United Kingdom)

Notwithstanding the significance of such improvements, the power of ethnic minorities to influence politics largely depends on their opportunities and abilities regarding the formation of pressure groups, rooted in the civil sphere.

#### *Civil initiatives and issues of concern*

In general, the right to create grassroots organisations has been the major means for ethnic minorities to participate in politics. At the same time, the structure of the civil sphere shows significant differences across European states, depending on dominant ideologies that crystallise in divergent norms and rules. Thus the political identity of the state (its perception of democratic and liberal values) and the legitimate bases for self-organisation (determining policies of public funding) greatly influence opportunities for civil organising. Besides the impact of institutional opportunities and constraints, the disposition of ethnic minorities to create NGOs is determined by the degree of intra-group and inter-group relations and

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<sup>26</sup> This program was funded by the Roma Participation Program of the Open Society Institute (OSI).

solidarity as well as by their wealth. Ambitions to organise for political purposes, in particular, depend on the successful formation of collective political identities, and also on the ability of groups to create alliances to mobilise around issues of generalisable concern.

### The general features of civil societies

For historical reasons, the civil sphere is much more developed and politically influential in Western European societies than in the new democracies of Central and Eastern Europe. A strong sense of citizenship rights, including political ones, and the emulation of anti-racism movements were determining factors in the United Kingdom and France. In Britain, large and well-organised communities were formed, particularly through the establishment of community associations and places of worship, and also through political action.<sup>27</sup> However, while plural ethnic assertiveness is particularly strong in Britain, leading to an unparalleled degree of political mobilisation of ethnic minorities and resulting in significant achievements in terms of influencing policy-making, organisations in France, in order to be eligible for public support, must show that they do not restrict membership by ethnic or racial origin. Nevertheless, France also has a dense network of associations for the promotion and defence of immigrant communities, and the right to create grassroots organisations has been the major means of participation for minorities. Alongside cultural and religious associations, many organisations promote integration and anti-discrimination (in the fields of urban renewal, education and prevention of violence). Some of these even function as formal or informal partners of the administration.

Voluntary associations, looking back on a long history, are considered a cornerstone of Danish democracy and civil society, where the formation of associations among ethnic minorities has been shaped by national as well as international political and economic conditions. The overall development of ethnic minority associations in Denmark shows a movement towards addressing social, economic and political problems that ethnic minorities encounter in their daily lives. In contrast, though only a small proportion of the ethnic minority population is involved in organisations in Sweden, these are more politically oriented. A particular feature of Scandinavian civil society is the importance attached to transnational relationships and networks of minorities (e.g. the transnational communities created by Turks, Kurds, and Somali).

In Germany, where the organisations of immigrants were not registered at first as such, nation-wide organisations are scarce and young. Cooperation between immigrant NGOs and state actors is also a fairly recent development, yet already having attained some success: the roundtable discussions with the participation of minority representatives have led to the adoption of the National Integration Plan.

Civil organisations in Central and Eastern Europe started to proliferate right after the regime change. Besides the newly obtained civil rights, their abundance is due to the opening of access to public funding, mainly from European and international sources (EU, OSI). As a result, numerous single-purpose organisations have been formed (to disappear soon after), while only a few of them have managed to survive. The number of organisations engaged in advocacy is extremely low, though the repeated criticisms of acceding states by European institutions, as well as membership in the European Union (i.e. the introduction of a new set of political criteria and the inflow of European funds), have created new opportunities in this

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<sup>27</sup> For instance, Gypsies and Travellers as a collective entity in the United Kingdom was formed as a result of nation-wide mobilisation to campaign for law reform in housing, planning and education, particularly calling for access to land for caravan sites and access to schooling.

respect. As a matter of fact, issues like anti-racism, anti-discrimination, desegregation and integration have, in a sense, motivated civil activity indirectly, i.e. mediated by European and international institutions.

A general feature of civil societies in the region is their strong dependence on public funds and susceptibility to be influenced by political actors, leading to a relatively reduced (sense of) autonomy. For all these reasons, civil society is the subject of continuing debates as for its role and significance, as well as the rules and status of NGOs. The general problems of scarce resources and defencelessness come especially hard on the exceptionally fractured Roma civil sphere that consists of competing, rather than collaborating, entities represents the hotbed of perverse phenomena like 'ethnobusiness'. In these circumstances, sympathising majority organisations and international organisations (like the European Roma Rights Centre) have been more effective in exerting influence on state policies (only marginally entering into civil collaborations) than Roma NGOs.

### Mobilisation and civil impact

The three major sets of objectives ethnic minorities strive for include ethnic or racial equality and justice (in combating discrimination, segregation and racism), social inclusion and the improvement of social relations (in promoting policies of integration and equal opportunities), and the preservation of national, cultural or religious identity (in promoting related legislation and acquiring support for cultural production). From the point of view of political participation, activities related to the third set of objectives have a complementary function concerning identity formation and mobilisation. While the definition of groups and the nature of claims are different in the three cases, all of these broad agendas are able to initiate changes both in relations of recognition and of redistribution.

Colour identity seems to be especially suitable for mobilisation purposes and the creation of alliances around issues of broad concern (like human rights).<sup>28</sup> Mobilisation around national or cultural identities, in turn, implies a greater degree of closure in aiming to promote the interests of particular groups, though such efforts may have significant impacts on other minorities, too.<sup>29</sup> The role of religious, particularly Muslim, identity appears to be more flexible, as it may be put to the service of cultural, social and political goals as well.<sup>30</sup>

Social movements started by relatively disorganised and marginalised ethnic minorities are often doomed to suppression. When driven by desperation, such movements are unstructured and sometimes violent in their form, and typically emerge as a reaction to immediate threats (specifically racist conflicts or a sudden deterioration of livelihood).<sup>31</sup> Even though ethnic and racial issues have been raised by such occurrences, the key identifying factors for protesters are provided by their social situation, dependency and marginalisation. Breakdown or debility of long-standing movements, in turn, may, in case of a strong connection with the

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<sup>28</sup> A successful example is provided by Black Caribbeans in the United Kingdom, who were at the forefront of anti-racism struggles and active in the development of British 'race relations' politics.

<sup>29</sup> Thus, besides their preservationist agendas, the Hungarian minorities in Romania and Slovakia have promoted anti-discrimination and equal treatment policies as well.

<sup>30</sup> In Britain, religion is used by marginalised minority communities to express their identity and also as a territory to play out conflicts. Muslims represent a well-established lobby, capable of having their demands (e.g. for Muslim schools and the gradual introduction of halal food) accepted. Mosques in Germany represent the bases of legal and administrative units, also having cultural and social functions. Islamic associations and movements in Scandinavia, although frequently the source of heated media debates for their alleged radicalism in their understanding of Islam, have fostered religious pluralism.

<sup>31</sup> Two examples are represented by the "hunger strike" of Slovakian Roma after a significant curtailing of social benefits in 2004 and the suburban riots in France in 2005.

traditional political structure, be caused by manipulation from outside, resulting in the lack of representativity and legitimacy.<sup>32</sup>

### *Visibility in the public sphere and the growing significance of ethnicity*

Even in countries where ethnic minority organisations proliferate (like Britain), many groups are unable to effect any real changes at the national level. This is all the more true for countries (especially those of the Central and Eastern European region) with an immature democratic institutional framework and a fragile civil society. Overall, the political activity and participation of minorities tend to be more intense at the local and regional levels, and to be realised through semi-official or informal organisations. General factors inhibiting effective political participation of ethnic minorities include the lack of human and financial resources, weakness of self-organising and limited local coverage, on the one hand, and the insufficiency of mechanisms to remedy these impediments, on the other.

A notorious problem debilitating ethnic minorities concerns weak relations between the elite and the rest of the community, and thus between representatives and the (formally) represented. The manoeuvres of mainstream politics also generate legitimacy problems, by manipulating and co-opting the representatives of ethnic groups. The legitimacy issue arises at an institutional level where the appropriate guarantees of meaningful (i.e. legitimate and powerful) representation are not built into the system (for instance, in Romania and in the case of minority self-governments in Hungary prior to the modification of the Minority Act in 2005).

With the exceptions of the United Kingdom, Sweden and – to some extent – Germany, minorities as groups are not directly involved in decision making processes. The case of France is extreme inasmuch as official representative bodies of ethnic minorities do not exist at all. As for council-type organisations, as well as minority self-administrations, these usually have consultative functions only, what is more, their agenda (like the promotion of immigration and integration policies) is mostly set by the majority of society. As a result of weak representation, ethnic minorities face serious difficulties in enforcing their interests, and their image gets easily distorted. This may be remedied through cultural activism and by creating space for alternative forms of representation – even though cultural representations can not fully correct misperceptions without adequate political representation. In the worst scenario, both kinds of representation are lacking, reinforcing both the misrecognition and non-recognition of ethnic groups. Thus, for instance, the “Roma issue” appears to be more visible than the Roma themselves.

Visibility, however, also has its dark side. For instance, the rise of Muslim political agency is generally seen as a challenge or threat to multiculturalism and democratic values. Indeed, the mere presence of Arabs, whether or not they practice the Islam, has raised worries in majority societies (see Chapter 3). This phenomenon, like any other manifestations of xenophobia and racism, indicates that nationality, ethnicity or religion have mobilising power not only for the concerned minority communities but also for majority societies and politics. In particular, the shift in the public regard of Muslim identity, first seen in religious and later in racialised terms, reveals the elasticity of the category of ‘ethnicity’.

Marginalised minorities are bound to represent and promote their interests *as* nationalities or ethnic groups for several reasons. First, in an effort to obtain recognition to heal injuries of

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<sup>32</sup> Cases in point include the anti-racism movements in France of the 1970s and 1980s (*SOS-Racisme*, *Marche des Beurs*) and the slowly unfolding Roma movement in Central and Eastern Europe.

disrespect. Second, because they are often compelled to do so by the characteristics of the institutional structure (e.g. so as to obtain funds and support). And third, in order to respond to the requirements and challenges of contemporary political culture in general and appear as a potent entity on the political scene. Thus the prevalence of ethnicity, as an important ground for mobilisation and a key factor in inter-group relationships, is supported by institutional factors as well as persisting nationalism and ethnicism. As a result, ethnicity is becoming a salient feature of group membership, employed in the public sphere and evolving into a political resource, even in societies where it is officially not recognised (like France or Germany).

## Chapter 3

### **Recognition and its limits: comparing inter-ethnic relations and conflicts in the light of public discourses and policy-making**

#### **Introduction**

This chapter will provide a comparative analysis of the ways in which inter-ethnic relations and conflicts are framed in public discourse and related central and local state responses. It will examine similarities and differences in ‘hot ethnic issues’, by disclosing how they are linked to basic stereotypes about ethnic minorities, across the different national contexts with relevant case studies as appropriate. The analysis of the ways in which these have been represented and the ways in which the policy context of ethnicity has been framed concludes in outlining a normative framework of the politics of recognition.

While, notwithstanding the institutionalisation of ethnic minority rights, multiculturalism as a normative principle has not gained ground in the Eastern part of Europe, there is a certain disillusionment regarding the value of diversity and a backlash in terms of tolerance in Western European countries, too. Old and deeply ingrained stereotypes regarding immigrants have surfaced, which significantly coalesce with prejudices against Roma, the largest ethnic minority in Central and Eastern Europe. Immigrants, just like Roma, are pictured in public discourse as cunning, loathsome, unprincipled and likely to swamp national culture (Craig 2007, Szuhay 1999). Characterisations of the ‘other’ as essentially different, exotic, and even barbaric manifest a certain ethnographic appeal, as revealed by a distinguished interest in customs and habits, particularly those related to intriguing aspects of sexuality and violence (arranged marriages at an early age, the sexual abuse of women, honour killings, etc.). This kind of excessive concern about cultural difference, diverging attention from actual social problems, affect, in particular, racialised minorities that have become seen as a major challenge for integration. In parallel to devising policy responses (affected by and also supporting such misguided notions), stereotypes about concerned ethnic minorities become (re)invented, largely owing to the media but also to social and cultural sciences. Resulting images suggest that these people are reluctant or unable to integrate in society, the labour market and the education system, or conform to social norms in general, mainly because they are too much tied by out-dated and inadequate traditions, customs and habits. In portraying socially excluded and marginalised minorities as backward, premodern and irrational, i.e. impossible to manage, the structural reasons of the failure of integration and anti-discrimination policies remain concealed: the blame lies on the victims. In this framing, the responsibility of the state consists in disciplining ethnic minorities by the adoption of ever harsher regulations and the introduction of policing methods in order to free society from the problems they represent.

These pervasive notions about cultural difference suggest, again, the salience of ‘ethnicity’ as a factor (or, rather, a pretext) in explaining differences in social status. The misrecognition of minorities demonstrates how discourses and policies are mutually reinforcing and legitimising one another. As a result, concerns related to the protection of human and civil rights are displaced by anxieties about social integration and cohesion. State policies towards minorities, increasingly defined by the needs of national economy and demands for security, draw on traditional conceptions of ethnic minorities, present all across Europe, as a political or cultural ‘threat’ or a ‘burden’ to the welfare state and society. These two sets of myths obscure underlying social and economic problems and the failure of relevant policies. They

also serve to legitimise demands for repressive state responses. Thus both the ‘immigrant problem’ in Western European states and the ‘Roma problem’ in Central and Eastern Europe are seen as the consequence of ‘lenient state control’.

### 3.1 Minorities seen as a ‘threat’

‘Threat’ is a generic term, expressing aversion, intolerance and xenophobia, which may refer to a series of well-known topics employed to characterise immigrants and ethnic minorities as, in one or another way, aggressive or dangerous: ‘arriving like a flood’, ‘spreading disease’, being ‘deviant’ and ‘sexually abusive’, having ‘criminal inclinations’, representing a ‘risk for national security’. Although practically any minority may become the target of such accusations, socially insecure groups, struggling with poverty and marginalisation, whose basic rights are often neglected, are more prone to be collectively seen as a menace.<sup>33</sup> While certain occurrences may increase the chances of vilification, economic problems, general social insecurity and the resulting adverse political climate are also determining in this respect. The influence of the state and of dominant political interests is undoubtedly a decisive factor in rousing fear mingled with hostility against minorities.<sup>34</sup>

#### Case study:

#### *Wearing the “veil” – the conflation of religious and ethnic identity*

Being the second largest religion in most Western European countries, Islam has been in the focus of interest for a long time. It has been considered both a challenge and a valuable contribution to social diversity. Limited tolerance towards Islam used to be determined by core values of Western societies. Thus restrictions on the operations of Islamic private law are traditionally based on human rights arguments and the principle of the neutrality of the state (i.e. the separation of the state and the Church). However, since the terrorist attacks of 9/11 and 7/7, other political concerns have replaced these issues. Importantly, not only the physical safety of inhabitants is seen to be endangered, but terrorist attacks are also understood as being launched against the basic principles of liberal democracies. This shift in politics has been accompanied by the re-emergence of the notion of primordial differences between “ethnicities” and the spread of the thesis of substantial animosity and inevitable conflicts among “cultures”, marked by Huntington’s shallow yet fashionable theory about the “clash of civilisations” (Huntington 1996). In the post-9/11 world, Muslim religious practices are regarded as a terrain for the growth of terrorism, and any Arab, or even Arab-looking person, may be seen as a potential terrorist. Thus the political hysteria around terrorism has resulted in the ethnicisation of religious differences.

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<sup>33</sup> A kind of reversed logic seems to apply when particularly vulnerable minorities, deprived of their rights and dignity and trying to secure remedies for their injuries, are charged with interfering with national interests. This happened when Roma claimants from Hungary brought their case in front of the Strasbourg Court, for which they were accused for deliberately damaging the international reputation of their country. The same charges were reiterated at the time of the “Roma exodus” from the Czech Republic to Canada and Britain that led to the reintroduction of visa requirements. This kind of accusations, as well as the outright criminalisation of minorities, function as a super-text to cover unresolved issues of inclusion.

<sup>34</sup> As a form of scapegoating mechanisms, criminalisation of minorities emerges especially in times of economic depression and social crisis. (For instance, Hungary is experiencing today, in February 2009, an extremely massive attack against Roma, based on the resurgence of the topos of Roma criminality, involving the consideration of tough policies not only on crime but also concerning welfare provisions, as well as the reemergence of a kind of racist or racially underpinned discourse that consciously transgresses all norms of political correctness.

Therefore, in comparing incidents related to the highly symbolic issue of the Muslim headscarf, one has to take into account dominant ideologies, legal/institutional settings and previous inter-ethnic relations, as well as the time when conflicts unfolded in individual states.

The only legitimate way of representation in France, as guaranteed by its Constitution, is framed in terms of rights concerning religious practices. In spite of the creation of a “French Islam” in the 1990s, Muslims in France have not found effective and consensual means of common cultural and religious expression, and divisions according to nationality and origin have remained. Related to this disunity, there is much confusion about religious, cultural, national and social dimensions of minority representation. In the French context, the “veil issue”, taking place in secondary schools in the mid-1980s, was primarily seen as a threat to the principle of secularism. However, already at that time, the growing significance of Islam was considered dangerous also for encouraging violent actions (while regarded, at the same time as a means of pacification of social tensions, too). Eventually, the debate led to the hardening of the principle forbidding the expression of religious beliefs in public spaces.

Islamic associations and movements in Denmark, established mostly at the initiative of second generation immigrants in the 1990s, were also viewed with considerable unease. Part of the criticisms regarded the oppressive and anti-egalitarian character of family life and gender roles. Such arguments, however, lose some of their persuasiveness when viewed having in mind restrictive immigration policies,<sup>35</sup> or in the context of the main themes covered by the media<sup>36</sup>. The outspoken nature and alleged radicalism of Islamic activists also provoked heated media debates and public controversies. Muslim organisations, at the same time, were seen by some people as fostering religious pluralism. A kind of duality of perspectives characterises the approaches to the problem of Muslim headscarf as well: while it used to be seen in terms of discrimination (i.e. Muslim women wearing the headscarf had problems in getting and keeping a job), it later became interpreted in terms of an integration problem (i.e. Muslim women would not take their headscarf off so as to get integrated in the labour market and society). When the first cases were tried in the late 1990s, the plaintiffs based their claims on the violation of anti-discrimination provisions by employers. However, when the dispute was taken to the courtroom again, in 2008, this time it was about whether or not a prohibition should be implemented on female judges wearing the headscarf.<sup>37</sup> Undoubtedly, the case of Mohammed cartoons in 2005 did not help creating a favourable environment for judging on such matters.

In conformity with international legislation, the operation of Islamic personal law in Britain is restricted on the grounds of violating women’s rights. In the age of ‘moderate egalitarian multiculturalism,’ defined, for Muslims, by a gradual adoption of their demands and the construction of legal and institutional compromises that have led to the acceptance of Muslim schools and the gradual introduction of halal food in school meals (see chapter 2), minority ethnic claims were judged on their own merit, and were slowly accommodated in state policies. The rise of Muslim political agency, however, gave way to increasing worries, and became interpreted as a challenge to multiculturalism. After 9/11, and especially 7/7, in turn,

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<sup>35</sup> Stricter regulations on the possibilities of family reunification in the 1990s reflect a strong normative understanding of what correct family life should mean in Danish society, and thus act as a means used in assimilationist policies (see also Chapter 2 of this report).

<sup>36</sup> The linked issues of the veil and oppressed ethnic minority women come up in Danish media together with stereotypes regarding the sexually aggressive Muslim male, criminal ethnic minorities, and immigrants coming like a flood and impossible to integrate.

<sup>37</sup> The debate has also touched on whether or not pupils should be allowed to wear religious headscarfs in public schools.

multiculturalism itself was discredited as a normative concept for, instead of standing for a kind of generous diversity, it became seen as only reinforcing social divisions. In government politics, this change was marked by a shift from ‘naïve’ to ‘cynical’ multiculturalism. Attacks on multiculturalism followed growing public anger and a desire for retribution, also roused by Islamophobic manifestations in the press during the 2000s that built on images of Muslims as a homogeneous, different, inferior and inimical social group. As diversity was becoming viewed as a destabilising factor, rather than an asset, calls for action to promote social cohesion and integration were replacing an emphasis on social inclusion. This tendency has gained vigour since the bombing in the London underground, after which the rights and perspectives of the White community have become increasingly asserted, and the security agenda has turned to be even more strongly associated with community cohesion and assimilation than before. Attacks on wearing the ‘veil’ started in this deteriorating policy climate of ‘aggressive majoritarianism’. As looking different, in itself, is considered a commonsense threat to society and to local community cohesion, the debates resulted in the introduction of new guidance in school uniform codes. A disciplinary agenda, manifested in punitive policies, has come to replace fundamental race equality and ethnic diversity objectives.

One of the sad consequences of 9/11, 7/7 and the case of the Mohammed cartoons is that the controversies unfolded around issues of the expression of religious identity and the rights of women have become misdirected. Public debates and legal cases in the past used to be fitting in a discursive framework defined by issues of human rights, the neutrality of the state and religious freedom, though having resonances concerning dangerous “otherness” as well. Such alienating notions appear to be retrospectively legitimised by the sad events of the 2000s that reinforced a strong linkage between (Islamic) religion and (Arabic, Turkish etc.) ethnicity. By today, approaches to the “Muslim issue” have become informed significantly less by core democratic values. Instead, political responses are driven by some generalised anxiety about the vulnerability of democratic states – while, paradoxically, undermining the artifice of democracy.

### **3.2 Minorities seen as a ‘burden’**

The other comprehensive technique employed in discursively distancing immigrants and ethnic minorities from majorities is their depiction as a ‘burden’ to society and the welfare state. This kind of positioning of minorities is linked to assumptions such as they “do not want to work,” are “prone to commit frauds and abuse the social security system” and, therefore, they “do not deserve social assistance”. The increasing differentiation and conditionality in access to welfare rights, a tendency in policy-making that, in some form, is manifested in almost every state covered in this report, reflects the influence of such stereotypes, as well as reinforces them. This kind of rhetoric permeates the Scandinavian workfare approach that links the eligibility of (especially unemployment) benefits to duties, just like current discussions in Hungary and Slovakia about obliging beneficiaries to do ‘communal work’ and “make work pay”.<sup>38</sup> Limiting the possibilities of immigrants (especially asylum seekers without a work permit) in having recourse to public funds and provisions, while curtailing the admissibility of foreigners to the labour market (in the United Kingdom, Germany and France), also reflects attempts to protect welfare provisions and the

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<sup>38</sup> When beneficiaries are required to “give something in exchange” for social support, they often become involved in employment programs that are impractical, or even function (and are publicly seen) as a kind of punishment. Thus not only the relative disadvantages of those in need of help may grow, but they also suffer injuries of disrespect.

labour market from onerous outsiders. Such policies are accompanied by hostility against ethnic minorities and their frequent accusations as parasites, giving way to specific surveillance practices and policing methods. The decentralisation of the administration of benefit claims by making local authorities act as redistributing agencies in implementing state policies is also a general tendency across Europe, whereby decisions about eligibility are easily tainted by the subjective (and often prejudiced) attitudes of local officials.

As a result of these policy changes, anti-discrimination principles are weakened. The incidental as well as structural reasons (in particular, the effects of discrimination) of destitution, poverty and social exclusion remain ignored often already at the stage of conceptualising problems.<sup>39</sup> Instead, as dictated by neoliberal individualism, the victims of disadvantages and injustices are held responsible for their conditions and required to help themselves, or at least give something “in return” for welfare assistance. In condemning minorities for their unwillingness or inaptitude to work and make useful contributions to society, this approach is interlinked, again, with racialised notions about cultural and ethnic difference. The stigmatisation of welfare-dependent ethnic minorities in responding to the ‘ethnicisation of poverty’ involves an additional insult (pertaining to the sphere of recognition), aggravating the original situation (defined by redistributive inequality). Such misrecognition practices obviously affect redistributive equality in an adverse manner,<sup>40</sup> as well as fulfill political functions with respect to enhancing (a racialised form of) community cohesion.

#### Case study:

#### ***Contrasting agendas: Roma as the subject of integration and minority policies – the conflation of the social and ethnic dimensions of problems***

While Roma achieved recognition for their arts and crafts in the past, and are still famous for their “musical talent”, widespread beliefs held all over Europe about Roma ethnicity reveals disrespect and devaluation of the cultural assets of Roma populations. Roma culture tends to be interpreted in terms of a deviant life-style, requiring policing interventions rather than protection. This approach is largely based on the topos of nomadism, which has survived despite the (often forced) settlement of Roma communities, and the fact that the migration and travelling of Roma (in some Western European states, especially the United Kingdom) is often due to the lack of social protections, and caused by difficulties in acquiring land and creating a stable livelihood. In becoming subsumed in the categories of a “life-style” community or “underclass” (both terms having significant racial connotations), the ability of Roma to create values, contributing to the national culture, is contested and denied. More specifically, their languages, seen as defective dialects of local languages, are often deemed inappropriate for refined communication and the creation of literary works. The legacy of forced assimilation during state socialism, involving the suppression of cultural difference, represents a particularly significant influence in the background of stereotypes hindering the recognition of Roma identity in terms of classical minority rights. However, the

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<sup>39</sup> The taboo on ethnicity contributes to the misconceptualisation of problems. For instance, the problem of integration of North Africans in France was, until recently, called the “urban question”, instead of referring to discrimination, ethnic relations or multiculturalism. As a result, the policy of “social mixing,” never clearly defined in terms of existing social divisions (significantly marked by ethnicity and race), yet trying to contest the menace of communitarianism, had a paradoxical effect. While, in principle, a policy framed in social, rather than ethnic, terms, in its actual applications it gained racial overtones in the course of complex and highly selective processes.

<sup>40</sup> At the same time, the denial of, or failure in providing, access to public resources entail consequences for the capacity of minorities in obtaining social respect.

understanding of Roma culture as “backward” (pre-modern and atavistic) basically relies on the generic paradigm of the “primitive”.

As a result of disrespect, conceptualisations of the “Roma issue”, whether framed as a social or as an ethnic problem, are informed by a negative image of Roma. Public policies are hardly able to articulate, or even support, positions which go beyond commonplace ideas about Roma regarding their incapacity and disinterest in integration (in the spheres of education, the labour market, or the local community and society in general). Such essentialised (and racialised) notions, used as explanatory motifs, neglect and normalise (or legitimise) discrimination in declaring Roma virtually impossible to integrate (and assimilate). Thus, as opposed to a vulnerable social group in need of social assistance, they become portrayed as a burden to society by their own fault. For instance, it is often claimed that the social protection system is not just impotent but also harmful with regard of integrating Roma (that is to say, cutting benefits would make seeking a job more attractive for them). In this way, the real achievements of state socialism in this respect (proving the ability of Roma to integrate, though not securing them the appropriate conditions for obtaining stable and fair positions in society) are buried into oblivion, just like reminiscences of similarity between Roma and other poor people, both in terms of living conditions and habits or lifestyle. Instead, memories about Roma isolation and “inferiority” determine popular attitudes, restricting possibilities for integration (Jurová 2005).

As a socially excluded population and a national minority, Roma are subject of two distinct strands of policies: integration and the promotion of minority rights. While the former requires an approach that can be termed as a ‘politics of equality’, the latter can be framed like a ‘politics of difference’. The two kinds of politics, though theoretically separable, may create insidious confluences and confusions in actual implementations. Apart from the generic concern of states regarding the risks involved in enhancing the autonomy of national minorities – ultimately: secession –, which (excepting Romania) is presently not a relevant issue in the countries discussed here, a politics of difference may contradict, or at least weaken, efforts towards social integrity in other ways as well. The issue of Roma is a good case in point.

The conceptualisation of social justice regarding the redistribution and recognition aspects of harms suffered by discriminated communities (a theoretical framework developed by Nancy Fraser) suggests that these two elements are interconnected, rather than being antithetical, even though they often lead to contradictions in practice (Fraser 2000). Thus in interpreting the problems of a particular minority and determining the right course of action, public policies should be simultaneously attentive to the socio-cultural and the political-economic sources of problems, and devise political solutions that address the interests of the given group in this dual framework. This, however, has not been accomplished regarding Roma minorities in the Central and Eastern European region, whose needs as an ethnic minority and as a socially excluded and poverty-stricken population are addressed by distinct and unrelated groups of policies. At the same time, due to the reconceptualisation of the “Roma issue” (regarded as a social problem during state socialism, manageable exclusively by means of social policies) as an inter-ethnic conflict, the ethnicity paradigm prevails in both policy fields. Thus the social difficulties faced by Roma get subsumed in the “ethnic problem.” Meanwhile, the tendency to reduce social justice to the sphere of redistribution and reclassify cultural questions as social problems, leading to interventions against Roma covered up in terms of assistance to integrate, also survives in traces. The confusion between the two dimensions, created, in particular, by focusing on consequences rather than causes, leads to inadequate definitions as to the sources and nature of particular situations, inhibiting the identification of appropriate solutions (Fraser 2000, Laubeova 2001, Zamfir and Zamfir

1993). As a result, not only the social inclusion of Roma is thwarted, but they also suffer disadvantages with regard to the promotion of their culture and identity, i.e. recognition as an ethnic minority (Szalai 2003).

Roma are principally subject to integration and social inclusion policies meant to improve their social conditions, while the central recognition aspect of their maltreatment – namely, stigmatisation, – inadvertently reinforced by these very policies, remains unacknowledged. The complex problems Roma are facing as a discriminated minority are not addressed by equally complex measures. On the one hand, this means that the various kinds of policies (related to the labour market, education, etc.) are rarely represented together in the framework of comprehensive programs. On the other hand, policies are not designed appropriately to address the central problem, i.e. discrimination, which keeps the dynamic of social exclusion in motion. Instead of going into details about the overall failure of integration policies, let us only note that it also has to do with difficulties of definition and targeting. As colour blind policies represent the prevailing paradigm in Central and Eastern Europe (affirmative action type of remedies are virtually non-existent)<sup>41</sup>, and also because of legal prohibitions and restrictions concerning the registration of ethnicity, the category of Roma must be circumscribed. Such restrictive measures may be entirely legitimate, nevertheless, they also contribute to the difficulties in grasping and tackling the key dimension or source of discrimination, i.e. ethnicity. While the avoidance of the ethnic classification of the population certainly has advantages (ethnicity is not reified), the simultaneous use of a variety of ways in categorising Roma as beneficiaries of different kinds of policies may lead to mistaken substitutions and thus result in a terminological chaos, which acts against the efficiency of policies (e.g. Frištenská and Višek 2002). Moreover, categories applied by targeted policies (like “permanently unemployed”, people in a “multiply disadvantaged situation”, or students “in need of special education”) are also seen as having stigmatising effects by the people concerned (Zsigó 2005). In addition, the few existing targeted policies (intended to improve a disadvantaged region or help families of substandard income) are often unduly seen as “Roma policies”, nourishing old myths about Roma as a “privileged” social group.<sup>42</sup> In this way, present efforts, pertaining to the “politics of equality,” are not only ineffective in the case of Roma but, mistakenly, frequently seen by the general public as representing a kind of “politics of difference” (i.e. privileging the Roma). In reality, even specifically Roma policies notoriously fail to reach the Roma and produce results, while their negative ‘recognition effects’ only curtail the chances of a positive affirmation of Roma identity and the attainment of social respect.

As a national minority, the Roma are also subject to legislations on minorities, involving specific rights and participation in special institutions. Support for promoting Roma culture and identity is especially important considering the depreciation of Roma cultural values by society as well as with view of the role of culture and identity in political mobilisation. However, given their significant social disadvantages, Roma are often unable to enforce their rights and utilise their institutional opportunities to the same extent as other minorities. At the same time, the (re)construction of Roma culture is also seen as a cultural response to

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<sup>41</sup> The few exceptions to this rule are represented mainly by certain educational policies involving the provision of grants and scholarship, etc. While reservations against specialised policies and programs for Roma as reinforcing ethnic divides are sound and legitimate, the main obstacles in the way of such initiatives seems to be connected with the lack of social solidarity, manifested in the stereotype of “privileging Roma”.

<sup>42</sup> What is more, even general public policies that concern (among others) Roma are regarded as unduly favouring Roma, while, in fact, they might be discriminatory against them. Thus the universal system of family allowances in Hungary or Slovakia, insensitive to the financial situation of beneficiaries, is seen as being abused by Roma who are supposed to regard it as the major means of subsistence, while their share of provisions is actually unfair with respect to their significantly lower average income.

constraints and limited opportunities (Wilson 1993). The fact that the sources of disadvantages (namely racism, discrimination and segregation) are not effectively addressed within this framework is a significant problem. What is more, in consolidating the status and image of Roma as an ethnic minority, separate and different from the majority, without providing them appropriate means for interest representation, the present institutional framework of minority rights, circumventing the problems of discrimination and racism, entails further risks with respect to the very problems Roma are struggling with. The recognition of Roma as representing a distinct ethnicity and culture is, therefore, problematic and ambivalent. Instead of remedying recognition injuries by way of instituting equal respect, the present ‘politics of (cultural and ethnic) difference’ in the case of Roma might generate further social and political inequalities and lead to the reinforcement of their separation and marginalisation.

Neither of these policy strands – the one related to integration and the other to minority rights – has been effective in eliminating discrimination, while both have engendered further inequalities in relations of recognition as well as redistribution. As a result, Roma populations are facing a deadlock, writhing between the Scylla of a politics of equality and the Charybdis of a politics of difference.

### **3.3 Conclusion: Towards a more comprehensive understanding of recognition**

The limitations of recognition politics are partly political (i.e. determined by contrasting interests), partly conceptual (related to notions about culture, religion and ethnicity, as well as ideas about the nation and the state), and partly inherent (having to do with the mechanisms of recognition). Conflicts over recognition, as well as redistribution, determine political limitations (also relevant for the recognition aspects of redistributive policies) that, on the part of the state, are principally marked by perceived national interests. Prevailing discourses on cultural, religious and ethnic difference and ideologies about the constitution of the nation and the state define conceptual limitations (also informed by particular political interests). Finally, the inevitable moment of essentialism (contradicting contemporary theories of identity formation and the view of identities as being constantly changing (Hall 1992, Gilroy 1993) and simplification (what is actually being recognised can not be simply translated to identities) represent the inherent or structural limitation of recognition politics.

Policies (even those related to redistribution) have recognition effects (Fraser 2000). Disrespect of ethnic minority rights is, among other factors, owing to misconceived or harmful notions concerning the character of ethnic minority groups and the nature of inter-group relations.<sup>43</sup> Such notions, which are partly the products of previous and current policies (that are often inconsistent and contradictory), and partly supported by powerful discourses, have implications both on recognition and redistribution. The current politics on minorities enforces particular ways of categorising minorities, which, in turn, affect the self-conceptions (or identities) of minority as well as majority groups and thus inter-ethnic relations, too.

Recognition discourse easily yields to essentialism, because the language used in political struggles and conceptions informing the structure of institutions favour simplistic notions of culture and identity. “Culture” as a term used in public policies has a broad scope of reference, including “life-style” that is often determined by social conditions, or perceptions

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<sup>43</sup> This is reflected, for instance, in criticisms of British ‘race relations’ policies that are seen as reinforcing the racialisation of social relations (i.e. racial divisions are actively created by policies concerned with challenging racism).

about religious practices, etc. These terms of reference are constructed by people in the position of power, who are often outsiders. Biological and cultural determinism is haunting in the background of such constructions that become the starting point for policy-making. As a result of powerful discourses and policies, groups (i.e. boundaries between social entities) are reinforced (or sometimes created). Amidst multiple and ever-changing references to their nature and characteristics, as well as due to the impacts of policies they are affected by, the actual constitution of minority groups remains ambiguous, fuzzy and untraceable.

Recognition, in these circumstances, may also mean the acknowledgment of authoritatively imposed boundaries and the appreciation of a minority culture in terms set by outsiders. In this case, it actually involves a great deal of misrecognition. Politically speaking, misrecognition is a form of injury as well as a potential motive and grounds for social mobilisation and collective action (Honneth 1996). In current politics, cultural or religious membership (or its essentialised constructions and understandings) is both seen as a source of conflict or political challenge and as a political resource. In these capacities (cf. 'strategic essentialism'), ethnicity is employed in social movements claiming for the recognition (of the needs, interests or identities) of minorities and state policies in responding to such claims and/or dealing with national or international security problems, alike.

Importantly, problems with recognition do not necessarily and always involve the non-recognition of cultural distinctiveness. Excessive attention paid to cultural difference is also a type of recognition harm. Cultural (ethnic or religious) difference is too often overemphasised, as if cultures were homogeneous and mutually exclusive wholes. As a matter of fact, culture is constantly in transition and inherently partial (Bhabha 1996). Not acknowledging this is also a kind of misrecognition. Moreover, in several social and policy contexts, members of minorities affected by racism and discrimination might opt for the non-recognition of their ethnic distinctiveness.<sup>44</sup> At the same time, in designing policies (or starting social movements) to address these very problems, the collective identity of concerned groups should be reconceptualised to incorporate experiences of subordination, discrimination, social exclusion and marginalisation.<sup>45</sup> In this way, inter-ethnic conflicts that are usually interpreted as a result of differences between particular cultures can be reconceptualised in terms of exclusion and inclusion. This perspective offers an insight into issues of structure and power, allowing for the analysis of intersectionality, and promotes the adoption of a transnational perspective. Thus an appropriate politics of recognition has to be conceived of as a comprehensive project, taking into account the dangerous imputations of difference as well as the pernicious conflation of distinct dimensions of identity, in order to prevent the unfair treatment of minorities and the harmful reinforcement of social divides.

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<sup>44</sup> The denial of opportunities of assimilation can be interpreted as a kind of recognition-related harm. Besides, when assimilation is unavailable, the positive recognition of cultural difference is unfeasible, too.

<sup>45</sup> This is especially difficult in countries, like France and to a lesser extent Germany, where ethnicity and race are not recognised categories (race is - for evident reasons - absolutely discredited in Germany). At the same time, these issues are present in latent forms.

## Chapter 4

### **The state of the art in research on inter-ethnic relations and minorities across selected European countries**

#### **Introduction**

Comparison of state of the art research on inter-ethnic relations and minorities shows some clear differences and distinctions between old and new EU member states. This chapter draws on this broad division, arising from the different historical development of these two groups of states, to examine key trends and themes, and also considers the extent to which commonalities exist in research in this field more generally.

#### **Selected old EU member states: Great Britain, Germany, France, Denmark and Sweden**

Old member states have a much longer continuous established tradition of social research as such and their experience in researching migrants and the constitution of new ethnic minorities is deeper and covers a longer period. France and Great Britain, being countries with a colonial past, have longer experience with immigration of, especially, culturally different and racialised groups. Despite this, it is chiefly Great Britain that has historically developed a more advanced set of approaches for studying (cultural) strangers. Anthropology and ethnography of foreign cultures operated in colonised contexts did not only serve scientific purposes, but also the needs of dominating powers (Talal 1973). Nevertheless, the turn towards researching post-colonial strangers is above all a British tradition. But British studies on inter-ethnic relations have moved through a focus on the sociology of race relations to a focus on the inter-related sociologies of racism, ethnicity and migration, with some attempts to build an integrated framework for these approaches.

In France, in spite of its colonial past and the fact that it has been an immigrant country for several decades, research on minorities and interethnic relations used to be marginal for a long time. Its development has however been rapid in the last twenty years. The “invisibility” of ethnic groups, both in public discourse and research, derives from the political conception of French republican citizenship (Noiriel 1988). Questions concerning ethnic origin are considered irrelevant. Ethnic origin (similarly to religion) is regarded as unimportant and, hence, it must not be significant for participation in a public sphere that should be indifferent to these questions. In France, despite some symbolic moves toward acknowledging diversity, the issue of examining and researching ethnicity have not yet been resolved (Jennings 2000). For those who advocate research on the social significance of ethnicity, this move is seen as aiding policy approaches to the precarious and marginal position of a range of migrant and minority groups in France. Those who oppose researching and collecting data on ethnicity claim that, on the contrary, it will lead to the reinforcement of xenophobia, resentment and hostility, leading to the erosion of civic solidarity due to the awakening and mobilisation of ethnic particularism and related claims for recognition and identity.

Germany, Denmark and Sweden have experienced immigration and growing ethnic differentiation since the 1960s. This changing social context led to the development of related research from the 1970s onwards. However, there was a boom in this work during the 1990s, when the questions of immigration became more broadly debated in public discourse – among other things in connection with the breakdown of state socialist regimes and the

expected radical growth of emigration from these countries into the EU. Germany, Great Britain and France have become analytical models/types for different conceptions of civic integration. Also, a track record of comparative studies looking at these and other countries has been well established (e.g. Brubaker 1994). Discussions about the similarities and differences of, for example, British and French multiculturalism have been a particular focus of study. Another important topic of comparative studies is different conceptions of the founding of civic identity (and rights) and its openness towards immigrants, which is connected with the legal conceptions of *jus soli* (right of the soil) and *jus sanguinis* (right of the blood) represented in the French and German civil-political traditions (e.g. Castles and Davidson 2000).

### *Research agendas and perspectives*

The leading authors in this field come, particularly, from Germany and Great Britain. French theorists are cited less frequently. However, authors such as Bourdieu and Foucault are of great importance. They provide a general interpretative framing for a great number of these studies, especially those based on a critical tradition of social research (e.g. critical studies on transnationalism). The objects of research are, above all, immigrants and their descendants coming from non-European countries and also Europeans coming from non-EU states, particularly from the Balkans and post-Soviet states. Classical topics seem to be questions concentrated around the issues of immigration, integration and citizenship, developed into several sub-topics:

- economic incorporation (labour market position and dynamics)
- education (access, achievement and outcomes)
- spatial segregation (housing market position and residential dynamics)
- assessment of policies focusing on the integration of foreigners
- patterns of racism and associated attitudes, discriminatory practices and violence by the domestic population
- cultural patterns and practices of ethnic minorities
- stigmatisation of minorities connected with the provision of welfare
- barriers of access to public services
- discourses about the representation and images of minorities (news and media coverage)
- forms and barriers of political participation of minorities
- theoretical/conceptual work dealing with inclusion/exclusion of immigrants and minorities
- evaluation of the role of law in dealing with ethnic and cultural differences and customs, racial and ethnic discrimination and minority rights
- analysis of the roles of ethnic networks, patterns of ethnic mobilisation and claims-making
- transnationalism and cross-national diasporas
- hybridisation of cultural forms and ethnic identities

These research topics, examined across a range of national and international contexts, show that analysis of the forms of inclusion/exclusion and inter-ethnic relations are multidimensional and form an increasingly complex nexus of work (e.g. Vertovec 2006).

The impact of post-structural and post-modern thinking on this field has led to the widespread utilisation of the critique of cultural, racial and ethnic essentialism and a critical challenge to associated claims for commonality and purity of groups. Another principal shift has involved

a move away from explanations and interpretations which unnecessarily privilege cultural and ethnic difference, with a concern to build a multi-causal, macro account of the structural position of minorities and migrants in the analysis of ethnic exclusion. There has also been an accumulating track record of evidence on the nature, depth and extent of racial, ethnic, national and religious discrimination, and also racial and ethnic violence and conflict.

### **Selected new EU member states: the Czech Republic, Hungary, Romania and Slovakia**

Three key factors have shaped research in new EU member states in the field of inter-ethnic relations. Firstly, the inquiry of social science during state socialism was not free, and a number of problems, including ethnicity, could not be conceptualised as social conflicts appropriate for investigation, as this was out of accord with the official ideology and propaganda. Secondly, immigration as a social phenomenon in these countries became a major concern after the regimes' breakdown, which had previously restricted the free movement of people. Thirdly, historically, most European states built up their nations on the basis of ethnically diverse communities, and the construction of nationalism involved attempts at assimilation and suppression of ethnic identities. In the new EU member states, ethnic tensions, claims and conflicts were re-born and re-invigorated in the 1990s, for example, due to the co-existence of Hungarian minorities in Romania and Slovakia. Nevertheless, the major problem for these four countries is the pattern of ethnic relations between the majority group and Roma fellow-citizens. Moreover, after 2000, the Czech Republic has become an important target country for Ukrainian and Vietnamese immigrants, whose number has grown significantly. It is also necessary to notice that research into these topics has also had a constitutive character for social science, as in Hungary and partly in the Czech Republic and Slovakia cultural/social anthropology has to a great extent become established through studying the Roma. In Romania, the tradition of studying the Roma had been well-established before WWII. However, the origins of more systematic approaches appeared in most countries first in the 1960s (former Czechoslovakia) and the 1970s (Hungary), with a number of research studies focusing on ethnographic and folklore topics (e.g. Horváthová 1964). Well-founded systematic research only began to develop after the state socialist regime's breakdown. In the 1990s, however, research in this field had to manage several problems resulting from the former isolation from up-to-date debates in social science. This gap was rapidly closed post-2000, with topics and approaches in this field more closely aligned to those in old Western EU countries.

In the 1990s, some research in Slovakia, Hungary and Romania interpreted the marginalisation of the Roma by referring to cultural patterns that were stigmatised by the majority population. Therefore, they saw the main cause of inter-ethnic tensions in "cultural incompatibility" or in "social deviation". Cultural interpretations were, due to findings which could not be ignored, gradually exchanged for the emphasis on social-economic deprivation and immiseration of the Roma population. By referring to unequal access to welfare, education, labour market and housing, the research perspective has moved towards adopting a critical approach when studying the processes of minority exclusion, and, just like in old EU member states, the significance of the marginal position of ethnic minorities is evident in patterns of discrimination, xenophobia, and racism (e.g. Vašečka and Vašečka 2003). This shift, however, has not only resulted from internal development in social science in these countries, but is also due to the resourcing and support of this area of study from abroad.

In this sensitive area of interethnic relations, a complex range of research initiators and funders can be identified. State institutions conducting public policy are, consequently, an important initiator of research, except in France, where policy on collecting ethnicity related

data constrains such activity. The “counterbalance” to research initiated by states is represented by studies supported or conducted by NGO subjects, although state funding may be significant in supporting these activities. International organisations, such as the World Bank, the UN and the EU itself have also contributed to the development of research on ethnicity and exclusion. Although there are different traditions and approaches in research on inter-ethnic relations and minorities between individual states and groups of states (i.e. old and new EU member states), there is now increasing convergence due to patterns of funding, increasing comparative work and expanding cross-national research activities.

### **Under-investigated issues**

The position of the Roma minority is a common subject of research in the selected new EU member states but there is a need for reflection regarding the fact that the “Roma” as an ethnic group is a construction by majority societies (and new Roma elites), for the Roma represent a heterogeneous social group sharing various sub-identities. Other under-investigated issues include processes of spatial segregation and every-day life in “ghettoised” communities. For example, in the Slovak case, until now only one in-depth qualitative study by anthropologists Hirt and Jakoubek (2008) has been published on this subject.

Important gaps exist between research and policymaking. For example, in the Czech case, research on ethnicity has often not been applied enough to the broader political and socio-economic context and related issues. This may be due to the lack of relevant statistical data which is a common problem across many countries examined here (see Chapter 1 discussion on categorising ethnicity). Lack of appropriate data on ethnicity and evidence on patterns of racial and ethnic discrimination partly inhibits the construction of anti-discrimination agendas. Moreover, new EU member states deal with a related problem: the lack of reliable data regarding welfare policies and their impact on Roma families.

The theme of welfare policies and, more generally, of the relations between the ethnic minorities and the welfare state is identified especially in the Scandinavian context, particularly regarding the strategies of migrants coming from non-EU countries to Denmark and Sweden. Regarding their orientation towards trans-national relations, the studies published in Scandinavia (Olwig and Hastrup 1997, Olsson 2007) are similar to those published in Britain, and partly also to those published in France and in Germany. In the countries of CEE this perspective is not present, which may be due to the fact that migration is only a recent topic of study. This may also be the reason why much more attention is paid in Western Europe and Scandinavia to global relations such as the war in Iraq or the Israeli-Palestinian conflict than in CEE.

A notorious lack of evidence on segregation and education is noticeable across these countries. This problem is explicitly mentioned as a theme relevant for further research in the Romanian, British and French cases. Other reports do not mention this absence directly but the relevance of this kind of research in other countries is evident. French science lacks qualitative research in schools in problematic neighbourhoods with an explicit focus on the role that ethnicity plays both in external social labelling and in the operation of inter-subjective perceptions and experiences.

In the UK research on ethnicity has been partly driven by some key intellectual concerns, including a historic neglect of gender, and a failure to both address intersectionality and racial, ethnic and cultural homogenisation and essentialism, with a concern to unpack racial categories and develop a more nuanced account of ethnic differentiation, gender differences

and generational differences. There is increasing research interest in challenging the conventional use of ethnic categories through exploration of diversity within and between ethnic communities, as society is becoming more diverse due to changing patterns of migration and globalisation. This is exemplified in the new series of community studies being carried out by the Runnymede Trust, which continue a long tradition in British sociology. This latest series has explored the lives of Bolivian, Ecuadorian, South African, Vietnamese and Romanian migrants to the UK.

Despite the differences between analysed states and their research traditions, there are common questions that are perceived as under-investigated issues. In selected new EU-member states a deficit in the research of the impact of social policy on ethnic minorities is evident. In selected old EU-member states this sphere is investigated in much broader scope. However, it is necessary to take another step: to better understand how social policy and political strategies of the integration of ethnic minorities produce new and unintended forms of social exclusion. After several years of research, it is obvious that integration of ethnic minorities and reproduction of inequalities are influenced and structured on many levels that intersect with each other. However, there is no generally accepted and appropriate analytical perspective taking this complexity into account. Studies dedicated to migration, integration and interethnic relations in the European context could benefit from greater inter-disciplinary work. The necessity of multi-methodological, cross-national analysis is explicitly expressed in the French report. It states that until now there has been no work done that could be compared in this regard with the studies of Sayad (1999), the author of studies dedicated to Algerian migration from many points of view of different social science disciplines. Even if similar necessity is not mentioned in other reports, it is not out of place to state that the example of Sayad is also relevant to the other scientific traditions. However, the aim of social research is not only to study social phenomena in their complexity, intersectionality and multidisciplinary. We also face an epistemological challenge of how to overcome methodological nationalism (a use of national contexts as the basic unit of analysis) (Wimmer and Glick-Schiller 2003, Beck and Sznaider 2006), which is a great obstacle to understanding the processes of minoritisation in Europe.

## Conclusion

The ongoing importance of ethnicity in a range of formal and informal contexts has been established. Why certain social contexts over-determine, or make ethnicity of high importance, and why others under-determine or reduce the significance of ethnicity, together with examination of the ethnic difference in varying regional, national and local circumstances are central questions for this study. The nature and complexity of relations between the movement of people (migration), the formation of boundaries between groups of people who have shared cultural meanings, memories and descent (ethnicity) and the formation and negative treatment of racial groups (racism) has been examined. Migration, racism and ethnicity remain strong social forces and there is evidence of sharpening tensions and conflict in inter-ethnic relations. Two key forms of ethnicity are examined in this study: *migrant workers* and their descendants forming strong ethnic communities, for example Turks in Germany or Pakistanis and Bangladeshis in the UK, and the *Roma*. These groups are subject to discriminatory practices in their everyday life, with many being particularly vulnerable to such exclusionary behaviour in the spheres of employment, housing, education and in interactions with the police. The selected ethnic minority groups chosen for study here indicate a varied hierarchy of ethnic differentials with the Roma in the most vulnerable and marginal position, although systematic comparison from individual country reports is difficult and necessitates the primary data collection being carried out in this project. This is due primarily to the lack of symmetry in the categorisation of ethnicity and systems of data collection and analysis across European countries. The macro, meso and micro contexts which collectively frame majority responses to these minority groups are highly dynamic with for example, changing migration flows, global conflicts, media images and national debates. Despite this changing context, levels of discrimination and hostility have been high and relatively stable and the resulting perception across many groups and communities of systemic negative treatment has a range of significant effects including alienation and political mobilisation. Increasing recognition of minority rights has accompanied increasing ethnic minority mobilisation. Although forms and levels vary across these countries it is clear that minority claims-making and, often inadequate and partial, national political and policy responses together with significant levels of majority hostility are common features. Multiculturalism as a normative principle has not gained ground in Central and Eastern Europe, and is under attack in the West. The value of diversity is in question and there is a majority backlash to values of tolerance. At the same time the rhetoric of equality is evident in integration and non-discrimination interventions, yet they have failed to deliver significant reductions in inequalities and sustained political recognition of minority rights. Education has been a key battleground in which these mainstream and minority claims and positions have been articulated and utilised in political struggles and policy debates. Beneath the politics of race and ethnicity, our selected ethnic minority groups have drawn creatively on their cultural distinctiveness and identity to formulate differential responses to these circumstances. The identification of these strategies is a key focus for fieldwork on local communities which forms a later part of this project.

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