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Critical Romani Studies is an international, interdisciplinary, peer-reviewed journal providing a forum for activist-scholars to critically examine racial oppressions, different forms of exclusion, inequalities, and human rights abuses of Roma. Without compromising academic standards of evidence collection and analysis, the Journal seeks to create a platform to critically engage with academic knowledge production, and generate critical academic and policy knowledge targeting – amongst others – scholars, activists, and policymakers.

Scholarly expertise is a tool, rather than an end, for critical analysis of social phenomena affecting Roma, contributing to the fight for social justice. The Journal especially welcomes the cross-fertilization of Romani studies with the fields of critical race studies, gender and sexuality studies, critical policy studies, diaspora studies, colonial studies, postcolonial studies, and studies of decolonization.

The Journal actively solicits papers from critically-minded young Romani scholars who have historically experienced barriers in engaging with academic knowledge production. The Journal considers only unpublished manuscripts which present original, high-quality research. The Journal is committed to the principle of open access, so articles are available free of charge. All published articles undergo rigorous peer review, based on initial editorial screening and refereeing by at least two anonymous scholars. The Journal provides a modest but fair remuneration for authors, editors, and reviewers.

The Journal has grown out of the informal Roma Research and Empowerment Network, and it is founded by the Romani Studies Program of Central European University and the European Roma Institute for Arts and Culture. The Romani Studies Program at CEU organizes conferences annually where draft papers are presented and discussed before selecting them for peer review.

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‘Purely Gypsy Behaviour’: Interpreting Negative Stereotypes in Racist Police Violence Cases at the European Court of Human Rights

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Abstract

The European Court of Human Rights has issued judgements that condemn negative stereotypes and protect vulnerable groups from discrimination. Paradoxically, in cases where the victims' bodily integrity is violated in a racist context, the Court has a particularly dubious record of fully engaging with the discrimination aspect of the complaints. This article analyses five illustrative cases where evidentiary materials indicate the authorities held strong prejudices against Romani victims of police violence. Through the lens of vulnerability and anti-stereotyping, the article examines how the Court responds to the presence of negative stereotypes in anti-Romani police violence cases. It shows that the Court's engagement with stereotypes in these cases is inconsistent. The article suggests that a more conscious engagement with the wider societal context of anti-Romani police violence could strengthen the Court's stance against harmful Romaphobic stereotyping.

Keywords

- European Court of Human Rights
- Racist police violence
- Roma rights
- Stereotypes
- Vulnerability

Introduction

Stereotyping is a human rights issue because it may reinforce inequality and discrimination which, in turn, largely impact the enjoyment of other rights (Brems and Timmer 2016). In the jurisprudence of the European Court of Human Rights (hereinafter ECtHR or the Court), the question of harmful stereotyping has gained momentum and led the Court to develop particular approaches to reasoning with various outcomes. This article aims to highlight a group of cases where engaging with stereotypes in more detail could have led the Court in this direction.

The Court's case law concerning Romani Applicants^[1] includes most significantly education segregation cases,^[2] forced evictions and other housing-related complaints,^[3] forced sterilizations,^[4] and hate crimes^[5] perpetrated by private individuals. By highlighting in these cases that historical prejudice and stigmatization may make people of Romani origin particularly vulnerable to certain human rights violations, the Court has issued some ground-breaking Roma rights judgements. In another area, however, that concerns the most devastating manifestation of anti-Romani discrimination, namely, where the victims' life or physical safety is violated within the scope the European Convention on Human Rights, Article 2 (right to life)^[6] or Article 3 (prohibition of torture)^[7] by the state itself, the results are strikingly different (Dembour 2009; Möschel 2014, 150–2; Möschel and Rubio-Marin 2015; Mačić 2017; Rietiker 2019).

The Court has adjudicated almost 50 cases in which Roma have been abused or killed by the police.^[8] The severity and extent of this practice are underlined by the number of cases reaching the Court and a plethora of human rights reports documenting hostile attitudes against Roma and a systemic occurrence of police

1 See more detail on the most prominent types of cases, including a list of key judgements in: *Thematic Factsheet on Roma and Travellers* (March 2023). Available online: https://www.echr.coe.int/Documents/FS_Roma_ENG.pdf.

2 *D.H. and Others v the Czech Republic* [GC] (App. No. 57325/00) and recently *Szolcsán v Hungary* (App. No. 24408/16).

3 *Buckley v UK* (App. No. 20348/92), *Winterstein and Others v France* (App. No. 23013/07).

4 *V.C., N.B., and I.G. and Others v Slovakia* (App. Nos. 18968/07, 29518/10, 15966/04).

5 *Kalanyos and Others, Tănase and Others v Romania* (App. Nos. 41138/98, 62954/00, 57884/00), *Koky and Others v Slovakia* (App. No. 13624/03), *J.I. v Croatia* (App. No. 35898/16).

6 European Convention on Human Rights, Article 2 Right to Life:

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. (2) Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

7 Article 3 Prohibition of Torture: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

8 The search of the database included judgements issued from the inception of the Court up to and including 7 February 2023. The search consisted of complaints of Articles 2 or 3 and 14 raised (excluding the keywords expulsion, extradition, death penalty, use of force to quell riot or insurrection, and all but the discrimination ground of race) with an additional text search for Roma and police, which yielded 49 results. See further "The Matrix of Roma Discrimination in the Council of Europe System" complete with a list of case law in Möschel (2012) *Anti-Romani*.

abuse.^[9] To paint a picture with the Court's own judgements, over 10 incidents resulted in the death of Romani people at the hands of police,^[10] a further 7 cases concerned life-threatening situations,^[11] and over 20 complaints arose from the abuse of Romani men,^[12] women,^[13] even children,^[14] and sometimes whole families.^[15] In the majority of the case law the impression of a hostile, anti-Romani climate is clear; however, hard evidence of it, which the Court tends to look for, hardly exists.^[16] This is why the Court rarely found a state explicitly responsible for anti-Romani^[17] police misconduct.^[18] This article submits that negative stereotypes often play a key role in anti-Romani violence, and their presence in a case file therefore could prompt the Court to pay particular attention to these in its assessments.

9 See, for example, ERRC (2022) *Brutal and Bigoted: Policing Roma in the EU*; Fair Trials (2020) *Uncovering Aanti-Romani Discrimination in Criminal Justice Systems in Europe*; ENAR (2019) *Dimensions of Antigypsyism in Europe*; Amnesty International (2014) "We Ask for Justice' Europe's Failure to Protect Roma from Racist Violence"; as well as FRA (2016) *EU-MIDIS II Roma – Selected Findings*; UN Special Rapporteur on Minority Issues (2015) *Global Study on the Human Rights Situation of Roma Worldwide A/HRC/29/24*.

10 *Angelovela, Velikova, Nachova and Others, Ognyanova and Cioban, Seidova and Others, Mihaylova and Malinova v Bulgaria* (App. Nos. 38361/97, 41488/98, 43579/98, 46317/99, 310/04, 36613/08); *Kleyn and Aleksandrovich v Russia* (App. No. 40657/04); *Carabulea, Soare and Others, Ion Balasoiu, Andreea Marusia Dimitriu v Romania* (App. Nos. 45661/99, 24329/02, 70555/10, 9637/16); *Eremiasova and Pechova v The Czech Republic* (App. No. 23944/04).

11 *Fedorchenko and Lozenko, Pastrama v Ukraine* (App. Nos. 387/03, 54476/14); *Ciorcan and Others v Romania* (App. Nos. 29414/09 and 44841/09) *Karagiannopoulos v Greece* (App. No. 27850/03); *Lakatosová and Lakatos, P.H. v Slovakia* (App. Nos. 655/16, 37574/19); *Vasil Shashov Petrov v Bulgaria* (App. No. 63106/00).

12 *Balkasi and Others v Albania* (App. No. 14800/18); *Jasar, Sulejmanov v FYRM* (App. Nos. 69908/01, 69875/01); *Balogh, Kovács, Mata, M.F., Nagy v Hungary* (App. Nos. 47940/99, 21321/15, 7329/16, 45855/12, 7329/16); *Memedov v North Macedonia* (App. No. 31016/17); *A.P. v Slovakia* (App. No. 10465/17); *Boaca and Others, Cobzaru v Romania* (App. Nos. 40355/11, 48254/99).

13 *P.H. v Slovakia* (App. No. 37574/19); *Petropoulou-Tsakiris v Greece* (App. No. 44803/04); *Borbala Kiss v Hungary* (App. No. 59214/11).

14 *M.B. and Others No. 2, Adam v Slovakia No. 2* (App. No. 63962/19, 68066/12); *Bekos and Koutropoulos v Greece* (App. No. 15250/02); *Assenov and Others v Bulgaria* (App. No. 24760/94); *X and Y v North Macedonia* (App. No. 173/17).

15 See *Lingurar v Romania* (App. No. 48474/14); *Fogarasi and Others v Romania* (App. No. 67590/10); *Fedorchenko and Lozenko v Ukraine* (App. No. 387/03); *Durdevic v Croatia* (App. No. 52442/09).

16 According to Judge Bratza, in the Concurring Opinion of Judge Sir Nicolas Bratza in *Nachova and Others v Bulgaria* [GC] No.10, p. 40:

[a]n example would be a case where the evidence showed that attempts to arrest persons of a particular ethnic group had invariably or consistently resulted in the deaths of the persons concerned, while the arrests of persons of other ethnic origin had seldom if ever resulted in the loss of life. A further example would be where the evidence showed that in the planning of an arrest operation it was only where persons of a particular ethnic origin were involved that the arrest team was provided with, or authorised to use, firearms.

17 *Stoica v Romania* (App. No. 42722/02) §129 and *Lingurar* (supra n.15) §80.

18 For example, in the case of *Makashev v Russia* (App. No. 20546/07) or *Antayev and Others v Russia* (App. No. 37966/07) the Court found that the ill-treatment by police forces of the ethnic Chechen applicants amounted to a substantive violation of Article 14. Similarly in the case *Aghdgomelashvili and Japaridze v Georgia* (App. No. 7224/11) the Court found that the abuse inflicted by the authorities was homophobic and thus amounted to a substantive violation of Article 14. Just like in Romani cases, in cases relating to torture or enforced disappearances of members of the Kurdish minority in Türkiye, the Court has been more reluctant, for example, the *Yaşar v Turkey* (App. No. 46412/99) discrimination claim that was rejected or *Dündar v Turkey* (App. No. 2697/95) which was deemed unnecessary to examine under Article 14.

The article is structured into four sections. First, it offers an explanation of the Court's general principles concerning violence and discrimination in section 1 and provides an overview of the argumentative tools of vulnerability (section 1.1) and of anti-stereotyping (section 1.2) which may aid the Court in engaging with the presence of negative stereotypes in a case before it. These approaches lend themselves to analysis for several reasons: namely, they have proven successful in other cases in bringing an anti-discrimination lens to the Court's assessment (Arnardóttir 2017, 153), yet it is a recurring observation of experts of both approaches that these are achingly missing in the Court's anti-Romani police violence case law (Timmer and Peroni 2013, 1066). In section 2 the article zooms in on five illustrative cases containing stigmatizing stereotypes on the side of the authorities, which give the basis for the assessment of the judicial response to the presence of such stereotypes. The article finds that there are inconsistencies when it comes to responding to stereotypes in the Court's case law concerning anti-Romani police violence. Sections 2.1–2.3 offer a typology of these inconsistencies complete with suggestions for potential applications of vulnerability and anti-stereotyping. Section 3 concludes.

1. Provisions, Principles, and Argumentative Tools in Anti-Romani Police Violence Cases

The question central to this article is whether and how the Court engages with the presence of negative stereotypes in racist police violence cases. To answer this question, an understanding of the Court's adjudicatory framework is necessary. This section introduces the applicable provisions of the European Convention on Human Rights (ECHR) in cases of alleged ill-treatment and discrimination. Then it discusses interpretive directions and evidentiary considerations which the Court may take. Finally, it introduces the concept of vulnerability (in section 1.1) and an anti-stereotyping model (in section 1.2), which the Court has at its disposal to engage with the presence of stereotypes.

In the ECHR system, victims of violence and discrimination may bring their claims under different provisions (Rietiker 2019). Article 2 protects the right to life and Article 3 prohibits torture, inhuman, or degrading treatment. Through interpretation, the Court has distinguished two limbs for each of these articles, one which it calls substantive and the other procedural (Mowbray 2002). The former relates to the state's duty not to inflict violence and to protect persons within its jurisdiction from violence, and the latter to investigate the circumstances when allegations of violence arise. Article 14 is the Convention's anti-discrimination clause^[19] that prohibits limiting the rights and freedoms of

19 European Convention on Human Rights Article 14 Prohibition of Discrimination: "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." Article 1 of Protocol 12 to the Convention includes a self-standing anti-discrimination clause, particularly focusing on discrimination by public authorities. This Protocol, however, has not been applied in anti-Romani police violence cases to date. The reason for this is partly that not all States have ratified it, and partly that the Court has decided to assess the claims under Article 14 even where it could have been applied.

the Convention based, for example, on grounds of race, national, or social origin; association with a national minority; or another status (Bruun 2013). It is a peculiar provision in that it cannot be assessed on its own and must always be combined with another provision of the Convention. Invoking Article 14 does not presuppose a violation of the right to which it is attached (O’Connell 2009, 215), yet claims of discrimination are often taken into account as part of the assessment under the core right (Arai-Yokoi 2003, 395) instead of a separate assessment.^[20] Under Article 14 applicants must make an arguable claim^[21] of discrimination by presenting arguments that there has been a difference in treatment which cannot be objectively justified. In cases of alleged discrimination on racial grounds, any potential justification is typically subject to strict review (Clifford 2013). Just like in the case of Article 2 or 3, the Court has distinguished a substantive limb, referring to the duty to refrain from or to prevent discrimination, and a procedural limb, referring to the obligation to investigate possible bias motives. It has been argued that the distinction between substantive and procedural obligations in the case of core rights enables the Court to “give teeth” to its review (Popelier and van de Heyning 2013), namely by condemning the State for failures in its procedural duties, even where a substantive violation could not be established (Ní Chinnéide 2022, 351), for instance, due to evidentiary reasons. However, in the case of protection from discrimination, a bifurcation (Gerards and Senden 2009) approach can be subject to criticism.^[22]

From its inception, the ECtHR has adopted the evidentiary standard of “proof beyond reasonable doubt”.^[23] This means the Court must be convinced that there is no other plausible explanation as to how the events occurred (O’Boyle 2018). The burden of providing this evidence rests on the Applicant (Arnardóttir 2007, 17–18). In certain cases, however, the Court has departed from this practice, and either shifted (Arnardóttir 2007, 38) or lightened the burden of proof, or adopted a flexible approach to the standard of proof (Gunn 2020, 199). This happens most frequently in cases where the State is in a much better position to provide evidence (Roberts 2021, 7). To issue clear and transparent judgements, the Court will have to give due explanation of its considerations and reasons for applying its principles the way it does (Gerards 2005). For reasons of consistency, the Court may rely on certain argumentative tools it has devised to engage with particular aspects of a case (Timmer 2013, 170).

20 In the 1970 case of *East African Asians v UK* (App. Nos. 4403/70-4419/70; 4422/70; 4423/70; 4434/70; 4443/70; 4476/70-4478/70; 4501/70; 426/70-4530/70), the Commission has already established that racial discrimination could in itself amount to degrading treatment under Article 3. The approach of considering elements of discrimination under other than the anti-discrimination provision is, however, not unproblematic. See, for example, Harvey and Livingstone (2001).

21 Also called *prima facie* case §§ 76–79; 83–85 of the ECtHR Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention as updated on 31 August 2022.

22 While the Court is likely to find a procedural violation of Article 14 in cases where the domestic authorities failed to investigate potential racist motives, it usually stops here, due to the high evidentiary standard it imposes on the Applicants when it comes to proving racist intent behind the ill-treatment (see Möschel 2012). Furthermore, separating procedural from substantive limbs can be seen as an arbitrary separation since both the actual direct, racist ill-treatment of an individual as well as a reluctance or failure to investigate alleged instances thereof originate in the same system of bias against racialized members of society.

23 Originally articulated in *Ireland v UK* (App. No. 5310/71) §161, and in the anti-Romani police violence case law in *Velikova* (supra n.10) at §70.

What this article refers to as judicial or argumentative tools are conceptual frameworks which may help the Court to engage with a specific element of a case, such as the presence of stereotypes.^[24] This article identifies the concept of vulnerability and a so-called anti-stereotyping model which are well suited for this task. The reasons for focusing on these tools are that they have been applied by the Court in other areas (Timmer 2011, 709; Heri 2021) and are argued to be appropriate in cases of anti-Romani police violence, yet their absence is well-established in the literature.^[25] The rationale to pay particular attention to stereotypes in a case is that stereotypes may render people vulnerable to violence and other types of harm potentially amounting to human rights violations (Brems and Timmer 2016).

1.1 Vulnerability

The concept of vulnerability is used widely inside and outside the legal field to refer to specific *groups*, whose members are more vulnerable compared to other members of society, while it can also be understood as the “universal, inevitable, enduring aspect of the human condition” (Fineman 2008) on an *individual* basis.

An early systemic mapping of whether and how human rights courts used the emerging concept of vulnerability has been undertaken by Alexander Morawa in 2003, finding that the concept is, likely intentionally, vague and flexible (143). The overall effect of a vulnerability analysis, he found, is generally higher levels of protection (*Ibid.*, 150). Compared to other regional bodies the ECtHR appears to have been leading the way in recognizing the vulnerability of detainees, while significantly lagging behind when it comes to identifying the specific vulnerabilities of ethnic minorities (*Ibid.*, 147). Ten years later Peroni and Timmer (2013) analysed the overall case law of the ECtHR to examine the use of vulnerability, Arnardóttir (2017) focusing specifically on Article 14 and Heri (2021) on Article 3. What follows will highlight what these authors identify as the potentials of the concept and the considerations to which it may lead the Court.

In a joint study, Peroni and Timmer have provided an analysis of ECtHR case law where *group vulnerability* played a key role in the judgement. Based on a review of these cases, without prejudice to the nature of the complaint or the article invoked, they demonstrate that, for the Court, vulnerability stemming from group membership is relational, particular, and harm-based (2013, 1064). First, vulnerability is understood as constructed by societal circumstances, such as the existence of harmful stereotypes and prejudice against a certain group. Second, the vulnerability of the individual is shaped by their own

24 Although the Court itself does not explicitly call its particular lines of reasoning “argumentative tools” some examples that are highlighted by academics as clearly and consistently explaining a departure from an incrementalist approach are *M.S.S. v Belgium and Greece* (App. No. 30696/09); *Opuz, Salduz v Turkey* (App. Nos. 33401/02, 36391/02); *Yordanova v Bulgaria* (App. No. 25446/06); *M.S. v UK* (App. No. 24527/08).

25 The author is aware that there may be other approaches equally valuable to consider by the Court. However, a word search of the existing anti-Romani police violence case law reveals that references to stereotypes and vulnerability are more prominent than, for example, the language of stigma, even though in several cases the Court refers to multiple of these concepts (for example, in *Alajos Kiss v Hungary* (App. No. 38832/06), *Kiyutin v Russia* (App. No. 2700/10), or *B.S. v Spain* (App. No. 47159/08)). See also: Solanke (2017).

lived reality within their specific group, which means not automatically considering every member of a given group vulnerable (*Ibid.*, 1065). Third, and unsurprisingly, a central indicator of vulnerability for human rights adjudication purposes is that it either exposes the individual to or leads directly to harm. Where the Court discovers these elements to be key components of the case at hand, it may use this finding to take measures specific to the provision complained of, which are aimed at accommodating the vulnerable applicant. These may involve a heightened review, a narrower margin of appreciation, or a specific allocation of the burden of proof, to name a few examples.

Resonating with Peroni and Timmer's analysis but focusing on vulnerability under Article 14, Arnardóttir finds that the application of this concept by the Court has to do with the list of discrimination grounds (2017, 154) which overlaps with the groups the Court for the first time identified as potentially vulnerable in the 2011 case of *Kiyutin v Russia* (*Ibid.*, 159).^[26] This judgement emphasizes the importance of shared identity markers of a group and its history of prejudice, disadvantage, and stereotypes in order to constitute a vulnerable group (*Ibid.*, 164). For Arnardóttir, vulnerability under Article 14 is an "identity plus" approach (*Ibid.*, 170), which allows the Court to consider deeply complex situations and to understand the individual's particular lived experience in a larger, societal context. Doing so may enhance measures of protection by triggering a stricter review or result in a more substantive approach (*Ibid.*, 169). However, Arnardóttir points out that the use of this approach is rather restrictive under Article 14 (*Ibid.*, 165).

So far Peroni and Timmer and Arnardóttir focused on a collective understanding of vulnerability. However, focusing on the differences of lived experiences of applicants on a more *individual* and circumstantial basis provides further opportunities for consideration. Timmer (2011) has pursued the analysis and typology of this conception of vulnerability in the Court's jurisprudence. As opposed to vulnerability based on belonging to a stigmatized group, Timmer draws on the idea that – when vulnerability is not understood narrowly as injurability – a "critical focus [turns] towards the institutional production of both privilege and disadvantage" (Timmer 2011, 152) – which allows examining and challenging the complexity of situations that make an individual vulnerable in the specific circumstances. Timmer's list of conditions that enhance individual vulnerability includes, among others, vulnerability due to age, gender, illness, migration background, and most relevant to the focus of this article: being under state control (that is, in detention) and group membership (that is, Romani ethnicity).

Focusing specifically on vulnerability under Article 3 of the Convention, Corina Heri (2021) tailors Timmer's list of individual vulnerability grounds based on the Court's corresponding jurisprudence. She notes that under Article 3 the distinction between group and individual vulnerability does not seem as strict or relevant as for example under Article 14, but in any event Article 3 tends to invite an individual vulnerability approach (Heri 2021, 35). Heri offers a quantitative overview of the Court's use of vulnerability and shows that in 65 per cent of all cases, this stems from the context of vulnerability due to state control (*Ibid.*, 39). Heri identifies that it is a power imbalance which puts the applicants in an

26 *Kiyutin v Russia* (note 25) concerned the refusal of residence due to the applicant's HIV-positive status and identifies in §48 "particularly vulnerable groups – for instance, Roma, homosexuals, persons with mental disabilities – that had suffered a history of prejudice and social exclusion, in respect of which the State had a narrower margin of appreciation".

increasingly vulnerable position, arising in situations of abuse by persons in positions of authority (*Ibid.*, 76) related to the type of crime committed by the detainee or, although there is little case law to confirm this hypothesis, the detainee's identity markers (*Ibid.*, 77). On occasion, the Court has reasoned that the applicants' own feeling of vulnerability may also factor in the judgement, and since this is impossible to prove, the Court seems more ready to make inferences in such cases (*Ibid.*, 90–1), for example, by accepting the applicant's version of the events increasingly favourably “the further a person is removed from outside control” (*Ibid.*, 133).^[27]

In light of this analysis, it might seem that the understanding of individual vulnerability or its application to ill-treatment cases does not go hand in hand with stereotypes, as individual vulnerability shifts the focus to the experience of a situation and away from the experience of harm as a person from a stigmatized group. However, the assessment of an individual's vulnerability under certain circumstances can and should be informed by any stereotypical roles likely to be associated with that situation or condition.

To highlight the most important features of both *individual* and *group vulnerability*, they facilitate the assessment of the complex details of a case, making it possible to take into consideration, for example, a broader societal or institutional context. The concrete effects of a vulnerability approach is to enhance protection of victims of human rights violations in areas such as the Court's priority policy^[28] (Heri 2021, 121, 125) and admissibility criteria (*Ibid.*, 125–129); its evidentiary considerations, including lowering or shifting the burden of proof (*Ibid.*, 132–3) and reassessing domestic findings if deemed necessary (*Ibid.*, 136–7); the state's positive obligations (Peroni and Timmer 2013, 1076–9; Heri 2021, 133–6) and margin of appreciation (Peroni and Timmer 2013, 1080; Arnardóttir 2017, 154, 165) to mention a few. Perhaps equally importantly, a vulnerability analysis, regardless of a group or individual understanding thereof, may contribute to developing clearer normative contents of case law (Peroni and Timmer 2013, 1074). While stereotypes may be the very trigger for the Court to apply a vulnerability analysis, this does not result necessarily in the judicial formation challenging harmful stereotypes.^[29] As argued by Timmer (2011, 281), since stereotypes may simultaneously present as the manifestation, rationalization, and justification of discrimination, it is essential to engage with them as such.

1.2 Anti-stereotyping

Turning an American legal methodology into the analysis of the ECtHR's gender-discrimination case law, Timmer proposed a model through which the Court can scrutinise the reference to stereotypes in a

27 Examples of this approach mentioned by Heri are *Aydin* (App. No. 23178/94) and *El-Masri v FYRM* (App. No. 39630/09).

28 The Court operates based on a priority policy with a view to speeding up the processing and adjudication of cases by establishing seven categories ranging from urgent cases concerning vulnerable applicants to clearly inadmissible cases to be decided by a single judge. The current categories are available online: https://www.echr.coe.int/documents/priority_policy_eng.pdf.

29 Some examples that Peroni and Timmer mention are: *D.H.* (note 2) in which the Court recognizes that “as a result of their turbulent history and constant uprooting the Roma have become a specific type of disadvantaged and vulnerable minority” (§ 182) similarly in *V.C.* (note 4) and *Alajos Kiss* (note 25) the Court speaks in general terms about the existence of stereotypes but does not spell out their harmful effect in more nuanced terms.

case before it, which she calls the “anti-stereotyping approach” (Timmer 2011, 709). While her analysis was suggestive rather than a description of an already refined judicial practice, the steps she identified were not at all novel to the Court. Over a decade later Liv Henningsen still argues anti-stereotyping is an emerging principle, though the Court’s case law clearly has developed in this area (2022, 186). The point of departure, which this article supports, is to focus on the underlying mechanisms of discrimination, an obvious example being the presence of stereotypes (Timmer 2011, 708).

The key features of the proposed anti-stereotyping approach are divided into two phases: first, explicitly naming and second expressly contesting the stereotype (*Ibid.*, 710). This exercise requires identifying the stereotype, its current effects, and its adverse consequences on the group whose member brought the case to the Court. More concretely, the Court increasingly could rely on international human rights reports and third-party interventions to better understand the material, and then direct its attention to the social and psychological effects which the stereotype has on the members of a given group, in order to make clear the consequences of the stereotype at the heart of the case (*Ibid.*).

In the second phase, whenever the Court identifies a harmful stereotype, it should apply automatically the ECHR anti-discrimination clause in a specific manner (*Ibid.*, 718–9) as suggested in Janneke Gerards’ equal treatment judicial review model (2005, 103–120). The essence of this is a consistently intense review, utilizing a so-called disadvantage test (with more distinguishing value and less evidentiary burden) instead of the current comparator test, and finally being extremely critical and rejecting any justification from the state that is itself based on stereotypes (2011, 719, 722–24). Crucially, through the anti-stereotyping approach, a claim should come under the ECHR anti-discrimination clause (*Ibid.*, 724) recognizing stereotyping as a manifestation of substantive discrimination (Henningsen 2022, 194) even where the application is not expressly formulated as such.

This section gave an overview of the concepts of vulnerability and anti-stereotyping and demonstrated how the Court may utilize these. The application of these principles may entail adjusting procedural rules and practices and also lead to normative clarity of judgements. It should be mentioned, however, that both vulnerability and anti-stereotyping are sensitive to pitfalls (Timmer, Baumgärtel et al. 2021). On the one hand, the very tools that aim to combat vulnerability and stereotypes may result in reinforcing these (Peroni and Timmer 2013, 1071–72; Arnardóttir 2017, 168) by painting a picture of categories of people as weak, thereby inviting paternalistic, protective approaches (Timmer, Baumgärtel et al. 2021, 194–5) and reducing agency. On the other hand, the Court’s legitimacy may be called into question if it is perceived to expand positive obligations too much (Timmer 2011, 737; Heri 2021, 193) and overstep its subsidiary role. To be cautious of these pitfalls, the Court is called upon to reflect on how and why it assesses certain aspects of a case the way it does. Simply put, such clarity will result in both more transparency and thus legitimacy in the judgements (Timmer 2011, 738) as well as substantive clarity on the enhanced measures afforded to applicants in specific cases.

The following section aims to show, by reference to examples from the Court’s anti-Romani police violence case law, just how large is the problem of inconsistent or non-recognition of harmful stereotypes. It also highlights potentials in the illustrative cases for engaging more meaningfully with a stereotype, by applying one or the other above-described principles.

2. Stereotypes and Vulnerability in Anti-Romani Police Violence Cases

This section discusses the facts of five cases of anti-Romani police violence which stand out from the Court's relevant case law in that explicit quotes from the domestic authorities – either the officers concerned in the incident or those involved in the investigation or domestic proceedings – reveal that the officials held prejudices against Roma. To recall, the Court has issued judgements in some 50 cases of anti-Romani police violence. In about a quarter of these, the authorities have used derogatory words to refer to the Applicants' ethnicity,^[30] but it is only in a handful of cases where negative stereotypes about Roma by the authorities appeared in a Strasbourg judgement. The primary consideration for the selection of cases, therefore, was the presence of stereotypes in the Court's judgement,^[31] and thus not how recent are the decisions or their level of importance to the Court.

The first case to be discussed is *Cobzaru v Romania* (App. No. 48254/99, Merits and Just Satisfaction, 26 July 2007). The applicant, Belmondo Cobzaru, presented himself to the police because he was afraid that his girlfriend's brother would beat him. At the police station officers grabbed and pushed Mr Cobzaru, then kicked him and beat him with a stick. He was made to sign a statement that he had been beaten by his girlfriend's brother (§12). That is indeed the Government's version of the events, despite the fact that the brother consistently denied beating the applicant. When Mr Cobzaru complained about the incident, the prosecutor refused to open a criminal investigation. This decision was based on the wider context of the case, which, according to the prosecution, was that the applicant, as a Romani person was “prone to violence and theft’ and was in constant conflict with ‘fellow members of their ethnic group’” (§108). Mr Cobzaru's appeal was dismissed, also partly basing the decision on the belief that “the 25-year-old [G]ypsy [was] well known for scandals and always getting into fights” (§31). To sum up, the case of *Cobzaru* concerns the abuse of the applicant, based on the belief that he himself had a violent nature. The ECtHR held that the authorities were responsible for the abuse of Mr Cobzaru and failed in their duty to investigate its circumstances, including potential racist motives. It did not find the abuse itself to be racially motivated.

The second case selected for this study is *Petropoulou-Tsakiris v Greece* (App. No. 44803/04, Merits and Just Satisfaction, 6 December 2007). The police conducted a large-scale operation related to drug trafficking and raided the settlement where the applicant, ten-weeks pregnant Fani-Yannula Petropoulou-Tsakiris, lived. Residents were instructed to wait to be searched, during which time the applicant was kicked in the back by an officer (§8). Despite the fact that she started bleeding on the spot, she was not taken to hospital. She suffered a miscarriage some days later. In her complaint, she explicitly requested that the police

30 See *inter alia*: *Anguelova v Bulgaria* supra n.10 §47; *Sulejmanov v FYRM* (App. No. 69875/01) §6–7; *M.F. v Hungary* (App. No. 45855/12) §8; *R.R. and R.D. v Slovakia* (App. No. 2 0649/18) §31, 209.

31 The present assessment is made solely on the basis of publicly available judgements. It is entirely possible that other case files have also referred to stereotypes in the domestic proceedings; however, these did not appear in the final judgement. Table 1 references the sections of the judgements where the presence of stereotypes is mentioned.

officers participating in the raid be excluded from conducting the inquiry. Despite this request, the same officers carried out an informal investigation. Their report – based on which the disciplinary proceedings against the violent officer had been suspended – concluded that “the complaints are exaggerated... It is in fact a common tactic employed by the *athinganoi* [Greek for Roma] to resort to the extreme slandering of police officers with the obvious purpose of weakening any form of police control” (§29). To sum up, the case of *Petropoulou-Tsakiris* concerns the abuse of the applicant and the lack of its investigation due to the belief that her complaints were exaggerated. The ECtHR held that the authorities failed in their duty to investigate the circumstances, including potential racist motives, but it did not address the question of whether the abuse itself was racially motivated.

The third case to be examined is *Stoica v Romania* (App. No. 42722/02, Merits and Just Satisfaction, 4 March 2008). The incident at the centre of the case occurred when local police came to “teach the Roma ‘a lesson’” (§7). The applicant, a 14-year-old bystander, was attempting to flee the scene with other children when he was tripped by an officer, pushed into a ditch, kicked, and beaten. The Government maintained that it was the locals who became aggressive towards the police. Despite this claim, however, no criminal investigations were initiated by the police on this account, explained by the assertion that “the way in which some of the Roma acted [was] pure Gypsy behaviour and [did] not constitute the crime of insulting behaviour” (§36) which would have warranted further action. The conclusion of the prosecutor regarding the complaint about the ill-treatment of the applicant was not to prosecute, due to lack of evidence. To sum up, the case of *Stoica* concerns the abuse of a minor and the context in which the violence occurred. The ECtHR held that the authorities inflicted racist abuse and failed in their duty to investigate the circumstances, amounting to both a procedural and substantive violation of Articles 3 and 14.

The fourth case examined here is *Kleyn and Aleksandrovich v Russia* (App. No. 40657/04, Merits and Just Satisfaction, 3 May 2012) which, out of our examples, is the only case resulting in death. The Applicants’ wife and mother, Fatsima Aleksandrovich, was arrested on a bus, where another passenger’s purse had gone missing. A policeman also travelling on the bus immediately arrested her, hitting her and saying “[o]nly a Gypsy could steal the purse, who else?” (§7). The officer did not arrest Ms Aleksandrovich’s non-Romani travel companion. Upon arrival at the police station, the events become impossible to discern. The authorities claim Ms Aleksandrovich died in an attempt to escape through a third-floor window (§45). The Applicants rejected this explanation, finding Ms Aleksandrovich, pregnant at the time, unlikely to have risked her and the baby’s life for allegedly stealing a purse worth about 20 Euros (§46). Moreover, the Applicants pointed out that the investigations neither involved assessing Ms Aleksandrovich’s psychological state nor exploring whether any other possible reason was behind her death and whether all her injuries resulted from the fatal fall. To sum up, the case of *Kleyn and Aleksandrovich* concerns the suspicious death of a thievery suspect and a total lack of investigation into the circumstances. The ECtHR condemned the authorities for their overall investigative failures but rejected all other claims, including those relating to discrimination.

The fifth and last case is that of *Lingurar v Romania* (App. No. 48474/14, Merits and Just Satisfaction, 16 April 2019), which concerns a raid of the Applicant’s home as part of a large-scale intervention involving over 50 officers carrying out 190 identity checks, 140 car searches, and interrogating 64 individuals (§14–5). The justification for the intervention stated that “[o]ut of a total population of 4,300 inhabitants,

2,902 are of Roma ethnicity. Most of the members of this ethnicity do not have a steady income and make ends meet (...) from crime – mostly thefts” (§13). Throughout the domestic proceedings the use of force and immobilization measures which caused the applicants’ injuries were found lawful, or in the case of two of the Applicants have been explained by the fact that “[they] had exhibited behaviour specific to Roma in such circumstances” (§37). To sum up, the *Lingurar* case concerns the planning of a police operation, the justification of which was decisively the authorities’ expectation that the applicants’ ethnicity and criminal behaviour would be connected. The Court held this profiling to be discriminatory, and consequently that the authorities planned and inflicted racist abuse amounting to both a substantive and procedural violation of Article 14 in conjunction with Article 3.

Table 1. Overview of racist police violence cases at the ECtHR

| | <i>Cobzaru v Romania</i> (No. 48254/99) | <i>Petropoulou-Tsakiris v Greece</i> (No. 44803/04) | <i>Stoica v Romania</i> (No. 42722/02) | <i>Kleyn and Aleksandrovich v Russia</i> (No. 40657/04) | <i>Lingurar v Romania</i> (No. 48474/14) |
|---|---|--|---|--|--|
| Date of judgement | July 2007 | December 2007 | March 2008 | May 2012 | April 2019 |
| Place of ill-treatment | Police station | Police raid | Patrol | Arrest and custody | Police raid |
| Victim of violence | 24-year-old male | Stateless pregnant woman | By-stander minor, recently operated | Foreign national | Family of six |
| Who held the prejudice? | Prosecutor | Police (in report) | Police (verbally and in report) | Police (arresting officer verbally) | Police (in an intervention plan regarding raids in the municipality) |
| Where does the stereotype appear in the judgement? | Statement of facts | Procedural history, merits assessment | Procedural history, merits assessment | Statement of facts | Procedural history, merits assessment |
| Ruling on violence | Article 3: substantive and procedural violation | Article 3: procedural violation | Article 3: substantive and procedural violation | Article 2: procedural violation Article 3: manifestly ill-founded | Article 3: substantive violation |
| Ruling on discrimination | Article 14 (+3): procedural violation | Article 14 (+3): procedural violation | Article 14 (+3): substantive and procedural violation | Article 14 (+2): manifestly ill-founded | Article 14 (+3): substantive and procedural violation |

This section gave an overview of five exemplary cases in which the domestic authorities – either those involved in the incident of ill-treatment or those investigating or prosecuting it – held prejudices. Table 1 summarises the key elements of each case. The takeaway from this section is that the Court approached the stigmatizing stereotype differently, from ignoring to considering and even expressly condemning them. The following subsections will attempt to typologize what the Court did, and what additional potentials there are to utilizing vulnerability and anti-stereotyping in cases of anti-Romani police violence. The cases introduced in this article may be divided into three categories based on the Court's response to the presence of stereotypes: first, non-engagement with stereotypes (2.1); second, acknowledging stereotypes without contestation (2.2); and finally a semi-application of the anti-stereotyping approach (2.3). Each highlights which elements of the above-discussed approaches the Court had followed in the judgements in focus and points to further potentials.

2.1 Non-engagement: Vulnerability Reasoning to Focus on the Core Right

One approach typically applied by the Court in anti-Romani police violence cases is to assess potentially racist overtones as an aggravating factor under Article 3³² (O'Connell 2009, 214) usually connected to the vulnerable position of the Applicant. In *Kleyn and Aleksandrovich v Russia*, the Court “emphasize[d] that persons in custody are in a particularly vulnerable position” (§44) a sentence almost always verbatim appearing in the Court's judgements dealing with Article 3 detention cases (Heri 2021, 63). The Court held that “the mere fact that an individual dies in suspicious circumstances while in custody should raise an issue as to whether the State has complied with its obligation to protect that person's right to life” (§44). This approach echoes one of Timmer's categories of individual vulnerability which she identifies as inherent to being placed in detention (Timmer 2013, 206), and naturally, the similar categories in Heri's Article 3 typology (Heri 2021, 76). However, such an approach neglects to consider the complexity of the case, starting with the fact that the mere reason Ms Aleksandrovich was taken to the police station was, admittedly, her ethnicity. A more thorough vulnerability analysis or direct engagement with the stereotype held by the arresting officer might have shed light on the fact that her arrest was based on a stereotype.

The case could be a clear example in Heri's typology where a perceived identity marker makes a person vulnerable in the context of detention (Heri 2021, 77) as stereotypes cannot constitute reasonable suspicion. Within this context the Court could have had more room to consider why Ms Aleksandrovich was at the police station and demanded a more convincing account of what has happened to her before her fatal fall. An even more clear-cut way instead of rejecting the Article 14 complaint for procedural reasons could have been for the Court, “as master of the characterization to be given in law to the facts of the case,”³³ to take an anti-stereotyping approach, which allows an almost automatic consideration of the case as one of discrimination when a stereotype at the heart of the incident is deemed to be harmful.

32 See, for example, *M.B. and Others v Slovakia* (No. 2), note 14, §74 applicants' age as a factor in classifying the events as degrading treatment; or *Anguelova v Bulgaria*, note 10, §110 the applicant's placement in custody.

33 *Radomilja and Others v Croatia* [GC] (App. Nos. 37685/10 and 22768/12) §124–5.

2.2 Acknowledgment: Stereotypes Informing Causality Instead of Contextuality

The cases of *Cobzaru v Romania* and *Petropoulou-Tsakiris v Greece* are similar in that the Court did not explicitly identify the authorities' beliefs as stereotypes but still acknowledged their presence to a certain extent in the discrimination assessment of the cases, contributing to the finding of a procedural violation of Article 3 taken in conjunction with Article 14.

In *Cobzaru* the Court stated that the material before it did not suffice to establish that racism was a causal factor in the ill-treatment because, instead of presenting facts, the Applicant merely urged the Court to evaluate his allegations within the context of anti-Romani attitudes (§94). The materials referred from various organizations did not suffice to establish whether in the specific case of the individual Applicant racist attitudes played a key role (§92), particularly because it was the prosecutor who made tendentious remarks about the Applicant's ethnicity. For the Court these beliefs, concerning as they were (§97), could not be indicative of the attitudes motivating the police officer's violent conduct, as it was looking for evidence of causality between an individual officer's racist attitudes and their racist actions.

In the case of *Petropoulou-Tsakiris* it was the police officers conducting the raid who held prejudices, which became evident from the wording of their investigation report. The Court was "struck by the report" (§65) and stated that the specific quote reflected a "general discriminatory attitude on the part of the authorities" (*Ibid.*), leading to a procedural violation for not having further investigated this element. Even though the Applicant complained that the ill-treatment she suffered was itself due to her Romani ethnic origin, the Court did not engage with this part of the complaint because it could not establish the officers' responsibility for the ill-treatment in the first place (§42).

In these cases, both a vulnerability reasoning^[34] and an anti-stereotyping approach could have opened up the possibility for more flexibility regarding the evidentiary materials. On the one hand, a vulnerability approach has paved the way in some cases for increased reliance on inferences (Heri 2021, 48) or contextual evidence. On the other hand, an anti-stereotyping approach could have provided the Court with a basis to shift the "focus of the discrimination assessment away from causal effects and comparison to a more general assessment of invidious prejudice and stereotypes in the attitudes of the national authorities" (Henningesen 2022, 188–9).

2.3 (Semi-)Application of an Anti-stereotyping Approach

In *Stoica v Romania* the Court examined the police report describing the villagers' alleged aggressive behaviour as "purely Gypsy" and found that such remarks are "clearly stereotypical" (§122). Similarly, in

34 For example, the fact that Mr Cobzaru was voluntarily present at the police station (§11) – in which situation the positive obligations of the authorities are less defined as in case a person is taken into custody or detained at the station – and the fact that Ms Petropoulou-Tsakiris was an unregistered stateless person (§9) at the time of the events could be seen as having put them in a vulnerable position vis-à-vis the authorities due to power imbalance (Heri 2021, 65).

Lingurar v Romania the Court found that “the manner in which the authorities justified and executed the police raid shows that the police had exercised their powers in a discriminatory manner, expecting the Applicants to be criminals because of their ethnic origin. (...) [extrapolating] from a stereotypical perception that the authorities had of the Roma community as a whole” (§76).

In the case of *Lingurar* this finding immediately led to a substantive violation of Article 3 in conjunction with Article 14. In a second step the Court held that “the mere fact that in the present case stereotypes about ‘Roma behaviour’ feature in the authorities’ assessment of the situation (...) may give rise to suspicions of discrimination based on ethnic grounds”, and in the absence of any analysis of this at the domestic courts it found a violation of the procedural aspect of Article 14 in conjunction with Article 3. In the case of *Stoica* the Court followed a reverse approach: because the domestic authorities did not make any effort in their investigations to address the stereotypical remarks of the police report, this proved to the Court that the officers were not racially neutral, which in turn led to the finding that the violence itself was also not “removed from this racist context” (§129). Therefore, the Court found a violation of Article 14 taken together with Article 3 without separating its substantive and procedural aspects.

While the judgements do not follow the exact steps of the anti-stereotyping model suggested by Timmer – in that they do not entail a detailed analysis of the historical origins and current harmful effects of the stereotypes on the lives of Roma – the impact of the Court’s engagement with them is manifold. First, both judgements address the authorities’ biased opinions under the anti-discrimination clause of the Convention, which implicitly recognizes the fact that stereotyping is a manifestation of discrimination. Second, both judgements acknowledge that stereotypes may not justify the authorities’ discriminatory conduct. Third, in both cases, the Court’s engagement with the stereotype resulted in departing from the “beyond reasonable doubt” standard of proof borne by the Applicant, recognizing the potential *prima facie* evidentiary value of stereotypes. All these effects are beneficial for the Applicants, who are generally in a difficult position to show that discrimination was a key element of their complaint (Mačkić 2013, 52). For these reasons, the best approach that the Court has taken in the judgements reviewed in this article – which were selected because they contained clearly harmful stereotypes – is exemplified in *Stoica* and *Lingurar*. While the facts of the cases and the stereotypes are similar across the entirety of anti-Romani police violence case law, the Court’s readiness to engage with them differs, as shown by the analysis of three other cases in this article. Both the clarity of the Court’s relevant case law, as well as Applicants’ complaints of violence fuelled by bias and stereotypes would benefit from a more consistent approach, particularly one in line with *Stoica* and *Lingurar*.

Conclusion

This article analysed five examples of anti-Romani police violence cases in which harmful stereotypes were clearly present on the side of the domestic authorities. The main question of the analysis was whether and how such stereotypes (could) influence the judicial reasoning and ultimately the outcome of the case. The analysis was informed by the framework drawn up by Timmer (2013) on the Court’s approach to *individual vulnerability* in general, and Heri (2021) in particular under Article 3; Timmer and Peroni’s (2013) analysis of the Court’s application of the concept of *group vulnerability* in general, and

Arnardóttir's in particular under Article 14 (2017); and Timmer's (2011) anti-stereotyping model further conceptualized by Henningsen (2022).

The point of deploying the concept of vulnerability in judicial deliberation is to make it possible to link general and particular realities, thereby shedding light on the wider context of how and which societal mechanisms operate. Applying the anti-stereotyping model enables the Court explicitly to name and contest harmful stereotypes, which, if they remain unchallenged, will perpetuate further prejudices and discrimination. Both these methods, and in fact any others which enable the Court to address the larger context of discrimination, and to address discrimination as such, under the specific anti-discrimination provision are essential in sending a message about the importance of protection from (racial and ethnic) discrimination.

The five cases reviewed through these lenses confirm that the Court does not have a crystalized approach to addressing stereotypes and vulnerability in anti-Romani police violence cases. Furthermore, the analysis showed that there could have been opportunities to better utilize the argumentative tools of vulnerability or anti-stereotyping. Of course, this is not solely the task of the Court. Representatives of the victims of racist police abuse may decide to highlight strategically the evidentiary value of stereotypes or present arguments that show how exactly their client was in a vulnerable position and what that means for the assessment of the application. Third-party interventions also may provide a platform to lay out general arguments in support of the approaches the Court may take when faced with invidious stereotypes.^[35]

While it is true that changing attitudes only begins with a judgement, the takeaway from this analysis is that the more actively the Court engages with the broader societal context of the cases, and specifically hostile climate against Roma manifesting in invidious stereotypes, the more laudable, because this not only brings justice to individual victims of racist violence but also contributes to combating the very stereotypes which led to lodging the application with the Court in the first place.

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35 Interventions submitted by the European Roma Rights Centre, for example, in the cases of *Assenov v Bulgaria*, note 14; *A.P. v Slovakia*, note 12; *Cioban and Others v Romania*, note 10; *Kovács v Hungary*, note 12; *Lingurar and Others v Romania* (App. No. 48474/14); *Lupu v Romania* (App. No. 36250/09); *M.B and Others v Slovakia* (No. 1) (App. No. 45322/17); *Pastrama v Ukraine*, note 11 – urging the Court the recognize the vulnerable situation of Roma vis-à-vis police interventions. Available online: http://www.errc.org/search?country=&theme=&area=3&keyword=&search_submit=

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The Text beyond Itself: Romani Social Construction in Romanian Secret Police Files

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Abstract

Romanian State Secret Police (*Securitate*) files produced before 1989 can be accessed today through a lengthy process that requires official research authorization through a government office, the National Council for the Study of the *Securitate* Archives (Consiliul Național pentru Studierea Arhivelor Securității – CNSAS). The CNSAS General Document Fund includes large issue-related files under the umbrella of “*The Gypsy Problem*,” with thousands of pages of both national and county-level reports and recommendations. This paper teases out the granular documentary clues (*spie*, as Italian historian Carlo Ginzburg describes them) in some of the *Securitate* files to explore the way in which a pattern of documentary communication is built to frame Romani identity as idiosyncratically marginal, oriental, and parasitic. A particularly interesting aspect of the knowledge production imposed through these files is reflected by anecdotes that purportedly illustrate the character of the Roma. This study analyzes the relations of power built through hermeneutic devices and language choices which build “truth formulae” (Weir) that reify a particular view of Romani ethnicity, class, and gender. This archival (de)construction has implications for a long view of policy, political memory, and exclusionary societal attitudes today and in the future.

Keywords

- Roma
- Romani
- Archive
- Marginalization
- State police
- Romania

Romanian State Secret Police (*Securitate*) files produced before 1989 can be accessed today through a lengthy process that requires official research authorization through a government office, the National Council for the Study of the *Securitate* Archives (*Consiliul Național pentru Studierea Arhivelor Securității* – CNSAS). The CNSAS General Document Fund includes large issue-related files under the umbrella of “The Gypsy Problem,” with thousands of pages of both national and county-level reports and recommendations.^[1] This paper teases out the granular documentary clues (*spie*, as Italian historian Carlo Ginzburg describes them, 1990) in some of the *Securitate* files to explore the way in which a pattern of documentary communication is built to frame Romani identity as idiosyncratically marginal, oriental, and parasitic. The Roma community in Romania, and in Europe generally, occupies a specific and long-standing outgroup position that can be categorized as the quintessential “other.” The history of Roma othering is well-documented (Hancock 1987; Fraser 1992; Liegeois 1994; Acton 2016; Sigona 2009; Rostaș 2019; Kóczé 2018, 2021; Lipphardt et al. 2020; Matache and Bhahba 2020; Selling 2022; Bhahba et al 2017, 2021; Turda and Furtună 2021; Baar and Kóczé 2022; Rostaș and Moisă 2023; Simonovitz, Kurdi, and Simonovitz 2023; for Romania see Crowe 1991; Achim 2004, 2019, 2021; Gheorghe 1983, 1997; Beck 1989; Marushiakova and Popov 2009, 2017; Achim and Tomi 2010; Boțan et al. 2020; Coman and Andronechescu 2020; Vasilescu and Militaru 2020), and significant patterns of socio-political discrimination persist.^[2] Previous research shows that state discourses reflect and reinforce societal narratives of threat and discrimination (Popescu 2014, 2016), and indicates that there are patterns of continuity between the biopolitical message of the communist regime and the successor post-communist policies toward the Roma. In this study, I add a more detailed, archival dimension to the discussion of hegemonic framing of racialized minorities.

Historian Carlo Ginzburg coined the phrase “the inquisitor as anthropologist” to consider how “the proceedings of lay and ecclesiastical courts” during the Spanish Inquisition were recorded as a type of “fieldwork” of the courts (1990, 141). This “fieldwork,” similarly to the recordings of anthropologists, reflects not only the subject matter of the proceedings, but also practices and concepts employed to document and report the results of inquisitorial interviews. These documents can be mined for patterns of expressive power which construct socio-political frames (Goffman, 1961) of inclusion and exclusion. Frames are propped by markers and claims to truth that combine scientific with social and political narratives. Although Ginzburg applies this method to studying the Spanish Inquisition, it can be analytically adapted to studying other types of modern inquisitors, from Police interrogators to CIA agents.

In this study, the inquisitors and their reports are found in the *Securitate* Archives produced during the last two decades of the Romanian communist regime (1970s and ‘80s). Depending on document type, these reports were written by state functionaries and institutional “experts,” mid to high-level police officers, or *Securitate* agents charged with gathering information about social and political issues purportedly threatening national security. I purposefully select *Securitate* files that engage

1 Files were obtained through CNSAS accreditation and by making specific document requests with the CNSAS Archives, referenced here as ACNSAS. Files are only given to the requesting researchers and are generally not public (except for permitted document collection publications; see Marin, 2017).

2 See Sigona, “The Latest Public Enemy” OSCE/ODHIR Report 2008 and European Parliament Roman Strategies Report 2020.

one specific set of issues: the so-called “Gypsy problem.”^[3] This study analyzes the way in which the “Gypsy” was framed in important internal, secret political and legal documents of the Romanian communist regime, and particularly in a selection of files from the so-called General Documentary Fund (*Fond Documentar General*) of the Department of State Security (*Departamentul Securității Statului/Securitate*).^[4] By contributing to recent work on discourse framing and practices of socio-political construction (Sigona 2009; Kóczé 2009, 2017; Surdu 2016; Kovats and Surdu 2015), this study aims to identify the constellation of markers constructing a narrative of exclusion that created and reinforced structural patterns of Romani marginalization. Fundamentally, the study highlights and analyzes hermeneutic devices of power construction (Ginzburg 1993; Goffman 1961, 1963; Foucault, 1972, 1977; Weir 2008) for the purpose of better understanding how groups and identities are (re) cast and othered in a state’s political mythology. Using Goffman’s understanding of the social framing of stigma as “an attribute that is deeply discrediting” (1963, 3), recent research has considered layers of structural power processes related to both society and the state (Phelan et al, 2008; Lamont et al. 2016). Tracing similar processes, this study folds in considerations of power and discourse in the (re) production of stigmatization and socio-political marginalization in the archival work of the state.

In *Clues, Myths and the Historical Method*, Ginzburg argues that historical and documentary “clues” (Italian: “*spie*”) allow a careful interpreter to find a constellation of word choices and slippages that betray a layer of deeper information that was previously unobserved (Ginzburg 1993). This depth of meaning allows for reinterpretation, and offers an insight into different registers of political, social, or cultural significance. The written reports can be mined for details, nuances, and “clues.” As Glajar et al. point out “the files are for the most part text-based artifacts and must be read with particular care” because they are a “textually mediated reality” which is “often encrypted in impenetrable textual formats and encoded arcane language” (2016, 1).

Securitate files have their own economy of meaning: they are created in form and function to serve the ideological goals of an already ordered system, in this case Romanian nationalist communist ideology in the late socialist state, and the place of ethnicity within this ideology (on ethnicity as construction see Bourdieu 1991, Barth 1969, Brubaker 2004; for Roma identity construction see Stewart 1997 and 2012; for the political uses and abuses of Roma identity see Klimova-Alexander 2005; Simhandl 2006; Vermeesch 2006). It is beyond the scope of this paper to canvas the complicated contours of the Romanian nationalism styled by a communist-totalitarian state, but it is of note that its main expression, Romanian *protochronism* (Verdery 1991; Boatcă 2003), privileged an imagined Roman-extraction ethnicity, and traditional values and customs putatively traced back for millennia in the “Carpatho-Danubian space” (Verdery 1991; Boia 2001; Tismăneanu 2003). The exclusionary dynamic of this ideological profile plays out in state attitudes toward Roma and the way in which they are represented in its documents. Interpretively, we can explicitly focus on the hegemonic mechanism that regulates language and message

3 “The Gypsy problem” is the official name given to the series of files and reports in the Securitate archives.

4 *Securitatea Statului* or *Securitate* was the state secret police agency of the Romanian Socialist Republic (RSR); it was one of the most pervasive and ruthless surveillance mechanisms in the Eastern bloc. See Tismăneanu (2003).

in order to create new meaning that serves the purpose of the state.^[5] Close reading can unpack the substrata of meaning creation, through both intentional or unintentional markers like words, expressions, turns of phrase, contextual presentations, or deviations from logic or fact. The job of an interpretative critique that pulls at the edges of power narratives is to trace those markers (*spie*) that testify to a new way of understanding the text and the power relations within it.

Securitate Files: Form and Function

The National Council for the Study of Securitate Archives (thereafter CNSAS) was established by the Romanian Parliament as an autonomous body in 1999 through a series of law and government ordinances regarding the rights to access personal files in the Securitate archives.^[6] CNSAS has its own juridical personality and budget, and functions under the direct supervision of the Romanian Parliament. Despite a history of setbacks and battles over both content and access, CNSAS has become the repository of a vast amount of electronically stored documents related to the Romanian Securitate (the CNSAS Archive, thereafter ACNSAS), both nationally and at the county level (Petrescu 2020; Şerban 2021). Procedurally, research access to files is hindered by the lack of thematic focus or cross referencing. Once accredited, researchers must ask for specific files that are generally classified either individually/nominally or under the General Fund created by the Romanian Socialist Republic (RSR) before 1989. The General Documentary Fund contains topic areas that reflect perceived social-political challenges to RSR before 1989.^[7] Researchers must rely heavily on archivists to understand how files are classified, and then decide which additional individual files they may request.

Under the umbrella of files catalogued under the “Gypsy problem,” the ACNSAS General Documentary Fund includes multiple issue-related files like “Gypsies: Relations 1985-1986” (ACNSAS 11201, Vol. 11, 488 pages), “Gypsies: Connections 1983-1984” (ACNSAS 11201, Vol. 12, 448 pages), “Gypsies: Facts and Events” (ACNSAS 11201, Vol. 13, 378 pages), “Gypsies: Documentary Material 1976–1982” (ACNSAS 11201, Vol. 15, 439 pages), which contain both national and county-level reports. The files also contain studies about the life and living conditions of Romanian Roma, copies of individual correspondence, and county reports on specific issues like Romani Congresses.^[8] The architecture of the reports relies on a blend of quantitative and qualitative observations produced for internal state consumption, often at the request of government officials. The reports include statistical estimates regarding health, education, employment, and other demographic factors, as well as assessments of living conditions and measures to redress perceived shortcomings. The files also include a slew of “information notes” (note informative)

5 For the idea of epistemic communities related to expert knowledge see Haas (1992).

6 For details see http://www.cnsas.ro/cadrul_legal.html.

7 For instance, there is a file titled “Sects and Cults” and another “The Nationalists Problem.”

8 The large files contain hundreds of pages of handwritten, typed, or photocopied materials (correspondence mixed in with state and county reports etc) which are not meaningfully organized by either date or type; some material appears in several copies. I followed Marin’s (2017) general notation style and included page numbers in each file even though the pagination reflects scanning order.

about Romani individuals of interest to Securitate for various “subversive” activities. These “subversive” actions are under the umbrella of a “state security” category, and come to the attention of the *Securitate* because they are understood to be above and beyond local Police concerns. In sum, the *Securitate* identifies an additional layer of discipline and surveillance, which it defines and enforces according to perceived “threat” to national security.

Since Foucault, archives have represented a particular focus in the study of knowledge creation. Foucault thought of archives as a particular representation of “the law of what can be said”:

The archive is first the law of what can be said, the system that governs the appearance of statements as unique events. ... far from being only that which ensures that we exist in the midst of preserved discourse, it is that which differentiates discourses in their multiple existence and specifies them in their own duration. ... It is the general system of the formation and transformation of statements. (Foucault 1972, 129)

Securitate files can be read to reflect language choices, interpretations, and ideological turns of phrase that amount to “truth formulae” (Weir 2008). Expanding on Foucault’s idea of “regimes of truth,”⁹ Lorna Weir argues that it is possible to identify a multiplicity of “truth formulae” coexisting within a truth regime. Truth formulae may either work simultaneously to reinforce social and political justifications, or they may subtract from each other. As Weir argues:

Truth formulae stabilize a relation across a set of elements: between representation and presentation – words and things as Foucault put it in *The Order of Things*, truth and non-truth, and the place of the subject – both the enunciatory (s/he who mayspeak truth) and the enunciated (the subject within the text). Power is not an intrinsic criterion of truth formulae; rather, truth formulae acquire effects of power through their attachment to specific *dispositifs* (power apparatuses such as discipline and sexuality) in a truth regime (2008, 368).

Archives structure and create meaning, and “archival truth” is one of many possible “truths” (Andresen 2019, 84–86). Hegemonic selectivity and creativity in “the making of archives is frequently where knowledge production begins” (Eichhorn 2013, 3) and archival records can be understood as “an extraordinary creation of remembering, forgetting, and imagining.; at once expression and instrument of power” (Harris, 2002, 63–86). In *Securitate* files, descriptions, data, and claims are tailored to articulate the “Gypsy problem,” and offer alleged solutions guided by ideological, civilizational, scientific, or pragmatic considerations.¹⁰ The tension between “representation and presentation (words and things)” (Weir 2008, 368) and the place of the subject in discourse reflects multiple relations of power: between state agents and the higher ups of the

9 In a 1976 interview Foucault briefly referred to a truth regime as “a system of ordered procedures for the production, regulation, distribution, circulation and functioning of statements” that are connected through “a circular relation to systems of power which produce it and sustain it, and to effects of power which it induces and which redirect it” (pp. 113–114).

10 For criticism related to classifying Roma from anthropological, sociological or other perspectives see Ladányi and Szelényi 2001, 2006; Klimova-Alexander 2005; Vermeersch 2006; Okely, 1983, Hayes and Acton 2006, Marsh 2007; Gay y Blasco 1999.

state (the intended audience), between ideology (“multilaterally developed socialism”) and its object (in this case a minority), and between the language of policing and the purportedly scientific sociology of late socialism.^[11] The point of the study is to use the medium (*Securitate* files) and its clues (“spie”) to inquire into the way in which the communication code is built to frame Roma identity from the perspective of Ginzburg’s inquisitor anthropologist. “Though reality may seem to be opaque,” Ginzburg argues, “there are privileged zones – signs, clues – which allow us to penetrate it.”

Previous studies have mainly captured broad patterns across *Securitate* documents. In the *Introduction* to a two-volume collection of *Securitate* Files, Manuela Marin (2017) discusses the *covert* or everyday acts of resistance presented in files. Romani women refused to remove traditional gold coins from their hair, and continued to wear the colorful, many-layered traditional skirts; other Roma privately spoke and wrote letters in the Romani language refusing to join the “Romanianization” efforts; others did not register their children with state authorities, and pushed back against promises to “improve their behaviour.” In a study based on the documents in the Marin volumes, László Fosztó (2018) captures another socio-political trend and categorizes it as *overt* resistance: the call for national recognition as ethnic minority or “cohabiting national group”,^[12] including a call for religious emancipation and for the protection of ancestral values. Fosztó highlights the fact that Romani intellectuals and cultural leaders become a target of the *Securitate*, including the Romani sociologist Nicolae who features prominently in *Securitate* files for his pro-Roma advocacy and research, which ran contrary to the officially sanctioned political stances and approved research agendas.

Link and Phelan (2001) point out that stigma is co-created by four processes: labeling human differences; stereotyping these differences; separating “us” from “others” through these labels; and creating a mechanism of status loss and discrimination against the labeled subjects. Starting from these elements, the approach in this research attempts to reconcile the “telescopic with the microscopic” in order to trace the commonalities and “logical affinities” that create the connective tissue of the hegemonic narratives present in these files. The focus is on how the state chooses to represent the Romani community and plot the course of othering. Following this dynamic, several frames can be identified: repetitive descriptions, tropes, and imagery engaged to build assumptions and conclusions. These frames are layered and may include overlapping markers, and can point to both relations of authority and ethnic relations, or to both gender and race.

The Descriptive Frame: Roma as ‘Fixable’ Recalcitrants

Secret police files are a work of imposition. They are a collection of discourses, administrative forms, laws, regulations, administrative statements and formulaic language - in sum, they are an expression of the *dispositif* that regulates and orders the institutional meaning of life (Foucault 1977, 194–228). From

11 For a discussion of how the scientific and political practices of state “experts” reify Roma ethnicity, see Surdu 2016; also Lucassen et al. 1998.

12 “Cohabiting nationality” would be a closer (but more awkward) translation of the Romanian term employed in the law: *națiune conlocuitoare*.

this perspective, the files are difficult to read. Much is obscured by the legal-administrative style that truncates lives and stultifies experience.

At the broadest level, the Securitate files that make up the General Fund represent the basic ideological tenets of the Romanian state in relation to the Romani minority. Reports and statements of “Facts and Events” methodically articulate economic, social, and political issues that are presented as endogenous to the Romani population. A first metanarrative frame of socio-political progress sets the state against “Gypsy backwardness” and parasitism. The ideological discourse of Romanian “late socialism” pushes the framing of the “Gypsy problem” in opposition to the advancements of the “multilaterally developed socialist society.” The civilizational formula of “late socialism” is a totality: it covers economic, social, cultural, and political aspects. From this perspective, there is only one prescribed path to the “enlightenment of the gypsies” (*illuminarea țiganilor*), a phrase used to preface government recommendations.

A second metanarrative frame articulates the cultural and social “otherness” of Roma, anchored in a mythology of beliefs, cultural practices, and life-choices that are alien to “typical” Romanians. A large swathe of the files is dedicated to the issue of religion among Roma, specifically to the Romani bid to be allowed to practice a religion – in most cases, Pentecostalism or Seventh Day Adventism (see, for instance, ACNSAS 11216, Vol. 14, p. 130–131; ACNSAS 11215, Vol. 12; ACNSAS 11201, Vol. 13, p. 32; ACNSAS D016710, Vol. 4, p. 620). Other Roma are described as “fanatical Baptists” for starting worship groups or conducting worship in the Romani language (ACNSAS 11216, Vol. 14, p. 130). The summative language points to “religious-mystical materials” (like pamphlets and videotapes) spread by Roma accused of proselytizing Pentecostalism despite state interdictions (ACNSAS 11201, Vol. 13, p. 58–60). This commentary, which frequently refers to the activity of a single individual, is presented as a collective effort large enough to threaten state security and national unity. Some of the files point to a larger “Cults/Sects Problem” in Romania to which Roma contribute by fomenting religious unrest (ACNSAS 11215, Vol. 12). Requests for the free practice of religion and cultural norms are categorized as “anti-Romanian” (ACNSAS D016710, Vol. 4, p. 622–23) and “nationalist-irredentist” calls that threaten socialist solidarity and Romanian nationhood (ACNSAS 11215, Vol. 12, p. 55).

Within these two metanarrative frames, other nested frames overlap to support the ideological claims of imputed backwardness and otherness. Nested frames can be categorized as descriptive and prescriptive. The descriptive frame is supported by a number of markers that point to Roma as “internal strangers” and “social parasites” and includes the Roma lack of work ethic, parasitic lifestyle, family promiscuity, disease, cheating, and laziness. The descriptive frame is anchored in a discourse of immorality that highlight dubious lifestyle choices which validate policies of Roma control and social segregation.

A “useful work” frame depicts state employment as the sole means of socio-economic contribution. In a 1977 Study conceived by the Ministry of the Interior together with the National Demography Commission,^[13] Roma are chided for their inability to “change their attitudes toward structured work” and the “norms of social coexistence” linked to such, since, the report claims, a vast majority of them

13 Language from this report is repeated verbatim across several other reports throughout the late 70s and 80s.

exert “no activity useful to society” (ACNSAS 11201, Vol. 15, p. 3; see also ACNSAS D016710, Vol. 4, p. 631). They “refuse to be hired” in state enterprises or abandon their work shortly afterwards because of a “hostile attitude” toward “useful” employment (ACNSAS 11201, Vol. 15, p. 3–6, 11). Repetitive language describes Roma as refusing to work despite being able-bodied, thereby abusing the state allocation for child support and “depriving the state budget of that amount which is now given to persons who lead a parasitic life and contribute nothing to the efforts of the active population of our country.” The report notes that instead of working or practicing their trades, the Roma prefer to live from “burglary, theft, begging, fraud, and fortune telling” (ACNSAS 11201, Vol. 15, p. 6).

Contradictions run deep within these reports. Roma are blamed for not practicing “useful work,” yet traditional trades are either criminalized or heavily regulated. The same report points out that being employed by the state requires Roma to give up traditional trades, surrender their tools to the state, and go wherever they are allocated, yet the conclusion is that Roma have an anti-social attitude towards work and higher material and *moral* standards. The coupling of a material and moral dimensions constructs the inputted “hostility” of Roma who allegedly adopt a recalcitrant attitude and persist in living their “specific way of life.” This way of life is portrayed as either fundamentally itinerant or primarily based on the use of “tents, hovels, and earth dwellings” with no sources of ventilation or light. The report notes that Roma resettlement into modern apartments is countered with the same “hostile” attitude rooted in inadequate cultural and social norms. Roma bring animals in apartments “provided” by the state and make open fires in some rooms thereby vandalizing state property (ACNSAS 11201, Vol. 15, p. 4).

The language of this 1977 report is reproduced across many other state documents and later reports.^[14] The narrative is replicated and reinforced with general observations regarding “lifestyle” and combined with selective use of data. Both unemployment and criminality for instance is reported in absolute numbers and not compared with the rest of the population. An isolated mention of a single percentage claims that across two years, Roma were allegedly responsible for 13% of crimes in the country (ACNSAS 11201, Vol. 15, p. 24). The number is misleading and lacking in context. It is not clear to what degree the number was a direct result of a state policy of criminalizing so-called “parasitic existence” (ACNSAS 11201, Vol. 15, p. 11, 23, 29).^[15] The criminalization of unemployment is justified in “moral” and “cultural” terms that construct the idea of endogenous Romani criminality. Numbers are used as self-evident representations of criminal proclivities.^[16]

To connect the dots of Romani “immorality,” state documents describe “backward conceptions of living” (see 1977 Study, ACNSAS 11201, Vol. 15, p. 2–12; and ACNSAS D0016710, Vol. 4, p. 631). Romani

14 See for instance the ACNSAS 11201, Vol. 15, p. 38–47 report which reproduces much of the same language but this time in the context of the work of the Commission for Social Integration and Recovery, 1977. See also the Timisoara report ACNSAS p. 32–43, 1985; Bacau County “Study on the Issue of Gypsies,” ACNSAS, D 016710, Vol. 4, p. 630–635.

15 See also ACNSAS “Propaganda” File nr. 36, Vol.1, D0013636-21 which contains police guidelines intended for the general population, and which frequently references the problem “parasitism” that the population must educate itself about and help combat; also ACNSAS D 016710, Vol. 4, p. 632.

16 For an in-depth discussion of the statistical practices of the Romanian state regarding the Roma see especially Chapter 4, Mihai Surdu, 2016.

lifestyle is presented as a secular version of sin: common law marriage/concubinage (unmarried individuals living together). Contrary to the norms of late socialism, “concubinage” pushes back against the regulated institution of marriage, undermining state law and “norms of social coexistence” by favoring a “disorganized” family unit that is not based on legality and marriage. To reinforce the moral deviance of this choice, state documents mention that the Roma choose to sleep all in one bed, regardless of age or gender, in what is repeatedly described as “promiscuity.” Early marriages and the immorality of home life produces numerous children for which “Gypsies exhibit no responsibility.” Reports also mention the practice of teenage marriages and “selling wives,” which results in frequent disagreements among Roma and then, by way of a slippery slope argument, lead to bodily harm, murder, or other physical violence (ACNSAS 11201, Vol. 15, p. 4). The overall language drips with moral judgment about “attitudes” exhibited by Roma.

A particular slant of the reports focuses on Romani women and their alleged inability to educate children to embrace proper moral values. The 1977 Study indicates that “the lack of concern toward integrating the Gypsies in useful activities is especially felt among women, which negatively influences raising and educating children” (ACNSAS 11201, Vol. 15, p. 7). The attitude of Romani women is described as “refractory” (*atitudine refractară*), supported by “backward customs” supporting a “parasitic life” (ACNSAS 11201, Vol. 15, p. 1–13; 24). The accounts are consistently anchored in language related to “cultural-educational” and “moral-civic” values which Romani communities consistently fail to embrace and support (ACNSAS 11201, Vol. 15, p. 27–28). That failure is then tied to the fundamental moral shortcoming of Romani women. A telling passage in one of the state reports refers to the failure of other women’s organizations to get Romani women to maintain and clean their neighborhoods. Romani women, as a group, are depicted as generally failing a moral benchmark of the feminized cleaning labor rendered by “other” women.

A particularly revealing description of Romani women is captured in a singular report from Mures county in central Romania (ACNSAS 6931, Vol. 1, p. 16). The three authors are police agents charged with Securitate issues: two of them have the rank of lieutenant colonel. In an otherwise dry set of “matter of fact” observations, a type of sudden code-switching provides important clues that reflect both popular discriminatory sentiment and the presumed moral impulse that undergirds state ideology. It is worth citing the report at length:

Wandering women, dressed in long and dirty flowery dresses have showed up at Targu Mures. Offering enameled vases or wedding rings, they go into a house and then another. And not a few times, opening the door with a smile on her face, the kind and polite host closes her eyes shut.

‘My dear lady, on your kind soul, give us a pickle for our craving baby in the belly of our mother to be’ says the one of them, after stepping through the doorway of a Targu Mures house. The kind woman, the welcoming host goes into her pantry to retrieve the pickle and satisfy the cravings of her visitors.

‘May you be blessed by God above future grandmother! But you should know that great harm awaits you, a great unhappiness. Let me tell you...’

And telling whatever nonsense (*verzi si uscate*), the wandering woman, like an experienced scammer, fills her bag, after the host gives her, unforced and out of her own free will (*de bună voie și nesilită de nimeni*), goods of great value: the gold earrings out her ears, the ring and wedding ring on her hand, clothes, money and food.

....

‘There we go dear lady, the evil is all gone,’ said the one making the incantations (*descantecele*), after she had shaken a shirt full of valuables out the window. And it’s true it was indeed gone! Not the evil, but rather the gold and money placed in the hand of the so-called fortuneteller.

This report fragment, written in a tone that is markedly different and borders on creative writing, is meant to appeal to a register of moral emotions. In this context, the authors feel entitled to plead the case of “ordinary Romanian women” who represent moral virtue, in open conflict with the predatory habits of Roma who exploit the elevated moral sentiments of motherhood and female solidarity. The innocent Romanian women embody the proper upbringing suitable to social unity and communal trust. Romani women take advantage of precisely the normalization of good behavior and familial feeling, thereby shattering the social innocence of good people and subverting state security. Their act is not just a scam, but an injury to state norms and aspirations of social cohesion. This morality tale highlights the civilizational norms of socialist comportment that are supposed to stand in stark contrast with Romani deviance. The report is a cautionary note to the central office which must deploy the appropriate policy tools to address the purported socio-moral imbalances with the “other.”

Fundamentally, the portrait of Romani women trades in Orientalist tropes: brightly dressed Romani women don’t recognize or embrace moral boundaries; they violate social norms that unite women, and use “backward practices” (like incantations) to steal inside a woman’s home, a transgression against both individuals and state order. They are identified as subversive by virtue of their extraordinary transgression: women appealing to other women in the name of female vulnerability. The moral outrage elicited by the tone of the report is meant to distance Romani women from “normal” maternal sentiments and dehumanize them by exemplifying a willingness to exploit maternity for mere material rewards.

Other reports also gender their frame of approach and target young Romani women specifically. In a 1981 “addendum” (ACNSAS 11201, Vol. 15, p. 240–242) to the 1977 study, Romani women are demographically separated by “childbearing age.” The report notes that the “essential problem” with the Gypsy population is “their multiplying” (*inmulțirea acestora*). Starting from an estimate of the Romani population, the report goes on to speculate that Roma are likely to become 30–40 percent of births in the “new decade,” and proposes that Roma numbers will reach seven to eight million by the end of the century (p. 241). The commentary indicates that while “the population of Romanian nationality practices abortion on a large scale,” Romani women do not do the same, thereby creating a situation in which “Romanian natality” (meant as “non-Roma”) decreases by comparison (p. 242). The report recommendations are laid out in terms of abortion and contraception policy to particularly affect Romani women, commenting on the fact that current policies allow for the “exaggerated proliferation of Gypsies” (p. 241).

Connected to the natality politics, a “politics of hygiene” frame emphasizes rampant disease within the Romani community. The last paragraphs of the 1981 report switches suddenly from measures to curb

nality to a discussion of tuberculosis among Roma (p. 241). This connection points to an inescapable conclusion: less Roma, less disease. The report notes that Roma are vectors of widespread illnesses and create “foci of chronic parasitism” that requires the state to use thousands of kilograms of soap and insecticide. Remarkably, the report moves from mentioning literal parasites that need to be treated with insecticide, to then equating Roma with parasites and pointing to their parasitic behavior: “one can appreciate the fact that the hypothesis of the increase in the number and preponderance of the Gypsy population in a more accentuated rhythm than the Romanian population will also lead to an increase in negative consequences of socially parasitic behaviour among the Gypsies” (p. 242). The notion of parasitism is therefore doubly connected to supposed unwillingness to work and literal diseases.

A “hostility frame” dominates the state discourse in these documents. The word “hostile” and the phrase “hostile attitude” are consistently employed to characterize Romani attitudes toward work, education, child rearing, and general social norms. Romani hostility is described as a package of social, economic, cultural, and political attitudes. The cultural and political hostility is highlighted in an intense surveillance campaign that tracks all linguistic, ethnographic or historical research activities on the part of Romani intellectuals. The files delineate a dual hostility: Roma are accused of rejecting the “new educational dimensions of patriotic socialism” (ACNSAS 11216, Vol 14, p. 141), and at the same time of seeking to educate themselves in “other” cultural ways that undermine the state. A substantial number of documents in the General Fund track correspondence between scholars (Romani sociologists, linguists, historians) or other Roma interested in developing ethnographic work related to Romani culture.^[17]

The moralizing discourse of this dual “cultural hostility frame” permeates the conclusions and judgements of the reports (see ACNSAS D01670, Vol. 4). In the Securitate narrative, both “the vast majority” of illiterate Roma and those with advanced degrees are united in their recalcitrant attitude toward Romanianness. The reports spill much ink depicting Roma as dysfunctional, disengaged, and uneducated, yet at the same time they reserve a significant amount of space to monitoring Romani cultural and scholarly activity and outreach, both at home and abroad (see D016710, Vol. 4, p. 619–655; ACNSAS 11201, Vol. 13). The files contain personal and official correspondence between Romani individuals on a variety of topics, from international Romani Congresses to discussions about the Romani language, publications, radio reports, and research on Roma ethnography, folklore, and history. The concern with Romani linguistics and culture is consistently filtered through an “anti-Romanian frame.” As an example, a 1988 order for the county of Bacau solicits information about various type of activities undertaken by Romani “elements” that could generate “hostile attitudes of a nationalist, anti-Romanian nature” (D 016710, Vol. 4). Efforts of Romani cultural outreach are classed as the result of an “anti-Romanian attitude” and perceived as a threat to state security (ACNSAS D016710, Vol. 4, p. 620).

One document cautions against the dissemination of scholarly work such as Ian Hancock’s book “The Pariah Syndrome” (1987) and comments that “the author tackles the Gypsy problem in an inappropriate

17 Intercepted correspondence includes items such as lists of Romani proverbs in three languages (Romani, English and French) ACNSAS File 11201, Vol. 13, p. 142-145; or copies of magazine articles and Radio Free Europe reports about Roma (see ACNSAS 11201, Vol. 11).

way” (*in mod necorespunzător*) (ACNSAS 11201, Vol. 13, p. 243). The report also notes that the book delivery was successfully intercepted, and it never reached its destination. Another document captures the correspondence of a Romani retiree who intends to put together a work of “Romalogy” and is gathering material to that end. A handwritten note on the corner of the report urges further action: “it should be analyzed with extreme care. Come, so we can decide what to do! Where are they? The original material? Don’t let them get to destination” (ACNSAS 11201, Vol. 13, p. 132).

Two separate sets of reports from dozens of Romanian counties respond to a state appeal to put the Roma community under surveillance and identify any “elements” interested in attending Romani Congresses abroad (ACNSAS 11201, Vol. 13, p. 170–188). In each set, only a handful of counties identify any individual aware of the Congress, yet virtually all reports are concluded with the typical Securitate directive of “intensifying surveillance work” in order to “prevent and curtail” any possibility of developing interest in these gatherings. Individual reports of surveilled Roma are awkwardly filed under the category “Persons without political or criminal priors,” yet they continue to be intensely monitored by the state for possible “hostile” intent. Tellingly, the county reports also feature a slew of handwritten notes jotted down in the margins by the investigative officer at the central Securitate office.^[18] The brief notes consistently urge for more action and ask further questions that direct the investigation: “We must know what the present situation is;” “Start a folder to monitor the phenomenon” (about a Romani Congress); “Analyse in all seriousness; this news has reached our Gypsies;” “Everything you have on the Gypsy, bring to me!” (see ACNSAS 11201, Vol. 13, 170–188).

Other handwritten notes request pre-emptive measures that require reaching out to Secret Police services abroad to make them aware of Roma attending conferences and Congresses. Further notes request “rigorous control” and ascertaining the “loyalty of the information network,” followed by sending up the chain the appropriate requests for action. Consistently, investigative notes increase urgency and Securitate activity on typical issues of public and civic life, like Romani fairs and international Romani congresses. The notion of cultural support and possible transnational unity of Roma is analyzed for its potential to fuel Roma claims for a special ethnic minority status (see Matei 2021). The idea of protective rights for the Romani minority registers as a threat and it is covered by the Securitate as evidence of hostility and an anti-Romanian attitude.

The Prescriptive Frame: The Internment-Societal Complex

The descriptive metanarrative is a palimpsest of overlapping frames that identify the “problems” of the Romani community: hostility, resistance to work and education, promiscuity, and parasitism. The corresponding prescriptive frame advances “solutions” anchored in two main discourses: the need for the state to be proactive and forestall the “Gypsy problem,” and an emphasis on far reaching bureaucratic-

18 The notes (written by the higher rank officers overseeing investigations) are generally scribbled in cursives on margins and sometimes over the typewritten text of the report. Regrettably, the modern CNSAS electronic stamp sometimes obscures text at the top of the documents. Overall, the handwritten text is difficult to decipher, and parts are illegible.

institutional and societal measures to address this “complex problem.” An anticipatory frame is present across the plethora of reports, which prescribe consistent surveillance measures, even in the absence of specific individuals with so-called “hostile intentions.” The prospect of international Romani Congresses or even domestic Romani festivals triggers intense Securitate activity that generally yields no suspects or so few that their names and “antecedents” can be comprised on one page. General acts of surveillance are linked with an additional layer of inquisitorial stringency focused on Romani “intellectuals”. Roma are categorized by educational level and the names of prominent, highly educated Roma are systematically reported to the central office by county authorities despite the lack of any “criminal or political priors.” Their correspondence is xeroxed or stopped, and their contacts are recruited as informers.

Time and again, the dozens of county reports sent to the central Securitate office use forceful language urging state organs to pursue institutional measures that “prevent and neutralize possible hostile activities.” The editorial verbiage is heavily punctuated with directives to “intensify the informative-operative work” and “engage in measures of response and counter-propaganda” against those with “suspicious concerns.”^[19] When the state does not identify the “objects” of surveillance, the conclusion is that state tools have not been “firmly implemented” enough to allow for finding the culprits (see ACNSAS 11201, Vol. 13, p. 45–74). Lack of “informative results” is presented as a shortcoming of the apparatus rather than the absence of hostile activity. Reports use seemingly self-reflecting, even self-critical language that points to implementation shortcomings that must be overcome through ever more “intense” activity. A presumption of guilt looms large over the ideological-operative measures of the Securitate state. The invitation to “intensify” further “firm measures” is open-ended and can only logically stop once the predicted culprits are identified.

Romani children and youth, in particular, are treated as recalcitrant members of a work-oriented society focused on industrial progress. In this context, “productive work” is narrowly defined as filling the place allocated by the state, while traditional trades are targeted for elimination. Reports mention “measures to annul and desist authorization for Gypsies who practice occupations outside the framework of organized state and cooperative work” (ACNSAS, 11201, Vol. 15, p. 12). “Temporary occupations” are equally discouraged and regulated.^[20] The state proposes measures of “reeducation” that “intensify the cultural-educative activity” to socialize young Roma into state organized work (p. 10). Refusal to enroll in “useful activities”, branded as “parasitism” is met with both legal punishment and a socio-political campaign of social pressure (p. 11).

Overall, government measures converge toward an institutional mechanism of controlling Romani lives through interment institutions or their equivalents. Reports consistently propose what is opaquely

19 See, for example, county reports in ACNSAS 11201, Vol. 13, p. 45-74 all dated 1989 which respond to order nr. 123/PV/D/0074860 (09.16.1989) to provide information regarding the participation of any Roma in the “National Council for Christian Roman.”

20 Instructions go to the level of detailing how the state should deal with the collection of recyclables, activities perceived as being primarily undertaken by Roma: “Also, regarding activities of a temporary nature (the collection of bottles, down feathers, various refuse etc.), socialist units, both state and cooperative, should issue nominal authorizations valid only in a limited area in the county of domicile” (CNSAS 11201, Vol. 15, p. 12).

termed “conjugated programmes of permanent activities” to “diminish and eliminate a negative state of affairs” (ACNSAS 11201, Vol. 15, p. 27). The institutional “conjugation” charts the deployment of vast social and institutional mechanism of control and surveillance. For instance, education reports require mandatory enrollment in state schools, testing, and allocation of Romani children in “reeducation units” if they are found to be intellectually, physically or “morally impaired,” or mandatory “special educational institutions” if they have other physical or intellectual challenges (p. 10–11).^[21] The ambiguous language of reports captures large swathes of behaviors. Romani children who “commit criminal acts or are *exposed* to them, exhibit vicious behaviour or *negatively influence* other minors should be interned in special reeducation schools” (emphasis added; p. 10). Lack of school attendance is punished by cutting off a Romani family’s child support allocation. The language of these directives leaves space for interpretation, from what “exposure” is, to what “negative influence” might look like. The interpretive power rests with state functionaries and those civic bodies empowered to reach into Romani lives to police their behaviors.

In an effort to extend the long arm of state law, reports propose that the best way to reach Roma en masse is to create a broad, collaborative social-institutional system that involves people at every level of bureaucracy as well as civil society members (ACNSAS 11201, Vol. 15, 1978 Report, p. 21–36). This socio-administrative collusion meant to bring Roma to heel is led by the Orwellian “Central Committee for Coordination and Reeducation,” an institution created at the direct request of President Nicolae Ceausescu (ACNSAS 11201, Vol. 15, p. 35). This committee patents an inverted, *outside-in bureaucracy* – a system based on a broad civic base guided by the administrative center and meant to turn society at large into a mechanism for policing the Roma. The system relies on the “intense participation” of so-called “help collectives” (*colective de sprijin*) which include parliamentarians, teachers, doctors, lawyers, administrators from Internal Affairs, and representatives of youth and child organizations, teacher-parent associations, collectives of women/mothers, as well as representatives of other local institutional branches and a party secretary (ACNSAS 11201, Vol. 15, p. 8, 34); where appropriate, the committees are supposed to recruit some influential or “more advanced Gypsies,” but only if they exhibit “appropriate behaviour” (*comportament corespunzător*). The goal of these committees is to intensify social and legal control and take firm legal measures against all Roma who lead a parasitic life (a zero-tolerance policy). Regardless of what is required of the broader population, Roma are to be subjected to “mandatory immunizations” for a variety of diseases. This requirement is coupled with commentary regarding the sad state of hygiene in Romani communities (ACNSAS 11201, Vol. 15, p. 11). Lack of compliance with “civilizational” norms is perceived to require additional vaccinations, quarantining, and interventions from schools and community groups. Recommendations favor disciplinary language, which requires compliance and swift enforcement.

The society-internment complex is connected with the forced sedentarization of Roma (ACNSAS 11201, Vol. 15, p. 3). The prescriptive frame is dominated by language marshalling Roma into state institutions tied to a specific location. Whereas Romani trades allowed Roma to travel, state work ties to them to fields or factories. At the same time, medical language reduces Romani communities to “foci of infection,”

21 The results of this policy were disastrous for the Roma community. Roma children entered various special schools in overwhelming percentages. See the Schvey et al. report 2005; also Danka & Rostaş 2012.

and allows the state to break up “concentrations” of Roma at the edges of villages or towns. Romani communities are subjected to a medical segregation policy framed as essential for public safety.

On the repetitive lists of “civilizational” efforts, Roma are presented as the object of mandatory, punitive state intervention guided by the “dispositif.” The language is notable for both its institutional mandates and its paradoxes. Reports recommend that the state should “enforce norms for social coexistence” putting together the monopoly of state violence (“enforcement”) and the language of “coexistence.” “Coexistence” here means “others” being forced to live by the standards defined by the dominant group. The state gaze conflates “coexistence” and “assimilation.” The result is a socio-political siege of the Romani population founded on networks and systems channeling them into state control through education, employment, and medical measures resulting in the *society-internment complex*.

Conclusion: A Fixable Object

The language deployed in the Securitate representation of Roma is quasi-scientific and instrumental. The inquisitorial record serves the ideological purpose of the state to “civilize” and control its object. Orientalist notions (laziness, lack of work ethic, promiscuity, immorality, backwardness etc.) coexist with a project of assimilation presented as necessary and progressive. But the “civilizing” discourse creates a threat scenario: identified as resisting the socio-economic trappings of modernity, Roma are presented as increasingly hostile to state order. Reports document resistance and institutional failures that require ever more violent corrective and preemptive measures. Where subversive behavior is not found, it is assumed by the anticipative framework of the institutional gaze. The declarative policy of inclusion gives way to exclusionary measures predicated on a constellation of undesirable but ultimately fixable traits. Despite the racialized, orientalist discourse of Securitate presentations, state mechanisms aspire to a transformational process that brings state and social institutions in total alignment. Roma are the fixable object of a state project.

In the programmatic effort to achieve the goal of state socialism, representation (the image of Roma in the file) is framed as presentation (what is; the reality on the ground). The “enunciatory subject” and agent of power presents the object of its power as malleable, and the study conclusions appear true and inescapable. The agents of power embody both expertise and common sense: the study itself is framed as both commonsensical (the “mundane truth” that everyone can observe) and scientific (it meshes with structured study done by “experts”). This echoes Goffman’s (1961) “moral career” of state experts and reflects the combination of selective “commonsense” sensibilities that fit the state and the pretense of expertise. The “normalizing judgement” (Foucault 1975) of state experts artificially streamline observations to highlight purportedly repetitive and idiosyncratic behavior reifying Romani ethnicity. Roma are thus presented as knowable and “fixable” through policies and practices that must engage the total institutional and civic apparatus.

The difficulty and the richness of studying the language of these files has to do with identifying hermeneutic layers. Meaning is created with reference to the audience (the state), the enunciatory subject (state agents), and the enunciatory object (the Romani minority) – each of these with their own political

teleology. These perspectives jostle for attention, and surface and resurface unevenly throughout the texts. The overarching ideological perspective lends the text an interpretive framework, but we can learn more about the way in which the state deployed its sovereign logic by tracing frame “clues”. Handwritten notes disproportionately urge further action; “off-script” accounts focus on a pathology of social deviance that preys on familial and social norms of trust and solidarity. Repetitive references to “hostility” and the emphasis on parasitic behavior produce an image of the Romani community as an external organism that drains the body of society. The uneducated, diseased, and promiscuous Roma suck resources and corrupt socio-political organization. Their presence is a literal and social disease, and the solution is to control and neutralize them through segregation measures implemented by both social and political institutions acting in concert.

Hegemonic discourse requires the transformation of Roma into corrective subjects. The operating assumption is that Roma can be forced to join schools, they can be educated out of their “backward” culture, and they can join the civilizational ranks of “advanced socialism” within existing state structures that discipline them. The prescriptive assumption guides the descriptive frame which identifies “shortcomings” that are fixable with vigorous state intervention. Romani “illumination” is a project of the unitary state, and Roma must be forced into that corporatist unity. Despite the slew of imputed behavioral (laziness, unwillingness to work or contribute, resistance to solidarity), cultural (persistence of “backward” Romani language and beliefs, affinity for gold), and social (promiscuity, early marriages) issues, Roma are not presented as incorrigible. That would defeat the purpose of state intervention. Instead, they are presented as a project to be achieved with the help of appropriate expertise and “sufficient” state action. Some file fragments point directly to the lax policies “of the past,” which led to the sorry condition of Roma in the present, and the language imputes ineffective or weak intervention for the poor results. It is therefore state inaction that allows for what is presented as the deviant behavior of this fringe group and only *more* state action can correct it and normalize it. Hegemonic self-critique presents an opportunity to consistently expand the power of the state and its violent interference.

Despite the pretense of structured study in demography, the language of the files encompasses a slew of stereotypes presented as fact (including selective examples of criminality used to comment on the character of all Roma) and the policy recommendations come down to policing Roma rather than addressing behaviors and stereotypes in the general population, and the connected structures of power. The state takes charge (Foucault 1976, 143) of Romani lives, and these lives come under intense state scrutiny. They are subjected to cultural, social, and medical surveillance and expressions of political and cultural rights are criminalized. Securitate documents frame Roma as the quintessential subject of state biopolitics.

More research is necessary to articulate the contours of these biopolitical mechanisms. This study is meant to provide a starting point and open several questions about both political and socio-cultural mechanisms. For instance, archival research can particularly highlight the apparent focus on Romani women in these files and the role of the state security apparatus in controlling their bodies, culturally and medically. In-depth research can also articulate the way in which the cultural-nationalist discourse of the Roma was perceived in Securitate archives, by state police cadres, and within the context of Romanian communist nationalism. Additional research can explore how these archives showcase the way in

which political systems function across administrative levels (state vs county/national vs. local) and how micromanagement of local political forces feeds into the national structure to build one repressive mechanism dedicated to social engineering. The dynamic of power must also be traced in comparative perspective between fascist, communist, and post-communist regimes in Eastern Europe and beyond, in order to establish patterns of continuity and change that inform the way in which current invasive and repressive policies (including fingerprinting, medical castration policies, and the creation of special “villages” for Roma) construct the modern state in a way that continues to centralize the monopoly of state violence and control the lives of the Romani population.

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Anna Mirga-Kruszelnicka. 2022. *Mobilizing Romani Ethnicity: Romani Political Activism in Argentina, Colombia, and Spain*. Budapest: CEU Press.

Book review by

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Aidan McGarry's research focuses on social movements, protest, democracy, voice, identity, and Roma. He is the author of several books including: *Who Speaks for Roma? Political Representation of a Transnational Minority Community* (Continuum 2010); *Romaphobia: The Last Acceptable Form of Racism* (Zed 2017); and the forthcoming *Political Voice: Protest, Democracy and Marginalized Groups* (Oxford University Press 2024).



Mobilizing Romani Ethnicity: Romani Political Activism in Argentina, Colombia, and Spain uncovers an under-researched topic, Romani activism in South America, and compares this to Romani political activism in Spain. The transcontinental nature of the comparison is welcome as it reveals processes, institutions, and agency in diverse contexts and how these contexts create opportunities for Romani activism. Almost all studies about Romani communities focus on Europe, for obvious reasons, as this is where the largest Romani populations are to be found. Through its novel epistemology and methodology, it challenges the Eurocentrism inherent in Romani Studies, forcing us to look beyond our immediate surroundings.

The book is structured around six chapters bookended with an introduction and a conclusion. The *Introduction* discusses the motivations for writing the book as Mirga-Kruszelnicka reflects on her, and Romani researchers', positionality, knowledge, and critical engagement with the situation of Roma. It sets out the main research questions including: how is Romani ethnicity mobilized for political action? Who are the people and structures behind Romani political activism? What discourses, narratives, and symbols are used to communicate with Romani communities and majority societies? It also justifies the empirical focus and establishes the main arguments. *Chapter One* defines the core concept of ethnic mobilization which subsequently is pulled through the empirical chapters to provide critical analysis and insights and ensures that the book speaks beyond the sometimes narrower confines of Romani Studies. This chapter draws on ideas from social movement studies deploying frame theory and political opportunity structures, thus providing the theoretical framework for the book. *Chapter Two* situates the background context to minority rights struggles in Latin America and Europe before focusing on Romani political subjectivity, a topic which has been explored before but usually in Europe (McGarry 2010; Rostas 2019). It is good to see that this chapter has a section on 'Romani voices' but it understandably tends to focus on more institutionalised formations, that is, civil society and interaction with international organisations. It is important to expand our notion of voice for Romani communities and incorporate other voices, especially those that are more grassroots and those which emerge through public and collective protest action (see McGarry 2024). This chapter presents some fascinating insights on the important topic of visibility or hypervisibility of Romani communities in Europe comparing it to the relative invisibility of Roma in Latin America. *Chapter Three* provides the reader with some needed socio-cultural and historical context. While those of us working on Romani-related research will be largely familiar with the situation of Roma in Spain, their presence in Argentina and Colombia is relatively unknown. This chapter explores the presence of Roma in these contexts and explains how Romani communities have been buffeted by prevailing political winds including democratic transition (Spain) and violence (Colombia). *Chapter Four* details the anatomy of the Romani movement in each country and explains the typology and topography of the various actors who shape activism and advocacy. Whilst the focus in this book is on civil society, this chapter discusses the interaction of Romani communities with formal party politics and addresses issues of fragmentation, leadership, and 'representativeness'. The salience of Romani women and youth is an important intervention challenging the dominant role of Romani men and has led to increasing 'pluralizing patterns of Romani ethnic mobilization and leadership' (171). *Chapter Five* advances an understanding of frame theory and frame alignment. In the context of Romani agency, it elaborates a tension between exogenous frames (including homogeneity) and endogenous frames (including narratives of shared identity). Here Mirga-Kruszelnicka demonstrates how frames of collective identity become 'not only a "public expression of self" but also a political one, in which the

group transforms into a politically relevant subject' (181). The tension between internal mobilization and external expression is the constant dilemma with which minority actors must reckon. *Chapter Six* expands upon some of the insights related to Romani ethnicity and collective action. It addresses the need to build public support as well as internal mobilization necessitating the building of trust and legitimacy in, as well as among, various actors. The *Conclusion* presents the Romani issue as a global issue, not just confined to Europe but also draws links and parallels with other communities and struggles including indigenous and First Nation communities. It closes with insights relating to Romani agency and the minority scholar perspective.

Mobilizing Romani Ethnicity applies new ideas to theoretical concepts from social movements' studies such as frames and political opportunity structures, so as to develop our understanding of these concepts in relation to ethnic mobilization. The book foregrounds these concepts, rather than the case studies of Argentina, Colombia, and Spain, by weaving empirical cases and evidence into the analysis. The author provides a detailed account of cases covering the socio-cultural and historical context in each. In Romani-related research, we should welcome more comparison in order to better understand the multifaceted issues facing Romani communities and where we can learn from other communities' experiences.

The positionality of the author is placed front and centre and is critically embedded within the discussion. It clearly motivates and shapes the arguments being made. I think this is a real strength of the book because it challenges notions of knowledge production, reflexivity, and the role of the researcher vis-a-vis activism and representation. Mirga-Kruszelnicka rightly asserts that a heterogeneity of positions ensures a dialogue, an underpinning logic of contestation and interaction which ensures that important questions are asked (and hopefully answered). She draws comparison with other subaltern communities and movements crucial to ensuring diverse lenses and experiences are reflected upon and that common assumptions can be challenged.

The writing is authoritative, clear, focused, and innovative. Mirga-Kruszelnicka dexterously negotiates complex socio-political phenomenon while engaging in academic debates on representation, visibility, and agency. I would have liked to see some more discussion on the importance of visibility and how different this is in South America (low visibility) compared to Spain (high visibility). Visibility is a double-edged sword whereby being visible and raising awareness is crucial for any movement but, for Roma, can lead to further stigma and persecution. Marginalised communities must negotiate this tightrope at all times as meaningful agency is only possible through visibility.

The book is rigorous, well-written, and convincingly argued. It is clearly based on years of activism and research and deep engagement with a range of participants. Overall, it is ambitious because it is doing something new; presenting a cross-national transcontinental comparison and making the case for the relevance of local/national contexts in informing opportunities for Romani activism, as well as the impact of these on identity and interest formation.

The role of the evangelical movement for Romani mobilization is interesting. There are some arguments to be developed here around the church as a network. Aldon Morris' research (1984) on the role of the black churches as a way to build community and develop common identities and interests for the

civil rights movement in the 1950s in the Deep South of the United States is instructive. I wonder if the same could be said of Roma and evangelical churches, specifically that they are a network, which enables ethnic mobilization to take place. In the context of twenty-first century activism, it would also be interesting to know more about social media and digital technologies as a means to develop Romani agency, representation, and visibility (and the resultant drawbacks inherent in engaging such platforms).

This book will be of interest to range of scholars. It will be a key resource for those working on Roma issues, meaning a broad range of scholars working in Romani Studies (including media, politics, sociology, anthropology, arts and humanities, ethnomusicology). The book makes a contribution to social movement studies and protest movements both historically and in more contemporary contexts. Research focused on migration and diaspora groups will find this book relevant as will researchers working on issues of decolonisation and subaltern studies, especially those that work on Spain and Latin America. I imagine this book will be of great interest to Latin American specialists as it draws attention to an under-researched community. I believe scholars working on policymaking, especially public policy and issues of inclusion, integration and participation will benefit from the discussion presented here. The book will be of relevance to those working on activism and community-building as there are important lessons to be learned. Finally, policymakers working in local, regional (especially European), and international organisations will find this book offers useful insights in terms of how minority groups mobilize, forge identity and articulate shared interests.

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Ernő Kállai, György Majtényi, Zsuzsanna Mikó,
and Péter Tóth. 2022. *The Hungarian Gypsies/
Roma I–II*. Budapest: National Archives of
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Book review by

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Unlike many other nations, Roma lack their own written historical records. Our understanding of their history is derived exclusively from documents from the communities and societal settings they were part of. This rarely has yielded substantial documentary evidence about Roma. When records did emerge, they were often in the context of criminality, employment and more often embedded in the policies of those rulers who regulated their settlement and everyday life throughout various historical periods. As a result, analysing these records alone can lead to a skewed perception, failing to provide a comprehensive understanding of Romani history. The book under review, *A magyarországicigányok/romák I-II*, offers an extensive collection of sources, contributing significantly to the understanding of the Romani past within Hungarian historiography. This work is part of the series *Minorities in Hungary: National, Ethnic, and Religious Communities*. (*Magyarországi kisebbségek: nemzeti, nemzetiségi és vallási közösségek*). The selection of sources, editing and preparation were done by Ernő Kállai, György Majtényi, Zsuzsanna Mikó and Péter Tóth, and organized by the National Archives of Hungary.

The source edition is comprised of two volumes, arranged in chronological order. The first volume opens with the earliest known manuscript mentioning Roma in Hungarian historiography. This document, dating back to 1416, is found in a book of accounts from Braşov detailing the distribution of alms to a man named Emaus and his companions. The first volume, starting from this period until the mid-nineteenth century, helps demonstrate the image of the Roma through different eras. The second volume spans from the mid-nineteenth century until the end of socialism in Hungary, concluding in 1989/1990. The initial chapter of the first volume offers not only a detailed introduction but also elucidates the methodology behind the selection of sources. The compilation of manuscripts is influenced particularly by a critical historical marker: a 1724 decree by King Charles III of Hungary regarding the settlement of Roma. This decree serves as a pivotal point in the documentation; manuscripts prior to 1724 are scarce, leading the authors to include nearly every available document from this earlier period in the book. Following this date, an increasing number of manuscripts mentioning the Roma allowed for a more selective approach. As a result, the greater availability of manuscripts after 1724 enabled the editors to methodically choose from a diverse range of topics, presenting a multifaceted view of Romani history and their various synergies.

The introduction is based on a rich contextual foundation, informing the reader of the significant aspects of Romani history in Hungary. Sections and headings are consistently aligned with those in the introduction across both volumes. By focusing on source criticism, particularly in linguistic terms, such as the use of “Gypsy” (*cigány*), the introduction gives a clear understanding of the book’s core purpose. Highlighting these details guides the reader, preventing them from being side-tracked by subjective interpretation.

The first volume is neatly divided into three chronological chapters, each focusing on a distinct era of Romani presence and experience in Hungary. These are as follows: “The Emergence of Gypsies in Hungary” (*A cigányok megjelenése Magyarországon*), “Gypsies in Tripartite Hungary” (*Cigányok a három részre szakadt Magyarországon*), and “Gypsies in the Enlightenment and Romantic Era” (*Cigányok a felvilágosodás és a romantika korában*). In the following sections, I will briefly outline the key themes and historical contexts of each chapter, offering a clearer view of the structure of the first volume.

In the first chapter, “The Emergence of Gypsies in Hungary,” the sparse collection of manuscripts from 1416 to 1550 reveals the limited documentation available from this period. Of the significant records noted in this chapter, the most prevalent are letters of protection granted to certain Romani groups, documentation of Roma being bestowed to feudal lords as serfs by Hungarian kings and the clergy, and entries in account registers.

As a consequence of the capture of Buda in 1541 by Sultan Süleyman I, the kingdom was divided into three political parts. The second chapter, the most substantial in this first volume, is organized around this historical event, covering the period up to 1724. The reason for greater documentation from this period is down to financial affairs, mostly tax regulations. Additionally, the chapter presents decrees from counties pertaining to the expulsion of unsettled Roma from their territories, often citing illegal actions, and including relevant judicial records.

Lastly, the chapter “Gypsies in the Enlightenment and Romantic Era” begins with the 1724 decree of King Charles III of Hungary and contains documents up until 1846. The decrees and manuscripts from this era primarily focus on regulations that led to crucial changes in Roma's socio-economic routines and family structures. Building on the earlier discussion about the role of counties, it's noteworthy that these regulations, issued at multiple levels of governance, illustrate a comprehensive approach to the “Roma question,” involving not only the Hungarian kings and the Council of Royal Governors but also reflecting the responsibilities and actions at the local administrative level. These decrees at first aimed to restrain and direct the lives of Roma, but under the rule of Maria Theresa, Queen of Hungary, a more solution-oriented Roma policy emerged.

The second volume of three chapters, includes “Sources from the Second Half of the Nineteenth Century to the Second World War” (*Források a 19. század második felétől a másodikkvilágháborúig*), “Documents on the Persecution during the Second World War and the Roma Holocaust/Pharrajimos” (*Források a II. világháború alatti üldöztetésről és a romaholokausztról/pharrajimosról*), and “Sources from 1945 to the Transition” (*Források 1945-től a rendszerváltásig*), respectively.

In the first chapter, the book introduces the earliest scientific attempt to address the Roma question in Hungary, which occurred in 1893. This, which came about from a census of Hungarian Roma, shed light on several key aspects: their population size, general characteristics, national consciousness, language proficiency, literacy, and means of livelihood. Overall, the chapter illustrates that the state's efforts to control the wandering Romani population were primarily driven by concerns over various public order crimes and the threat of disease. Among these measures, it is important to note the prohibition to practice artisan crafts for Roma individuals without a fixed address; those with an address were only allowed to work within their county's borders. Furthermore, the policies aimed to suppress the spread of infectious diseases such as smallpox. The nomadic lifestyle of Roma made vaccination efforts more difficult.

While the second chapter covering the Second World War and the Roma Holocaust/Pharrajimos has a smaller number of documents compared to other chapters, each one clarifies this troubled period of history. The main archival sources are centred around the mass murder of Roma, based on court records and witness statements.

The last chapter of the second volume covers the time period until 1989 and is the richest in terms of content. In this chapter, the notable documents primarily detail efforts to find solutions and improve the living conditions of Roma, focusing on aspects such as employment opportunities and housing.

These two volumes make significant contributions to the field by offering a wide range of documents about Roma's past in Hungarian historiography. Additionally, the introductory section presents a detailed history of Roma's place during key periods in Hungarian history, aiding scholars and readers to understand and use the materials.

In terms of structure, apart from the first chapter of the first volume and the second chapter of the second volume, the rest are organized into sections based on thematic content rather than chronological order; this means that if researchers or readers wish to review all the documents in historical sequence, they will need additional time, perhaps making the study of the material more challenging.

On Romani Contemporaneity: Rethinking the Małgorzata Mirga-Tas Exhibition in Seville

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Abstract

This essay delves into the representation and reclamation of Romani identity and experience in contemporary art, focusing on the work of Małgorzata Mirga-Tas, viewed from a Gitano point of view located in the South of Europe. Drawing on historical contexts and artistic movements, the essay examines the evolution of Romani portrayal in European art and the emergence of contemporary Romani art as a form of resistance and self-representation. Through an analysis of Mirga-Tas's artistic practice and its intersection with themes of coloniality, gender, and racialization, the essay explores how her work challenges dominant narratives and fosters a deeper understanding of Romani culture and history. Furthermore, the essay discusses the significance of Mirga-Tas's artistic interventions in reshaping perceptions of Romani identity and contributing to broader conversations about representation, power, and agency in the art world, including the cultural field of flamenco. Through a multidisciplinary approach encompassing art history, sociology, and cultural studies, this essay offers insights into the complexities of Romani contemporary art and its role in challenging entrenched stereotypes and advocating for social justice and recognition.

Keywords

- Contemporary Romani art
- Decolonisation
- Feminist criticism
- Flamenco
- Gitanos
- Minority studies
- Racism

Introduction

In 2023, I was invited by the Centro Andaluz De Arte Contemporáneo (CAAC) to write a text^[1] to serve as an introduction to the work of the Polish Romani artist Małgorzata Mirga-Tas as seen from the Roma-Gitano reality of Seville. The exhibition *Małgorzata Mirga-Tas: Remembranza y resignificación* (Małgorzata Mirga-Tas: Remembrance and resignification) was curated by Juan Antonio Álvarez Reyes and ran from 29 September 2023 to 31 March 2024 in Seville. Located in the heart of this historic city, the exhibition has provided an opportunity to open a debate on Romani self-representation on many different levels. It is the first time that the Andalusian government's official centre for contemporary art has dedicated a monographic exhibition to an artist of Romani origin. This essay is a further exploration of my original thoughts on the exhibition and how it resonates within contemporary Romani arts and culture.

A Deconstruction of the Representation of Romani Women

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| <p style="text-align: center;">Ante la pregunta de Spivak ¿Puede hablar el sujeto subalterno? El poeta responde: ¿pero es que acaso le escuchan? P.S: El subalterno habla pregunten a los siglos</p> <p style="text-align: center;"><i>Mi abuela no ha leído a Marx</i> – Garcés 2018, 35</p> | <p style="text-align: center;">To Spivak's question: Can the subaltern subject speak? The poet answers: but do they even listen to him? PS: The subaltern speaks, ask the centuries.</p> <p style="text-align: center;"><i>My grandmother has not read Marx</i> – Author's own translation</p> |
|---|--|

The representation of those perceived and described as *Gypsies*^[2] in what we understand today as the history of European art can be divided into three periods. Let us assume that this division is as arbitrary as that of the academies. A first period, which coincides with the first Romani *migration* in Europe, where *Gypsies* are objects of marginal representation, almost a note of colour in the landscape.

1 For the original text, see: "Małgorzata Mirga-Tas: retablo de la contemporaneidad romani. E rromnianqeri zor." Centro Andaluz de Arte Contemporáneo. Available online: <http://www.caac.es/programa/FuentesalArenillas/frameMalogorzata.htm>.

2 *Gypsies*, *tigani*, or *zigeuner* are some of the historically degrading words imposed on Romani populations around the world. The history of each word depends on the different contexts to whose historical evolution it is indebted. When we use the term *Gypsy* in our text, we refer to the construction imposed on Romani bodies and lives as opposed to the term Roma. As Iulius Rostas says: "The imposition of this group identity was accomplished through certain centers of power controlled by non-Roma: the writings of academics, social institutions (especially state institutions), laws and policies targeting the Roma (including repressive measures), censuses, discriminatory, segregationist, and isolationist practices, and discourses and narratives that produce and reinforce a negative image of Roma. In fact, the identity created by non-Roma is reflected by the terms 'Gypsy,' 'Tsigan,' 'cygan,' or 'cigan,' etc., and the strong negative connotations attached to these terms" (Rostas 2019).

A second division can be made when Romani communities were already part of societies, where we see how *Gypsy* figures begin to occupy an archetypal character and even, we could say, take up space for almost individual representation, although without a name, in a double game of attraction and repulsion. A third stage, from the second half of the eighteenth century to the present, is that in which the position of representation of *Gypsies*, and conquered Romani women in particular, occupies a hegemonically obsessive position. Lou Charnon Deutsch would say: “The most common narrative form this Western obsession took was a heterosexual love story construed as unholy, uncontrollable, impractical, sometimes deeply satisfying at the sexual or sensual level, but nearly always fatal” (Charnon-Deutsch 2004, 240). In countries like France, Hungary, Russia, or Spain, the representation of Roma becomes, by contrast, a game of mirrors of quasi-aristocratic essences for a new bourgeoisie. *Gypsy* fashion, with the connivance of the mass media of image reproduction, offers a reactionary narrative that opposes the Enlightenment and allows them to find a space for the projection of their imaginaries. The bodies of Romani women function as a repository of the historical representation of a conflicting blackness, as Meira Goldberg describes in the case of the Spanish Romni: (...) “The Gitana casts her audacious glance backward to Spain and forward into the international arena, simultaneously representing Spain’s Blackness and its Whiteness” (Goldberg 2019, 50).³ A calm, domesticated and controlled Blackness that reproduces its traumatic experience in the space of art and that has filled the imagination of the subalterns with what Yuderkys Espinosa (Campus Polígono Sur 2021) would call *phantasmagorias* (Espinosa 2010) of modernity, which must be questioned, reappropriated, and returned in fair revenge.

From a Corner of Poland

Czarna Góra is a small village in Poland near Hungary and Slovakia, in the Spisz region, a territory located in southern Małopolska near the Tatra Mountains and between the Białka and Dunajec rivers. It is the start and return point for the Mirga family, experienced as a sort of Macondo – or as in my case, the Lebrija-Utrera-Jerez triangle of Spain where I was raised as a Gitano – and where a few Romani families have positioned themselves in front of the world since before 1799 (Mirga-Kruszelnicka and Mirga). A Catholic tradition, a dedication to economic activities of relative independence and mobility throughout the region and diversity (Jews, Hungarians, Slovaks) as a result of the village’s geopolitical position characterize the strength of the local Romani community. It is, however, the twentieth century that marks the traces of contemporary life: first, Nazi domination of this part of Poland, which especially hit the family, and later Soviet domination, with policies of forced settlement and literacy that resulted in the first university generation. These are years of artistic emergence and anthropological and artistic interest in Czarna Góra. Between 1978 and 1979, the Centre for Theatre Practices “Gardzienice” (Gardzienice Institute 2024), directed by Włodzimierz Staniewski, a student

³ Under the Bourbons, both enlightened followers of French mores and *casticistas*, or Spanish traditionalists, saw the Spanish Roma, indomitable, unintegratable, and long associated with the outlaw and outcast life, as emblematic of Otherness. Spain’s identification with this figure, often described euphemistically as a proto-romantic “orientalization,” is in fact a racialized downgrade. With the fandango, “Andalusian por excelencia” and flamenco – that is, Roma – eighteenth-century Spain danced Blackness for Europe (...) (Goldberg 2019, 85–86).

of and collaborator with Jerzy Grotowski, organized trips to Czarna Góra and Szaflary inspired by Romani art, culture, and history, to create theatrical shows with Roma. This mixture is part of the education and life experience of Małgorzata Mirga-Tas, which results in an imaginary of commitment, emancipation, and pride in a community.

The Sevillian Gitano Reading of the Brief History of Contemporary Roma Art

Talking about contemporary Romani art today forces us, if we want to understand the anchors from where it starts, to question the imagination of the European avant-garde and its representations of Romani life, their *Gypsy life*. It forces us to observe the presence of French, Hungarian, Spanish, Russian and even Turkish Romani artists in universal exhibitions since the end of the nineteenth century and a constant tension with the colonial-national. It leads us to analyse non-hegemonic embodiments of our public image that are taken as national *representatives*. We even could question the emancipatory Romani imaginaries of the first period of the Soviet Revolution (O’Keeffe 2013), so important for the figure of the artist Helios Gómez and Romani critical discourses. The turning and liberation point, beyond a formal aspect, was the First World Romani Congress in London in 1971, when representational revision crosses the limits of art as spaces of power relations and proclaims one’s own capacity for enunciation and agency. In Hungary, the first exhibition of self-taught Romani artists was held in 1979, organised by the activist Ágnes Daróczi, which paved the way for art projects like *Elhallgatott Holokauszt/Hidden Holocaust* in 2004 (Junghaus 2014). Shortly afterward, in 1985, the French Ministry of Culture hosted the *Premier Mondial d’Art Tzigane* in Paris, the result of a long journey under the impetus of Tony Gatlif, Sandra Jayat, and Gérard Gartner (Barrera López 2022). In 2007, the first *Romani Pavilion*^[4] appeared as a ‘colateral’ activity at the Venice Art Biennale, with Delaine Le Bas’s project *Paradise Lost*. In the 2000s we saw the creation of the first galleries specialising in Romani artists, such as Kai Dikhas in Berlin and Gallery8^[5] in Budapest. These are also the years of the consolidation of some transnational Romani cultural institutions, such as the European Roma Institute for Arts and Culture (ERIAC) in Berlin, the Institute of Roma Culture of the Spanish Ministry of Culture, or the Museum of Romani Culture in Brno. In 2022, we also were able to attend the *RomaMoma* project at *documenta* in Kassel and the creation of the Helios Gómez Space in the Triana Ceramics Center in Seville, linked to the *Gitano Community Consulate of Seville* project of Factoría Cultural in Polígono Sur.

4 Since continued by ERIAC in 2018 and 2022.

5 Available online: <http://gallery8.org/>.

Małgorzata Mirga-Tas and Memory as Artistic Material

The Self-narratives of Romani Women

| | |
|---|---|
| <p>Tú en una piera y yo en otra. Cuéntame tus alegrías que las mías son mu pocas.</p> <p><i>Noches Gitanas de Lebrija</i> – Inés Bacán 1991, 3:36^[6]</p> | <p>You on a stone and me on another. Tell me your joys because mine are very few.</p> <p><i>Gitano Nights in Lebrija</i> – Author’s own translation</p> |
|---|---|

Then unexpectedly, *Re-Enchanting the World* (2022), a project by Wojciech Szymański and Joanna Warsza with works by Małgorzata Mirga-Tas, appears at the Polish pavilion at the 59TH Venice Biennale 2022 and puts Czarna Góra at the centre of the world. It is not the first time that a Romani artist has *focused* the gaze of those who scrutinise the lives of those constructed as others. In the words of Romani scholar and activist Ethel Brooks, Małgorzata Mirga-Tas “has built a palace for Roma at the center and crossroads of European history”. A pavilion that is presumed to be trans-European despite *representing* a nation-state of old Europe. A home to challenge an entire construction of centuries.

Małgorzata delves into Renaissance figuration (figure, perspective, focal point) with the aim of reconstructing a genealogy of the image of Roma, discovering, as Mignolo would say in *The Dark Side of the Renaissance*, the constitution of coloniality in the *alphabetical gaze* (Mignolo 1995, 109).^[7] She works on the images of the Palazzo Schifanoia frescoes, from the craft of painting as an art and craft, adding the layers of closeness of the stories of Roma to extract the sumptuousness of centuries from images of power. It plays at a new *figurative representation*, in which Romani bodies and their biographies, in the words of Wojciech Szymański and Joanna Warsza, are in a way more than represented, semi-present, in a kind of “supervised reincarnation” (Mignolo 1995, 140). By throwing materials on the painting, we feel, with another look, *the clean look*, or cleansed look, as José Heredia

6 This is a classical flamenco composition in *soleá* style, and it is sung and remembered as part of family heritage by Gitana singer Inés Bacán (1952), accompanied by her brother Pedro Bacán (Pedro Peña Peña, Lebrija, 1951–1997), a flamenco guitarist and concertist. Romani-Gitano scholar Iván Perriñez would talk on how certain lyrics of *cante gitano flamenco* signal the footprints of colonial trauma (2021, 1–19).

7 Mignolo writes: “How could the *tlataminime*, routinely contemplating the paintings drawn by the *tlacuilo* and telling stories, exercising at the same time the power of the spoken word, be reconciled with the idea that the true meaning was contained in the silent words of the Sacred Book? Conflicting ideas about speech and writing, about the materiality of reading and writing cultures, is what the process of colonization brought about during the first encounters between Spanish men of letters and *Mexicas* skilled in painting and speaking. The seed was planted for similar interpretations and behaviors during the colonization of other European nations during the nineteenth and twentieth centuries.”

Maya, Romani professor of literature (2000, 20–47)^[8] would say, the life after the life of the images and materials, since his *portraits* dress with clothes from the people portrayed but also with second-hand clothes from India and Bangladesh. The apparent sweetness of colour, the soft texture of the fabric, is a small *trompe l'oeil*. “The needle is something that does not harm another person, but rather repairs it,” Louise Bourgeois told us (Szymański and Warsza 2022, 95).

As an iconographic device or machine of interpellation, Małgorzata updates the past-present of the patrons’ works. There is no break in the fictional timeline of the figurative image as there would be in the Renaissance (imagine a portrait of a slave merchant dressed as a Roman or the Virgin Mary dressed as a Turk), but rather she places her contemporaries and relatives alongside other characters from the past in the hope of affirming the past-present sense of time of the *Gypsies*. The other Romani times. Everyday life and the violence of its rupture.

Thus, by constructing her own figuration of Romanies, she tries to show a body that should not be seen, a time that is not seen but is guessed; an ineffable music of joy and the *lache* (Lee 2010)^[9] of the innocence of the body. There is no pathetic emotion on their faces but rather reflective stillness.

Małgorzata Mirga-Tas’s Anti-racism as a Sweet Rebellious Provocation

| | |
|---------------------------------|---|
| Maj anglal amenθar | Before us |
| O paj ni tasavòlas | water did not drown, |
| I jag ni xasavòlas | nor fire destroyed |
| I balval ecumidèlas e patren | and the wind kissed the leaves |
| (...) | [...] |
| Maj anglal amenθar | Before us |
| ni limòri | no grave |
| ni kher | nor house |
| <i>Bi kheresqo bi limoresqo</i> | <i>Without a house, without a grave</i> |
| – Djuric 1979 | – Author’s own translation |

8 (...) The clean gaze is not the gaze of intelligence, but it is eminently intelligent. It has more to do with the gift of seeing the other without prejudice. The clean gaze does not see negative archetypes and intelligence has celebrated and continues to celebrate all over the world, especially in Europe, massacres in chains because of the murky tendency to refuse to see people in others. It is not the clear gaze of the speculative intelligence in search of answers to transcendent questions that I perceive when Federico García Lorca declares himself a friend of the Jews in Buenos Aires in 1934, at the height of the rise of Nazism, writes Poet in New York fascinated (from fascination, that gift of looking with interest, comes the exemplary validity of his social, political and aesthetic commitment today) by the pictorial sound of the blacks and sympathizes with the pain of the disinherited always. (...) (Heredia Maya 2000).

9 *Lache* would mean *shame* in Caló, the Spanish-Roma ethnolect. In Romanes *Lazhav*.

Andalusia, Watchtower of Modernity

Let us observe and think, from the Andalusian Center for Contemporary Art (CAAC), how an exhibition by an artist like Małgorzata, with an imaginary that has its roots in the European pictorial tradition but that at the same time also offers new readings about it, can also help us to open difficult debates.

Beyond simple, cumulative, even merely formal readings on a genealogy of the image of Roma in the history of art, as passive objects/models of figurative representation, it is necessary to open the historical record of the racialising gaze on subalternised bodies.

The philosopher Andrea Soto (2020, 10)^[10] tells us that although it is true that we live in a society of images, it is no less true that those images are few and they are repeated a lot. This is where we must look and change our focus. In a city like Seville that accumulates images of *Gypsies* in thousands of formats (from postcards to hundreds of thousands of Romani outfits) like the bricks that make up its buildings and avenues – an accumulation of expropriated capital that anonymises in the mass media the unique personality of Romani people, because they are *Gypsies* and they are nothing, they are anything or they are all the same, or they are ours, the flamencos, because they are from here, not like those outsiders – it is wonderful to have the opportunity to say: I had no idea. Breathe in Małgorzata's work and understand, or deal with it: why Seville, the city that once was the Gate to the Americas, from where came all racial legislation to plunder the wealth of *Abya Yala*, all the printing houses for the *Spanish Grammars* of Antonio de Nebrija and the *Don Quixote*^[11] of Cervantes, the paintings of saints, the painters of light and colour, and to where Black African slaves were brought first, and who lived together, and lived badly, with Moors, with *Gypsies*, sons of Allah and daughters of Lilith (Bornay 2020) in the Nova Roma, the New Rome. A story, a different story, that is proposed here is not only about breaking stereotypes and the telling of a neoliberal fantasy of inclusion and diversity. So? What *is* behind these proud Roma? Their defiant look and challenge.

África and her Girls – Towards a Romani Aesthetic as a Way out of Modernity

“Where are our Romani brothers and sisters?” It is a question that we ask when we travel to other latitudes and geographies. Here, Małgorzata transforms into Gosia and makes herself understood with some basic words that in Romanó are the same as in Caló, the Spanish of the Spanish Gitanos. Factoría Cultural, a

10 Author's own translation: "The critique of the excess of images does not begin with Roland Barthes' *Mythologies* or Guy Debord's *Society of the Spectacle*; it goes back to the end of the nineteenth century with the growing concern for the organisation of the sensitive multiplicity of messages. However, I wonder how fruitful criticism is, in terms of giving us tools for the present, if it is only reduced to a denunciation. In fact, we could question whether there is an excess of images. There is undoubtedly a visual excess, but of a hegemony that never ceases to repeat the same images. However, the biggest problem is perhaps all those realities that have no images, that is, that lack the capacity to be imagined."

11 Documents showing the list of books sent from Seville to Abya Yala, or America in the European colonial sense, are common, including both Antonio de Nebrija's dictionaries of Castilian Spanish and novels such as Miguel de Cervantes' *Don Quixote*. See: "Memoria de los libros que Francisco de Lyra enbia a Indias Tierra Firme en esta flota, en la nao San Juan Baptista, maestre Melchor Fonolosa...." Folio 146. Archivo General de Indias. CONTRATACION, 1162, N.5.

municipal facility in Polígono Sur, opened its doors to her and her team to share a process of listening and memory with África Fernández Montoya,^[12] the dancer África de la Faraona, and her daughters. Begun as a parallel activity to CAAC, it is explained by Małgorzata's need to build networks among Romani women. Their realities are different, but they manage to communicate each other's affection. África takes a picture with her mother, the dancer Pilar Montoya La Faraona, may God preserve her, and her daughters África and Rosario share the photos stored in their cell phones, portraying themselves perpetually. Peripheries of the system unite against the violence of spaces of power: representing oneself, in a simple way, from personal photos as a form of identity negotiation.

The Sacristy of Flamenca Gitanas

Figure 1. *The Sacristy of Gitanas Flamencas*



The Sacristy of Gitanas Flamencas by Małgorzata Mirga-Tas.
Remembrance and Resignification Exhibition,
Centro Andaluz De Arte Contemporáneo, 2023.
Installation view. Photo: Pepe Moron. Copyright: Małgorzata Mirga-Tas.

The commission to Małgorzata lies in taking Francisco Zurbarán's three works for the sacristy of Santa María de las Cuevas^[13] as an excuse to reflect on three lives of Andalusian Romani women marked

12 África Fernández Montoya (b. 1983, Seville) is the daughter of Pilar Montoya La Faraona, one of the daughters of the *bailaor* Antonio Montoya Flores, *El Farruco*, creator of a very personal dance that has left its mark on almost three generations of Gitano artists from Seville. It is from this context of family and professional flamenco experience that Africa has toured many of the best theatres in Europe, Japan, and the United States. As a very young girl, she was a member of the company of the legendary Flamenco Puro, which toured the cities of the United States in the mid-1980s.

13 *La Virgen de las Cuevas* (ca. 1665), *La visita de San Bruno a Urbano II* (ca. 1665), *San Hugo en el refectorio* (ca. 1665). Seville: Museo de Bellas Artes.

by flamenco, directly or tangentially. We are faced with a studio photograph, another one of a live performance, and another of a family celebration. Here, Romani bodies send signals from different moments in history and their stories, whose diverse biographies interrelate with common pains and joys. The mantle of the Virgin of the Caves and the fabrics of the monastic habits and doublets give way to an iconography that crosses into the concepts of flamenco, Gitanos, and Roma.

Juana la Macarrona, Juana Vargas de las Heras

(b. 1970 in Jerez de la Frontera, d. 1947 in Seville)

And why do you leave “the stage”?

– *Because I can't do it anymore, son. I can't work many nights because these legs of mine that have been made of bronze are now made of wire. That Macarrona who spent a week partying, dancing, singing and drinking, went down in history. A ruin, son!*

Juana (La Macarrona) o cuarenta años de baile que desaparecen
[Juana (La Macarrona) or forty years of dance vanishing]

– López Macías or *Galerín* 1926^[14]

Figure 2. *Juana La Macarrona*



Juana La Macarrona by Małgorzata Mirga-Tas.
Remembrance and Resignification Exhibition,
Centro Andaluz De Arte Contemporáneo, 2023.
Installation view. Photo: Pepe Moron. Copyright: Małgorzata Mirga-Tas.

14 Augustin López Macías or *Galerín* (1881–1944), his nickname in the press, was a journalist and publicist active in the first part of the twentieth century. He was very close to flamenco art and Gitanos. His republican political commitment led him to be ‘purged’ by the Franco’s authorities after the Spanish Civil War.

Juana Vargas de las Heras is the paradigm of a precocious Romani artist with an active presence in the Cafés *Cantantes* of Seville, Malaga, Barcelona, and Madrid before arriving in Seville at the age of 16 in the last decades of the nineteenth century, in a moment in which the country witnessed continuous political pronouncements. At the age of 17, she travelled to Paris as part of a company of flamenco artists *Gitanes de Grenade* (although almost none of them were from Granada) to participate in the Paris Universal Exhibition of 1889. It is in this context that the Parisian press created for her the epithet of “*Queen of the Gypsies*.” It is interesting, not so much the mythomania about Juana la Macarrona, but to reflect on the construction that was made around her: what others saw (and reflected) on her and what, we dream, she was seeing about herself. The image that serves as the basis for the work is part of a photo book (*Gitans d’Espagne* by Don R. Bonaparte published in 1889) of the members of the company, practically unknown until recently. Juana, very young, poses with the guitar into *barbero style*, smiles listlessly and almost virginally, looking defiantly at the *Frenchman* who portrayed her. It is urgent to reappropriate that joy. It is urgent, therefore, to resignify these images of which they did not have control.

Herminia Borja

(b. 1959, Seville)

Maja aristocrática
de los más elevados salones.

Duquesa democrática
me titulan por mis aficiones.

A pesar de mi abolengo
de modelo tuve que servir.

Sangre chula tengo
aunque en un gran palacio nació.

La maja aristocrática
– *Niña de los Peines* or Pavón Cruz 1936

I am a nice aristocrat
of the most elegant rooms.

Democratic marchioness
they name me for my hobbies.

Despite my ancestry
I served as a model to painters.

And I have cool blood
although in a great palace I was born.

I’m an aristocratic *maja*
– Author’s own translation

Herminia Borja is a singer who dances freely, a mother, a grandmother, and a resident of Seville’s Polígono Sur, one of the poorest neighbourhoods in all of Spain. She was born in the midst of Franco’s regime, shortly after the disappearance of the Spanish colonial Protectorate of Morocco. Her presence in the local flamenco scene dates back to the 1980s from when, after her divorce, she made her childhood dream come true. She tells of her childhood as that of a good girl who, even though she was aware of her family poverty, fulfilled what her family and the state expected of her. Her musical references not only contemplate those of the history, familial or hegemonic, of the flamenco genre, but she also dared to embody in her singing and in her body what was coming to her from the other side of the Atlantic. She admires Aretha Franklin, Tina Turner, and Black evangelical music. She has no formal academic or

Figure 3. *Herminia Borja*



Herminia Borja by Małgorzata Mirga-Tas. Remembrance and Resignification Exhibition, Centro Andaluz De Arte Contemporáneo, 2023. Installation view. Photo: Pepe Moron. Copyright: Małgorzata Mirga-Tas.

musical training, but she is heir to an artistic tradition that allows her to have a job: singing from the trench of the Sevillian night, where a divorced single Romani woman who is never alone is a heroine struggling against drunks. The overwhelming personality of her art and her wise presence on stage and at home make her a matriarch who conjures, with a kind of Romani and flamenco feminism, the dark fate of the instability of work in partying. Photographer Aitor Lara portrayed her in the tribute he received from his neighbourhood on 21 June 2023 in a double portrait: one tension, the other listening.

Manuela Carrasco Jiménez and **Catalina Rubio Carrasco**

(b. 28 May 1926, d. 13 Feb 2012)

(b. 1952, Jerez de la Frontera)

| | |
|---|--|
| Los tiempos han cambiado. | The time has changed. |
| ¿Qué te parece ahora el mundo, Manuela? | What does the world look like to you now, Manuela? |
| – ¿Que cómo me parece? | What do I think? |
| Muy feo... | The world is ugly. |
| <i>Más fuerte cantaba yo</i> | <i>I sang louder</i> |
| – Firmino and Sánchez 2011 | – Author's own translation |

Figure 4. *Manuela Carrasco and Catalina Rubio*



Manuela Carrasco and Catalina Rubio by Małgorzata Mirga-Tas.
Remembrance and Resignification Exhibition, Centro Andaluz De Arte Contemporáneo, 2023.
Installation view. Photo: Pepe Moron. Copyright: Małgorzata Mirga-Tas.

Manuela Carrasco Jiménez, a blonde Roma with blue eyes, was a grandmother, mother, sister and, in her own way, also a businesswoman from Jerez who, without knowing how to read or write, was able to raise

12 children. She maintained a social position above that of her brothers as a result of her marriage to her husband, a son of the successful Jerez bourgeoisie after the coup d'état and subsequent Spanish Civil War. Manuela was born into a family of Gitano fieldworkers who laboured in the farmhouses between Jerez and Lebrija, shortly before the 1929 Ibero-American Exhibition in Seville, which she saw as a child, since, in one of the poorest moments of her childhood, Manuela, together with her sister Juana, lived in Seville supported by an aunt who danced at the Exhibition Casino in the flamenco ensemble of *La Malena y sus Gitanas*. After the civil war, she lived through years of abuse and contempt until the father of her first children decided to formalize the relationship, after which more children would come. In this family portrait she is accompanied by her daughter Cati, and in it we must guess the continuous identity negotiations of a lady who had to hide part of her identity through bourgeois clothing and who attends the social events of her non-Romani family. His sister Juana fell on the wrong side of life, his sister Curra was active in communism, and his brother Manuel, the artist Manolito Jero, sang to the American soldiers at the Rota Naval Base. She understood love as surrender until, once her husband died, she clung to life, her flamenco and Romani memory: "May she wait for me many years."

Epilogue

Expressing oneself from a place of poverty and uncertainty differs greatly from the comfort of an office: it is the tale of a Romani artist from Lebrija, envisioning conversations about Romani art, reaching out to an ethereal and enigmatic audience. They believe that they understand it even before laying eyes upon it.

5 March 2024
House without number
Calle Residencia de estudiantes
Polígono Sur
Spain, Seville

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