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## Book Review

### Narrating Roma Rights Activism for the American Public

**Timmer, Andria D. (2017) *Educating the Hungarian Roma: Non-governmental Organisations and Minority Rights*. Lanham, Boulder, New York and London: Lexington Books. xxxvii, 163 pages.**

**Bhabha, Jacqueline, Mirga, Andrzej and Matache, Margareta (eds.) (2017) *Realizing Roma Rights*. Philadelphia: University of Pennsylvania Press. viii, 308 pages.**

US-based public and private foundations have actively shaped and promoted Roma rights since 1989. The most prominent ones are the United States Agency for International Development (USAID) and the Open Society Foundations (OSF). After the fall of the Berlin wall, USAID disbursed considerable funds for non-governmental organizations (NGO) working for/with the Roma and organized study visits to the US for scores of Roma activists. OSF, on its part has not only funded NGOs in Central and Eastern Europe (CEE) where the bulk of Europe's ten million Roma live but also established international NGOs (INGO) and itself operates as a 'meta-NGO' advocating for Roma rights.<sup>1</sup>

For American executives within OSF 'the Roma issue [was] a rights issue' from the very beginning and the fight against segregated education the vehicle of social integration.<sup>2</sup> Their priorities served as a blueprint for European funders – first and foremost the European Union – while profoundly impacting on the international Romani movement that is highly dependent on these funders. In exceptional cases Roma political leaders successfully forged coalitions with domestic agents (political parties), gaining access to considerable resources and opportunities to shape domestic policies in meaningful ways.

The two volumes reviewed here naturally apply the US-inspired prescriptions in their quest for making sense of the 'Roma issue'. They narrate the deeds of progressives in the CEE from a US perspective for an interested (US) public in different, but equally intriguing ways. Andria D. Timmer offers a bottom-up view, which is essential to ethnographic research based on participatory observation, the methodology she chooses to map what NGOs do to as much as for the Roma in the field of education.<sup>3</sup> Her empirical research on the role of NGOs facilitating Hungarian

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<sup>1</sup> The primary purpose of a 'meta-NGO' is to provide support to other NGOs but it can also come to 'govern' the NGOs it funds, cf. Stubbs (2005: 81).

<sup>2</sup> Harding (2006).

<sup>3</sup> For a recent account of NGO anthropology see Lashaw et al (2017).

desegregation policies between 2002 and 2010 is particularly interesting, because uniquely in the regional and issue context these policies resulted from an alliance of progressive Roma leaders and the liberal party in a coalition government with the socialists. Since then, the former has been obliterated from national politics while the latter is struggling to stay afloat in an increasingly authoritarian political environment.

Timmer focuses on Hungary, because this country was considered to be a forerunner in guaranteeing minority rights, adopting and implementing a school desegregation policy. As the author notes, this sadly came to an end following a change in government in 2010. While the choice of Hungary and education is interesting particularly because of the governmental commitment, the book would have benefitted from a more detailed discussion of the research tenets. As it is, the methodological chapter is in want of better-grounded comparative analysis across at least the Roma-dense CEE countries. That could support the research design and the findings more than the anecdotal reference to pure luck and circumstance in ethnography. By delving into education, Timmer bets on everybody's favorite horse. Had she pursued research as originally intended, i.e. in the field of health, she may have found a road less travelled but full of surprising insights.

In contrast, Jacqueline Bhabha, Andrzej Mirga and Margareta Matache take a top-down approach, asking their collaborators to analyze Roma policies and projects, standard setting and litigation over the course of the last three decades. They focus on the regional level and only seldom magnify domestic or local processes and events. This is surprising, because the chapters lead to a proposal seeking to prioritize community organizing. That this proposal is based on critical insights into other social change strategies and tools, rather than into what really works at the community level indicates not a lack of empirical research but an oversight on the part of the editors, who could have dedicated a section to scholarship such as Timmer's. That certain tools have not worked well in a given city or country is not a good enough reason to quickly revert to others. In any case, the authors propose a rather limited overhaul of the Roma rights toolbox, essentially to scale down on legal mobilization.<sup>4</sup>

The pieces assembled in *Realizing Roma Rights* take stock of the efforts of European and US-based actors directed at key international organizations: the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the European Union (EU). Whether writing as a representative of the US foreign policy establishment or an US-dominated voice in world polity, OSF the authors are personally vested in the processes they describe and analyze, which is why their positionality matters. Individual experience and participation make their accounts comparable to Timmer's work. Still, most contributors are more than simple observers. They are or have been key figures in policy making and litigation, which implicates their own agency in ways very different from Timmer's, an English teacher in a Roma-only high school. Bearing this in mind, the editors should have perhaps encouraged a more reflexive narrative. As it is, the general lack of auto-critique

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<sup>4</sup> Legal mobilization was coined by Scheingold (1974) who inquired into the political uses of the law. While generally understood as a process driven by public interest law organizations in the United States (Handler, 1978) and non-governmental organizations (including trade unions) in Europe (Anagnostou, ed., 2014), in an important contribution Francis Zemans (1983) demonstrated that the use of the law by individuals should also be seen as an important modality of legal mobilization.

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undermines the findings of the collective volume and stands in contrast with Timmer's account that becomes the most captivating when up close and personal.

The book that is her doctoral dissertation is structured into five substantive chapters, a preface and conclusions. The Preface introduces the subject matter and the methodology. The title 'Providing Education for Europe's Most Disadvantaged Minority' suggests a much broader scope than what is finally taken. Chapter 1, '*Én Cigány Vagyok!:* On Who Is (And Who Should Be) Considered Roma' begins with a story that naturally lends the author in the actual site of inquiry, foregrounding the protagonists of the narrative, the Roma themselves. It enables Timmer to showcase the discrepancy between self-perceived and attributed ethnic identity, a phenomenon she associates with racialization and coins as the 'Gypsy trope' without however adequately situating her discussion in the broader field of nationalism studies.

Chapter 2 'The Roma in Europe and Hungary' seems insufficient to enable the reader to form an informed opinion about the legal, policy and political salience of the Roma issue at the domestic and European levels. Importantly, the focus on minority rights and the disregard for other frames is not adequately explained. This is unfortunate, because in the field of education the minority rights frame is not the most significant one, especially not for the Roma. Rather, non-discrimination and equal treatment provide the backbone of Hungarian desegregation legislation and enforcement, while social inclusion serve(d) as the basis of policy measures.

Similarly, Chapter 3 showcasing the interventions of educational NGOs seems somewhat impressionistic, far from exhaustive or indeed congruent with the research design: the categories of NGOs introduced in the Preface and the variables on which the analysis is allegedly based. More importantly however, Timmer's hypothesis, namely that the dominant approach educational NGOs adopt is 'to empower a group of individuals who proudly proclaim themselves as Roma or Gypsy and who, once educated, can (1) change negative perceptions of the Roma, (2) fight for Roma rights, (3) increase self-esteem and pride in Roma identity, and (4) increase the visibility of positive examples in the public' (p. 45) is simply unsubstantiated and possibly very far from the truth. Quite the contrary, these objectives characterize very few educational NGOs. The claim that the 'overarching goal of all educational NGOs is to combat segregation [by fighting] against assimilation and negative segregation or support positive segregation and integration' (p. 63) is similarly out of tune with empiria. While in funding applications NGOs may invoke these goals, in reality – as Timmer herself repeatedly notes – they often go the opposite direction as they come to face *massive resistance* from the majority population and local institutions.

Chapter 4 looks at the way NGOs construct the Roma and critically but not surprisingly from an anthropologist-ethnographer finds civil society approaches stigmatizing and/or victim-blaming. The gist of the findings is that: 'in their intervention a large majority of these organizations treat the Roma as a group who are in actuality a problem themselves. [...] they engage in activities that attempt to change the way their beneficiaries perceive and behave in the world. In essence, the Roma have a problem and must change accordingly' (p. 94). A contrary example is described in Chapter 5 that details the author's experiences and observations during participatory research as a faculty member at the Előrelépés ('A step ahead') High

School in a segregated Roma village in an impoverished area close to the Croatian border.

Timmer's conclusion, namely that the Roma are a heterogeneous ethnic minority racialized on the basis of proxies such as poverty, delinquent cultural practices and inferior mental and intellectual abilities is a basic tenet of social science research on racism and well exposed in the Hungarian academic and NGO context.<sup>5</sup> This would deserve more thorough acknowledgement of sources in both realms. Ascribing novelty value to a spin-off of this conclusion, namely that the Roma ethnic group is constructed by Eurocrats, NGOs – and Roma politicians one must add – is also problematic. The constructed and contested nature of a politicized Roma identity has been studied by others before, starting with Nicolae Gheorghe who coined the political process of Roma identity construction as the Roma ethnogenesis and ending with Surdu and Kovats who synthesized earlier accounts of the expert construction critique.<sup>6</sup>

In the Conclusion Timmer proposes to change and expand the frames of desegregation not through the lens of ethnic identity/culture, as that inevitably leads to mis-recognition and the reification of standardized identities. Following Nancy Fraser's theoretical model<sup>7</sup> she concludes that the segregation and lower quality education of the Roma 'should be treated as a question of social status'. In other words, class, rather than race should be 'recognized as the basis of social subordination and the denial of the status of a full partner' (p. 136). Even if not revolutionary, Timmer makes an important point from a US perspective, but she is far from revolutionary in the Hungarian/European context. Her failure to properly reflect on the function of race (ethnic identity) in the US where Fraser's insights originate is unfortunate. Engaging more profoundly with nationalism studies – Brubaker and other social scientist referenced in the book – or tapping into observations made by Wacquant on the 'formidable epistemological obstacle' that 'de-emphasizes class and euphemizes ethno-racial domination' as a cornerstone of the '*academic doxa*' in the US, where it typically goes 'unargued and unquestioned' would have benefitted the argument and the intended public.<sup>8</sup>

Timmer rightly reminds the reader that Hungarian sociologist Júlia – not Judit! – Szalai takes a social class-based approach or rather, she is one of many Hungarian sociologists who made such proposals preceding Fraser. The overlapping nature of class, race and gender-based subordination is a basic tenet of structuralist, left-leaning sociology that dominates the field in Hungary.<sup>9</sup> From István Kemény through János Ladányi – not Ládanyi as he is repeatedly referred to in the book – and Iván Szelényi, to Ilona Liskó, Gábor Havas, Gábor Kertesi and many more. Due to their contribution, Hungarian legislation prohibited segregation based on social class, as well as race and ethnic origin, while desegregation policy was from the start based on

<sup>5</sup> See, most importantly, the debate on 'Who is a Roma', Ladányi and Szelényi (1997), Havas, Kemény and Kertesi (1998), Kertesi (1998), Ladányi and Szelényi (2011). See also Csepeli and Simon (2004) and Krizsán (ed.) (2001).

<sup>6</sup> Gheorghe (1991), Marsh and Strand (eds.) (2006), Simhandl (2006), Surdu and Kovats (2015).

<sup>7</sup> Fraser (2000).

<sup>8</sup> Wacquant (1997).

<sup>9</sup> See, for instance, Balibar and Wallerstein (1991).

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social status, not race or ethnic origin, a fact that seriously questions the adequacy of Timmer's diagnosis and proposals. Her factual blunder in this respect is unfortunate, because otherwise her insights into the extremely rare practice of genuine 'positive segregation' are unique and also because according to the bibliography she actually read the work of Hungarian social scientists.

On the flipside, *Realizing Roma Rights* takes a view of Roma rights that is biased towards the equality and non-discrimination frame (Part I is entitled 'The Long Shadow of Anti-Roma Discrimination'), also perhaps because this facilitates the accessibility of the issue for the US audience. Chapter 1 by Elena Rozzi describes the enduring discrimination of Roma children in Italian schools, while Chapter 2 by Alexandra Oprea analyses forced sterilization from the perspective of Critical Race Theory, a paradigm developed by progressive minority academics in the US. The choice of countries, authors and topics in this introductory section is important for several reasons. First and foremost, both papers deal with groups marginalized not only by majority societies but also by Roma ethno-politics. It is very much in keeping with the basic tenets of CRT that their problems should serve as the lens through which the first glimpse into a truly complex field is provided. Other topics could have been selected equally legitimately. For instance, the denial of equal status - citizenship, residence permits, identity documents and the sort - and racial profiling are salient issues both in Italy and Romania, the authors' homelands. However, these general concerns would have glossed over the intersecting axis of discrimination within the Roma community. A second and interesting point is that segregated education and Roma women's rights also happen to be topics prioritized by OSF. Thirdly, the two pieces bridge the geographic divide between Western and Eastern European Roma, a divide artificially created in the 1990s as a political project seeking to limit liability for anti-Romani racism to the countries of the former Soviet bloc.

Part II carries two chapters on US foreign policy as concerns the Roma. Erika Schlager, the liaison officer between the US Commission on Security and Cooperation in Europe (the Helsinki Commission) created by Congress in 1976 to monitor and encourage compliance with the Helsinki Final Act (p. 59) and Roma rights NGOs provides a historic overview about her country's long term engagement with standard setting and diplomatic interventions that at times yielded swift and meaningful results in countries as distant as the Czech Republic and Kosovo. David Meyer and Michael Uyehara inventorize US policy interventions promoting the human rights of the Roma. The portfolio is broad, but the main rationale for interventions is simple. Whether earmarked for projects bolstering Roma political participation or the prevention and punishment of hate crimes the principle objective of funding is to stem Roma migration and human trafficking that could upset regional and international peace and stability (p. 86).

Part III is dedicated to taking stock of European inclusion policies. Andrzej Mirga complements Schlager's contribution in a sobering yet hopeful tone. Mirga, a former expert for the Stanford University based Project on Ethnic Relations and director of the OSCE Contact Point for Roma and Sinti Issues embodies the 'institutional' memory of the Roma political movement. This background makes his conclusions puzzling. Rather than claiming a more accentuated role for Roma NGOs and political organizations Mirga believes that despite its shortcomings, there is 'no

alternative to the central role' of the EU (most prominently the European Commission) and member states (p. 126).

Margareta Matache and Krista Oehlke's piece on Romanian Roma policies counterbalances Meyer and Uyehara's assessment, providing insights critical *vis-à-vis* international organizations, donors, target countries, and NGOs. A former executive director of Romani Criss, Romania's flagship Roma rights and social intervention NGO, Matache is exceptionally well-placed to make this assessment. At the same time, her pivotal role in the NGO-led policy initiatives makes her role as a critic complex and challenging. She identifies non-implementation, the inadequacy of universal measures for Roma needs, short term donor focus, the lack of domestic political will and a thrift between NGOs and Roma communities as factors of policy failure. As with her previous assessment of the impact of desegregation policies (Matache and Dougherty, 2015), here too the reader is left to wonder 'so what'. What if NGOs had done better or connected more to grassroots and measured the impact of their own projects at least? Given that the Roma population in Romania is the most sizable (2 million), that there is a well-established system of minority political representation and given the experience with community outreach the paper could perhaps have provided more nuanced insights for a reform agenda. In light of Criss' financial difficulties, it would have been useful to flag the need for stable resources at the domestic level.

Kálmán Mizsei's paper adds a global perspective to Matache's domestic and Mirga's regional focus. It stands out for other reasons as well. Mizsei writes as a former high-ranking employee of OSF, hired as an outsider to the Roma rights field but an insider to the United Nations' development activities. His task was to review, reform and if necessary shift the gear of the meta-NGO's Roma policy endeavors. Parallel to his proposals to strengthen commitment and develop infrastructure in EU member states for the use of EU funds, Mizsei relies on widely used strategies and tools, such as grassroots engagements and strategic litigation. Portraying the Decade of Roma Inclusion as a precursor of deeper EU engagement in Roma policies, Mizsei's call for reform stops short of proposals that seek to avoid the reification of race/ethnicity and marginalized social status, an objective that integration policies have so far failed to achieve.<sup>10</sup>

Part IV promises a comparative analysis of institutional racism against the Roma in contemporary Europe. Interestingly neither chapter is authored by a European/Roma lawyer, although hate crimes/speech and school desegregation – the issues explored in the book – have been the subject of extensive litigation and scholarly research on the old continent.<sup>11</sup> Will Guy's inquiry into anti-Roma violence and hate speech provides a sociological perspective, which means that important legal debates, reforms and institutions go unnoticed. His focus on the Czech Republic, Slovakia, and Hungary leaves out the bulk of regional jurisprudence on anti-Roma violence, because it emanates from Romania and Bulgaria. Untold are the strategies of Romanian and Bulgarian Roma rights NGOs and lawyers who successfully mobilized domestic anti-discrimination law against hate speech. Europeanization played a crucial

<sup>10</sup> Law and Kovats (2018).

<sup>11</sup> See for instance Rostas (ed.) (2012), Gergely (2009), and O'Nions (2010). For a valuable comparative study of remedies and enforcement concerning desegregation see Bowman and Nantl (2014).

role in ensuring access to justice in these cases thus the expansion of the domestic legal opportunity structures should have merited more thorough inquiry.

The formidable Roma rights advocate, James A. Goldston provides a soul-searching, sincere and apologetic account of desegregation litigation just as institutional changes are finally taking place in the Czech Republic. As a mastermind behind the iconic *D.H. and Others v the Czech Republic* case, the ‘European *Brown*’ he is well-placed to compare strategic litigation and other social change tools, as well as *massive resistance* against desegregation in the US and the CEE.<sup>12</sup> His piece stands out in terms of auto-critique, apexing in the acknowledgment that ‘litigation alone is not the answer’ (p. 184) and that social change is in fact up to the Roma themselves. It is hard to disagree with this, but the reader wonders whether the predominantly regional perspective does in fact allow for a thorough discussion of what goes on at the domestic level, which is the site of genuine social change as born out in Timmer’s research and the reform proposal inherent in *Realizing Roma Rights*.

The focus on the ‘Roma education cases’ handled by the European Court of Human Rights and more specifically, on regional litigation spearheaded by the European Roma Rights Center may conceal the fact that in the CEE school desegregation was not triggered by classic litigation. Thus, while it may be true in the case of *D.H.* and particularly from the perspective of INGOs that ‘[o]versimplified accounts of *Brown*’s impact may have encouraged some to rely excessively on court-centric advocacy at the cost of other routes to change’ (p. 183), a more holistic view could show that litigation played a complementary even though highly visible, sensationalist role in the CEE. Gerald Rosenberg’s claim on which Goldston relies that the impact of legal mobilization should or could be measured by looking at judgments and courts alone is controversial enough in the US without the difficulty of transplanting it to the regional level in (Central and Eastern) Europe.<sup>13</sup> It would make the piece more balanced if Goldston embraced a critical perspective not only *vis-à-vis* the US transplant of lawyer/INGO-led desegregation litigation<sup>14</sup> but also of the revisionist critique of reform lawyering and the role of the international legal elite in it.<sup>15</sup> Tapping into critical scholarship on legal globalization that cautions against US legal transplants in transnational private, as well as human rights law could have provided a theoretical frame perhaps more suitable for the objective Goldston set for himself.<sup>16</sup>

Matache’s contribution attests to the complementary nature of legal action that undergirded NGO-led advocacy, project based institutional reform, community action and agency enforcement in Romania. Indeed, litigation is not the only social change

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<sup>12</sup> Goodwin (2009).

<sup>13</sup> The famous Rosenberg–McCann debate touched upon quantitative versus qualitative research methodologies, as well as the question of what to measure when measuring the impact of public interest litigation. See Rosenberg (1991), McCann (1992), Rosenberg (1992), McCann (1996). Others propose a synergistic model, arguing that both legal and direct political action contributed to social change in equal measure. See Coleman et al. (2005). The same point has been made about Kurdish mobilization in Europe, see Kurban (2014).

<sup>14</sup> This would also set his piece apart from an earlier, European critique of transplanting public interest litigation. Goodwin (2004).

<sup>15</sup> Dezalay and Garth (2006).

<sup>16</sup> Dezalay and Garth (2011–2012).

tool desegregationist use even in the Czech Republic and Slovakia, where the governments have so far failed to adopt desegregation policies and NGOs have not launched large-scale desegregation programs. In Hungary, the government policy triggered institutional reform and relied heavily on ‘development’ NGOs to facilitate the process as Timmer reminds us. Legal action in Hungary, Romania and Bulgaria buttressed desegregation spearheaded by Roma NGOs, Roma activists and policy makers.<sup>17</sup> Even within INGOs the advocacy and client care budget far exceeded that earmarked for actual litigation. Against this backdrop, one wonders whether Goldston’s apologetic tone is in fact warranted and whether it adequately reflects sentiments and experiences at the national level.

Part V is the key section of the book, where aspirations expressed in previous chapters should ideally take their final shape. After almost three decades the ‘Roma rights movement’ returns to the point where it originally started: ‘The Imperative of Roma Community Mobilization and Leadership’. The focus of mobilization is now on the grassroots level, rather than national politics, but this is only a semantic difference, because it is plainly obvious that without gaining political leverage on national and European politics, no lasting change can be achieved locally. Indeed, despite the title of the Chapter, only one of the three papers actually deals with community organizing and even that – the Spanish case study coauthored by Teresa Sordé Marti and Fernando Macias – covers a project funded by the EU.

The continuum between local, domestic and EU level action – even if not direct action so eagerly awaited by many<sup>18</sup> – weaves together the insights of the Spanish activists with David Mark’s, a Romanian activist with experience both at the domestic and European level. Political scientist Peter Vermeersch’ state of the art account of the political opportunities of Roma activism complete the picture. Missing from this chapter is an account by a seasoned activist who lived through paradigm shifts over the last thirty years and can speak of the long durée. Given the lack of such insight, nothing bridges the gap between these pieces and Mirga’s and Matache’s contributions in the previous sections. In their descriptive accounts political opportunities in reality play out a very different course from the normative aspirations of Mark and Vermeersch.

It is not specific to Roma rights that old tools, frames and paradigms come to be reinvented every few decades – enough to think of the law and development movement from the 1960s onwards and its successor, the rule of law movement after 1989 – where desegregation litigation originated from.<sup>19</sup> Un-reflexive of these broader debates *Realizing Roma Rights* proposes an empowerment tool that has been with us

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<sup>17</sup> Panayotova (2002), Kanev and Vassileva (2004), Russinov (2011), and Torchin (2008).

<sup>18</sup> See, most recently, McGarry (2017).

<sup>19</sup> See Kennedy (2003). In the early 1970s law and development came to an impasse, because it equated the ‘core conception of modern law’ with ‘that found in the West’. Without recognizing its own limitations, its ‘ethnocentric and evolutionist generalizations from Western history’ it was imposed as ‘essential for economic, political, and social development in the Third World’ (Trubek, 1972: 2). Merryman puts it more bluntly: ‘The law and development movement has declined because it was, for the most part, an attempt to impose U.S. ideas and attitudes on the third world’ (Merryman, 1977: 483). However, in ‘the 1990s, law and development, now renamed ‘rule of law’, became big business. Many agencies began to support legal reform’ notes Trubek (2016: 312), reviewing law and development as an academic field of study.



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all along. The Spanish case study lays the ground for optimism, but similar efforts have been made before with initial success dissipating and impact proving to be short lived and limited to the few Roma who stood a realistic chance of social progress anyway – because they had had the social and cultural capital needed for a leap forward. It is enough to conjure up Matache's account of desegregation tools in the Czech Republic, Hungary, Romania, Croatia, Bulgaria and Greece or NGO-led desegregation in Bulgaria – whose full history remains untold – to see that in reality tools complement each other and that mobilizing communities is as resource-intensive and complicated as any other method.

Local mobilization is no different in that it cannot succeed on the long run without adequate resources. Resources within the community are as or more important than resources from the EU, national governments or foreign donors, because once the project team leaves, locals ought to sustain achievements. An important difference between political and legal tools in the CEE context is the lack of legal resources indigenous to the community. It remains unreflected in this volume that the participation of Roma activists in legal mobilization is scarce, which inspires criticism about the lack of Roma participation. While desegregation litigation follows a path set by Roma policy makers, this alleged lack of participation is an important driving force behind soul searching. Both the public and academic debate would have benefitted from the book's openness in this regard.

The call for a focus on community organizing is also a call to funders and professionals to invest more in political, rather than legal mobilization. Two important questions remain unanswered in this regard. The first is this: would more intense investment into local political processes be able to deliver change at other levels to the degree expected? The second is this: if political mobilization is preferred and funding for legal mobilization diminishes, is there a risk that the human rights discourse so central to Roma political mobilization is ultimately weakened? A logical step in the direction of more political, emancipatory mobilization would entail questioning the role of human rights in the movement, but that clearly is off limits.

Given these self-imposed constraints, it would perhaps be more useful to advocate for a holistic and complex approach that retains legal mobilization as a significant, if not central tool. This is proposed by donors that also pursue programmatic activities at the local level, such as the OSF Public Health Program, which implemented a successful and long-term access to health program for Romanian Roma, while also using litigation, advocacy and other tools to achieve social change.<sup>20</sup>

Why would one want to pick these books up from the shelf? Both are intriguing, particularly because neither Timmer, nor the editors of the collective volume are lawyers themselves. Their social science background promises a perspective on Roma rights that deviates from the dominant approach, methodology and language in European Roma related, jurisprudence-centric legal scholarship. What a shame then that this promise is not fully realized this time and the reader is left hoping that in the future a sound methodology, more thorough field research,

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<sup>20</sup> See Patel and Ezer (2016a; 2016b). See also Zimová (2016).

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analysis and finally, more tightly formulated research questions will bring the authors closer to the original goal of their worthwhile projects.

Ever wondered what Roma rights actually mean? Both volumes take this key concept for granted. Mirga provides a studious overview of standard setting, suggesting that the edited volume applies a wide interpretation of Roma rights, conceptualizing them as any and every human right that may pertain to the Roma as a collective and as individuals. The OSCE receives more attention than its contribution would perhaps merit. While not being justiciable, OSCE standards are central to the discussion also because the United States is a member of this international organization and has direct influence on its decision-making processes, a fact that may invoke particular interest in readers based in the US. Second, the OSCE plays a pioneering role in standard setting on Roma rights. Since the time of the political transition, it has functioned as a role model for both the Council of Europe and the EU, even though its mandate has been narrower than the other organizations that replicated reports, soft law instruments and enforcement tools first adopted by the OSCE. This chain of US influence and the centrality of legal mobilization to US perspectives should perhaps have invited reflections. As it is, proposing less legal action for making Roma rights real seems somewhat contradictory.

Timmer is far less meticulous in mapping the legal context of her research. Consequently, her choice of the minority rights framework remains unaccounted for. That she mis-cites the source of the Framework Convention for the Protection of National Minorities as the European Union, rather than the Council of Europe is a small problem. A graver concern is that the study of the very real and troublesome discrepancy between the self-identification of the Roma and the stigmatization of population groups labelled as Roma leads her away from asking whether majoritarian assumptions and presumptions are addressed under domestic and EU law prohibiting racial/ethnic discrimination.<sup>21</sup> Given her disinterest in assimilation the astounding degree of which has occupied Hungarian sociologists since the first national Roma survey (1971), Timmer limits the study of the discrepancy between self and third party identification – what she terms the ‘Gypsy trope’ – to ethnic data collection. The permissibility and methodology of such data collection has been the subject of perhaps the most intense debate in this country as compared to other European states. Given the centrality of the ‘Gypsy trope’ to the thesis, it is regrettable that this debate and more particularly, its legal aspects receive a very light touch.<sup>22</sup> It is equally regrettable that the ‘Gypsy trope’ is far from being a Rom-specific problem. The discrepancy between the two poles of race/ethnicity as a ‘category of practice’ is a central dilemma of social science research.<sup>23</sup>

Timmer focuses on minority rights and institutions, suggesting that although this frame is a result of Europeanization, it remains inadequate and unimplemented. There are two problematic aspects of this analysis. First, Europeanization imposed minority rights as the first of many Roma-relevant conditionalities prior to accession. The literature dealing with this aspect also canvassed other conditionalities, such as

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<sup>21</sup> On which these are, see for instance Lahuerta (2016).

<sup>22</sup> See, for instance, Ladányi and Szélnyi (2001). More recently, see Krizsán (2013).

<sup>23</sup> For a literature review, see Loveman (1999).

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non-discrimination and social inclusion.<sup>24</sup> The consensus seems to be that taken alone or combined they could not successfully balance out the dangers and risks inherent in the EU's neoliberal economic policies. As Matache notes in the edited volume, although Europeanization inspired the adoption of policies, neither the EU nor national governments saw to the implementation of laws and policies. Timmer echoes this by underlining that NGOs substitute the state and public institutions in the educational sector.

Another aspect of Europeanization on which views converge is that neither ethnic, nor class-based measures are in and of themselves adequate or efficient to achieve social justice for the Roma. While this throws into doubt Timmer's conclusion, it is left regrettably unreflected in the edited volume. Whether discussing social status-based measures or interventions based on racial or ethnic origin the papers do not step out of the dominant policy frames and question whether their class and race based logic does in fact reify class and race based domination, thus becoming part of the problem, rather than a solution.<sup>25</sup>

The implementation of legal standards and policies occupies the authors of both books. Partnering with powerful states in international organizations (IO) and collaborating with Roma-dense countries NGOs are important actors at the local, national and international levels. Whether engaged in standard setting, policy making, the provision of basic services, humanitarian and community work or litigation, they are dependent on IOs and IOs are dependent on them. Timmer presents this cooptation and co-dependency as a key finding, but fails to reference the work of those who had reached identical conclusions before her in relation to domestic NGOs and the EU on the one hand and OSF, its donor organized NGOs and the US/EU on the other.<sup>26</sup> Timmer takes for granted that legally focused NGOs should be key actors at the domestic level, an assumption that is subjected to critical review in *Realizing Roma Rights*.

In comparison to the edited volume, Timmer maintains a more or less evenly critical and analytical approach to her subject matter. This is the strength of her research even if she does not properly follow up on her analytical scheme. For instance, it would have been interesting to find out whether the Chance for Children Foundation, a legally focused Hungarian NGO that inhabits a category on its own became coopted by donors and promoted an image of the Roma as the needy subjects, the victims of marginalization or delinquent cultural others on a par with humanitarian NGOs and projects, such as the 'Gypsy camp run by Zsuzsa' (p. 97). It would be crucial to find out how the case study of the Előrelépés Vocational School in Erdőtelek became the centerpiece of the research when the school is maintained by the Buddhist Church, rather than an NGO. If anything, the shortcomings in this school show that not only NGOs, but also more resourceful civil society organizations are limited by pervasive Romaphobia in Hungarian society. Timmer's focus on the civil sector sidelines the question of whether the Hungarian state is complacent in massive resistance on a par with the Southern states in the US - a phenomenon Goldston brings up in the other volume.

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<sup>24</sup> See, for instance, Vermeersch (2004).

<sup>25</sup> Law and Kovats (2018).

<sup>26</sup> Ram (2011) and Sigona and Trehan (2009).

While Timmer does not meticulously adhere to her categorization of NGOs throughout the analysis, an indiscriminate treatment of NGOs characterizes the contributions in *Realizing Roma Rights*. Still, the protagonists are very different not only because of the venues in which they work, the fields on which they focus or the methods and tools of intervention they use. The resources meta-NGOs, DONGOs, INGOs and domestic NGOs<sup>27</sup> can mobilize varies to a considerable degree even though they all belong to a transnational network advocating for Roma rights.<sup>28</sup> Even though all tap into the rights discourse, few use legal tools (litigation, legal advocacy), but these and other differences remain a black box.

Both books grapple with measuring the outcome, a question that has been the subject of fierce methodological debate in US law and society literature. Recently, actors in the Roma rights movement researched the impact of legal mobilization, particularly in the field of education.<sup>29</sup> The edited volume builds on these initiatives, but given that it fails to define the key term 'realizing rights', the reader is left to assume that the choice of word denotes the lack of rigorous methodology whose undeniable advantage is that it is a 'catch-all' as concerns impact.

Curiously, without promising to or applying a sound methodology to measure the impact of NGO interventions, Timmer provides a convincing case study of changing attitudes among Roma children and adults who come into contact with a school that strives to open up educational opportunities higher than they had originally hoped for. To Timmer, as for radical educationalists and anthropologists, this is the only objective that can justify segregated education (positive segregation).<sup>30</sup> Incidentally, this is also an objective for which international law unequivocally permits segregated education.<sup>31</sup> Timmer's findings lay bare the emptiness or actual harm of positive action measures that ostensibly promote Roma culture but more often than not lead to substandard education. These findings can trigger criticism from both ethnic majority and minority politicians. While the former may see them as undermining the most effective argument for segregated education (negative segregation), the latter may perceive them as threatening the political project of building a positive ethnic identity – an undertaking Timmer is vociferously opposed to. She ends on an acutely politicized note that is as critical of (ethno-)political projects essentializing Roma identity as her academic mentors.

While her argument could be perceived as supporting assimilation, it does in fact build on the ethnic heterogeneity of the Roma and the centrality of their experiences of social marginalization – a byproduct of systematic, institutional racism or 'misrecognition'. These insights are echoed by Alexandra Oprea who – writing for

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<sup>27</sup> For NGO categorization, see Weiss and Gordenker (eds.) (1996).

<sup>28</sup> Keck and Sikkink (1998) describe transnational advocacy networks as arising around international treaties at transnational conferences, particularly in the human rights field. Networks include not only NGOs, but also public officials, journalists, etc., both at the national and international level. Linkages between national and international organizations enable network members to promote legal and policy change vis-a-vis their governments through the so-called boomerang effect. See Klímová-Alexander (2005), Vermeersch (2006), Ram (2003) and McGarry (2008).

<sup>29</sup> See Zimová (2016) and Matache and Dougherty (2015).

<sup>30</sup> See Miskovic (ed.) (2013).

<sup>31</sup> Farkas (2014). Thornberry (2016: 378) argues that the UNESCO Convention Against Discrimination in Education does in fact favor a 'majoritarian view' of integration over ethnic separation in schools.

the edited volume – reminds us that the Roma are not only heterogeneous in terms of ethnic identity, but also experience discrimination in diverse manners at the intersections of race, gender, sexual orientation, etc. By constructing the Roma along the vector of race or ethnicity only, identity politics disempowers Roma women, Roma LGBTQI and various other subgroups. Thus, issues such as the forced sterilization of Roma women serve not only to open a debate about intersectional discrimination, but also to voice political claims by Romani feminists.

Rather than presenting benchmarks, indicators and data sets about the improvement or deterioration of the situation of the Roma, *Realizing Roma Rights* posits a mixed picture of diplomatic, political, legal and community efforts. The reader suspects that the term ‘realizing’ rights is deliberately chosen to capture even the most miniscule change. Blame for knowing so little about the reality is attributed to European states and the European Union. This conclusion is different from Timmer’s only inasmuch as the edited volume works with the assumption that critiquing NGO approaches would be counter-effective. In the end, both books conclude that NGOs are the *conditio sine qua non* for social change and this is what links them to mainstream political science literature on the implementation of human rights.<sup>32</sup>

The books discuss Roma rights without much attention to law, lawyers and legal proceedings. This suggests that the rights discourse can meaningfully benefit the Roma without actual recourse to legal proceedings. Whether Roma communities and individuals use the law on their own volition is not investigated. A closer look at available complaint statistics suggests that rather than fighting for school desegregation, the Roma stand up for their rights when they have no other choice, in other words when the harm directly threatening their livelihood is impending or has already occurred. The Roma take legal action against forced evictions, hate crimes (including forced sterilization) and hate speech. An important difference between these cases and emblematic judgments is that the latter arise from carefully designed litigation led by the international legal elite, whose achievements are better documented.<sup>33</sup>

In light of the rift Charlottesville wrought between US civil rights activists as concerns free speech<sup>34</sup> the example of Roma rights activism in the CEE – where local, rather than international NGOs have advocated for effective protection against Romaphobic hate speech – may provide an interesting case study to explore in the future. It may paint a very different picture about the relationship between the European and US actors than these two books suggest – a picture where domestic

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<sup>32</sup> See, for instance, Simmons (2009).

<sup>33</sup> For instance, between 1990 and 2005 approximately two dozen complaints were filed with the Strasbourg Court by Travellers evicted from their caravans by the authorities in the United Kingdom. The strand of litigation financed by the Cardiff Law School is well known, but the legal aid-based complaints and litigation by the Gypsy and Traveller Association is hardly known. In the United Kingdom complaints were collected by the Telephone Legal Advice Service for Travellers at the Cardiff Law School’s Traveller Law Research Unit. The legal aid scheme did not fund advice by telephone, nor personal visits to Caravan sites and clients also found it difficult to prove their eligibility for legal aid. *Pro bono* work was declining, given the harsh economic conditions. The Nuttfield Foundation’s financial support was supplemented by the Law School and subsequently by the Rowntree Foundation. Cf. Wheeler (1996), see also Clements, Thomas and Thomas (1996).

<sup>34</sup> Goluboff (2018).

legally focused NGOs yield to Roma community needs rather than the frames, agendas and funding priorities of foreign donors and international organizations. That would be a story of local Roma and local NGOs, whose empowerment is the ultimate objective, according to both books.

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