

Regulating Roma Language and Culture in Central Europe

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Abstract

For members of the political and linguistic mainstream, the problem with minority children is often seen as an inability to speak or act in culturally acceptable ways. This sentiment is also understood as unwillingness to become part of the and to reject the welcome “we” offer “them.” While it is now politically incorrect to insist that people forsake their own culture and stop speaking their mother tongues, the goal of total linguistic and cultural assimilation seems still to be the goal of much educational policy and practice everywhere. This paper explores the ways through which official and popular discourse strips minorities of their language and culture, while retaining moral legitimacy.

Key words

Roma language, minority language, ethnic identity, language attitudes, language maintenance. linguistic assimilation, cultural assimilation

This essay concerns language policies in Central European countries that have affected the education, language, and cultural identity of Roma children, from late 18th century regulations to the recent European Court of Human Rights (ECtHR) decisions. Since the 16th century, Roma people have lived side by side with Czechs, Slovaks, Hungarians, Austrians, and Croats – speaking various dialects of their own Indic language, Romani, along with the official languages of the lands where they reside. The Roma have been the subject of every imaginable form of discrimination and violence, from enslavement to genocide to school exclusion to garden-variety popular prejudice. Unfortunately, ‘anti-Gypsyism’ is still expressed daily at every level of contemporary Central European society. Present-day perspectives on Roma language and education reflect the conflict between the liberal values of citizenship first articulated during the 18th century, and nationalist values with respect to membership, which came to the fore in the early 19th century.

The invention of the abstract citizen is part of German Enlightenment thinking of figures like Kant, who asserted that the political rights of the citizen were the foundation of any modern, and moral, constitutional state. But the ‘Enlightened’ state of citizens, conceived as an alternative to the arbitrary rule of despots and the Church, bound itself tightly in the 19th century to national identities and national languages. Primordial theories of the nation -- ‘unenlightened’ insofar as

they tied identity to irrational, organic ties to blood, to history, and to language – were closely linked to the particular German form of Orientalism, in which the Roma were understood as inferior, albeit exotic. This ‘Orientalism’ reached its fullest expression in the Nazi ideologies that rationalized the genocide of millions of Jews, Roma, and others. Since the late 18th century, non-Roma have struggled with the question of whether ‘uncivilized’ peoples (like the Roma, in their minds) should or could be considered proper citizens, as carrier of rights. While this question may have been officially settled in the latter half of the 20th century, when everyone was accorded equal rights, the issue of whether the Roma can be one of ‘us’ remains quite unsettled in the popular imagination. Meanwhile ‘liberal’ states committed to equal rights have, from 1848 onwards, unapologetically maintained assimilatory policies with respect to language and schooling toward its non-European ‘citizens’ within their ‘national’ borders.

I propose that this historically persistent pattern of officially recognizing the rights of culturally different citizens within the nation-state, while simultaneously and necessarily taking back from those who are different most of what citizenship was supposed to guarantee, puts ‘insider outsiders’ like Roma children in a double bind when it comes to gaining an education and fashioning a life they have reason to value (Smith, 2013). In making this argument, I will consider historical case studies from countries that formerly were part of the Hapsburg Empire, including Slovakia and Croatia which were dominated by Hungarians (and the Magyar language), and the Czech Republic, dominated by Austrians (and German). All but Austria also share the legacies of forty years of communist rule. The history and situation for Roma in other parts of Europe is similar in many ways, but there are also distinctive factors in this part of the world with respect to regulation, perspectives on language and nation, and attitudes toward race. I will argue that these shared factors have deeply influenced the unique manner that the governance of Roma language, education, and cultural continuity takes today in the region.

‘The Roma have no language’

This assertion was offered casually by the director of a Czech NGO about the children with whom his organization works. The setting was an office near the historical center of a medium-sized industrial city, at some distance from the ‘socially excluded localities’ where most Roma reside. This highly educated and well-intentioned psychologist did not mean literally that these children or their parents could not communicate in Czech or Romani, or even that their communication was not effective, at least in the contexts where it took place. What he meant was that speaking this ‘ethnolect’ instead of proper Czech was a primary component of social exclusion, and an obstacle to the integration of

Roma children in Czech schools. His assertion resonates with conversations occurring regularly in all the countries where Roma schooling is a pressing social and political issue: which is to say, in every European country. The real and/or perceived deficiency of Roma children with respect to the national languages of the countries where they reside is a prime rationale for their placement in Roma-only classes – sometimes separate classes in regular schools and sometimes 'special schools' – when they begin their formal education. Unfortunately, this inauspicious start leads a majority of Roma students to an early exit from schooling, which reinforces the totalizing processes of social exclusion. While segregation on ethnic or racial grounds is recognized as a human rights violation, separating those who are unable to speak the common tongue from the native speakers is generally permissible under the European Convention on Human Rights, and qualifies in many instances as 'best practice' (May, 2011b; Paz, 2013).

The first detailed descriptions of the Czech Roma ethnolect was offered by Milena Hübschmannová (1979) in the communist Czechoslovak era, who studied the transition in the competency of Roma children in Czech at a time when contact with non-Roma was increasing through an increase in school attendance by Roma, and because of the forced relocation of many Roma to urban areas. She pointed out that while many young Roma became 'freer in speaking Czech ... their Czech *parole* [did] not observe the phonetic, grammatical, semantic and stylistic norms of Czech.' Stress and intonation echoed Romani; case, verb tense, and aspect were in some cases not expressed in correct standard Czech; and there were significant gaps in lexical knowledge' (p. 46). Czech Roma (nearly all of whom are the product of emigration from Slovakia since 1950) continue to speak this ethnolect rather than the Czech spoken by children raised in non-Roma households. When these children bring their non-standard variant of Czech to kindergarten and first grade, they are not received well.

The statement that 'the Roma have no language' might also be interpreted as a statement about the Romani language or about the Roma people who are presumed to speak it, or who have 'lost' it. Concern for Czech Roma children's language capacity in Romani is certainly well placed, because an increasingly large percentage lack full or any competence at all in their heritage language. Historically, this can be seen as 'language loss', since Romani was the primary language of nearly all Czech and Slovak Roma as recently as fifty years ago. The relatively small size of the Czech Roma population – less than 5 % – and its fragmentation due to the processes of social exclusion heighten the risk of language and culture loss. The problem of 'language loss' is not as acute in countries where Roma communities, and the Roma percentage of total population, are larger. But even where Romani is spoken by most of the Roma population, it lacks some important characteristics of official state languages,

which all Roma also speak, in one fashion or another. Contemporary forms of Romani have developed in relatively small linguistic communities occupying highly circumscribed social and even geographical locations, resulting in some lexical impoverishment; a written form of Romani has existed for only a few decades and then very minimally, compared to the literature in official languages; interaction between Romani linguistic communities has been inhibited by external and internal constraints, leading to a profusion of dialects that are not wholly mutually comprehensible; and perhaps most significant in our present context, Romani has not been ever been the language of mass schooling. There are also many places where communities of Roma have not spoken Romani for hundreds of years, including much of Hungary, Spain, England, and Finland (Kyuchukov, 2006; Matras, 2000).

But the competency of Roma children in Romani is not typically a pressing concern for non-Roma, at least not in the context of education. Rather, it is exclusively their competence in official state languages – whether Czech, Slovak, Hungarian, German, or Croatian – that garners concern, not only in the making of education policy but in the daily formation of ethnic attitudes. Language purity has been a preoccupation of Central European scholars and politicians since at least the beginning of the 19th century, partly at least in response to the suppression of their national languages by their Hapsburg and Magyar rulers. Speaking a 'degraded' variant of Czech or German or Hungarian, and degraded through an admixture with a language that many might not count as a real language, marks Roma as culturally, racially, and socially not-Czech, not-Austrian, not-Hungarian, not-European. And in most national contexts, 'not' translates automatically to 'less than'.

Linguistic rights as human rights

The contemporary states that succeeded the Hapsburg Empire are all party to international agreements that assert that using minority languages in private and in public is a human right. Article 5 of the Framework Convention for the Protection of National Minorities (1994), for example, states that the signatories shall undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

There are many reasons to believe that human rights include linguistic rights. Language may not determine cultural and national identities, but no one seems to doubt the significance of language to identity. De Witte and Mancini (2008) suggest that protecting the linguistic rights of minorities can be considered a primary means to promote a harmonious cultural diversity, and this goal --

particularly in multinational contexts like the EU – underpins all the other social and economic goals of the European community. A literal reading of the Framework would even lead one to believe, if not hope, that States would 'refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will.

But if that were the hope, then one would be disappointed, because States have not generally acknowledged that the abstract language rights of minorities granted by the Framework guarantee, for instance, public schooling in other than the official state language, or even the right to use one's own language to define oneself in court (Paz, 2013). The ECtHR has generally taken the narrowest, most pragmatic approach in language rights cases, beginning with a case in Belgium where French parents living in the Dutch-speaking part of the country claimed unsuccessfully that not providing a French education for their children constituted discrimination (Belgian Language Case, 1968). The Court, using a logic that prevails until today, wrote that interpreting the law against discrimination as 'as conferring on everyone within the jurisdiction of a State a right to obtain education in the language of his own choice would lead to absurd results, for it would be open to anyone to claim any language of instruction in any of the territories of the Contracting Parties' (p. 32). Had the school in question been teaching French to some children and not others, then there would have qualified as discrimination, but as long as everyone receives the same education, there is no discrimination. That speakers of the majority language are thereby given a distinct advantage in school, which nearly always extends to social and economic advantages later on, or that the speakers of minority languages tend increasingly to be already otherwise disadvantaged, does not figure into this logic.

The logic that permits or requires both (a) endorsement of liberal ideals of equal rights, with language figuring as a protected right, and (b) the promotion of the language of the State, and assimilation to the common civic conventions, is a binding part of the fabric of modern nation states (May, 2011a). All national or ethnic minorities experience this combination as problematic, since the general theme is to grant rights in theory that are only partly, or not at all, respected in official policy or popular practice. Nowhere is this truer than the 'new democracies' of Central Europe, the successors of the Hapsburg Empire, for whom dismemberment, domination, and disappearance have been historical realities and are not unjustified fears for the future. This territorial and cultural vulnerability is increased by economic precarity, and their continued subordination to the 'Great Powers' and their globalized neoliberal markets.

De Domiciliatione et regulation zingarorum (Emperor Josef II, 1783)

The Hapsburg Empire of the 18th century was a steaming brew of countless ethnicities and languages, mired in an unproductive and immiserating system of lords and serfs, all dominated by religious authorities. The Enlightenment philosophies that circulated among the upper classes, and found their refractory ways into government policies, held that the un-freedoms on all sides and of all kinds that characterized this milieu were an affront to human potential, and the potential to be human. The Roma, particularly in the Hungarian portion of the empire, were a special case among the dominated classes, most of whom were sedentary; or rather, bound to the lands of their lords. Some Roma were settled, among and apart from the majority population, and some Roma 'wandered' from place to place plying their different trades, speaking their own undecipherable language between themselves, and some form of the local *lingua franca* in their transactions with non-Roma. They were also dark-skinned, must darker probably than than now. The Roma were not then, as they are not now, a unitary people, and in some cases it appears that the common appellation of 'gypsy' (cikani, Zigeuner, etc.) denoted a broader class of unsettled individuals who were not ethnically Roma. The Roma also spoke a variety of Romani dialects, and some like the Boyash – former slaves from Romania who had emigrated to Hungary – did not speak Romani at all. The Roma were subject to popular prejudice and mistreatment, as well as to official policies that promoted persecution, violence, and exclusion (Crowe, 1994; Fraser, 1992).

In the early 18th century, simply being Roma and being present was in some places a crime subject to capital punishment. Official attitudes by the time of Josef II, Holy Roman Emperor from 1765-1790, had softened considerably, but the 'crimes' of the Roma, and their correction, remained a preoccupation of the Emperor. Outright violence against Roma, with legal sanction, was still however the practice across the Empire. It should be noted that criminal justice for anyone, particularly the peasantry, was often arbitrary and punishment extreme across the Empire.

The restrictions placed on Roma freedoms by Josef II, however onerous, should not be read simply as an extension of this kind of anti-Roma sentiment of the general populace or local authorities. On the contrary, Josef II believed himself to 'have weakened the influences resulting from prejudices and old, deep-rooted habits by means of Enlightenment [Aufklärung] ...' But enlightenment did not mean respect, or even tolerance, for alternate ways of life. While not as harsh as the solutions to the 'Gypsy problem' put into effect by previous monarchs, which included banishment and corporal punishment, freedom from 'prejudice and old, deep-rooted habits' translated for the Roma into forceful assimilation. Where 'the good can only be one thing, namely what

concerns the general and the greatest number ... [and] nation [and] religion must make no difference in all of this', there was no place for ways of life that deviated from the common good, and disrupted the order, of the monarchy (Bright, 1970, p. 133). The main purposes of Josef's *Regulatione Zingarorum* (Crowe, 1994; Mayerhofer, 1987) were to control the movement of the Roma, and their outward expressions of 'otherness'; to make them proper, German-speaking citizens of the empire, where the value of citizenship accrued to the empire, not so much to individual citizens.

The regulations stipulated that:

- The Roma were no longer allowed to set up tents in the woods; rather, they should be urged to farm the land in towns in scarcely-wooded areas.
- The Roma were not allowed to keep horses for the sole purpose of selling them.
- 24 strokes with the cane were set as punishment for the use of the "Gypsy language".
- The same punishment applied to those who ate carrions.
- Roma were not allowed to marry among each other.
- The "jurassores" (district judges) had to report monthly about the Roma's way of life.
- The number of Roma musicians was restricted.
- Roma children should, from the age of 4 onwards, be distributed among the neighboring towns, at least every two years.

It is worth noting the prominent place accorded to language and the disposition of children in this scheme to make citizens of the wayward Gypsies. Attentive to the stance taken by contemporary philosophers on the inseparability of culture and language, and the importance of language in the growth of a nation, Josef II believed that making a modern state required expunging difference and disorder. All official affairs and all business must be conducted in German, so schooling beyond the initial years required learning and using German exclusively. The prime lever for civilizing or citizen-izing the Gypsies was to cut the children off from their mother tongue

Josef II's regulations went into effect in the same year as the publication of H.M.G. Grellmann's *Dissertation on the Gipsies* (1783; 1807), where contemporaneous theories about the Indian origins of the Roma and their language were first gathered in a single text. Grellmann was a 30-year old history student at the university in Göttingen (Germany) whose work consisted mostly of compiling previous accounts of the Roma published in journals and books, though his own voice is clear throughout. 'Gipsies' were also of great interest at

the time among learned classes across Europe, perhaps spurred by contemporary accounts of Roma cannibalism that had spread through the press. A band of 'Gypsies' in Hungary was accused of robbing, then disfiguring and eating, a group of travelers. Eighty-four members of the band confessed to the crimes, and forty-one were subsequently executed: the means of execution included beheading with sword, breaking on the wheel, and crucifixion. When an imperial commissioner from Vienna later came to the area to investigate further, he discovered that none of the individuals purportedly eaten were actually missing (Willems, 1997). This incident reflects on local attitudes toward the Roma, as well as on the fascination of readers and writers in the Enlightenment context with the barbarian 'Gypsy'. In Grellmann's work, as in other contemporary sources, the fluctuation between feelings of wonder and horror on the part of Europeans toward the Roma is quite evident.

Grellmann reflections on Roma cannibalism are part of his detailed 'anthropological' descriptions, though it is not certain how much contact he had himself with Roma. He established an ethnological lineage to India, based on recently published reports of the similarities between Hindi and Romani, that mostly reinforced prevailing opinion about the Roma, because it had already been assumed that this people had come from the exotic East. Previously, most had believed that the Roma came from Egypt, rather than India, due to how many Roma had identified themselves in earlier times. It is worth noting that links to the East were taken as evidence for claims of moral, intellectual, and 'racial' inferiority, not as evidence of connections to great civilizations and cultures. That the Roma were descended – according to Grellmann (p. 201) and his contemporary European sources – from the Suder (or Pariahs), the lowest of the four Hindu castes, is taken to legitimate their low status in Europe:

These Suder are held in the greatest contempt: they are considered infamous and unclean, from their occupations ... Of this very caste, as will appear by the following comparison, our Gipseys are composed. We have seen that the Gipseys are in the highest degree filthy, and disgusting; and with regard to character, of the most depraved hearts: that they are thievish, liars, fraudulent to excess – and these are exactly the qualities of the Suder ... The Gipseys's solicitude to conceal his language is likewise a striking Indian trait. Custom ... has rendered them [the Suder] to greatest degrees suspicious about their language.

The conclusions that Grellmann drew from his historical speculations about the 'Gypsies' were congruent with popular thinking of the time about the primordial sources of national traits.

The thinking behind Josef II's *Regulatione is congruent with Grellmann's representations. In fact, Grellmann was enthusiastic about Josef's policy toward the Roma: 'He has pulled more than eighty thousand of these poor wretches, who live*

in wickedness and barbarity, ignorant of God and decency, only half human in their bewilderment, out of their filth and has turned them into human beings and worthy citizens' (Grellmann, p. 151). He agreed that the younger generation of Roma might be split off from the influence of their parents and family, and so become something more tolerable. But while Josef II's logic seems more abstract, a precursor of the liberal discourse of citizenship that will follow in the next century, Grellmann's approach is more consistent with the thinking of 'anti-Enlightenment' thinkers like Herder, who argued that 'nations' (ethnic groups, not states) were bound together by primordial ties. Language was understood to be fundamental to the culture of the nation, so to separate individuals from their mother tongue was to separate them from their national culture, and to cut them off from the past. The *Regulatione Zingarorum* reflects some of this ambivalence, this lack of belief in the real possibilities of turning these black-skinned children into compliant citizens of the State, which was not yet a state in the modern sense. There was certainly convergence with respect to language. Germanization for the enlightened despot was an instrumental means to more rationally manage the empire, or the state. For primordialists, language education was a key means on one hand to ensure national continuity, and was on the other hand a means to potentially incorporate new members into the nation, albeit with less than full status.

Hungarian education law of 1868

Through the first half of the 19th century, Hungary remained a largely rural and feudal society ruled by Austrian emperors, with upwards of 90% of the population tied to the land, under tremendous burdens of taxation and other obligations to the nobles who owned the land. Hungarian liberals unsuccessfully attempted to throw off Austrian rule in 1848, but a compromise separating Hungary and Austria was reached in 1868. That same year, a new education act provided national minorities – like Slovaks and Romanians – the right to an education in their mother tongues. It also made elementary schooling compulsory and included provisions for remedying shortages in schools and teachers. At the time, all schools were operated by local religious authorities of the many denominations found in the multi-national Hungarian empire. In principle, the Education Law of 1868 extended language education rights to the Roma also, but only if they constituted 20% of the school population served by a denominational school. But that was not likely to ever be the case, and even if it were, there were not religious authorities that took Romani as their language of faith or teaching. In any case, schooling was minimally available, and upwards of 80% of the peasantry was illiterate (Fraser, 1992; Seton-Watson, 1908).

Relatively little is known specifically about the schooling of Roma in 19th century Hungary. We do know that while the edicts of Josef II with regard to the Roma were not formally repudiated at his death, as were most of his reforms, neither were they enforced. On the other hand, the ubiquitous presence of the Roma at every level of Hungarian society is clearly marked in the record, as is the diversity of the Roma population and the diversity of responses to Roma by Hungarians at different levels of society. The majority of the Roma lived in rural Hungary, sometimes among the Hungarian peasants, and sometimes separated. More than half of the Hungarian Roma probably spoke Hungarian as their first, and perhaps sometimes, only language, while Romani was the first language of perhaps a third of the population. Most Hungarian Roma were also sedentary, and most of the popular animus of the peasantry and nobility was directed toward the minority who pursued an itinerant lifestyle (Crowe, 1994). We can surmise from census records that some Roma children did attend school, and that these few spoke the school language on offer wherever they lived: the Hungarian plain, Transylvania, the Carpathian region of Slovakia, etc.

The liberal policy allowing the use of minority language in 1868 had attempted to balance competing demands among the liberal intelligentsia for Magyarization, on one hand, and tolerance and equality before the law on the other. But by 1879 when the act was revised, official enthusiasm for national minority language education, or the use of minority language in other official capacities, had waned and there was a reversion to a more extreme policy and practice of Magyarization. In any case, the governmental support for non-Magyar schooling had never materialized, and every new school opened by the government (instead of a church) featured the Hungarian language. Schooling at the elementary level was severely underdeveloped, due in part to the shortage of teachers in any language. Since half of the children in the Hungarian lands did not speak Magyar as their first language, the task of producing sufficient teachers of Magyar for all the children from one half the population proved impossible. Additionally, teachers were very poorly paid: the result was that a large proportion of children did not attend school, or did not attend regularly, and when they did the quality of the education was poor (Bödy, 1972; Seton-Watson, 1908).

What was the situation for the Roma within this context? It seems that for many Roma, the policy of Magyarization, and singular importance placed on language with respect to social identity, made assimilation to Magyar society attractive, albeit challenging, since the ethnic distrust of the Roma as 'other' had hardly disappeared. The feudal laws that had been the dominant feature of rural Hungarian society for nearly a millennium had been revoked also in 1848, but the economic status of the peasantry remained bleak, and many emigrated. There

was little incentive for Roma to identify with other minorities, who often held them in even lower regard than did the Hungarians.

The dynamic of this relationship for Magyar and Roma youth is vividly evoked in Endre Ady's (1994; 1907) short story, "Hoeing the beet." The scene of the story is the large estate of Tom Batary who, 'like a regular Romany ... led by his two dappled greys, ... wandered around his lands at all hours of the day.' In the story, a group of girls, some of them peasants of landless nobles, and two of them Gypsies, are working for 30 krajcars a day hoeing beets, a very small sum of money. All of them are desperately poor, 'living on bread and a slice of stale bacon.' Even though they work altogether, the Magyar girls refuse to drink from the same water jugs as the Roma girls, who protest. But the Roma girls turn down the separate jugs offered to them by Tom Batary, who is trying to achieve some kind of justice. The Roma girls want to drink from the same jug as the Magyar girls. Tom Batary would like to make the Magyar girls drink from the same jugs, but he does not want to alienate them, because they are willing to do anything of him for only 30 krajcars a day. The Roma girls still refuse to drink from the jugs set aside for them, and nearly die from thirst. 'They were ... hired hands, same as the others,' Ady explains. 'They were girls, too, and young, just like them.' The Magyar girls laugh at the misery of their Roma co-workers, and hide their own jug of water in a grove of trees. One night all the girls sleep in the fields, because they must start so early in the morning that it is not worth going home. The Roma girls find the jug of water in the trees and drink it all. The Magyar girls are giggling the next morning when they go to get their water. 'No Gypsy is going to drink out of this!' they say, but the jug is empty. So on this morning the Roma girls are happy too. 'And that is how the beet is hoed in our glorious Hungary,' Ady concludes.

In this instance, the Roma and the peasant Hungarians are equal with respect to way of life and economic plight, but the Magyar girls at least cling to their claim to a superior cultural identity, for whatever it might be worth in this context of undifferentiated economic exploitation. There are signs in how Ady portrays the conflict that liberal notions of citizenship and equality are beginning to be felt even in rural, agricultural Hungary. The Roma girls – and the author, a cosmopolitan figure from Budapest – believe that they are entitled to equal treatment and equal respect. They resist even when the distribution of goods has been equalized, because full integration is felt to be their right. The Hungarian girls have not come so far toward the liberal viewpoint, however. They cling to a more view of national superiority. It is also worth noting that Ady presumes that everyone in this story speaks Magyar, that whatever cultural conflict exists between the girls does not have a linguistic basis. We could assume from this, and other accounts, that linguistic assimilation of Roma has become 'normal.'

The extent to which Gypsies came to be identified as Hungarians – at least in the realm of music -- was illustrative of another side of nationalism. By the end of the 19th century, 'Gypsy music' and 'Hungarian music' were in many minds synonymous. This was partly due to Liszt's book about 'Gypsy music' in conjunction with his very popular Hungarian Rhapsodies that were based on the forms popularized by Hungarian Gypsies: it is worth noting that Liszt himself was a Hungarian who hardly spoke any Magyar. This identification Hungarian folk music as Gypsy music aggravated the composer Bartok, who wrote several essays in the early 1900s attempting to demonstrate that the Gypsy musicians, ubiquitous in Hungary, while very talented, had only stolen popular Hungarian music – not authentic folk music – and embellished (corrupted) it (Bartók & Suchoff, 1993). While there seems to be some historical truth to Bartok's claims about the relationship between professional Roma musician and the origins of the music they play (Sárosi, 2014), it also seems – and Ady pointed this out to Bartok (Trumpener, 2000) – that a good measure of irrational nationalism had seeped into the ethno-musicological reasoning, whereby the association between the Roma – acknowledged as the preeminent performers of the day – and the music they played was depicted as degenerate in some ways. The 'real' Hungarian music was taken to be something quite different, something not connected with Gypsies.

Assimilation for Roma with respect to culture and language was thus supported institutionally in several ways: through the operation of the education laws, through the nationalistic impetus for Magyarization (aimed primarily at large minorities but disproportionately effective for smallest, least politically powerful minorities like the Roma), and through the differing levels of civil and economic opportunities offered to Roma who were sedentary and integrated, and those who were less so. However, nothing approaching full equality seems to have been the outcome of integration and assimilation, as Ady's story shows. At best, assimilated Gypsies could live side by side with non-Roma, and perhaps attend the same schools and work the same jobs, but stigma persisted. Even in arenas where Roma exhibited 'cultural superiority,' like music, there were efforts at the highest levels of Hungarian, i.e. European, culture to discredit their contributions.

Oršuš v. Croatia, 2010

This recent ECtHR decision in favor of Roma plaintiffs originated in 2003 in two small villages in northeastern Croatia, where Roma students were placed in special classes within regular schools because of purported deficiencies in their knowledge and use of the Croatian language. While the data concerning the fourteen Roma students was typically bleak — none of them finished primary

school and many were absent from school as much as they were present — the Grand Chamber of the ECtHR decided only 9-8 that discrimination with respect to unequal treatment in education had occurred. While advocates of the Roma cause claimed that the decision made discrimination on the basis of language difference illegal, that seems a wishful representation of what the majority actually said. Separation of students into separate classes on the basis of language difference or deficiency was not found to be illegitimate in itself, but rather the majority concluded that the two village schools in Croatia had not taken adequate measures to see that the Roma children were given the opportunity to actually learn Croatian or the rest of the mainstream curriculum in their Roma-only classes. Had they just done better at teaching the Roma children how to speak Croatian, then their separation would have been justified.

But eight of the seventeen judges disagreed, arguing instead that the Roma students were in fact sufficiently deficient in Croatian when they entered school to legitimate their separation, and that the schools had through their curriculum and other programs offered met the test of reasonable accommodation. Albeit, what counted as reasonable had be very minimal to reach that conclusion, since the Roma children did not in fact become literate in Croatian. The judges instead laid blame on the Roma parents for not supporting the educational needs of their children. The most telling remark was that “the present case is thus not about the situation of a minority in general but about a concrete question of education practice (in two schools) in respect of a minority insufficiently conversant with the language of instruction, and the measures taken by the domestic authorities to deal with such a situation” (Oršuš: §14). So, while it may well be true that the segregation on the basis of language more clearly violated the Convention in this case than the eight dissenters allowed, it is probably also true that it will 'not be easy for the respondent State or any other State party to the Convention faced with schooling problems in relation to minority groups to follow the present judgment” (Oršuš, §15). Or, to put it more plainly and pragmatically, where a commitment to full social integration of the Roma is not popular, it ought to be possible to devise and implement school policies that separate students on the basis on language (while simultaneously suppressing mention of other grounds on which the separation is occurring), and still meet the fairly low standard of reasonable justification. In fact, this is exactly what one sees wherever Roma children go to school.

Three important features of this court case are the limited imagination of what might count as “remedial” for Roma students; an under-appreciation of the real difficulties of managing linguistic and cultural differences in schooling; and an almost complete neglect of the “cultural rights” of the Roma children. The United Nations Convention on the Rights of the Child (article 30), cited in Oršuš

(2010: §95), states that “a child belonging to ... a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.” But while language use and education in one's mother tongue (a problematic ascription in any case), are claimed as human rights by many, they are rarely provided by States except in narrow utilitarian sense. State authorities might grant the contention that there exist very important connections between language and cultural identity, but either they don't really believe in this connection for members of 'other' groups, or they don't care enough to preserve it for 'others' as they do for members of the dominant group, because practical policy is aimed almost exclusively as assimilation.

Juxtaposed to the abstractions of the ECtHR decision with respect to the relations between Roma and Croats (or other non-Roma) in the educational sphere, where Roma students are accorded at least formal equality, is the ongoing racial violence against Roma. Two years after the ECtHR rights verdict in *Orsus*, more than 40 non-Roma parents barred entry to the Roma students who had been assigned to the school where their children attended (European Roma Rights Center, 2012). This incident resonates with a series of violent attacks against Roma carried out over the past decade in Croatia, and in other Central European countries. The ECtHR has decided on three cases in the past ten years related to violence against Roma, though the focus of these cases is not on the perpetrators, but on the unwillingness or inability of the State to effectively prosecute the offenders (see, for example, *Case of Šečić v. Croatia*, 2007). While the perpetrators of some of these violent acts are individuals unaffiliated with any particular institutions, others have clear connections with neo-Nazi groups, some of which explicitly associate themselves with the Ustaša, the Nazi-inspired organization responsible for genocide against Roma during World War II. Anti-Gypsyism has always taken a very particular form in Croatia and neighboring countries, tied closely to ethnic categorizations involving groups with more political salience. For Croatian nationalists, Jews were associated with Serbs, and Roma with the Balkans. Croatian nationalists (among which some have exhibited the willingness to engage in overt violence and murder) are committed generally to a form of ethnic purity – which includes linguistic purity – that required the symbolic and practical exclusion of both Serbian and Balkan (Roma) elements (Korb, 2010). Here, we see that nationalist tendencies, with linguistic undertones, preclude assimilation or inclusion of Roma, no matter what languages they speak, while the liberal theory of formally equal citizens, as embodied by the European Court of Human Rights, offers narrow interpretations of language rights, with little force of implementation.

Conclusion

Let's return to the NGO office in the small city in the Czech Republic, where European policy toward the language of minority children is being articulated and enacted. Today, notwithstanding the overt discrimination against Roma in the public sphere, Roma children are considered citizens with the same rights as other citizens, no matter their ethnicity or their mother tongue. There can, therefore, be no regulations such as those promulgated by Josef II, an authoritarian despot however enlightened, because it is no longer permissible to pick out one social group from the many inhabiting the nation state and make rules, particularly discriminatory rules, that affect them uniquely. In many of the former Hapsburg countries, this reluctance to regulate one social group differently than others translates also into a reluctance to grant rights to groups, or to allow what Europeans call 'positive discrimination' and Americans call 'affirmative action.' When applied in educational spheres, the resistance to 'positive discrimination' often appears as the unwillingness even to make those educational accommodations that would be necessary to ensure that individual students were able to exercise their rights.

The right to an education in one's mother tongue, or one's heritage language in those cases where the dominant national language has become the 'mother-tongue' of an ethnic minority – as is the case for most Roma – is not practically recognized in the EU, at least not for small minorities who do not speak the language of another member of the EU. This is not so different than the situation in the 19th century in Hungary, when a nation state could make the dual, and perhaps contradictory claims, that every citizen had equal rights, but that the language of the ruling 'nation' would be the language of the state. The concern with language rights is, after all, only the flip side of linguistic nationalism. We must also retreat from the notion that 'policy' can be identified as what the government says, or what the law says: our brief history of Roma language and education should remind us that the policy that might matter most to the Roma child is that of the third grade teacher in a school in rural Slovakia about whether he or she is going to allow the Roma kids in the class to even speak to one another in Romani. Official policy might well be considered as just another form of 'public education' whereby the people are taught what is officially legitimate and what is not, i.e. what is politically correct. In many respects, so-called public policy has the function of legitimating the local policies of everyday people and public functionaries, like teachers and judges, who determine how language will be used in public institutions like schools.

We can ask again, in this context, what is meant by the statement that 'the Roma (child) has no language', and we can think about projecting into the future, and asking how she or he might acquire a language. This is also to ask how Roma

children might escape from the double bind. We can start by agreeing with Paz that continuing to assert the claim that education in minority languages is a right will not cut the cake: whether or not this is a right like other human rights -- the this is by no means certain -- history suggests that in nationalist contexts this demand will not be met. There are other options perhaps, though space does not permit their full exploration. One might make the instrumental argument that bilingual education serves the assimilatory, inclusive educational goals of the State, by improving the learning of both the mother tongue and the targeted second language. There is considerable evidence from psycholinguistic research that this is the case. Additionally, as official proponents of bilingual education in American schools suddenly now argue, bilingual education improves the relationship between minority parents, children and the schools (Bialystok & Craik, 2010; Kroll & Bialystok, 2013). This increases attendance and persistence, and may eventually increase participation in higher education and in the economy. The benefit for society is a decrease in welfare dependency and the decrease in the size of a disenfranchised, potentially unstable, minority population. Working out this possibility and others must wait for another day.

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