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Advancing Empowerment of the Roma in Slovakia through a Non-territorial National Autonomy

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ABSTRACT The existing integrationist approach to addressing the plight of the Roma in Slovakia has been delivering ambiguous results, often promoting Roma assimilation or simply perpetuating their exclusion. This paper proposes an alternative approach: a variant of the national cultural autonomy (NCA) combined with aspects of a joint governance model called ‘transformative accommodation’. Unlike the existing policy, the proposed model of Romani autonomy is better equipped to enable the Roma to participate in setting the parameters for the legal protection of their communities. Saliently, this approach also promises to facilitate the transformation of mainstream institutions in a way that promotes Roma inclusion into these structures. The paper outlines how to engage with models of NCA and transformative accommodation in devising affirmative action policy and membership determination.

Introduction

In many ways the circumstances of the Roma,¹ Slovakia’s second largest minority,² render this group unique among minorities. Members of this non-territorial group experience institutional discrimination along with other forms of socio-economic, cultural, political and spatial exclusion that is unknown to other national minorities. The Roma are routinely excluded from participation in the decision-making processes at both local and national level. Not possessing a kin-state, the Roma remain under-represented within European and global political structures (see e.g. Klímová-Alexander, 2005a; Klímová-Alexander, 2007).

Numerous inter-governmental, non-governmental, and state-based reports and recommendations describing the situation of Romani communities, in particularly those in Central and Eastern Europe (CEE), have formed the basis of the recent evolution in policies directed towards the Roma.³ These policies seek Romani ‘integration’ into the societies in whose midst these impoverished communities are found. This integration strategy, widely endorsed by the international community⁴ and adopted by Slovakia (see e.g. The Slovak Government, 2003, 2008), strives to facilitate the equal participation of the

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Roma in the social, economic and political life of the state, without sacrificing the minority's distinct identity (Miszei *et al.*, 2003, p. 10).

More than 10 years' experience with the integration policy consisting mainly of redistributive antipoverty measures in Slovakia, nevertheless, brought about only limited successes. One of the major deficiencies in this approach, when it is translated into concrete actions, is its failure to transform the mainstream institutions into which the Roma are supposed to 'integrate'. The political, socio-economic and cultural institutions in Slovakia are deeply shaped by the dominant nation's cultures, norms, and its all too often stereotypical views. Such public institutions provide very little space for the inclusion of individuals from diverse cultural backgrounds. The failure to target in a more robust manner the dominant society and its institutional structures can, at best, deliver results that do not differ profoundly from an assimilation-based policy.⁵ The Roma are thus practically asked to give up their ethnic identity as a trade-off for inclusion. The alternative is simply to remain excluded. Moreover, the Roma continue to be essentially labelled as a problem and as an object of government policies—policies that Romani communities have very limited opportunity to comment on.⁶ Despite numerous international recommendations on the Roma's partaking in these areas, the integration approach has showed that there is no tangible guarantee that Romani communities have actual opportunity to participate effectively in the decision-making processes concerning their communities or the larger society (Lajcakova, 2007a,b).

This paper proposes an institutional approach for accommodating the Roma in Slovakia⁷ that is distinct from the integration policy.⁸ I discuss a variant of the personal cultural autonomy, combined with aspects of a model of joint governance called 'transformative accommodation'. Unlike the existing policy, the proposed model of Romani autonomy⁹ is better equipped to enable the Roma to participate in setting the parameters for the legal protection of their communities. While sanctioning the existence of some minority-specific spaces, my institutional proposal promises to facilitate the transformation of mainstream institutions in a way that promotes Roma inclusion into these structures, which is in turn critical in advancing both the socio-economic and the cultural empowerment of this group.¹⁰

The paper engages, but also departs from, in important respects, a concept of national cultural autonomy (NCA) indigenous to the studied region developed by the Austro-Marxists Karl Renner and Otto Bauer at the turn of the twentieth century.¹¹ The NCA model understands the nation as an association of persons, instead of areas of domination that operate within de-nationalized territorial states. Renner and Bauer proposed a model of personal autonomy through the active involvement of nationalities in multi-level governance regimes, broadly defined by cultural specificities. In addition, autonomous governance involves an element of power sharing that would integrate the minority's voice into the central administration of the state.

Renner and Bauer's model of non-territorial autonomy appears to suit the dispersed Romani communities found in Slovakia. NCA promises the Roma the ability to set the parameters of the debate and the policies affecting them. NCA is, however, based on an image of nationalities with clearly bounded communities, privileging a single national affiliation over other sources of identity. Cultural autonomy may in the end inhibit rather than promote the autonomy of the female members of some minority groups. Likewise, empowering Romani communities through cultural autonomy is by itself insufficient to tackle the socio-economic exclusion and, in reality, may serve to exaggerate it.

I will draw on a joint governance model advanced by Ayelet Shachar called 'transformative accommodation' in outlining Romani autonomy to mitigate the weaknesses of NCA (Shachar, 2001). Transformative accommodation sees an individual's multiple affiliations as part of the solution required to secure equality among diverse groups. Transformative accommodation is, unlike the NCA, based on horizontal power sharing. Neither the group nor the state assumes absolute control over the entire legal arena. Rather, transformative accommodation splits the jurisdiction between the state and the minority in diverse legal arenas. This division within a certain legal domain creates a circulation of powers between the two entities and stimulates their ongoing interactions. These interactions are strengthened further by an individual's right to opt out from the jurisdiction of the group, and provide an incentive for the state and the minority group to transform norms in the different legal domains in a way that respects their various affiliations. The potential of this transformative effect on the norms underpinning mainstream institutions is salient to the Roma rights debate. Norms that would be more inclusive towards individuals from diverse cultural backgrounds such as the Roma would facilitate their participation. The socio-economic empowerments would no longer be contingent on minority assimilation. At the same time, transformative accommodation would leave the Roma minority sufficient space necessary to maintain their distinct Romani identities.

The debate in this paper proceeds in three parts. The first part discusses a specific model of autonomy (Renner's and Bauer's NCA model) as a potential framework for Romani self-governance. The second part discusses how we can work with, and modify as necessary, the concept of NCA with the transformative accommodation. The final part outlines how to engage with models of NCA and transformative accommodation in devising affirmative action and group membership determination.

Renner and Bauer's NCA

What does equality of diverse nationalities in the Austro-Hungarian Empire entail? This was the question Renner asked at the beginning of 'State and Nation', an article he first published in German in 1899 (Renner, 1899/2005). Equality of nationalities, Renner argued, could not merely be read as having a negative meaning whereby discrimination was prohibited on the grounds of membership of a national group (Renner, 1899/2005, p. 17); rather, the principle needed to be cast in a positive light. The principle provided a vision of the existence of laws 'which grant the citizens of a particular nationality as well as the nations subjective public rights with a quite specific context' (Renner, 1899/2005, p. 19). Renner's vision remains relevant today: what is the content of these public rights and how do we define the rights holder?

By way of the analogy of national organization with religious affiliations, Renner argued that these institutions can provide an important insight into these fundamental questions.¹² Individual will underpins the legal organization of membership in religious communities. The state relies on individual free choice or, in the case of minors, the choice of the parents, as a sufficient declaration of religious affiliation that in turn authorizes the governance of the religious community. Therefore, 'nothing other than a free declaration of nationality by the individual before the competent authority can determine national affiliation. The individual's right to self-determination constitutes the correlate of the nation's right to self-determination' (Renner, 1899/2005, p. 20). The membership of

one's nation cannot be questioned by the state—'such events do not fall within the domain of constitutional law, but within that of national morals' (Renner, 1899/2005, p. 20).

Turning to the related question of what constitute national rights, Renner drew a distinction between the state and the nation. The state and the nation have complementary, but also separate, roles. The state designates the people as both a political and a social concept, exercising legal territorial domination while pursuing their material interests (Renner, 1899/2005, pp. 26, 34). The nation is cultural; 'a purely inward . . . community of intellectual and emotional life' (Renner, 1899/2005, p. 26). Where nation and state borders coincide, the relevant organs can exercise the functions of the state and those of the nations. Nations' borders, however, only rarely overlap, and the link between continuity of culture and attachment to land is not essential. In those situations, a system of creating separate state and national institutions, Renner believes, is vital in preventing the domination by the majority of minority nationalities (Renner, 1899/2005, pp. 25–28).

Personality, rather than territoriality, should therefore be the basis for regulating national communities.¹³ Unlike the old Millet system in the Ottoman Empire, the organization of autonomous entities under Renner's model is based on the individual's free consent to belonging to the minority. Under NCA, nations should be constituted not as territorial entities but as democratically organized judicial associations made up of persons who have freely and individually declared their membership of the community. These juridical entities, Renner envisaged, would be able to levy taxes and to issue decrees. Co-nationals within a certain district would form a 'national community'; these would in turn form 'cantons', with the 'totality of cantons' forming a 'nation'. Nations would be organized through democratically undertaken elections to the three representative bodies: communal, cantonal, and national councils (Renner, 1899/2005, pp. 30–31; Bauer, 1924/2000, p. 281). The personal declaration of nationality by all citizens of legal age¹⁴ recorded in a national register at the level of 'first administrative instance' would provide the administrative foundations required for the administration of NCA.

Defining the nation as a cultural community informs the jurisdiction of the NCA. Nations would govern cultural matters, language, education, literature and art, and the judicial system. Even when an area is only sparsely populated by a certain nationality, its members should retain proportional representation at the level of the local school council. The appointment of peripatetic judges and teachers would facilitate the organization of the judiciary (having jurisdiction over legal matters concerning the minority) and education, based on the personality principle. The state's jurisdiction would cover common affairs. These would be areas such as foreign and military representation, joint finances, economics, and social and welfare issues.

Renner acknowledged that there are difficulties associated in separating the domain of the state from that of the nation. Pursuing the general welfare, including economic and financial sovereignty, of the larger polity is under the jurisdiction of the state; but it is the nation that governs education, a key aspect of nationalities. Education nevertheless determines the welfare of the larger polity, which in turn belongs to the state domain. This overlap, Renner argued, enables the state to determine the minimum educational guarantees required at all levels of the education process. At the same time, the state should ensure that poorer or 'under-developed' nationalities have access to the minimum level of resources necessary for their education.

The close relationship between the state and nation is present in the stipulation of NCA that requires the inclusion of nationalities in the overarching governance of the state. NCA includes an element of power sharing, contained within the broader structure of the NCA. Nationalities should not only be able to govern their own cultural matters, but also have a degree of control at the level of central territorial legislation. Renner envisaged that there would be proportional representation of nationalities in one chamber of a bicameral central Parliament to secure this end (Renner, 1899/2005, pp. 30–44).

NCA is a dynamic model of governance. The expansion of a nation's jurisdictional capabilities beyond its cultural affairs would be one alternative. Once we have disentangled the procedural issues regarding the status of the various legal personalities, it appears that, to adopt the words of Renner: 'the national councils will be able to explain which sovereign rights they claim, which agendas they are to relieve the state of and administer as their own rights, the exercise of which transferred spheres of influence they find practicable; they will then be able to explain to what degree state administration must be national, and what extent it must be international' (Renner, 1899/2005, p. 33).¹⁵

NCA and the Roma

One of the most attractive attributes of Renner's model is its ability to improve the situation of minority members through the empowerment of their minority communities. NCA provides minorities and their members with direct powers to ensure that they can actively participate in the decision-making processes that will affect their own communities, and to be included in the deliberations of the larger polity (Klímová-Alexander, 2005b, pp. 128–129).¹⁶ The built-in democratic mechanisms of NCA may be a crucial aspect in the establishment of an accountable Romani leadership at the local and central level, and would bring enormous practical improvements to the Roma's ability to defend their own interests most effectively.¹⁷ The current Romani leadership is disorganized and, at least on the part of the state administration, it remains unclear who speaks for the group and who should be consulted on important matters affecting Romani communities at the local level as well as the central level.¹⁸ Also, the idea of a bottom-up non-territorial organization of nationalities, which remains partly connected with territorial administration, seems attractive. Roma accommodation cannot be purely non-territorial. Several areas of state administration that are crucial to the Roma (such as the organization of health-care, education, housing, programmes for the unemployed) are also based primarily on the territoriality principle. The ability of the Roma to establish a legal body, a local national community within a territorial administrative unit, would make co-operation with the local municipality more likely to succeed. Finally, NCA mitigates some of the conflicts inherent to the pursuit of minority protection at the expense of non-members. NCA, unlike territorially based autonomy (TA), does not create a minority within a minority, which would come about as a result of an inability to create ethnically 'pure' territorial districts. The territorial dispersion of the Roma renders them a key candidate for a non-territorial model of autonomy.

Yet, NCA, perhaps even more robustly than TA, favours the demands of the minority community at the expense of the individual rights of its members (Bauböck, 2004, p. 237). Here lies one of the major difficulties of NCA. NCA ties nationalities to clearly bounded communities. NCA privileges a single national affiliation over all the other

sources of one's identity. As we shall see, key aspects of this difficulty become apparent in the method used to establish membership of a national minority.

The problem of membership. For Renner, an individual's free will to belong to a (single) nationality is the basis for establishing membership boundaries. He derives this principle from an individual's right to self-determination. Under this model, both the state and the group surrender to the individual control over entry to, and exit from, the community. The individual choice to belong, not to belong, or to exit the community should weaken the group's ability to repress internal dissent (Bauböck, 2004, p. 237). This idea of self-identification is in line with the current legal entrenchment of minorities' membership in the Slovak positive law.¹⁹ There are three main problems with this approach.

First, the self-identification approach, which is currently employed as a method for undertaking public censuses, appears as problematic in the case of the Roma. The self-identification approach is currently employed in the context of gathering census data. Some observers note that this method for defining minority membership causes no difficulty to traditionally recognized minorities, but has created a dilemma for the Roma. In the 1991 census when the Roma gained the opportunity to declare freely their ethnicity for the first time, only 1.4% of Slovak citizens declared that they belonged to the Romani minority. This number lags significantly behind the size of the Romani population as assessed by demographers and Romani leaders. Demographers suggest that, on average, only approximately 25% of the Roma declare their Romani ethnicity in the official state censuses.²⁰ According to their view, the remainder identify themselves as ethnic Slovaks or Hungarians (Vaňo & Haviarová, 2003, p. 477). For example, in the most recent census, undertaken in 2001, 1.7% of respondents declared their Romani identity (The Slovak Statistical Office, 2001). According to unofficial estimates, the size of the Romani population actually ranges from 6 to 7% of the overall population (The Slovak Government Plenipotentiary for Romani Communities, 2004).

Scholars of Romani studies point to a range of complex reasons that may cause what they believe is low Roma ethnic self-identification. Frequently they ponder that this low self-identification is due to the history of assimilation and current widespread discrimination and ethnic intolerance (Liégeois, 1986, p. 46; Mann, 1992, 237ff.; Hübschmannová, 1998, 126ff.; Project on Ethnic Relations, 2000, pp. 15–16). The history of the treatment of the Roma has revealed a pattern where forced identification as Roma has often been followed by a bout of oppressive policies directed against the Roma.²¹ State intervention, including the undertaking of public censuses, is probably perceived as alien or intrusive to their communities (Project on Ethnic Relations, 2000, pp. 6, 15). Some observers propose that a portion of Roma have assimilated willingly, perhaps assuming that this was the only possible strategy for succeeding in the broader society (Gheorge & Mirga, 1997/2001, p. 4). Often Romani parents, in order to protect their children, did not teach their children the Romani language and encouraged their assimilation, including marrying non-Roma (Mann, 1992). Some empirical data indicate that the Roma confound ethnicity with civic, confessional and linguistic identities (Friedman, 2002, p. 84). In Slovakia, the Roma often identify with the Hungarian or Czech minority in areas where these groups reside, typically at the border with their kin-states (Marušiaková, 1988, p. 73). Still others argue that, in contrast to other ethnic groups in Czechoslovakia, the Roma are only just beginning to build their national awareness as members belonging to the Romani nation (Hübschmannová, 1998, p. 127; Marušiaková, 1988, p. 75).

Finally, Roma are not an internally homogenous group. The Romani people are created from a mosaic of diversified groups; groups that identify themselves internally according to the family, clan, particular Romani branch to which they belong, by the spoken dialect of 'Romani' or by the occupation engaged in by the male Roma lineage. There are three major Romani groups: *Slovak Rumungre*, *Hungarian Rumungre* and *Vlach Roma*.²² Several Romani scholars suggest that for a number of Roma the primary group of belonging with which they identify is a sub-group or family clan rather than the larger community of the Roma (Marušiaková, 1988, p. 73; Uherek & Novák, 2003, pp. 101–103).

Currently, Romani low self-identification affects their ability to benefit from certain individual minority rights guaranteed by the Slovak Constitution. For example, the funding intended to support minorities' cultural heritage relies primarily on self-identification in public censuses. As the most relevant rules governing the allocation of finances are drawn from the data gathered from public censuses, the Roma minority is supported disproportionately less than it should be, because the actual size of the Romani population is far greater than census data indicate (Lajcakova, 2007b, pp. 84–103). National registers under the NCA model, however, carry even more direct implications than public censuses (Bauböck, 2004, p. 236). The register enables the group to govern the individual in certain key aspects and thus affects one's status more directly than merely through gathering data by public censuses. The register could thus exaggerate this dilemma and ultimately leave the Roma without the possibility of engaging NCA.²³

Second, NCA supposes the existence of strict boundaries between national communities and engrains this practice into law (for a critique of this point, see e.g. Bauböck, 2005, pp. 99–102; McGarry & Moore, 2005, p. 87; Nootens, 2005, p. 57; in the case of the Roma, O'Nions, 2007, p. 20). Under NCA, one can only express the desire to belong to one such community. Current census data in Slovakia adopt this approach. Whether with respect to the method of tracing membership in national communities through public censuses or the NCA, there is empirical evidence to suggest that people often feel an attachment to two or more national groups or sub-groups equally; and existing data indicate *inter alia* that a significant number of Roma have an affiliation to the dominant nation or other dominant national group in the area where they live. Moreover, as stated earlier, some Romani scholars propose that the Roma primarily identify with one of the Romani sub-groups. Public census and, even more so, NCA, privileges only one kind of national affiliation within a state's pre-existing and impermeable boundaries. Law is thus based on a distorted picture of reality and may, in its final application, serve to exaggerate unfairness further.

Third, the self-identification approach is open to abuse by non-members. NCA envisages strict boundaries between national communities (Bauböck, 2005, p. 99). Still, these boundaries are in fact relatively permeable. NCA is thus open to two forms of exploitation. First, individuals who are not members of the group may attempt to access goods intended for a certain minority group. This point can be illustrated by the case of Hungary. Hungary implemented a non-territorial model of minority self-governance where group membership was established by way of individual self-declaration.²⁴ After undertaking the second minority self-governance election in 1998, Hungary witnessed an enormous increase in parents declaring the ethnicity of their children as German (Eiler & Kovács, 2002, p. 179). Observers posited that this choice of ethnicity was intended to secure their children access to German language schools (Deets & Stroschein, 2005, p. 292). Although knowledge of German in this region is considered a valuable asset in pursuing

one's career, general public schools are notoriously bad for failing to deliver quality education of foreign languages, including German. Perhaps parents believed that instead of paying for expensive private language courses, their children could receive quality foreign language education at local German schools. Minorities, on the other hand, may quite understandably find this influx of 'aliens' to be an abuse of their institutions and a threat to their ability to maintain their distinct identity. In the case of Hungary, improving the general standard of public education in relation to foreign languages could help to tackle the dilemma. Nonetheless, we still face a more general question as to whether non-members should be able to access—at least to some extent—goods provided for other cultures. Yet endowing non-minority members with benefits geared to the nation's minorities could conflict adversely with the ability of minority members to sustain their own culture (Kymlicka, 1989, p. 151).

The other possible form of exploitation is potentially even more worrying. The governance of nationalities' institutions can, in practice, become overrun by individuals without any ties to the community. The example taken from Hungary illustrates that this is a real concern for the Roma. The Hungarian self-governance system vests all Hungarian citizens with the right to vote and to be elected in the elections for self-governance institutions (Eiler & Kovács, 2002, pp. 179–180; Dobos, 2007, p. 459). The majority could therefore elect leaders with no ties to the minority community as minority representatives (Eiler & Kovács, 2002, p. 180). In reality, some of the initial worries about possible abuses of the self-governance system by the dominant ethnic group were substantiated during the first elections of the minority self-administered government. Some observers noted an emergence of an 'ethno-business' phenomenon where potential financial benefits induced some individuals to run for local minority self-governance for a minority to which they had neither present nor historic ties. This occurred in instances of Romani self-governance (Ringold *et al.*, 2005, p. 135; Dobos, 2007, pp. 460–461).²⁵ Even when it is apparent that there was no intention to abuse the minority self-governance regime, the dominant groups under this system remained able to manipulate—perhaps even in good faith—the outcomes of the election (Eiler & Kovács, 2002, p. 180; Dobos, 2007, p. 459).

Kymlicka, in his theory of group-differentiated rights, argues that groups should have the right to impose external protections on the individual rights of non-members as long as they 'seek to protect its distinctive existence and identity by limiting the impact of decisions of the larger society' (Kymlicka, 1995, p. 36). External protections in turn 'protect a particular ethnic or national group from the destabilizing impact' (Kymlicka, 1995, p. 37). An approach based on mere subjective criteria determination would need to be complemented by an objective sociological criterion that the group considers to be important in establishing membership of a group. A traditional objective criterion is one's native language as a denominator of national identity.

In the case of the Roma, the criterion of spoken national language may nonetheless be problematic. External protection may in fact turn into an internal restriction towards members who have assimilated and who no longer speak their own dialect of the Romani language.²⁶ One solution to this dilemma is adopting the approach to the organization of autonomous governance of the Sami communities in the Nordic countries (see e.g. Myntti, 2002, pp. 157–163). As an alternative to the spoken mother tongue as the sole determinant of minority group status there exists the possibility of adopting the option of 'language spoken by one's ancestors'.²⁷

A key aspect of including an objective measure in establishing membership seems to lie in the method adopted to trace the criterion. Does the person have to demonstrate that he or she speaks the language or is proof that their ancestors spoke the language sufficient? We can imagine that this approach of 'testing' one's language skills could be perceived negatively by some members and lay itself bare to the possibility of abuse by the state administration. A more viable alternative would require a personal declaration to be made in good faith that the individual or his or her ancestors spoke the language. Although this method leaves more room for potential abuse by non-members, it increases the cost of abuse. Importantly, reliance on a mere 'declaration' rather than a 'concrete proof' approach prevents the state administration from questioning the individual's identity. In any event, inclusion of language as part of the objective criterion would not in itself be helpful for Romani groups that no longer speak Romani, do not wish to maintain their language, or simply do not consider knowledge of the Romani language to be an important aspect in establishing membership of the group.

Another alternative to establish belonging to an autonomous group is to rely on customary laws. There are good reasons to recognize these informal customary rules when minorities perceive them as fundamental to the maintenance of their distinct identities. The membership rules ingrained in family law, especially when based on birth or marriage, identify who is part of the tradition and who is responsible for maintenance of the group's values and practices (Shachar, 2001). For groups that endorse group-specific customary laws and consider them to be a salient element of their distinct cultures, mere reliance on self-identification could create serious problems. The incursion of non-members could mean that there was a major threat in the preservation of the group's distinct identity. Renner relies instead merely on self-identification. By recognizing that groups should be able to live according to one nation's laws, he nonetheless puts this alternative on the table (Klímová-Alexander, 2005b, p. 128).

The recognition of traditional codes in an attempt to protect the minority group can, however, present one of the most problematic restrictions on equality rights of group members, particularly women. Women often occupy a special position in traditional mechanisms designed to maintain a group's identity (Shachar, 2001, p. 50). These laws, playing a central position in the preservation of the group's culture, 'often subordinate women to such extent that when their groups' practices are accommodated by the state, women living in *nomoi* groups risk losing their basic rights as state citizens' (Shachar, 2001, p. 50). This avenue of determining group membership therefore presents a serious dilemma in reconciling individual equality with group interest to preserve its distinct cultural identity.

How relevant are these concerns in the debate on the Roma? There are some empirical data suggesting the existence of informal customary rules called *Romaniya* observed by some Romani groups, especially Vlach Roma. The central tenets of *Romaniya* include regulation of sexuality, procreation and marriage (Weyrauch, 2001a; Refugee Women's Resource Project, 2002). Some women play the role of guardians in 'laws *Romaniya*' that are essentially sustained by a set of taboos based on notions of purity and pollution (Weyrauch & Bell, 2001, pp. 29–35; Acton, 2003). It is the Romani women who have the power to curse and pollute. Some scholars have argued that certain rules of purity subordinate women and 'train them to believe that for most of their lives they are "polluted" and sources of pollution for others are not compatible with international human rights code' (Reisman, 1993, pp. 416–417).²⁸

There is very little empirical evidence indicating to what extent these customary rules are practised actively by Romani groups in Slovakia and, if so, the extent of their content. Existing empirical research largely focuses on the practices of Romani groups in Western Europe and North America (Weyrauch, 2001b; Acton, 2003).²⁹ So far, the request officially to recognize Romaniya as a source of customary law has not been articulated by the Romani leadership. Limited research indicates that such rules are observed by a portion of Vlach Roma in Slovakia (Stojka & Pivoň, 2003). Partial data gathered by anthropologists suggest that in terms of group membership, Romani groups often remain endogamous and endorse a patrilineal model of group membership (Marušíaková, 1988). Yet, recognizing traditional Romani laws for the purpose of establishing membership could be considered as a legitimate alternative. In such endeavours, decision-makers should pay special attention to the potential impact of these laws on the status of its members—in particular women. At this stage, further debate on this matter remains in the realm of the purely hypothetical.

NCA and gender. I have examined the problems associated with privileging one source of identity—that of belonging to a single nationality—when seeking to define the boundaries of NCA. I have explained how Renner's model and its possible modification impact on 'who gets in'. In the next two sections, I turn my attention instead to a closely related question: how NCA affects those 'who are in', given the complexity of sources that can inform a group's multiple identities. In this discussion, I focus in particular on gender and socio-economic status, two important sources of group members' identities, which currently appear to be deserving of special attention.³⁰

NCA is based on an essentialist notion of one's individual identity, which is dominated by one's national belonging, and obscures the complexity of personal and social identities. Under this institutional model of organization of social and political life, one of the dangers to the perceived group's power lies in the situation where individuals choose to assimilate with another (dominant) group and/or abandon the group. The source of power of national autonomy lies in its numbers: put another way, the size of the minority in question directly informs its potential power in the wider community. Rainer Bauböck argues that this creates the incentive for elite leaders to construct minority culture and membership in a way that would be 'beyond the reach of individual choice' (Bauböck, 2004, p. 238). Nationalist elite leaders will try to construct membership as ascriptive. The spheres of national identity reproduction—education and culture—are vital in pursuing this project. These are two of the main areas that fall within the ambit of NCA. This in turn enables them 'legitimately' to repress internal dissent and restrict the ability of individuals to exit. Although NCA guarantees an individual's right to exit through the individual right to express belonging to the community, the project of constructing membership as ascriptive can have the practical effect of diluting the individual's exit option.³¹ NCA can induce leaders to repress internal dissent that challenges the construction of the group membership on the grounds that this goes beyond the realm of the individual's right to exercise choice more generally (Bauböck, 2004, p. 238).³²

As explained earlier, because of women's role in human reproduction, regulation of their sexuality and of their reproductive choices through membership rules may serve to place female members in a subordinate position. Women would probably become the most disproportionately targeted minority within the minority in the process of repressing internal dissent. For example, for groups such as the Roma that have experienced centuries

of lasting oppression and segregation, the ability of female members to voice their views is particularly complicated. Minority cultures do not exist in a vacuum but instead interact with the dominant nation, the state and its policies (Shachar, 2001, pp. 33–50). The dominant group will often therefore engage in a project where gender subordination within a minority group serves in practice to separate itself from the cultural other (Volpp, 2006, pp. 26–42). The fascination of the media around the world with the case of the arranged marriage of a 12-year-old Romani girl in Romania illustrates the use of gender in constructing Romani culture as primitive and in the realm of the ‘cultural other’ (Oprea, 2005). In reaction to interactions between the dominant group and the Roma, some female Romani activists argue that the internal challenge of oppressive group practices weakens the claims of the Romani movement more generally (Sztójka, 2000).

Moreover, female group members are often already in a socio-economically weaker position when compared with their male counterparts.³³ The ability to exit is often even more burdensome for female group members. Factors such as the lack of economic resources, education, skill deficiencies or emotional distress make ‘exit all but impossible for some’ (Shachar, 2001, p. 41).³⁴ Fundamentally, women are asked to choose between their cultures and communities on the one hand, and their citizenship rights on the other.³⁵

NCA and socio-economic circumstance. NCA that is concerned primarily with cultural equality not only may further exaggerate existing gender inequalities, but also may expose previously hidden socio-economic concerns. The outcome of minority policies may differ not only as a result of the sheer number and diversity of minority groups, but also owing to the fundamental character of the state (Walzer, 2001, p. 156). The dominant nation in Slovakia engages in a more illiberal national building project and promotes a much thicker societal culture than do Western multicultural democracies such as Canada, Australia or the UK. Slovaks leave very little ‘space’ for the development of pluralistic culture (Nedelsky, 2003; in the context of CEE more generally, Kymlicka, 2001, pp. 53–60). National autonomies would probably strengthen the ability of minorities to pursue their own nation-building projects; but equally, NCAs could create even firmer and intranscendible boundaries between communities, leaving even less space for a common pluralistic culture. Under such a scenario, when groups experience enormous socio-economic inequalities with the vast majority of the state’s wealth being accumulated by the dominant ethnic group, socio-economic inclusion can easily become a trade-off in the pursuit of retaining one’s own ethnic identity. Assimilation becomes essential in the pursuit of socio-economic opportunities, simultaneously cutting out the possibility for integration. NCA does not therefore seem to be an ‘ideal’ policy for tackling the cultural and economic disadvantages of the Roma.³⁶

In addition, the Roma—as is the case in some instances under the current minority rights regime—would have difficulties in administering NCA. This practical consideration is made clear by the fact that the Roma currently lack the critical number of members with the necessary skills to administer NCA (Klímová-Alexander, 2005b, p. 129).³⁷ Renner proposed that the group must fund its own cultural institutions through the taxation of its members. Given the existing tremendous inequalities in wealth, this method merely serves to replicate, as well as to reinforce, both cultural and, consequently, economic disadvantage.³⁸

It is clear that cultural affairs are not the first priority for Roma who lack access to the basic necessities of life (Klímová-Alexander, 2005b, p. 130). In fact, though, it was never

the intention of the NCA to address socio-economic conflicts head on. Writing at the turn of the nineteenth century, Renner believed that the main source of contention would stem instead from the cultural sphere. In the case of the Roma at the turn of the twenty-first century, it has become apparent that NCA could in fact worsen rather than improve their socio-economic standing.

‘Transformative Accommodation’

There are several key NCA principles that are attractive to the project of Roma accommodation. But, how can we mitigate the serious shortcomings of the NCA model, chiefly exposed through the failure to recognize the individual’s manifold affiliations? In seeking to answer this question, I now explore Shachar’s joint governance approach, called ‘transformative accommodation’.

Transformative accommodation offers a concrete institutional proposal that grapples with some of the most contentious issues of multicultural accommodation today. Specifically, it is intended to pursue vigorously cultural and gender equality. Shachar’s ambition is to propose a solution to the paradox of multicultural vulnerability, which arises when ‘well-meaning accommodation by the state may leave members of minority groups vulnerable to severe injustice within the group, and may, in effect, work to reinforce some of the most hierarchical elements of a culture’ (Shachar, 2001, p. 3). In her study, Shachar principally addresses the situation when state recognition of a group’s customary laws discriminates against group members, particularly the female members.

The paradox of multicultural vulnerability, although relevant to the discourse on Roma accommodation, does not, however, currently appear to be among the most central and pressing worries of NCA in the context of the Roma debate.³⁹ I have argued that NCA privileges belonging to one nationality over any other important source of one’s identity—not only gender, but also additional national and cultural belongings and in particular socio-economic status. Therefore, can transformative accommodation provide us with a useful framework through which the deficiencies of the NCA model may be mitigated?

In a similar way to Renner, Shachar sees the project of group accommodation as a procedural instrument that can be adapted to a specific context. The transformative accommodation approach does not provide an all-encompassing, detailed plan. Rather, she proposes a basic set of principles that should be implemented in a reflexive and flexible manner, and that allow for case-specific innovations as and when they arise (Shachar, 2001, p. 127). Like Renner, Shachar relies on the distinction between the state and distinct national communities, or between the state and religious communities. The models of NCA and transformative accommodation also share a commitment to the legal recognition of minorities in pursuing the interests of persons belonging to these distinct communities. Both scholars accept that minority communities have a legitimate claim in the governance of matters that are of crucial importance to them. Both NCA and transformative accommodation are based on the individual’s choice to be governed by the minority group. Finally, both Shachar and Renner favour a non-territorially based method of minority accommodation.⁴⁰

One of the key differences in their approach lies in the governance of relationships that a multicultural state should prioritize as one of its main concerns. Renner is primarily concerned with inter-group disparities. Shachar’s intersectional analysis begins from a deeper scrutiny of mutual interactions between the state, the group and the group member. Shachar is therefore equally concerned with intra-group inequalities; because of this

difference Shachar, unlike Renner, is not ready to privilege group membership over other important sources of affiliation, or vice versa. She instead sees each source as complementary. Moreover, Shachar's model of accommodation is unique in so far as it treats the individual's multiple affiliations—whether overlapping or conflicting—as a part of the solution that is needed to reduce disparities among groups while enhancing equality within the group, rather than as a problem (Shachar, 2001, pp. 146–149). How, therefore, does transformative accommodation work?

Unlike NCA, Shachar's model of power sharing is horizontal. Instead of creating parallel minority institutions that possess exclusive jurisdiction over certain areas such as culture or education, Shachar splits the authority to govern in these legal domains between the group and the state. As individuals simultaneously belong to the minority group and the larger political community, both the group and the state have a legitimate claim to influence the rules governing these spheres. For example: in family law, Shachar explains how jurisdictional authority can be divided into sub-matters of demarcation and distribution; in immigration law into admission and selection; and in criminal law into sentencing and conviction (Shachar, 2001, pp. 132–160). The state and the group would thus jointly govern these sub-matters, but with neither group having absolute control over the entire legal arena.

Transformative accommodation is based on three basic principles. The first is 'the sub-matter allocation of authority'. The sub-matter allocation principle ensures that both the group and the state participate in shaping the rules that govern group members. The sub-matter allocation principle internally divides contested arenas into 'sub-matters' and divides jurisdiction between the group and the state. Neither of the two authorities can produce a complete decision in a given arena. Sub-matter allocation of jurisdiction then creates an ongoing interaction between the state and the groups, leading to the creation of incentives that will transform norms so as to reflect the multiple identities of individual members. The 'circulation of power between authorities' (Shachar, 2001, pp. 118–119) that stems from this principle is conducive to the project of transformation. Shachar strengthens this process by adding a second, 'no-monopoly', principle. The no-monopoly principle posits that neither the group nor the state has exclusive control over a certain legal arena. Shachar believes that the no-monopoly rule will force both power holders to compete actively 'for the loyalty of their social constituents' (Shachar, 2001, p. 122). The third principle focuses directly on the situation of the individual group member. The establishment of a clearly delineated 'choice options' principle ensures that the individual member has an actual opportunity to engage his/her citizenship or cultural rights in order to induce internal change through the right to opt-in and opt-out of the jurisdiction of the respective authorities (Shachar, 2001, 122ff.).

Transformative accommodation appears well equipped to mitigate Bauböck's worry that one of the unintended effects of the NCA would be to induce nationalist ethnic elites to construct group membership as being beyond the individual's choice. Shachar's joint governance utilizes the moment of jurisdictional competition between the state and the group to transform cultural norms in a way that respects their many affiliations. Transformative accommodation gives voice to the diverse interpretations of cultural traditions within minority groups and minimizes the ability of elites to assume exclusive control over individuals by essentializing the identity of the group's membership in ascriptive terms. It also equips group members with tenable options to engage their citizenship rights in order to counter the imposition of potentially discriminatory rules.

Equally, transformative accommodation forces the state to transform its norms in a variety of legal domains in a way that is both more pluralistic and more respectful of cultural differences. Shachar's debate on religious education in Germany, as an empirical example of transformative accommodation, makes this point particularly clearly. In Germany, the educational domain is shared between the federal governmental units, the *Länder*, and religious communities. Under the general education model, groups retain autonomy over religious education. The state does not control the content of these classes, which fall squarely under the jurisdiction of different religious communities. Nor does the state control how children are assigned to these classes. Instead, up until the age of 14, it is the parents who decide whether their children will participate in these classes. After the age of 14, the choice falls to the individual student to decide whether he or she wishes to continue with these classes. Parents or students may decline to participate in the religious education programme in favour of a more general course in ethics.

This system does not exclude religious education from public schools or fully endorse faith-based education. Rather, it transcends the either/or approach by the inclusion of religion in a common public space. This process of inclusion, Shachar observes, can have a transformative effect on the ways in which the church, as well as the state, fulfil their educational mandates (Shachar, 2001, pp. 156–158). The fact that religious education is pursued in the common public space—where members of the religious group are regularly interacting with students from other communities—can have the effect of forcing religious authorities to transform their curricula in a way that 'is accessible to the sons and daughters of the twenty-first century, or else run the risk of losing these future members' allegiance' (Shachar, 2001, p. 158). Furthermore, along with the fact that religious education is pursued in the common public space, we can see that the opt-out alternative (i.e. a form of individual right to exit) is another key element in the process of transformation. Shachar illustrates this dynamic of transformation with the following example:

Come the first day of classes, only a few students are enrolled in the religious instruction class. Others are happy to spend an extra two or three hours a week on other activities . . . The teacher in the religious instruction class (who must be a member of the relevant community) tells her that she is of course welcome to join that class, but only to listen to the discussion, rather than participate. These restrictive attendance conditions, she is told, are gender based and sanctioned by the group's tradition. It is hard to see, why under such conditions, the female perspective student may still voluntarily wish to attend such a class when she is treated as a second class citizen. (Shachar, 2001, p. 159)

Saliently, this joint governance model can be conducive not only to the transformation of religious education but also to the alternation of the general school curriculum in a way that is more responsive to a diverse body of students. Shachar notes that the presence of a diverse student body can persuade schools to adjust the way that they engage in elements of potentially controversial curriculum, such as sex education, for example (Shachar, 2001, p. 158).⁴¹ The other factor that influences the content of public education, perhaps even more importantly than the mere religious diversity of the students, is the way in which religious education respects the equal value of other belief systems.

Creating Romani Autonomy: NCA and Transformative Accommodation

Modifying NCA through principles of the model of joint governance between the Roma and non-Roma is fundamental to ensuring that the state simply does not use the alternative of autonomous governance as an excuse to renounce its responsibility for advancing the welfare of the members of this group. The state's failure to provide sufficient funding and the inadequacy of materials and human resources to administer NCA are among the critical factors that could ultimately lead to the further exacerbation of the Roma's segregation. The joint governance project requires that the state retains a share in the jurisdictional authority as well as a responsibility in the governance of its citizens who belong to the Roma minority.

NCA, viewed through Shachar's model, endorses multicultural dialogue that has a transformative effect on the normative systems of the dominant, and minority, group rather than fostering 'separateness'. This insight is crucial in the debate on Roma accommodation in the context of the Roma's experience of cultural and socio-economic disadvantage and the effects of the remedying policies. Slovakia's project of nation-building offers little room for the inclusion of minorities' in the common socio-economic and political institutions. Providing minorities with protections that would create parallel or separate societies is problematic if the group is socio-economically marginalized, as is the case with the Roma. Assimilation easily becomes a trade-off for social inclusion or to exaggerate further the group's marginalization (Lajcakova, 2007a). Transformative accommodation incorporates the idea of (partial) self-rule and at the same time facilitates a dialogue between two different legal sources of authority, seen principally as being equal. This approach dramatically alternates the relationship between the dominant group and the minority from the subordination of one to the other towards a more equitable model.

Transformative accommodation therefore can be facilitative in relaxing the Slovak project of nation-building while at the same time facilitating the inclusion of the minority members. The transformation of mainstream public institutions has important implications for the programmes seeking economic empowerment of the Roma. (From one perspective, implementing transformative accommodation has both temporary and permanent redistributive requirements. Autonomy has a permanent redistributive aspect similar to the existing cultural minority rights that require positive state support.)

Saliently, Romani autonomy based on the principles of transformative accommodation has implications for temporary 'affirmative action' measures. One type of such a programme is required to remedy the initially socio-economically disadvantaged circumstance of the Roma to ensure the effectiveness of autonomous governance, such as preferential and specialized training of Romani professionals, to administer Romani NCA. The second type of affirmative measures does not need to relate directly to the administration of autonomy but can include economic, social and developmental programmes in the sphere of the labour market, social affairs, housing, or health-care. The joint governance mechanism embodied in transformative accommodation, unlike existing practice, ensures that Romani communities can participate equally in the design and execution of both types of temporary affirmative action programme. Joint governance guarantees that the state provides the necessary financial and human resources to undertake these projects and cannot use autonomy as a leeway to renounce its responsibility for the socio-economic circumstance of the Roma.

Besides these procedural implications, Romani autonomy based on the principles of transformative accommodation has critical consequences for the outcomes of affirmative action policies. Generally speaking, affirmative action policy seeks a more equitable redistribution in favour of a historically disadvantaged community and facilitates their opportunity to participate in mainstream institutions. The underlying idea is to support differential treatment on a temporary basis and to prepare the group to participate in the old 'blind' institutions in a way that does not disadvantage them (Taylor, 1994, p. 40). One of the serious critiques against affirmative action is that this policy is insufficient to transform underlying structures that generate the economic disadvantage and fail to deliver significant improvements in the long run (N. Fraser, 1995, p. 90). Affirmative action projects, for example, intend to facilitate the inclusion of Romani children into mainstream education, which is far from 'neutral'. The success of affirmative action is largely conditioned by the disadvantaged minority's ability and willingness to assimilate. The requirement for assimilation is not only unfair, but can also be difficult for the minority to accomplish. During the era of Communism, for example, dramatic redistributive measures in favour of the Roma failed to deliver the intended effects of 'assimilation'. Assimilation strategy in education applied in actual societal contexts led to the practice of segregation in schooling and a more general failure to advance the socio-economic equality with the dominant nation (Lajcakova, 2007a, pp. 71–78, 2007b, chapter 1.2).

Transformative accommodation can mitigate the deficiencies of affirmative action policy. The main insight is that this joint governance mechanism has a transformative effect on the 'blind' institutions. Mainstream political, social and economic institutions are transformed in a way that is conducive to the inclusion of the minority group members. Economic redistribution based on either type of temporary affirmative action that would accompany Romani autonomy supports empowerment in the mainstream institutional structures, which are no longer based on the dominant values and norms.⁴² Instead, pursuing transformative accommodation and the two types of affirmative action programme simultaneously enables one to support the other, and vice versa. This approach promises a long-term economic and cultural empowerment that can help mitigate the problem when inclusion is contingent on assimilation.

One of the fundamental and, at the same time, most complex questions associated with Romani autonomy left to be answered is the determination of group membership. We have seen that the reliance on the principle of individual self-identification in establishing group membership as envisioned by Renner is problematic. As explained earlier, the current practice in undertaking public censuses, which is based on this subjective criterion, indicates that only a very low number of the Roma chose to declare their belonging to the Romani nationality. This phenomenon can be caused by several factors, including the perceived multiplicity of belonging to national communities or their sub-groups among the Roma, the problem of stigma associated with the status of a Romani persona in the Slovak society, or the effects of past forced assimilation policies. Moreover, we have seen through the empirical example of the Hungarian model of autonomy that a determination of membership based on a subjective declaration is vulnerable to abuse by individuals with no ties to the community.

There is only a little discussion among Romani scholars and activists that could give advice on how to tackle the dilemmas in group determination in a hypothetical Romani autonomy context. Discourse on the determination of one's identity in the context of

gathering statistical data seems a suitable place to learn about the views of Romani activists on the question of group membership; and Romani activists, by and large, remain worried that the substitution of a subjective criterion with an objective one would lead to abuse of ethnic data. The history of countless attempts to show coercively the existence of the Roma and subject them to assimilation or other oppressive policies cautions them to replace the existing subjective criterion approach. On the other hand, they believe that existing data based on self-identification fail to provide accurate information on the size of the Romani population. Accurate data on ethnicity are important, *inter alia*, in identifying the degree of discrimination against the Roma and devising effective state policy. Nevertheless, Romani activists agree that the form of gathering data plays an important role. A more friendly and transparent approach in gathering data in public censuses would increase the participation among the Roma as well as their self-identification (Project on Ethnic Relations, 2000, pp. 9–24).

First of all, the principles underpinning NCA as well as transformative accommodation⁴³ demand that subjective criteria remain a cornerstone of membership determination in Romani autonomy.⁴⁴ Drawing on the above views of Romani activists, however, we should pay attention not only to the actual criteria but also to the procedural aspects with gathering data on ethnicity or creating minority registers. NCA and transformative accommodation, unlike the existing method of gathering census data, are grounded in the obligation of active participation of the minority community. NCA and transformative accommodation require the Romani representatives and activists⁴⁵ to participate in the design and execution of rules in tracing minority memberships. Arguably, engagement of Romani communities may increase trust in the state authorities and the Roma's participation in, along with their willingness to declare their belonging to, the Roma minority.

Even so, and over the time, it may be in the interests of the Roma to restrict membership rules and add an objective criterion to the subjective one in order to prevent the ability of non-members to access the goods redistributed through Romani autonomy. An objective criterion means a restriction on the individual's right to decide on belonging to a national community, justified by the group's interest in maintaining its distinct cultural identity. Some objective criteria to secure a group's interests are legitimate as long as they do not unduly burden individual members (Kymlicka, 1995, p. 35).⁴⁶

Slovak positive law only recognizes citizenship as one objective criterion in establishing minority membership. Its primary rationale is to secure loyalty to the dominant nation rather than the interests of minority communities.⁴⁷ Yet, for Slovaks the wish of minorities to restrict membership to individuals with no ties to the community should not come as a surprise. When one looks at the Slovak citizenship rules as a means of establishing boundaries among national communities,⁴⁸ we can recognize the existence of objective criteria established in the positive law. Good knowledge of the Slovak language is among the conditions required to acquire Slovak citizenship.⁴⁹ One of the justifications of this language requirement is to enable Slovaks to preserve their linguistic peculiarity. When the dominant group has the means available to secure this group interest, there is little reason why minority national communities in Slovakia, if they choose, should not be allowed to have such an opportunity as well.⁵⁰

A further complication in adding the objective criterion relates to its failure to protect against the incursion of non-members, and the restriction it places on the individual rights of group members. Following the normative background embodied in transformative

accommodation, any solution to this dilemma will have to create a careful balance between the individual's choice to belong to the community and the legitimate interest of the group to protect itself from the entry of non-members.

Which objective conditions thus would be suitable in the project of Romani autonomy? We have seen that it is most likely that the conventional language condition uniformly implemented as an objective criterion may not always be suitable, or perhaps even welcome, among diverse Romani communities. A fitting objective criterion may be different across diverse Romani communities, which, so far, have not been seriously discussing this question. The difficulty in answering this question in the abstract lies in the fact that it is the subjective criterion that determines what the content of the objective one will be (Musgrave, 2002, p. 164). Therefore, rather than providing a specific suggestion as to the character of the objective condition in membership determination, I will limit myself to proposing a less conventional, but possibly more flexible, alternative as to how to approach this question.

I draw on the principle of horizontal power sharing embodied in transformative accommodation. This principle has the advantage of creating a number of autonomous bodies that would represent individual members in different legal and social spheres. Subject to reasonable administrative efficiency, the Roma could be represented by autonomous organizations with limited jurisdiction in various legal areas rather than as a single representative body in all spheres.⁵¹ One of the advantages of this approach is that it expands the variety of objective criteria that can be used depending on the legal sphere and their importance in each respective area. This more complex and administratively demanding approach can be more responsive to the many national and cultural affiliations. For example, autonomous organizations in the sphere of culture or education would be organized following the non-territorial principle and allow for the existence of diverse Romani groups such as the Rumungre or Vlach. Here, the relevant condition of membership could be the dialect of Romani spoken by the person or by his or her ancestors.⁵² By contrast, in the sphere of community development and the preparation of low-income housing, residence within a certain area could form the chosen criterion. Similarly, in the sphere of health-care, employment and welfare programmes, the relevant representative of the Romani autonomous communities organization could be established according to the residence of the Roma, regardless of their sub-group. In these areas one can envisage a combination of joint Roma–Hungarian autonomous bodies for those who perceive belonging to both national groups.⁵³ Still, any introduction of an objective criterion should be scrutinized in relation to the burden that it poses for individual group members, particularly those who are already in a vulnerable position.

Conclusion

My goal in this paper has been to present an alternative to the current policy of integration, one that I believe would be better able to empower the Roma in Slovakia. In so doing, I have sought to highlight the main obstacles to this approach and outline the various possible responses that may be posited by its critics. I have examined NCA as a point of departure in thinking of an institutional method that is suitable for the Roma's autonomous governance. NCA is unique because it enables the Roma to participate in setting the parameters for the legal protection of their communities rather than being permanently subjected to the decision-making of the dominant group, which represents current practice. By

privileging national belonging over other sources of individual identities, NCA exaggerates the boundaries between communities. This serves to increase further both the socio-economic and the gender-based inequalities. I have proposed that transformative accommodation built on joint governance between the state and minority communities can be engaged in order to address the deficiencies of Renner's model. Transformative accommodation takes into account the multiple sources of an individual's identity. While strengthening the position of the minority community *vis-à-vis* the majority, it simultaneously empowers the most vulnerable minority members. The joint governance approach furthermore represents a key aspect in another part of the Roma's accommodation. Joint governance has the potential to transform mainstream institutions in a way that will make them more able to facilitate Romani inclusion in the dominant institutions, which is in turn critical in advancing the socio-economic and cultural empowerment of this group. I have explained how joint governance invites an innovative approach to membership determination. I have also proposed that the subjective criterion of the NCA could be complemented by a variety of suitable objective criteria, depending on the legal domain where joint governance takes place. This avenue promises a better approach of respecting the multiple sources of individual's identity without privileging a single national affiliation.

My discussion has bracketed the 'political willingness' factor as being critical for the empowerment of the Roma. This political factor remains crucial for various practical reasons. The model I have defended entails significant costs associated with developing new institutions and training programmes, for example; because of the inequalities in power and resources, without the serious commitment of the dominant group, Romani autonomy is unlikely to succeed—or indeed even be considered. The commitment of the dominant group is even more important when we consider that the implementation of NCA as modified by transformative accommodation spreads the burden of transformation between the majority and the minority. I have not explained why the Slovak authorities would be motivated and willing to engage with the proposed model. I believe that an approach that could empower, protect and provide an avenue for inclusion for the Roma will also be beneficial to the whole of Slovak society in moral, social and economic terms. Yet, I am not sure about the strength of the argument that appeals to the interests of the majority in Slovak public discourse. In the recent history of Slovak policies directed towards the Roma, it was international pressure and funding, especially from the EU, which played the critical role in promoting policy changes. From this point of view, my article had the ambition of providing an international audience with an alternative to the rather problematic policy of integration that remains largely endorsed in Slovakia today.

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Notes

1. The Roma migrated in small groups from the northern parts of India around AD 1000, moving through Persia and on towards the Balkans and westwards to Europe. The earliest evidence of a Roma presence in Slovakia dates back to the beginning of the fourteenth century (Horváthová, 1964, p. 96). The Roma were historically viewed as aliens, a quintessential 'other' and labelled as *Cigáň* by the Slovaks. These terms loosely translate in meaning to the English term *Gypsy*. The term 'Roma' is a Romani word and symbolizes a community unified in semantic opposition to the world of the non-Roma—the *gadje*. (*Roma*, apart from its symbolic definition, is the plural of *Rom*. *Rom* means an adult male member of the *Romani* people. *Roma* is used to include both female and male members.) See e.g. Hancock (2002, pp. 4–14).
2. According to probably more accurate, unofficial estimates, the size of the Roma population in Slovakia is 320,000 people, or approximately 6.5% of the overall population (The Slovak Government Plenipotentiary for Romani Communities, 2004). The largest national minority grouping is the Hungarians, forming 9.7% of the overall population (The Slovak Statistical Office, 2001).
3. Among numerous reports that contributed to setting standards of the integration approach, see e.g. The Parliamentary Assembly of the Council of Europe (1993, 2002), The High Commissioner on National Minorities (2000), The Committee on the Elimination of Racial Discrimination (2000), The Committee on Legal Affairs and Human Rights (CoE) (2002), The Committee of Ministers of the Council of Europe (2000, 2001), Miszei *et al.* (2003) and The OSCE (2003).
4. 'Inclusion' or 'integration' are central terms of probably the most robust international initiative 'The Decade of Roma Inclusion' 2005–2015, sponsored by the Open Society Institute, the World Bank, the European Commission, the UNDP, the Organization for Security and Co-operation in Europe (OSCE), the Council of Europe (COE), the Council of Europe Development Bank, international Romani organizations and eight CEE countries.
5. 'Assimilation' policy, unlike 'integration', promotes 'social inclusion at the expense of losing distinct group identity' (Miszei *et al.*, 2003, p. 10).
6. Historically, the Roma have always been construed as a 'problem' or an 'issue' (on Romani history, see e.g. Horváthová, 1964; Liégeois, 1986; A. Fraser, 1995; Crowe, 1996).
7. The circumstances of the Roma are broadly similar across CEE states. This observation can invite scholars to advocate for uniform policies towards the Roma in those states, where the majority of the Roma live. I prefer to situate my proposal within a single country. I believe there are salient differences between the expectations and political claims of diverse Romani groups. There are also important qualitative differences among CEE states as to how they engage in their nation-building projects and how they understand which groups constitute national minorities (and how they accept their ethnocultural claims). The selection of Slovakia for the case study is based on several factors. The situation of the Roma in Slovakia is among the most severe in the region, and idiosyncrasies of Slovak history pose a serious challenge for the implementation of any progressive minority rights policy. It is also one of the countries with the highest proportion of Romani population in the region. My personal familiarity with the historical, legal and political aspects of minority policy in Slovakia and my experience of working in the area of minority policy in Slovakia provide me with invaluable tools to pursue this project.
8. Romani movement in Slovakia has most recently sought a form of autonomy in 'Memorandum of The Roma Parliament in Slovak Republic' adopted on 25 January 2003 and submitted to Mikuláš Dzurinda, the Slovak Prime Minister on 29 January 2003 (the memorandum is on file with the author). The memorandum sought specifically creation of a national self-governance system at local and central/national level. The Parliament of the Roma is a non-governmental association (NGO) representing more than 160 Romani NGOs and Romani political parties in Slovakia. Although the parliament does not necessarily represent all political and non-governmental Romani organizations, it does include a relatively broad spectrum of Romani subjects, including an emerging generation of young Romani intelligentsia.
9. I use the term 'Romani autonomy' to describe a model of autonomous Romani governance that is inspired by the principles of NCA and of transformative accommodation introduced in the final section of this paper. The idea of Romani autonomous governance has, so far, received limited scholarly attention. Among a few of the scholarly debates on Romani autonomy are those of Meyer (2001) and Klímová-Alexander (2005b, 2007).
10. This institutional proposal is situated within the framework of national minority rights, which takes as its point of departure the actual legal status of the Roma in Slovakia as a national minority and claims of a portion of the Romani movement (Lajcakova, 2007b).

11. The proposal of national cultural autonomy was first advanced by the Austrian Liberal, Adolph Fishof in 1866 and was later advanced in more detail by Karl Renner and Otto Bauer. My account of the NCA is based chiefly on Karl Renner's essay 'State and Nation', first published in German in 1899. I rely on the first English translation published in 2005 (pp. 15–48). As my second source I rely on the first English translation of the *Question of Nationalities* from 2000, originally published in 1924 (Bauer, 1924/2000, chapter 4). NCA never materialized in the context of the Austro-Hungarian Empire. On the practice of personal cultural autonomies in Europe, see e.g. Coakley (1994).
12. Renner, however, accepted that this analogy is limited. (Renner, 1899/2005, p. 20).
13. After his careful sociological examination, Bauer concluded: [t]he territorial principle in its pure form leaves these minorities everywhere at the mercy of the majority' (Bauer, 1924/2000, p. 270). Renner and Bauer did not dismiss the principle of territoriality altogether. Renner explained: 'this is not to say that the territorial principle is wrong in itself and untenable. On the contrary, it is the formula for nation-state formation ... It is one of the conceivable ways of solving the national question. However, it is not a formula for solving the Austrian nationalities question ...' (Renner, 1899/2005, p. 30). One of the important factors in endorsing the personal rather than the territorial principle is internal migration within the Empire (Bauer, 1924/2000, 260ff.; Renner, 1899/2005, p. 27).
14. It is possible, Renner believed, to accept two cultures and intellectually unite them. Yet he insisted that one can belong only to a single nationality, and equally did not examine further the consequences of NCA for individuals who express dual or multiple memberships (Renner, 1899/2005, p. 42).
15. Similarly, Bauer argued that the concrete application of the general principle of national autonomy should not be constructed in a vacuum but rather in the context of demands of groups seeking self-governance (Bauer, 1924/2000, p. 259).
16. The experience with a similar system of self-government adopted in Hungary suggests that the mechanism ensures 'minority members the opportunity to take an active part in addressing the problems of their community, instead of having programs imposed on them from above, without consulting them' (Project on Ethnic Relations, 1997, p. 13).
17. In addition, some observers proposed that the Hungarian model has proved to be effective in addressing the problem of the lack of legitimacy and creating partners for state and local self-administration at both the local as well as the central level (Project on Ethnic Relations, 1997, pp. 3, 12).
18. The relatively new Romani political leadership does not yet possess the necessary political mobilization skills as do their more experienced counterparts—the ethnic Slovaks or ethnic Hungarians. The leadership has, so far, been much divided at a national level as well as the local level (see e.g. Vašečka *et al.*, 2002; Šebesta, 2003).
19. The Slovak Constitution explicitly requires that in order for people belonging to minorities to be able to access their minority rights two prerequisites must be met—membership of a minority group and Slovak citizenship. Belonging to a minority is, according to the Constitution, based on the subjective will of each citizen. Citizens are free to determine their membership of any ethnic group or any national minority. Membership of a national minority is, for legal purposes, determined primarily through public censuses. *The Slovak Constitution*, Act No. 460/1992 Coll., in its present amended form; Article 12 (3).
20. This phenomenon is not limited to the Roma in Slovakia, but also occurs in other CEE countries (see e.g. Project on Ethnic Relations, 2000, 20ff.).
21. Forcibly gained evidence was also obtained in order to conduct arbitrary criminal prosecutions of the Roma (see e.g. Horváthová, 1964, p. 135).
22. The oldest and most numerous, forming approximately 90% of the overall Romani population, is the culturally similar Slovak and Hungarian Rumungre. The rest of the Roma in Slovakia are mostly the Vlach (also known as Vlachike or Olah) Roma, who are thought to be descendants of Romanian slaves. The Rumugre Roma have been present on Slovak territory for several centuries. The Vlach Roma arrived in Slovakia in the second half of the nineteenth century from Romania. They led a nomadic lifestyle until this way of life was finally banned by the Communists in the 1950s. The Vlach and the Rumungre Roma typically differentiate themselves according to the clan to which they belong and the area where they have settled (see e.g. Horváthová, 1964, p. 96; Hübschmannová, 1979, p. 36).
23. An opposing argument could be made too. The Roma may be able to recognize more directly the implications and potential benefits in a declaration of Romani ethnicity.

24. After long discussions, the original mechanism was modified to prevent possible electoral abuse. The passive franchise of minority candidates has been restricted. Minority electoral lists must contain a certain number of candidates who are nominated by a competent authority. Such an authority is a civil organization that has the aim of representing a certain minority. Paras 24 and 26.2(a) of *The Hungarian Act LXIV of 1990 on the Election of Local Municipal Government Representatives and Mayors*, as amended in 2005 by Act CXIV. For detail on the Hungarian minority self-government system, see e.g. Dobos (2007), Eiler & Kovács (2002) and Kovács (2000).
25. The European Commission against Racism and Intolerance noted in the context of the Hungarian self-governance system: 'ECRI is concerned about reports from certain minority representatives according to which they experience inappropriate pressure in certain localities aimed at discouraging such minorities from establishing and running a minority self-government. Concerns have been expressed about abuses in the elections, whereby persons who do not belong to a given minority are elected as representatives of that minority, by taking advantage of the fact that persons not belonging to a given minority are entitled to vote or stand for the minority self-government elections' (The European Commission against Racism, 2004, Article 6).
26. Romani groups speak different dialects of the Romani language according to the area where they traveled or settled. Romani dialects derive from the Sanskrit language and are often mutually understandable in a similar way to the Slavic languages of Czech, Slovak or Polish (Liégeois, 1988, p. 36). Romani dialects can be broadly divided into three groups, depending on Roma's migration—European, Armenian and Asiatic (A. Fraser, 1995, 38ff.). Difficulties in the mutual comprehension of the Romani dialects were essentially introduced by the phonetic, lexical and grammatical influences of various modern European languages (Hübschmannová, 1998, pp. 24–25). In Slovakia, there are, however, no data indicating how many Roma speak the Romani language (i.e. its dialects).
27. Debates on the suitability of this approach remain. Discussions in Norway indicate a propensity towards viewing membership based solely on self-identification rather than any stricter form of objective criterion (Myntti, 2002, p. 157). The expression of belonging through descent (e.g. language spoken by ancestors) might not be appropriate across diverse Romani communities. Michael Stewart, studying the Vlach Roma in the mid-1980s in Hungary, asserted that the Roma did not affirm their identity by descent but rather by participation in Romani culture and language opportunities (Stewart, 1997, p. 59). This question, however, remains open to an empirical scrutiny of the current reality of the Romani groups in Slovakia.
28. The idea of the possibility of recognizing the customary laws of the Roma under the NCA has been briefly raised by Ilona Klímová-Alexander, who indicated that this would be 'welcomed by some traditional Romani groups who practise Romani law, which often clashes with the legal systems of the countries where they live' (Klímová-Alexander, 2005b, p. 128).
29. Studies of customary marriages were undertaken among Romani groups in Turkey (Ozkan, 2006, p. 461).
30. Although I focus only on these two sources of group identities, I appreciate that we should also be concerned with the impact of minority protection on other groups such as sexual minorities or children.
31. Shachar alerts us to the fact that, in the context of religious communities and recognition of personal law regimes, some of these groups do not recognize acts of withdrawal. Group membership may in some groups be based merely on an individual's birthright entitlement. '[E]ven if *one* attempts to resist the authority, norms, and ways of life of one's community, one may be unable to exit that community fully' (Shachar, 2002, p. 208).
32. See also Shachar's argument that the same may hold true when the group's specific identity is denied and when the group faces assimilation pressures. See especially the response she labels as 'reactive culturalism' (Shachar, 2001, pp. 35–37).
33. This generally also holds true of women belonging to the dominant nation. For minority women the intersection of cultural and gender inequalities amplifies further their socio-economic disadvantage.
34. Also on this point, see Weinstock (2005, p. 245).
35. Shachar aptly observed: 'this right of exit solution offers no comprehensive policy approach at all', it practically relieves the state from 'any responsibility for the situation' and it shifts the burden on the injured individual member who 'should be the one to abandon the very center of her life, family, and community' (Shachar, 2001, p. 41).
36. My argument applies in this specific context on Romani NCA. This is not to suggest that federal systems are more or less committed to distributive justice than other systems.

37. On the inadequacy of cultural autonomy to help the Roma to alleviate their socio-economic disadvantage in the context of Romani self-governance in Hungary, e.g. Kovats (2001).
38. Bauer was aware of this problem and argued that the group must simply 'take this danger into consideration' (Bauer, 1924/2000, p. 290). Although Renner did not tackle this question directly, he recognized the need to consider the financial subsidies required to operate a viable schools system (Renner, 1899/2005, p. 38).
39. Nevertheless, transformative accommodation could provide a useful guide in a future debate on Roma-nyia recognition in the sphere of family law, for example.
40. Shachar—although perhaps to a lesser extent than Renner.
41. Shachar points to an example when school transforms its sex education in a way that would not be insulting to certain communities by, for example, providing it in a non-offensive or non-explicit manner.
42. This point is based on the insight that cultural norms often underpin the organization of socio-economic institutions (Young, 1991, p. 59; Parekh, 2000, p. 152).
43. Although transformative accommodation does not specifically include this requirement, it is implied in the right to exit principle.
44. I recognize that there is a difference in the methods of tracing ethnic and national belonging in the context of autonomy and for the purposes of measuring marginalization or discrimination, for example. In the latter case, perception of outsiders or non-Roma may be relevant in establishing whether they believe someone belongs to Romani minority. This is based on a view that such subjective belief serves as a basis for discrimination or stereotyping (see e.g. The Slovak Government Plenipotentiary for Romani Communities, 2004).
45. As stated earlier, Romani leadership is not unified. Rather than dismissing the option of Romani autonomy all together, this means that establishing such a form of governance requires the inclusion of a wide spectrum of Romani organizations and activists.
46. Kymlicka's approach, however, in differentiating between permissible external protections (against non-members) and impermissible internal restrictions (against members) in his liberal theory group differentiated rights has been exposed to serious critique. The differentiation between two types of claim is too complicated to sustain in practice. Often, external protections have exactly the same jurisdictional powers that perpetuate internal restrictions (see e.g. Macklem, 2001, p. 231; Shachar, 2001, p. 30).
47. Yet the existence of this citizenship requirement could potentially hamper a possibility of transboundary autonomy for the Roma that could be formed among Romani groups in Slovakia and neighbouring countries, or exclude travelling or newly immigrant Romani groups.
48. This comparison has been advanced by Shachar (2002).
49. Knowledge of Slovak is tested through an interview, and reading and writing tests conducted in Slovak. The testing is carried out by a three-member committee appointed by a local state administration. Other requirements include permanent residency of 8 years and no criminal record. *The Law on the Slovak Republic Citizenship*, Act. 40/1993 Coll. as amended, paras 6 and 7. These strict criteria on acquiring citizenship through naturalization were introduced in an amendment to the Citizenship Act in 2008. Previous legislation required only a basic knowledge of Slovak, defined as being able to understand and answer questions in Slovak. Also, the permanent residency requirement was only 5 years.
50. Indeed the Slovak Constitution guarantees to persons belonging to national minorities (including the Roma) the right to protect their culture, including their mother tongue. Articles 33 and 34 of *The Slovak Constitution*. As stated earlier, the membership in a national minority will be based only on a self-identification. See note 19 and accompanying text.
51. Some bodies could have joint jurisdiction over several areas.
52. Customary rules could be considered too, as explained earlier as long as they do not unduly disadvantage individual members.
53. One can imagine even transboundary co-operation between autonomous bodies in Slovakia and Hungary, for example.

References

- Acton, T.A. (2003) A three cornered choice: structural consequences of value-priorities in Gypsy Law as a model for a more general understanding of variations in the administration of justice, *American Journal of Comparative Law*, 50(3), pp. 639–657.

- Bauböck, R. (2004) Territorial and cultural autonomy for national minorities?, in: A. Dieckhoff (Ed.), *The Politics of Belonging: Nationalism, Liberalism, and Pluralism*, pp. 221–258 (Lanham: Lexington Books).
- Bauböck, R. (2005) Political autonomy or cultural minority rights? A conceptual critique of Renner's Model, in: E. Nimni (Ed.), *National Cultural Autonomy and its Contemporary Critics*, pp. 237–253 (London: Routledge).
- Bauer, O. (1924/2000) *The Question of Nationalities and Social Democracy* (Minneapolis and London: University of Minnesota Press).
- Coakley, J. (1994) Approaches to the resolution of ethnic conflict: the strategy of non-territorial autonomy, *International Political Science Review*, 15(3), pp. 297–314.
- The Committee on Legal Affairs and Human Rights (CoE) (2002) *Legal Situation of the Roma in Europe*.
- The Committee of Ministers of the Council of Europe (2000) *Recommendation on the Education of Roma/Gypsy Children in Europe*.
- The Committee of Ministers of the Council of Europe (2001) *Recommendation on Improving the Economic and Employment Situation of Roma/Gypsies and Travellers in Europe*.
- The Committee on the Elimination of Racial Discrimination (2000) *General Recommendation 27, Discrimination against Roma*, UN Doc. A/55/18, Annex V.
- Crowe, D.M. (1996) *A History of the Gypsies of Eastern Europe and Russia* (New York: St. Martin's Griffin Press).
- Deets, S. & Stroschein, S. (2005) Dilemmas of autonomy and liberal pluralism: examples involving Hungarians in Central Europe, *Nations and Nationalism*, 11(2), pp. 285–305.
- Dobos, B. (2007) The development and functioning of cultural autonomy, *Ethnopolitics*, 6(3), pp. 451–469.
- Eiler, F. & Kovács, N. (2002) Minority self-government in Hungary, in: K. Gál (Ed.), *Minority Governance in Europe*, pp. 171–197 (Budapest: Open Society Institute).
- The European Commission against Racism, Council of Europe (2004) *The Third Report of The European Commission against Racism and Intolerance on Hungary*, available online at: http://www.coe.int/T/e/human_rights/ecri/1-ECRI/2-Country-by-country_approach/Hungary/Hungary_CBC_3.asp#P94_10045
- Fraser, A. (1995) *The Gypsies: The Peoples of Europe* (Malden, MA and Oxford: Blackwell).
- Fraser, N. (1995) From redistribution to recognition? Dilemmas of justice in a 'post-socialist age', *New Left Review*, 212, pp. 68–93.
- Friedman, E. (2002) Explaining the political integration of minorities: Roms as a hard case, unpublished DPhil dissertation, University of California in San Diego.
- Gheorge, N. & Mirga, A. (1997/2001) The Roma in the twenty-first century: a Position Paper, *Eurozine*, available online at: <http://www.eurozine.com/articles/2001-03-12-mirga-gheorgh-en.html>
- Hancock, I. (2002) *We are the Romani People* (Hatfield: University of Hertfordshire Press).
- The High Commissioner on National Minorities (2000) *Report on the Situation of Roma and Sinti in the OSCE Area* (The Hague: OSCE), available online at: http://www.osce.org/documents/hcnm/2000/03/241_en.pdf
- Horváthová, E. (1964) *Cigáni na Slovensku* (Bratislava: Vydavateľ'stvo Slovenskej Akadémie Vied).
- Hübschmannová, M. (1979) Bilingualism among the Slovak Rom, *International Journal of the Sociology*, 19, pp. 33–49.
- Hübschmannová, M. (1998) *Šaj pes Dovakeres—Můžeme se domluvit* (Olomouc: Univerzita Palackého).
- Klímová-Alexander, I. (2005a) *The Romani Voice in World Politics: The United Nations and Non-state Actors* (London: Ashgate).
- Klímová-Alexander, I. (2005b) Prospects for Romani national cultural autonomy, in: E. Nimni (Ed.), *National Cultural Autonomy and its Contemporary Critics*, pp. 124–134 (London: Routledge).
- Klímová-Alexander, I. (2007) Transnational Romani and indigenous non-territorial self-determination claims, *Ethnopolitics*, 6(3), pp. 395–416.
- Kovács, P. (2000) *International Law and Minority Protection: Rights of Minorities or Law of Minorities?* (Budapest: Akémia Kiadó, Pázmány-Books).
- Kovats, M. (2001) The political significance of the first National Gypsy Minority Self-government, *Journal on Ethnopolitics and Minority Issues in Europe*, 2, available online at: <http://www.ecmi.de/jemie/download/Focus11-2001KovatsComment.pdf>
- Kymlicka, W. (1989) *Liberalism, Community and Culture* (Oxford: Clarendon Press).
- Kymlicka, W. (1995) *Multicultural Citizenship* (Oxford: Clarendon Press).

- Kymlicka, W. (2001) Western political theory and ethnic relations in Eastern Europe, in: W. Kymlicka & M. Opalski (Eds), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, pp. 14–105 (Oxford: Oxford University Press).
- Lajcakova, J. (2007a) The uneasy road towards remedying the economic & cultural inequality of the Roma in Slovakia, *The International Journal on Minority and Group Rights*, 14, pp. 59–83.
- Lajcakova, J. (2007b) Ethnocultural justice for the Roma in Slovakia, unpublished Doctor of Judicial Science dissertation, University of Toronto.
- Liégeois, J.P. (1986) *Gypsies: An Illustrated History* (London: Al Saqui Books).
- Macklem, P. (2001) *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press).
- Mann, A.B. (1992) Formovanie etnickej identity Rómov na Slovensku, in: J. Plichtová (Ed.), *Minority v Politike*, pp. 237–241 (Bratislava: Česko-slovenský výbor Európskej kultúrnej nadácie, Ister Science Press).
- Marušiaková, J. (1988) Vzťahy medzi skupinami cigánov, *Slovenský Národopis*, 36, pp. 58–77.
- McGarry, J. & Moore, M. (2005) Karl Renner, power sharing and non-territorial autonomy, in: E. Nimni (Ed.), *National Cultural Autonomy and its Contemporary Critics*, pp. 74–95 (London: Routledge).
- Meyer, L.H. (2001) Transnational autonomy: responding to historical injustice in the case of the Saami and Roma people, *International Journal on Minority and Group Rights*, 8, pp. 263–301.
- Miszei, K., Slay, B., Mihailov, D., O'Higgins, N. & Ivanov, A. (2003) *Avoiding the Dependency Trap: The Roma Human Development Report* (Bratislava: UNDP).
- Musgrave, T.D. (2002) *Self-determination and National Minorities* (Oxford: Oxford University Press).
- Myntti, K. (2002) The Sami cultural autonomies in the Nordic countries, in: K. Gál (Ed.), *Minority Governance in Europe*, pp. 151–170 (Budapest: Open Society Institute).
- Nedelsky, N. (2003) Constitutional nationalism's implications for minority rights and democratization: the case of Slovakia, *Ethnic and Racial Studies*, 26(1), pp. 102–128.
- Nootens, G. (2005) Nations, states and the sovereign territorial ideal, in: E. Nimni (Ed.), *National Cultural Autonomy and its Contemporary Critics*, pp. 51–62 (London: Routledge).
- O'Nions, H. (2007) *Minority Rights Protection in International Law: The Roma of Europe* (Aldershot: Ashgate).
- Oprea, A. (2005) The arranged marriage of Ana Maria Cioaba, intra-community oppression and Romani feminist ideals: transcending the 'primitive culture' argument, *European Journal of Women's Studies*, 12, pp. 133–148.
- The OSCE (2003) *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*.
- Ozkan, A.R. (2006) Marriage among the Gypsies of Turkey, *The Social Science Journal*, 46, pp. 461–470.
- Parekh, B. (2000) *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Hampshire and New York: Palgrave).
- The Parliamentary Assembly of the Council of Europe (1993) *Recommendation 1203 on Gypsies in Europe*.
- The Parliamentary Assembly of the Council of Europe (2002) *Recommendation 1557 on the Legal Situation of Roma in Europe*.
- Project on Ethnic Relations (1997) *Self-government in Hungary: The Romani/Gypsy Experience and Prospects for the Future* (Princeton, NJ: Project on Ethnic Relations), available online at: http://www.per-usa.org/1997-2007/self_gov.htm
- Project on Ethnic Relations (2000) *Roma and Statistics* (Princeton, NJ: Project on Ethnic Relations), available online at: www.per-usa.org/reports/PERStrasbourg.pdf
- Refugee Women's Resource Project (2002) *Romani Women from Central and Eastern Europe: A 'Fourth World', or Experience of Multiple Discrimination*, available online at: <http://www.asylumaid.org.uk/data/files/publications/30/Romani%20Women%20from%20Central%20and%20Eastern%20Europe%20A%20Fourth%20World.pdf>
- Reisman, M.W. (1993) Autonomy, independence, and responsibility, *Yale Law Journal*, 103, pp. 401–417.
- Renner, K. (1899/2005) State and nation, in: E. Nimni (Ed.), *National Cultural Autonomy and its Contemporary Critics*, pp. 15–48 (London: Routledge).
- Ringold, D., Orenstein, M.A. & Wilkens, E. (2005) *Roma in the Expanding Europe: Breaking the Poverty Cycle* (Washington, DC: The World Bank).
- Šebesta, M. (2003) Rómska politická scéna, in: M. Vašečka (Ed.), *Čačipen Pal o Roma—Súhrnná správa o Rómoch*, pp. 295–312 (Bratislava: Inštitút Pre Verejné Otázky).
- Shachar, A. (2001) *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press).

- Shachar, A. (2002) The thin line between imposition and consent: a critique of birthrights membership regimes and their implications, in: M. Minow (Ed.), *Breaking the Cycles of Hatred: Memory, Law, and Repair*, pp. 200–235 (Princeton, NJ: Princeton University Press).
- The Slovak Government (2003) Basic Positions of the Slovak Government on the Integration of Roma Communities, Resolution 278/2003.
- The Slovak Government (2008) Medium-term Concept of the Development of the Roma National Minority in the Slovak Republic, Solidarity–Integrity–Inclusion, Resolution 183/2008.
- The Slovak Government Plenipotentiary for Romani Affairs (2004) *Romani Atlas: Sociographic Mapping of Roma Communities in Slovakia*, available online at: <http://romovia.vlada.gov.sk/3554/list-faktov.php>
- The Slovak Statistical Office (2001) *Data from the 2001 Public Census in Slovakia*, available online at: http://portal.statistics.sk/files/Sekcie/sek_600/Demografia/SODB/Tabulky/tab11.pdf
- Stewart, M. (1997) *The Time of Gypsies* (Oxford: Westview Press).
- Stojka, P. & Pivoň, R. (2003) *Náš Život—Amaro Trajo* (Bratislava: SD Studio).
- Sztojka, K. (2000) Romani women in Romani and majority society, *Roma Rights Quarterly*, 1, available online at: <http://www.errc.org/cikk.php?cikk=626>
- Taylor, C. (1994) The politics of recognition, in: A. Gutman (Ed.), *Multiculturalism: Examining the Politics of Recognition*, pp. 25–73 (Princeton, NJ: Princeton University Press).
- Uhrek, Z. & Novák, K.A. (2003) Etnická identita Romů, in: M. Vašečka (Ed.), *Čačipen Pal o Roma: Súhrnná správa o Rómoch na Slovensku*, pp. 93–111 (Bratislava: Inštitút Pre Verejné Otázky).
- Vaňo, B. & Haviarová, E. (2003) Demografické trendy rómskej populácie, in: M. Vašečka (Ed.), *Čačipen Pal o Roma—Súhrnná správa o Rómoch*, pp. 475–502 (Bratislava: Inštitút Pre Verejné Otázky).
- Vašečka, M., Jurásková, M., Kriglerová, E., Puliš, P. & Rybová, J. (2002) *Rómske Hlasy* (Bratislava: Inštitút Pre Verejné Otázky).
- Volpp, L. (2006) Engendering culture, *Feminism & Law Workshop Series* (Toronto: The Faculty of Law, University of Toronto).
- Walzer, M. (2001) Nation-states and immigrant societies, in: W. Kymlicka & M. Opalski (Eds), *Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe*, pp. 150–153 (Oxford: Oxford University Press).
- Weinstock, D.M. (2005) Beyond exit rights: reframing the debate, in: A. Eisenberg & J. Spinner-Halev (Eds), *Minorities within Minorities: Equality, Rights and Diversity*, pp. 227–246 (Cambridge: Cambridge University Press).
- Weyrauch, W.O. (2001a) *Romaniya: an introduction to Gypsy law*, in: W.O. Weyrauch (Ed.), *Gypsy Law: Romani Legal Traditions and Cultures*, pp. 1–10 (Berkeley, CA: University of California Press).
- Weyrauch, W.O. (Ed.) (2001b) *Gypsy Law: Romani Legal Traditions and Cultures* (Berkeley, CA: University of California Press).
- Weyrauch, W.O. & Bell, M.A. (2001) Autonomous lawmaking: the case of the ‘Gypsies’, in: W.O. Weyrauch (Ed.), *Gypsy Law: Romani Legal Traditions and Cultures*, pp. 11–87 (Berkeley, CA: University of California Press).
- Young, I.M. (1991) *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press).