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A Targeted Approach to Multiculturalism: the Case of the Roma Minority in Europe

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Introduction

One of the key innovative features of Will Kymlicka’s theory of liberal multiculturalism consists in the attention it pays to the type of ethnocultural groups which deserve protection. Kymlicka argues that, to be both legitimate and politically effective, liberal multiculturalism should be “group-differentiated”. It should be based on a “targeted approach” to cultural rights in order to take seriously the specific needs of diverse ethnocultural minorities by contrast with the “generic” cultural rights to which each individual is entitled whatever the type of minority he belongs to. This argument stresses the importance, in Kymlicka’s theory, to combine the normative argument of liberal multiculturalism with sociological considerations about ethnocultural diversity. Indeed, arguing that “cultural membership” is a social primary good that should be distributed fairly among citizens, as Kymlicka does, remains an indeterminate claim unless one pays due attention to the various forms that this membership may take. Accordingly, Kymlicka considers that, in order to identify the distinctive claims of minorities such as substate nations, indigenous peoples, or ethnic groups resulting from immigration, it is indispensable to take into account the historical background, the geographical environment and the institutional framework that characterize them as a specific cultural group and help identify their different cultural needs. It allows in particular to make a difference between the groups who still possess a “societal culture”, i.e. common institutions to which they identify as a “people” or a “nation” and who wish to preserve it, and the groups who have left their societal cultures and expect to be integrated in a new one; hence *Multicultural Citizenship*’s well-known distinction between national minorities and ethnic minorities (Kymlicka, 1995).

In line with this contextual and normative exploration of ethnocultural diversity, I intend to examine the case of the Roma minority in Europe. European institutions declare the Roma to form the largest minority within Europe” (around 12 or 15 millions of persons) and they have adopted multiple initiatives of various sorts to raise consciousness about the deep discriminations Roma are exposed to and to promote their rights, through policy recommendations, resolutions, specific provisions and amendments in binding European conventions, international conferences, research funding¹. The case study of Roma in Europe sheds interesting light on the theory of liberal multiculturalism. In *Multicultural Odysseys*, in which he explores the “new international politics of diversity”, Kymlicka observes that European institutions have started applying a targeted approach to Roma’s rights, in line with the normative approach to liberal multiculturalism, and he considers this as exemplary of the model Europe should adopt to implement successfully cultural rights (Kymlicka, 2007). Yet, it is worth noticing that the group-differentiated approach to cultural rights is justified inasmuch as particular minorities like Quebecers, Inuits or Ukrainian-Canadian belong to specific *types* of ethnocultural minorities, respectively national minorities, indigenous peoples and ethnic minorities. The categorization here is normative because it acknowledges the specific types of injustices that different ethnocultural minorities experience. But when it comes to a given minority such as the Roma in Europe, a question arises: what justifies normatively the ethnic targeting in their particular case? What are their specific cultural needs and do these needs allow possibly to identify a new type of ethnocultural minority? Kymlicka considers the Roma as a *transnational* minority, thus suggesting that this new type of ethnocultural group should be added to his normative typology of cultural rights. However, I will argue that the distinctive nature of the minority “culture” becomes unclear in the case of a transnational minority like the European Roma, whose unity results more from a process of historical racialization than from a set of shared ethnic features. This fact makes it difficult to include this type of group in the principled defense of cultural rights that characterizes Kymlicka’s liberal multiculturalism, because its theoretical framework implies two premises, namely a sense of ethnocultural membership and the acknowledgement of its moral value, two premises that seem to be lacking in the case of Roma.

This article intends to address these issues by combining a normative analysis with an empirical study. I will draw in particular on the findings of the fieldwork I conducted in the Council of Europe (COE) during Spring and Summer 2016, in order to observe *in situ* how the Roma’s ethnic targeting was made within this institution². Based on the analysis of the COE’s official programs related to Roma

issues and on the interviews of experts and public agents in charge of them, this empirical study aimed at understanding the normative logics at work, both in the discursive construction of the ethnic category and on the vindication of protective measures specifically designed for Roma.

The first section starts by recalling the distinction made by Kymlicka between a targeted approach and a generic approach to cultural rights and the way in which he applies it to the case of the Roma minority in the European context. The second section summarizes the results of the empirical study. By bringing out the two main approaches that justify the targeting of the Roma minority, it shows their heterogeneity and the difficulty to articulate them in the theoretical framework of liberal multiculturalism. The last section develops the normative conclusion of these results. It argues that the ethnic targeting of the Roma in Europe is better justified in terms of a “politics of difference”, as Iris M. Young understands it, than as a liberal requirement of cultural rights. The conclusion draws from such a theoretical move the need to complete Kymlicka’s targeted approach with closer theoretical considerations for racial oppression and inequalities.

1. The European Experiment of Liberal Multiculturalism and Roma’s rights

In *Multicultural Odysseys*, when assessing the implementation of liberal multiculturalism in international law, Kymlicka contrasts two dominant approaches to cultural rights, the specific/ “targeted” one vs the “generic” one and he contends that the former is more legitimate than the latter. While the generic approach grants the right to enjoy one’s culture to any person whatever the cultural group to which one belongs, as exemplified in the Article 27 of the UN 1966 International Covenant on Civil and Political Rights³, the specific approach includes all legal and semi-legal norms which target “a specific type of minority such as autochthonous peoples, national minorities, immigrant minorities or Roma/travellers.” (Kymlicka, 2007: 199) One obvious limit of the generic approach lies in its inability to satisfy the claims of “peoples” whose members desire to preserve their societal culture from assimilation. Indeed, a right to enjoy one’s culture that is limited to an individual freedom, like religious freedom, cannot ground collective self-government rights and is therefore unable to provide national minorities or autochthonous peoples with an effective control over their territory, language, educative system, etc.. By contrast, a targeted approach is able to address this specific need, as it takes seriously the normative difference that distinguishes the claims of “national minorities” and autochthonous peoples *of not being integrated into the dominant societal culture* from the claims of

“ethnic minorities” *of being socially and politically integrated without being culturally assimilated*. This well-known dichotomy constitutes the basis of Kymlicka’s normative typology of minorities since *Multicultural Citizenship*.

The “targeted” vs “generic” distinction is crucial in Kymlicka’s assessment of the European experiment of multiculturalism. He argues indeed that European law and policies have failed so far to implement the norms of liberal multiculturalism, precisely for not acknowledging the targeted nature of cultural rights, due to security problems related to the risks of irredentism in post-communist countries. Because national minorities’ claims to cultural autonomy were seen as prone to fuel projects of reunification with kin states after the dismantling of the communist block, post-communist countries refused to grant these minorities self-government rights, considering them as a threat to their territorial integrity and political stability. “In the end”, as Kymlicka observes, “the long-term goal of promoting and diffusing a distinctly liberal-democratic model of multiculturalism for national minorities was abandoned in response to the short-term exigencies of maintaining stability in the process of democratic transition in post-communist countries” (Kymlicka, 2007: 214). Consequently, security issues have encouraged European states to favor generic cultural rights, which appeared less costly politically.

The Framework Convention for the Protection of National Minorities (FCNM) adopted in 1998 by the COE offers a clear illustration of this prudential choice and of the conceptual problem it entails. Adopted in the aftermath of the Balkan war, the FCNM was designed to prevent interethnic conflicts by providing national minorities with legal protections. Kymlicka observes that this legal text only makes a formal use of the concept of “national minority”. While acknowledging that substate nations should be protected, the text does not give any substantial power to them: indeed the “national minorities” remain subjected to the arbitrary decision of the signatory states to consider them as eligible to the FCNM provisions⁴ and they are not granted any self-government rights that would give them the legal power to preserve their societal cultures. Kymlicka therefore concludes that the FCNM is “specific” only formally and that it remains “generic” in its implementation, as the distinctive claims of national minorities are not acknowledged but limited to an individual and associative freedom to enjoy one’s culture. More broadly, Kymlicka interprets the ambiguities and limits of the FNCM as an evidence that European multiculturalism has been so far “conceptually unstable and politically ineffective” (Kymlicka, 2007: 214-215).

Within this context, the case of the Roma minority teaches two things according to Kymlicka: on the one hand, it confirms his critical analysis of the conceptual instability at work in the European experiment of liberal multiculturalism; on the other hand, it also appears as the inchoate expression of a specific approach, targeted on a particular group and responsive to its specific needs.

The first aspect has to do with the opportunist use that European institutions have made of available legal norms when they became aware of the dramatic situation of Roma populations and started handling it as an urgent public problem. This move arose during the 2000's for humanitarian and political reasons: the transition of former countries of USSR to market economy provoked a severe degradation of Roma populations's living conditions, and the integration of Romania and Bulgaria to the European Union was anticipated as a risk of massive migration of these marginalized populations to Western members states (Sigona and Trehan, 2009). This situation incited the Council of Europe to put pressure on Eastern Europe states to include Roma groups in their list of "national minorities" protected by the FCNM. However, this confirmed the inadequate use of the "national minority" category in European minority law, as diagnosed by Kymlicka. Indeed, Roma groups can hardly be defined as a "nation" in the sociological sense of the term. Being a diasporic minority, whose members are supposed to have migrated from India in the early XIVth century and settled all across the European continent, Roma populations form very different groups with no ethnic homogeneity whatsoever: apart from populations in Eastern Europe, most of them do not identify themselves as Roma, but as Sinti in Germany, as *Gens du voyage* in France, or as Kale in Spain⁵; they don't share the same religion, nor speak the same language, nor adopt the same ways of living. It is worth recalling though that the name of "Roma" is not an artificial creation imposed by European institutions to heterogeneous groups, but that it is a historical result of the political mobilization of Roma activists during the XXth century. Roma nationalism culminated in 1971 at the Congress of London, with the official adoption of the identity markers of the Roma nation, its name (Roma meaning "human" in romani), its anthem (*Gelem, Gelem*) and its national flag⁶. Yet, Roma nationalism is quite atypical, in the extent that it possesses no territorial basis by contrast with another type of diasporic nationalism such as Zionism. Therefore, considered from the normative perspective of liberal multiculturalism, the Roma "people" does not share any common "societal culture" and therefore should not be considered as a "national minority".

The second aspect lies in the fact that the Roma minority has simultaneously benefited in Europe from another form of institutional treatment, in which their specificities have been explicitly taken into account. Kymlicka thus observes that, in diverse European institutions, "a myriad of

networks and services” have been implemented in order to address more properly Roma-related issues (Kymlicka, 2007: 223). It is to indeed to European institutions’ credit to have endorsed publicly the status of Roma populations as forming the “largest European minority”. In that regard, the pioneer role played by the COE should be saluted (Liégeois, 2010). As the intergovernmental institution founded after World War II with the explicit mission to protect human rights in Europe, the COE paid due attention to the Roma’s predicament as early as in the 1970’s; it has multiplied since then critical reports on the violations of Roma’s rights and policy recommendations to redress the situation. In the 1990s, the COE engagement on Roma’s rights led to the creation of several offices, whether integrally specialized in Roma issues, such as the CARHOM (a group of experts and of coordinators of programs of local mediation) and the European Roma and Travelers Forum⁷ (ERTF) or indirectly dealing with Roma issues, addressed simultaneously with other minority issues, in the offices of the FCNM, of the Charter on minority and regional languages (the Charter hereafter) and of Commissioner for Human Rights (CHR). This institutional network has contributed to the development of a solid expertise within the COE that was disseminated in other European institutions and that benefitted in particular to the European Union when it started to take care of the Roma’s situation in the late 2000s. Kymlicka considers this targeted approach as a much more effective way to protect the Roma’s rights *as a minority* than the generic approach that leaves to European states the arbitrary power to decide whether Roma *as individuals* should enjoy their cultural rights.

2. Targeting Roma’s rights in the COE: the culturalist and anti-racist approaches

What does result from this observation as regards to the targeted approach typical of liberal multiculturalism? *Prima facie*, the specific features of the Roma minority suggest that it corresponds to a new type of minority likely to enrich the normative typology of liberal multiculturalism. According to Kymlicka, the Roma minority would be a “transnational group” because of its diasporic character, as Roma settled in various European countries following diverse trajectories and displaying local specificities. However, the word “transnational” is ambiguous because its root “nation” may refer either to the nations within which Roma populations have settled or to the Roma nation itself. It may mean either that the members of the Roma minority live *across other nations* or that they belong to a *detrterritorialized nation* without its own territory. These two interpretations have different normative

consequences as regards to the typology of liberal multiculturalism. In the first interpretation, the Roma minority loses its consistency given the heterogeneity of the socio-demographic features of its populations within each country. It may be the case that, depending on each national context, these populations share either the typical features of a “national minority” or those of an “ethnic minority” and that they should therefore benefit from the cultural rights suited to the relevant type of minority. The transnational minority then falls into preexisting normative categories of liberal multiculturalism and does not constitute a type of its own. In the second interpretation, instead, when the Roma people is defined as a non-territorial form of nationality, it apparently provides some consistency to a specific type of minority to which some distinctive cultural rights may correspond.

The empirical study led in the COE contributed to shed some light on this ambiguity: investigating *in situ* about the ways in which official programs and public agents justify the specific attention they pay to Roma populations aimed at elucidating the meaning of their “transnational” character and to assess what possible improvements the theory of liberal multiculturalism could gain from taking into account this new type of minority.

A first finding of the inquiry consists in the observation that two main approaches structure the discourses justifying the use of the Roma category and that these approaches are diversely represented in the COE: a *culturalist approach* that is very close to the philosophy of liberal multiculturalism prevails in the offices of the FCNM and of the Charter on minority languages; an *anti-racist approach* focused on Roma’s racial oppression and discriminations is privileged in the CAHROM, the Commissary of Human Rights and the ERTF. A second finding relates to the normative divergence of these two approaches: for those who adopt the former, Roma are not considered as a group deserving *as such* some kind of protection; they are rather considered as forming extremely diverse populations who may benefit from the COE policies in member-states where they possess some characteristics close to Kymlicka’s type of “national minorities”. The distinctiveness of the minority Roma *qua* transnational minority and the acknowledgment of its proper needs are taken seriously in the offices and programs that are directly designed for them, but then it is associated to an anti-racist justification which takes critical distance with multicultural recognition and does not emphasize the need for cultural rights.

a) *The culturalist approach*

The official text and institutional communication that expose the rationale and objectives underlying the FCNM and the Charter are clearly in line with the philosophy of liberal multiculturalism. Indeed, they endorse the normative relation that unites the political principles of modern citizenship with ethnocultural pluralism: because humans are cultural beings, human rights require to pay due attention to the diversity of cultural forms of life and to respect their members' will to preserve them⁸. This human rights' requirement imposes positive obligations upon states that are detailed in both legal texts, through the range of norms and policies that signatory states are required to implement under the monitoring of advisory boards. In both texts, the eligible minorities are seen as "national minorities" or "old minorities", i.e. as concentrated groups traditionally settled in some delimited territories. While neither texts go all the way through the normative approach to liberal multiculturalism – as none grant self-government rights to national or linguistic minorities – they nevertheless think of "national minorities" in the same sociological terms.

As a result, in their current framing, the FCNM and the Charter provide little protection for the members of a diasporic minority like the Roma, whose demographic and cultural characteristics vary a lot from a country to another. In Romania and Bulgaria, Roma are sedentary since many generations and live apart from the mainstream society, in segregated communities, due to the longstanding hostility and discrimination they have been exposed to. In other countries like Denmark, most of them are assimilated. In France, the *Gens du voyage* – i.e. the administrative status designating the French Roma-related populations – are sedentary for most of them, even if they still express commitment to their own way of life by preserving some practices of mobility (such as living in trailers and participating to traditional pilgrimages). In various countries of Western Europe, finally, the Roma who have left Bulgaria and Romania after the entry of these countries in the EU are recent migrants. Given its focus on national minorities, the FCNM provides some protection to the first type of Roma groups, whose members form populations traditionally settled in some region, but not to the others who are generally absent in the list established by signatory states. Surprisingly, while this procedure of designation favors arbitrary political decisions that are rarely favorable to longstanding oppressed minorities like the Roma, it was nevertheless valued by the head of the FCNM office for its ability to adapt its implementation to the diverse demographical features of Roma populations.

For similar reasons, the provisions of the Charter apply unequally to Roma groups. They are irrelevant for the numerous Roma who do not speak Romani. Moreover, as it is designed to protect languages which are traditionally used in some identified regions, it is unfit for diasporic languages like

the romani and the yiddish which speakers are scattered in many countries while they are spoken since generations in Europe. More generally, the consideration paid by the Charter to the diversity of Roma populations weakens the unity of the minority. For instance, the head of the office of the Charter stressed the fact that the promotion of linguistic diversity within Europe – which is one of the key objectives of the Charter – often worked against Romani activists’ efforts of nation-building. While some of them consider the Romani language as a political tool that allows to build a sense of membership among Roma people, the Charter encourages instead the preservation of the many variety of languages spoken by Romani-related groups, thus actively exacerbating the linguistic heterogeneity of these populations.

These findings suggest that the FCNM and the Charter acknowledge Roma’s rights only when these populations share some features with a national or an “old” minority. Consequently, these legal texts provide no protection to the many members of the Roma minority who do not fit in the category.

b) The anti-racist approach

By contrast with the offices of the FCNM and of the Charter, the experts working in the CARHOM and in the CHR, as well as the General Secretary of the EFRT, explicitly acknowledged the specificity of this minority. All their discourses justified the ethnic targeting of populations identified as “Roma” and their status of “largest European minority” because of their members’ shared historical experience of anti-gypsyism. Their definition of anti-gypsyism, borrowed to the European Commission on Racism and Discrimination (ECRI), referred to “a specific form of racism, an ideology of racial superiority, a form of dehumanization and an institutional racism fueled by historical discrimination⁹.” The ECRI’s choice of the word “anti-gypsyism” instead of Romaphobia is motivated by its similarity with antisemitism and meant to stress the historical fact that Roma, like Jews, were victims of the Nazis’ genocidal politics¹⁰. Moreover, interviewees emphasized that both Roma and Jews shared the fate of being exposed to violent and widespread prejudices, entrenched in old-ages collective representations. For these reasons, anti-gypsyism was presented by them as a major public problem which requires a transnational treatment as it takes place at the European scale. In such institutional discourses, the racialized character of the minority operates as the main vindication of the targeted approach: the targeting is reactive, it answers to the specific violence individuals identified as Roma are exposed to. It is justified moreover as a necessary corrective of the flaws of ethnic-blind programs of social inclusion that are designed for marginalized populations. These programs are supposed to fail to

improve the Roma's situation because their color-blind framing allows to divert attention from the racialization that Roma groups are subjected to and are therefore unable to address seriously its causes.

However, interviewees did not identify the Roma only as a racialized minority. They also described them as a "people" in its own right and they insisted for expressing due respect to Roma's political mobilization. In that extent, such a minority is also acknowledged as a nation of a specific kind, as it is explained in the "Frame-statute for the Romani people". This document was drafted by Romani activists in 2000 (revised in 2008) and is officially approved by the ERTF as an important contribution to the self-definition of Roma's identity¹¹. The Frame-statute defines the Roma people as a "national minority without territory and with no claim to gain one" (Frame-statute, chapter 2, §4), in order to emphasize the difference of national minorities with territory-based national minorities like the Quebecers or the Catalans. Yet, the text remains very vague about the cultural meaning and content of this type of "nation". It stresses the deep ethnocultural heterogeneity of the Roma people and accepts that many of these "co-nationals" do not identify as Roma, but rather as Sintis, Kalés, Gypsies, Manouches, *Gens du voyage* or Travellers. It contests moreover the social value of traditional practices that are often viewed as typical of Roma culture, such as their nomadism (Frame-statute, chapter 2, §5).

It appears then that the Frame-statute builds the Roma national identity primarily as a political identity based on the resistance against racial oppression which has little to do with ethnocultural traits (Frame-statute, chapter 2, §6). This political interpretation of the Roma identity tends to be confirmed, within the CARHOM, CHR and ERTF, by agents who resolutely set aside any ethnocultural-based arguments to advance the cause of the minority, considering that such arguments distract public attention from the deeper problems of racial oppression and encourage folkloric and essentialized views of the Roma "culture" that strengthen anti-gypsyist prejudice instead of deconstructing it.

3. The Roma *qua* Transnational Minority and The Politics of Difference

What can be learned from these two approaches as regards to the type of minority formed by the Roma? To what extent do these approaches help clarify its transnational character and is it, as such, likely to enrich Kymlicka's typology? A first conclusion lies in the fact that the anti-racist approach succeeds better than the culturalist one in giving some *categorical* and *normative* consistency to a

“transnational minority”. A second conclusion is that this new type of minority does not fit comfortably in the theoretical framing of liberal multiculturalism.

As mentioned in the first section, the word “transnational” conveys two meanings, whether it refers to different minority groups living in different nations, or as a people scattered in several nations. The two approaches tend to illustrate respectively each of these meanings. The culturalist approach which prevails in the FCNM and the Charter implies to pay attention to the various ways in which Romani cultures are expressed in the countries where Roma live; as such, these legal norms make the cultural heterogeneity of these populations more visible, thus blurring the contours of the “largest European minority”. The culturalist approach therefore requires to adapt the institutional protections given to Roma populations to the specific type of minority groups they form in each national context where they live. Besides, because the FCNM and the Charter are focused on old minorities who live traditionally in some regions and share typical ways of life, they tend to privilege the Roma populations who fit in this profile. As a result, among the various types of minority groups that Roma may form, the groups who look like a “national minority”, in Kymlicka’s terms, are the ones who benefit from institutional consideration; it is this categorization that justifies the legal protection they deserve and not their membership to a specific minority identified as transnational.

By contrast, the anti-racist approach succeeds in giving consistency to the minority itself in spite of its dispersion among countries, by considering its cultural unity in a critical way, grounding it in the specific form of racism that is antigypsyism. What distinguishes the Roma *qua* Roma in this approach are the prejudice and cultural models that denigrate them and constitute them as members of the same oppressed group. Moreover, the transnational scope of antigypsyism, which is attested by its long-standing existence in most European countries, justifies the political resistance of the Roma people at the European scale and thus requires its institutional recognition *as a transnational minority*. This is why the COE supports the political mobilization of Roma, in particular by hosting and funding the ERTF, so that the voice of the Roma people can be represented within European institutions.

At this point, it is important to stress that the anti-racist approach rests on a conception of “culture” that differs significantly from the one adopted in liberal multiculturalism (Bessone, Guérard de Latour 2014). Indeed multicultural liberalism grounds cultural rights on the moral value of one’s culture of origin, arguing that it offers the context of choice required for the exercise of individual autonomy. This argument does not give an intrinsic value to cultural membership, but only an instrumental one, grounded on the fundamental value of individual freedom, hence the liberal character

of Kymlicka's defense of cultural rights. By contrast with this principled justification of cultural rights, the anti-racist approach does not start from the acknowledgement of the moral value of cultural membership but rather from the political contestation of oppressive cultural models. Therefore, the culture at stake is not the culture of origin of Roma populations, which vary a lot from a country to another, it is rather the racial culture that prevails in the countries where Roma live and that exposes them to similar forms of oppression. As such, the liberal multiculturalist framework seems ill-suited to make sense of a transnational type of minority like the Roma.

For this reason, I would suggest that Iris Marion Young's "politics of difference" offers a more appropriate theoretical framework to understand the nature of this minority (Young, 1990). In Young's perspective, the group identification depends upon the structural forms of oppression to which its members are subjected because of their "difference", which social visibility and significance are determined by the privileged social groups. Oppression impedes the development and exercise of individuals' capacities as well as their participation to social activities. It is generated by the deep inequalities that structure the decision-making procedures, the division of labor and the cultural model of a society. In Young's own terminology, the members of the Roma minority typically experience some of the "five faces of oppression" (Young, 1990: 39-65), as they are particularly exposed to "marginalization", "cultural imperialism" and "violence". Because of their longstanding social exclusion, many Roma people live in segregated areas, with less access to proper education, housing, health service and other public goods. European statistics concerning their life expectancy, their health condition, their rate of literacy and their participation to economic and social life indicate how much lower they are than the average¹². Roma are also victims of the degrading social imaginary associated to the Gypsies and Bohemians: in folkloric literature, popular songs and movies, they are pictured as nomads with no roots and no rules, and they are despised as unfaithful person or feared as dangerous. Eventually, the ways in which Roma interact with the majority offer a tragic illustration of Young's definition of "violence" as a systemic social process: as it is documented by the CHR's reports¹³, Roma communities are regularly the targets of racist attacks that can be extremely violent but are nevertheless socially tolerated.

These diverse processes of oppression contribute to give the Roma minority a transnational reality, because they produce similar effects in spite of the specificities of national contexts. However, such structural causes of oppression do not suffice to create a political unity among the members of the oppressed group. Young considers that a "social group" only emerges when its members become aware

of the common problem they are facing. In the case of oppressed groups, the collective consciousness is likely to crystallize on the material constraints they face in their social environment because of their physical difference (Young, 1994). Cultural patterns of oppression determine the material configuration of minorities' daily experience and their life's perspectives. It is the dynamic of group mobilization that allows to challenge the negative interpretation of the minority difference and that achieves to reinvest positively its collective identity. Therefore, in the "politics of difference", the minority culture does not have a moral value as a given sense of group membership, like in the liberal multiculturalist approach; instead, it is the process of political emancipation that gives the group's membership its consistency and legitimacy.

Such a philosophical approach helps to seize the nature of the Roma minority "culture" in the European context as a political identity that emerges both from grass-roots mobilization and institutional representation. The culture at stake has less to do with a starting point than with an emancipatory horizon. It is not based on the cultural options that would make Roma's individual autonomy meaningful; it rather occurs as the catalyzer of a solidarity that is fueled by a collective resistance against racial oppression and that rejects essentialist and demeaning prejudice about Roma. The recent evolution of Roma international activism tends to confirm this approach. At the turn of the XXIth century, it shifted from the strategy of cultural nationalism that has been promoted by the International Romani Union (IRU) during the XXth to a strategy focused on political participation, that was adopted by the Roma National Congress (RNC) (Nirenberg 2009). The General Secretary of the ERTF insisted on the new style of political mobilization that was then prescribed by a younger generation of Roma activists, such as Nicolae Gheorghe¹⁴, and contributed to this evolution. Coming from Eastern Europe, many of these activists had been directly experiencing the brutal degradation of Roma's conditions of life in post-communist countries. It incited them to take distance with the nation-building project of their predecessors and to give priority to a human-rights approach. Rather than promoting the defense of the Romani language, as the IRU leaders did, or the promotion of other ethnic markers of the Roma nation, they claimed primarily for the protection of Roma's fundamental rights to life, to security, to health and to education. Moreover they insisted on the need to increase drastically the presence of Roma representatives in deliberative instances to advance their cause. In the COE, the importance granted to political representation in this strategy tends to be confirmed by the unique status the ERTF possesses within this European institution: while the Roma do not form a sovereign nation-state, like the other members of the COE, they are nevertheless officially acknowledged as a "people"

and the ERTF, as a grass-roots organization, is precisely responsible for representing the “Roma’s voice” in Europe.

4. Conclusion

In the light of the analysis I have proposed, Kymlicka’s interpretation about the exemplarity of the targeted approach to Roma’s rights in European multiculturalism appears as fragile, both for empirical and normative reasons. Firstly, it is not clear that the targeting of such a minority allows to identify a “transnational” type of ethnocultural minority that could be added to his typology. Indeed, the way in which European agents and institutions target Roma populations does not obey to a unique and coherent approach but rather adopts two types of identification that carry diverging views of the minority. Secondly, in the case of Roma, the concept of transnational minority gains more normative consistency when it is understood in terms of political mobilization against racial oppression than when it is justified in terms of cultural recognition. As I have argued, Young’s “politics of difference” offers a more suited normative model than Kymlicka’s cultural rights to make sense of the Roma’s claims of justice in Europe.

At this stage, it is worth stressing that my argument does not invalidate Kymlicka’s targeted approach as such but more specifically his account of the Roma’s targeting in the European context, because of the ambiguities surrounding the “transnational” type of minority that he associates with Roma populations. Once these ambiguities are acknowledged, it is possible to overcome them by arguing that the accurate understanding of this transnational type refers to a diasporic and racialized minority, whose oppression is historically entrenched and publicly contested through political mobilization. Thusly characterized, transnational minorities may be added to the liberal multiculturalist’s typology. Specifying this point would require developments that exceed the limits of this article. However, it is important to briefly allude to those developments in order to avoid giving the false impression that the normative differences between the culturalist and the anti-racist approaches are mostly a matter of public policy. Yet, this issue has been widely discussed in political theory and it has opposed those who see multiculturalism and anti-racism as compatible or as concurrent ideals. As regards Kymlicka, he is well-aware of the fact that ethnocultural inequalities often go hand in hand with racist prejudice and racial discrimination, especially in the case of indigenous peoples and of postcolonial immigrants. Therefore, he considers that multicultural policies

obviously include a strong anti-racist objective, as no positive recognition of minority cultures can occur unless the negative identities ascribed to racialized people within a racial culture are deconstructed. Still, in his view, liberal multiculturalism requires more than racial anti-discrimination. The latter is only a necessary but not sufficient condition of the former, because non-discrimination affirms the equal dignity of persons in spite of the racial stigma, while liberal multiculturalism requires that the moral value of their distinctive cultural membership be publicly acknowledged and legally protected. As such, even if liberal multiculturalism intends to contribute to the deconstruction of a *racial culture*, it calls more specifically for the recognition of *diverse ethnocultural groups*. Contra Kymlicka, some political theorists have challenged the idea that multiculturalism and anti-racism should be seen as political allies in the extent that they serve different but complementary objectives; they have argued instead that liberal multiculturalists' focus on cultural diversity and on cultural toleration tends to divert attention from the structural causes of racial inequalities (Mills, 2007; Fraser, 2001) and is prone to reactivate racist prejudice by conveying essentialist views of cultures (Phillips, 2007). Young's politics of difference occupies an interesting intermediate position in these debates. On the one hand, along with anti-racist theorists, she has raised criticisms against Kymlicka's "cultural politics of difference", arguing that it lacks of conceptual space to take seriously the problem of racialization faced by ethnic minorities, by contrast with the "positional politics of difference" that she herself theorizes (Young, 2007). On the other hand, Young considers that both politics belong to the category of the "politics of difference" which common ground consists in rejecting blind universalism by giving public recognition to minority groups. As such, the politics of difference can serve both objectives of deracializing differences and of acknowledging their cultural value. Deepening such an intermediate position between liberal multiculturalists and critical anti-racists appears as a promising way to argue that the transnational type of minority, as I have analyzed it through the case study of European Roma, is likely to complete the targeted approach to multiculturalism.

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1. See for instance the COE's Strategic Action Plan for Roma and Traveller Inclusion (2020-2025).
2. Interviews in the COE: 1. Coordinator of the ROMACT program in the Committee of Experts on Roma and Travellers Issues; 2. Adviser on Racism and Migrations, Office of the Commissioner for Human Rights; 3. Adviser on Roma Issues, Office of the Commissioner for Human Rights; 4. General Secretary of the European Forum of Roma and Travelers; 5. List of the interviewees at the COE: 1. Head of the Office of the Charter on Regional and Minority Languages; 6. Head of the Office of The Framework Convention for National Minorities. Complete report (in French) of the empirical study available on the open archive webpage: <https://hal.archives-ouvertes.fr/hal-02523343>.
3. "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." (International Covenant on Civil and Political Rights quoted by Kymlicka (2007: 200).
4. To be eligible, a "national minority" needs to be registered on the list that each signatory state must establish for the monitoring of the advisory board.
5. See the *Council of Europe Descriptive Glossary of terms relating to Roma Issues* (18 May, 18th, 2012); [http://a.cs.coe.int/team20/cahrom/documents/Glossary Roma EN version 2018 May 2012.pdf](http://a.cs.coe.int/team20/cahrom/documents/Glossary_Roma_EN_version_2018_May_2012.pdf). Last consultation on June, 1st, 2022)
6. The Romas' flag pictures a wheel ("chakra" in romani/sanskrit/hindi) symbolizing travels in trailers, as well as the Indian origins of some Roma populations. The colors of the flag are the blue and the green, symbolizing the sky, freedom and Roma spiritual values for the former, and nature, fertility and material values for the latter.
7. The EFRT is a grass-roots association funded and hosted by the Council in Europe in Strasbourg. It is constituted of a permanent office with a General Secretary. It gathers twice a year a General Assembly of Roma representatives, elected in Roma association, selected by the COE. The ERTF collaborates on a regular basis with the instances of the COE and publishes reports on the situations of Roma people in the member-states of the COE.
8. See the Preamble of the FNCM (<https://rm.coe.int/168007cdac>): "Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity; Considering that the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society",
9. *ECRI General Policy Recommendation No. 13 on Combating Antigypsyism and discrimination against Roma*, Council of Europe Publications, 2020, p. 3. <https://rm.coe.int/ecri-general-policy-recommendation-no-13-on-combating-anti-gypsyism-an/16808b5aee>. Last consultation on May, 31st, 2022.
10. The Roma genocide, named *Samaduripen*, counted 500 000 victims.
11. http://bbec.lautre.net/www/spip_truks-en-vrak/spip.php?page=recherche&recherche=Statut+cadre. Last consultation on December, 1st, 2022.
12. See the European Agency for Fundamental Rights (FRA) 2020 report: *Roma and Travellers in six countries*. <https://fra.europa.eu/en/publication/2020/roma-travellers-survey>. Last consultation on May, 31st, 2022.
13. See the report : Commissioner of Human Rights, *Human Rights of Roma and Travellers in Europe*, Strasbourg, Council of Europe Publications, 2012.
14. Nicolae Gheorghe (1946-2013) was a Romanian and Romani human-rights activist. He founded the Center for Social Intervention and Studies in 1993.