The Roma experience of political (in)justice: The case of school (de)segregation in Hungary

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ETHOS - Towards a European THeory Of juStice and fairness is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

a) refining and deepening knowledge on the European foundations of justice - both historically based and contemporarily envisaged;
b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
d) providing guidance to politicians, policy makers, advocacies and other stakeholders on how to design and implement policies to reverse inequalities and prevent injustice.

ETHOS does not merely understand justice as an abstract moral ideal that is universal and worth striving for. Rather, justice is understood as a re-enacted and re-constructed lived experience. The experience is embedded in firm legal, political, moral, social, economic and cultural institutions that are geared to giving members of society what is their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice and its real manifestation – as set in the highly complex institutions of modern European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically-based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and their practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

a) philosophical and political tradition,
b) legal framework,
c) daily (bureaucratic) practice,
d) current public debates, and
e) the accounts of vulnerable populations in six European countries (the Netherlands, the UK, Hungary, Austria, Portugal and Turkey).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Alongside Utrecht University in the Netherlands who coordinates the project, five further research institutions cooperate. They are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019.

EXECUTIVE SUMMARY

This report comprises the Hungarian case study of a larger comparative report treating the Roma minority of six countries, contributing to an empirically-informed theory of political justice as lived experience. The Hungarian case examines representations in the field of school (de)segregation or equal treatment in education. We investigate how policy problems are represented by different sets of actors, including formal political institutions, Roma leaders and Roma Minority Self-Governments (RMSGs), civil society organizations (CSOs); as well as the lived experience of political justice of Roma community members in this policy context.

Generally, political discourses across the political spectrum associate Roma with "problems". The dominant approach is to use paternalistic frames when talking about the Roma. This approach manifests itself in criminalization, benevolence-benefactor, but also victimization discourses. Overall, RMSGs are problematized by interviewees as politically dependent on the Fidesz-KDNP political machinery and local authorities, as well as lacking the capacity, tools, and power to effect substantive or material change on the ground—with little to no influence in education policies. Moreover, RMSG representatives themselves hold different opinions regarding the ills and virtues of segregation.

At the same time, (global) civil society has played a pivotal political role in the formulation, dissemination, and mainstreaming of a policy focus on human rights as well as economic/social inclusion, not only in Hungary but throughout Europe. Local CSOs have played a salient role, serving as service providers, practitioners, field experts, and (legal) advocates. Many of them have taken on the role of representing Roma interests—problematized from the point of view of constitutional rights and social integration—at the level of the courts, in direct dialogue/deliberation with the government, including by participating in de-segregation programs in partnership with local authorities. Critical or progressive CSOs tend to argue from a human rights point of view. This is conceptually different from the government's emphasis on so-called "catching-up". The former stance implies that the system needs to accommodate outliers, while the latter stance rests on the implication that it is those left behind who need to change.

Our analysis reveals that Roma's lived experience of political justice is part of a multidimensional experience of (in)justice; it is also economic, social, and culture experiences, and concerns human dignity more fundamentally. Overall, the themes which emerged include the experience of helplessness, lack of empowerment, and being disadvantaged. Roma experiences with the Hungarian education system are uneven and range from feelings of isolation/separation, disappointment (inability to integrate despite education), to satisfaction with segregated education. We argue that these are strongly related to political justice as they reflect Roma experiences with the policies stemming from diverging problematizations by different actors. This dynamic unfolds in a context where the most isolated and disadvantaged among the Roma have virtually no awareness nor contact with the political world.

The range of "solutions" proposed by interviewees overall reveals that the way forward will inevitably involve a two-way street and thinking in terms of generations and systems. Taking Rövid (2013)'s overview and discussion of forms of Roma political representation and participation, we can deduce that the Roma are largely disenfranchised from equal political rights and that the rights of political autonomy are substantively and substantially limited. Thus, political autonomy is no substitute for equal political rights, since it is the majority or mainstream political landscape which formulates and dominates policymaking, financial distribution, and public discourse. Therefore, as Sobotka (2001) would probably contend, the self-representation model of MSGs and policy formulation model would need to be combined in the exercise of minority political influence over education. We furthermore argue that our empirical analysis demonstrates the added value of cultivating ethnic Roma political figures in mainstream politics at the local level, where they can more directly exercise influence over state institutions. We show that CSOs may indeed have a constructive role to play, provided that they invite and engage in deliberation and mutual construction with local community members.

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LIST OF ABBREVIATIONS

CEE - Central and Eastern Europe

CSO - Civil Society Organization(s)

DK - The Hungaria acronym for the "Democratic Coalition" political party

EU – European Union

Fidesz – The Hungarian acronym for the "Alliance of Young Democrats" political party

KDNP - The Hungarian acronym for the "Christian Democratic People's Party"

LMP - The Hungarian acronym for "Politics Can be Different" (green) political party

MSG - Minority Self-Government(s)

MSZP - Hungarian Socialist Party

RMSG – Roma Minority Self-Government(s)

1 INTRODUCTION

This report comprises the Hungarian case study for a larger comparative report of six countries concerning recognition and political representation of the Roma with a view to contributing to an empirically-informed theory of political justice as lived experience. We follow the ETHOS definition of political justice as encompassing participation in politics, including the right to information and the right to vote, but also having a voice in public debates concerning oneself or one's group and the power to influence decisions and processes. Given that there is a considerable scholarly literature within Romani studies and political science on aspects of political justice with respect to this European minority, we considered a more specific focus on a profoundly salient and sensitive policy issue would make a much needed and valuable empirical contribution. Thus this particular country report focusses on an analysis of representation and participation within the policy field of education.

Since 1993, the Roma minority population in Hungary—along with other minority groups—have been statutorily recognized as a "national and ethnic minorit[y]" and, thus, [a] constituent component[t] of the [Hungarian] state" (Ministry of Foreign Affairs, 2000). Moreover, the opportunity to form so-called "minority self-governments" (at local, regional, and national levels) allows for the political institutionalization of a host of minority rights. These include the right to use native languages and names, to promote culture, to be educated in mother tongues, and to operate minority schools where instructions is partly or primarily conducted in the ethnic/national language. The institutionalization of local, regional, and national minority self-governments allows for the political representation of minority interests, including in parliamentary debate and proceedings. Yet, the literature on Minority Self-Governments strongly suggests that the institutional system of minority representation is ineffective in imparting visible and substantive changes in the living conditions of the Roma.

The actor, issue, and institutional dynamics of public education (Kindergarten-12th grade) policy vis-à-vis the Roma pointedly demonstrates the space and boundaries of political justice concerning this national minority in Hungary. Hungarian Roma from early childhood continue to be systematically excluded from the main infrastructures of social mobility available to the *majority* population, including the public education system. Traditionally, school segregation of the Roma has been "widespread and overt" throughout Central and Eastern Europe (CEE), underpinned by official state policies and informal factors (Eliason, 2017, p. 198). Despite guarantees to the equality of opportunities enshrined in the relevant laws and the *de*segregation discourse framing social inclusion policies in the frame of EU membership, successive *Hungarian governments have both condoned and, more recently, actively justified the continued practice of school segregation of the Roma by reducing legal barriers to its curtailment*. This development unfolds in parallel to further reforms made in the political representation (and participation) of the Roma through Hungary's MSG system. Thus, assessing the institutionalization of minority rights and political representation/participation in the context of education policy offers a critical analysis of how institutionalized political justice and its lived experience has manifested in Hungary in a specific, life-forming policy arena.

The Hungarian case study comprises a mapping and analysis of the Roma's realization of political justice, with a specific focus on problem representations and lived experience in the field of school (de)segregation. We examined and compared problem representations by political parties, central government, Roma political leaders and Roma Minority Self-Governments, and civil society organizations as political actors giving a voice to the Roma. Sections 2.2 – 2.4 deal with questions of how both political institutions and CSOs have problematized the situation of the Roma communities and (de)segregation issue. In turn, section 2.5 will cover how Roma community members have experienced political (in)justice through the lens of their lived experience with (de)segregation programs.

Our analysis relied on official policy documents (namely, national inclusion strategies), statements made by political, governmental, and CSO actors as covered in the press or published government websites, and

secondary research data (e.g., Roma Decade and Open Society Foundation), as well as interviews with policy experts, CSO actors, and community members (coded HU5.2.01 – HU5.2.06). We framed our analysis according to Bacchi's (2009) "What is the problem represented to be?" approach, analyzing language used in written texts and the interview dialogue. Thus, we extracted how the problem was represented by different sets of actors, as well as the assumptions underlying these representations, the history and dissemination of these problematizations, the actual lived experience of those targeted by the policy and their problematizations (e.g., "silences" of the problematizations, and effects), and how the existing problematizations can be disrupted. A comprehensive summary of these observations are available in a table in the Annex entitled, "Table 3: Tensions between institutionalized political justice and experienced (mis)recognition of the Roma." This exercise allowed us to map the connections or disconnections between the different sets of problematizations (separated by actor groups), as well as between the problematizations and lived experience. Our conclusions draw on perspectives from social and political theories in order to comment on the state of political (in)justice and its potential improvement.

The study is structured as follows. Part 1 provides essential background, including a brief overview of the relevant literature treating the political representation and participation of the Roma in Hungary and Europe, as well as an overview of Roma identities, minority policy, and the MSG system in Hungary. Part 2 comprises our empirical analysis regarding the politics of school (de)segregation. We treat the policy problematizations and lived experience of the Roma. We offer an extensive and comprehensive discussion in the conclusion regarding the tensions between institutionalized political justice and experienced (mis)recognition.

1.1 BRIEF LITERATURE REVIEW: POLITICAL REPRESENTATION AND PARTICIPATION OF THE ROMA IN HUNGARY

As we are not Romani studies scholars, we deemed it more manageable to narrow down the literature reviewed. We recognize that we may be missing other important contributions with respect to our goals. However, our sense is that the contributions treated herein cover some of this literature, thus filling the gap. Furthermore, as our purpose is to empirically inform social and political theories of justice, we review the Romani studies literature to the extent that it complements this endeavour.

The select literature reviewed here treats the political participation and representation of the Roma in the form of assessing discourses, models, "spaces," or opportunities of representation and participation (McGarry, 2009; Rövid, 2013; Sobotka, 2001); and critically analyzes minoritization and the MSG system in Hungary (Dobos, 2016; Rövid, 2013) and the role of civil society as legitimate actors providing a voice for the Roma (Anderson & Rieff, 2004; Rövid & Kóczé, 2012; Open Society Justice Initiative, 2016). Contributions dealing with the spaces of representation and participation categorize and critically assess the history of different approaches and models. These include critical engagement with their purported effectiveness in bringing about real political influence. For example, Rövid (2013) refers to the self-determination discourse of the 1970s-80s, which advocated for the autonomy of the Roma founded on the recognition of the Roma as "different." Whereas the human rights discourse of the 1990s-2000s rather emphasized full integration into mainstream political and social institutions on the basis of civic equality and fundamental rights. Subsequently, the discursive focus on social inclusion or socio-economic integration of the late 2000s is predicated on the criticism of the latter two approaches. It is embedded in national and transnational policy design and dialogue—with the associated risks of least common denominator solutions and reproduction of stereotypes of Roma exclusion.

Rövid (2013) also maps out and critically assesses the recent forms of political representation and participation available to the Roma at various levels of governance. These manifestations are not necessarily complementary, interworked, or joined up. Only a decade after transition, Sobotka (2001) argued that political participation may have developed substantially in the Czech Republic, Slovakia, Hungary, and Poland, but that what ensued is

participation without representation and representation without policy influence—the problem being that the policy formulation model is rooted in dissident-government dialogue and not party politics. She argues that the Hungarian MSG model itself is effectively hollow because it has actually "acted to stifle influence on policy formation" (p. 3). Szalai (2000) contends that the MSG system is therefore the "biggest lie of the majority society against the biggest minority of the country" (Szalai, 2000, p. 569). Sobotka (2001) therefore suggests that a combination of the self-representation and policy formulation models "could bring improvements to the level of political representation of Roma" (p. 15). McGarry (2009) frames politics as ethnocultural and analyzes the role of ethnopolitics in Roma representation. He argues that, rather than Roma representation being an issue of hegemonic structures, the lack of conceptions of Roma nationalism on the part of the minority's leadership is to blame for why the Roma are unsuccessful in securing demographically proportionate parliamentary representation. The argument goes that the Roma are a stateless nation without the support of a kin state (unlike ethnic Hungarians in Romania, for example): "Roma nationalism needs to be produced, shared and consumed in order to be vested with meaning and substance" because otherwise it is only an "elite-driven process" (p. 119).

Rövid (2013)'s detailed and comprehensive overview of options for both national and transnational-level political participation and representation organized according to the hierarchy of rights (1-equal rights, 2-special individual or collective rights, 3-personal or territorial autonomy) demonstrates that there exists a complex ecosystem of electoral and non-electoral venues and mechanisms for political justice (see tables below). However, similarly to the other contributions reviewed here, he concludes that minority rights and cultural autonomy are "clearly inadequate" in promoting the social inclusion of Roma—that while recognition of Romani culture and identity is important, the "struggle should aim for *both* equality *and* the *freedom* to identify oneself and live as Roma." He furthermore suggests that the Hungarian MSG model could be offered at the level of the European Union, which "remains underdeveloped" as a transnational form of democracy due to the limitation and fragility of citizen rights an inadequate and disproportionate electoral system. In sum, despite the varying degrees of emphasis on different factors, the contributions covered herein underpin the hollowness of formal venues and mechanisms aimed at the realization of political justice vis-à-vis the Roma.

Table 1. Options of state-bounded political participation and representation.

	electoral	non-electoral		
		private body	public body	traditional
autonomy	minority self-government	associations, foundations, activism	consultative and expert bodies, governmental agencies, Ombudsman	traditional leader (*vajda, bulibasha*, etc.)
special rights	communal reserved seats			
	exemption from rules (e.g. lower threshold for ethnic parties)			
	over-representation of minority territories			
	race-conscious districting			
	quotas of mainstream parties			
formal political equality	Romani political party			
	Romani MP of mainstream political party			

Source: Rövid (2013)

Table 2. Options of transnational political participation for Roma.

| | electoral | non-electoral | |
		private body	public body
autonomy	transnational (cultural) autonomy?	IRU, RNC, ERTF, OSF, ERRC, ERIO, informal activism	EU Platform, CPRSI, MG-S-ROM
special rights	reserved seat in the European Parliament?		
	quotas of mainstream/ European parties?		
formal political equality	global: via states		
	EU: Romani MEP, European Romani political party?		

Source: Rövid (2013)

Moreover, Rövid and Kóczé (2012), Sobotka (2001), and McGarry (2009) all insist that the transnational policy space and *civil society* act as a brain drain of the Roma intellectuals away from mainstream politics. Rövid and Kóczé (2012) have mapped out the "space of ethnopolitics" or "special microcosm" developed within "global civil society that is specialized in the so-called 'Roma issue', comprising non-governmental and inter-governmental organizations, expert bodies, foundations, activists and politicians" (p. 110).

They observe that, while civil society has been *avant-garde* in formulating and promoting "pro-Roma" policies, it is also a space of discord, contention, and insulated elitism. Sources of discord include tensions between "moderate service providers" and "radical activists," local grassroots organizations and international NGOs, formal political parties and civil actors who criticize the establishment; claims that the majority of international actors are ethnically white, that "white NGOs" promote a hegemonic discourse on human rights (downplaying macroeconomic factors and local contexts[1]), patronize the Roma (forcing on them what is best), and that international advocacy efforts are disconnected from daily struggles and traditional civic values.

More structurally, international NGOs have been accused of draining Roma communities of skilled talent, grassroots Roma organizations must contend with the lack of an overarching identity as well as with each other for scarce resources (Rövid & Kóczé, 2012). The Decade of Roma Inclusion itself was notably and largely "conceived and implemented by Hungarian or Budapest-based actors," and it has been argued that this has marginalized other voices, reflects the voice of an educated and well-off Roma middle, and that stereotypes are reproduced due to the current focus on social inclusion (Rövid & Kóczé, 2012, p. 119).

More specific to CSO activity in strategic litigation, "several disability rights advocates publicly called both *Horváth and Kiss* and *D.H.* [case in the Czech Republic] 'a strategic mistake' because the judgments create 'the impression that a segregated special education system is justifiable or even adequate [for children with disability'" (Open Society Justice Initiative, 2016, p. 63). Others also question the democratic credentials of (global) civil society (Anderson & Rieff, 2004). But Rövid & Kóczé (2012) argue that it is perhaps "theorists" who assign this representative role to the CSOs rather than the actors themselves. Thus, as in the case of formal political institutions, venues, and mechanisms, (global) civil society has been considered both a giant step forward in raising the visibility and treatment of Roma issues in political fora *and* at once inadequate and far-removed from the daily realities of the majority of the Roma they claim to serve. It is with these perspectives in

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[1] E.g., exclusive focus on discrimination oversimplifies social relations (focus on blaming majority, ignoring violation of human rights violations in Romani communities)—a situation subsequently exploited by politics (Rövid & Kóczé, 2012).

mind that we analyze the specific manifestations of political participation and representation of the Roma in the context of education and (de)segregation policy.

1.2 THE HUNGARIAN CONTEXT: ROMA IDENTITIES, MINORITY POLICY, AND SYSTEM OF MSGS

Firstly, however, we devote some time and space to the question of Roma "identity" in Hungary and to the background on minority policy, specifically the MSG system. The purpose here is to delimit and contextualize our specific case study in Part II on how the Roma are treated in the political discourse on education policy and how they experience this, as well as to feed into the comparative report for ETHOS deliverable 5.2.

Hungary is home to thirteen recognized national or ethnic minorities[2], the internally diverse Roma ethnic group being the largest in number. Roma population estimates vary by source. According to the 2001 census, 190,000 individuals of the country's almost 10 million people declared their Romani ethnicity. However, reports from domestic NGOs and international organizations at the time estimated a larger figure of 400,000 to 600,000 (Riba, 1999, p. 1; European Commission, 2002, p. 31). The European commission put this figure at 550,000–600,000 (EU commission regular report on Hungary 2002: 31). By 2011, the census had recorded 315,000 individuals as having declared their Roma identity; experts also bumped up their estimates to 700,000- 800,000 (Gulyás, 2013). The reluctance to declare one's Roma identity is rooted in historical, social, and psychological factors, including fear of discrimination (Szelényi & Ladányi, 2001; McGarry, 2009, p. 110; Gulyás, 2013).

Dobos (2016) and Morauszki and Papp (2014) note that the methodologies for determining ethnicity differed in the 2001 vs. 2011 census. Respondents could choose dual and multiple affiliations. In 2001, they could choose three options on each of the four questions related to ethnicity. But in 2011, a single response could be chosen on the first two questions, where respondents were asked to rank the nationalities to which they belong and two options could be chosen regarding the other two questions related to language use. Only one response among the relevant questions was necessary for recording a respondent's minority affiliation(s) (Dobos, 2016, p. 4; Morauszki & Papp, 2014, p. 98). Thus, the implication is that the measurements stemming from the census are based on weak foundations given the inconsistency in methodology. Subsequently, the Hungarian government has been mobilizing to fill the gap in data:

> One of the key changes in Hungarian policy stemming from the ECHR's *Horváth and Kiss* judgment [see part II for background] is the collection of ethnically disaggregated data. In July 2014, the Hungarian Parliament amended its main education legislation to mandate that expert panels (which diagnose pupils with disability) collect and record ethnically disaggregated data in a centralized database. A Ministry of Human Resources official informally confirmed that this database was established in response to *Horváth and Kiss* (Open Society Justice Initiative, 2016, p. 44).

Scholars point out that the statutory opportunity to maintain and express cultural identity afforded by the Act on Minorities (see further below) carries the effect of lumping together and unifying a rather internally diverse and disparate Roma ethnic group, decreasing political participation in MSG elections (Szuhay, 1995, p. 15; Sobotka, 2001, p. 14). In Hungary, the Roma comprise three main groups: the Hungarian-speaking Romungro (70s%), the Romani-speaking Olah (22%), and the Romanian-speaking Béas (8%) (Kaltenbach, 1998, p. 62). Due to fundamental differences in their socio-economic situation, language, and cultural history, "the relationship between these sub-groups are often contentious [. . .] imped[ing] their ability to organize into a coherent political platform" (McGarry, 2009, p. 111). McGarry (2009) cites testimonials from the Open Society Institute and

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[2] Germans, Roma, Greeks, Ukrainians, Romanians, Serbs, Croatians, Slovenians, Slovakians, Poles, Armenians, Bulgarians and Ruthenians.

Autonómia (a Romani NGO in Hungary), who contend that attempts to form a united Romani nation in Hungary are plagued by questions of who to include/exclude and the absence of a common goal which should be articulated (p. 112). An interviewee for our report underscores this perspective:

> There is no one Roma nation. In Hungary, there are at least three groups, often with different languages, culture and also different levels of integration. It would be better to treat these groups differently. But these differences will probably fade with assimilation [. . .] The majority of Roma don't want to reveal their ethnicity because of very negative prejudice – especially throughout Central and Eastern Europe. Those who are more positive about revealing their ethnicity tend to be those who preserve their traditions or are musicians or are born into a musical family. Their Roma identity is more positive. They experience their Roma identity differently [. . .] On the level of the elites/intelligentsia, there aren't really any conflicts, but otherwise the different Roma groups are also discriminatory towards each other or have conflicts and disagreements. For example, musicians might look down upon those who are not (HU5.2.02).

Views on what constitutes Roma identity and whether *one* can be constructed in the first place vary. For example, a report presenting the results of focus group discussions involving three different Roma groups in Hungary found some commonalities. Participants purportedly showed "very strong Roma identity," with positive dimensions of identity included "beauty of skin color," "talent for music," "education for respect," "social purpose," attraction of non-Roma women toward Roma men. Notwithstanding, identity was also considered a "stigma" and associated with "lifelong disadvantages," including with respect to segregation in community and education (Decade of the Roma, 2005). A local civil society actor interviewed for our report has observed that many Roma— particularly in towns—"don't know their own identity" and local teachers were trained in romanology and culture and are now "cultivating Roma identity in these children in the school." S/he adds: what kind of identity is that which the majority builds up? Nothing, it's rootless" (HU5.2.04). Also criticizing the notion of Roma nationhood but from another angle, a more conservative civil society actor interviewed has difficulties with the notion that the Roma considered a nation due to the characteristics that set this minority apart from others: "The other nationalities, they are nationalities. The Roma nation in Hungary is composed of people living in misery, who are often [political] tools" (HU5.2.05). These responses reflecting a spectrum of perspectives illustrates just how contentious the construction of the "Roma" ethnic group at transnational level is, despite that it is often taken for granted.

Similarly, the very term "Roma" itself is a source of disagreement or awkwardness. For example, an MSG representative has no problem with either Roma or *cigány* terms: "Some people are offended but most people don't care. We always say that whatever they call us the 'c' is always there" (HU5.2.03). A non-Roma civil society actor observes that whether one uses the term "Roma" or "cigány" is context dependent; if s/he prefers to use "Roma" in more elitist circles because it is expected, but out in the field and "with families" or in contexts where the "cigány" terminology doesn't seem to be taken with offense, then s/he'd rather use "cigány":

> I would like that the gyspy people be able to say this word without having to feel ashamed. Unfortunately, *cigány* carries a pejorative connotation. That is why I am very careful and I avoid it if I see that someone has distorted it or if it carries a negative meaning for someone (HU5.2.04; also HU5.2.06).

Similarly, another non-Roma CSO actor argues that the term "cigány" on its own is "not pejorative in substance" but that in "Hungarian public opinion" it does have a negative connotation (e.g., "putrid, "barefooted outlier") (HU5.2.05; also HU5.2.06 offered similar interpretation). S/he adds that the term "Roma" doesn't exist in the Hungarian language and its use is a symptom of "spastic [...] political correctness" (HU5.2.05). A specialist working in the field agrees that "it's forced" because "people don't know why we have to use this" (HU5.2.06). In Hungary, given that the majority of Roma tend to live on the margins of society, another term which is often

used to account for them is, for example, a "multiply disadvantaged child"—a definition which accounts for those who live in households below the poverty line, vulnerable to housing poverty, with uneducated parents (didn't complete primary education, doesn't have a profession, etc.). Recently, by incentivizing vocational education—"which doesn't go anywhere"—a child's parents will be considered educated and, therefore, s/he loses the multiply disadvantaged status. On a macro level, this effectively "softens" the statistics on those living in (extreme) poverty (HU5.2.04).

What is the system of Minority Self-Governments and how does it contribute to the representation of the largest, yet most disparate and marginalized ethnic group in Hungary? Act LXXVII of 1993 on the Rights of National and Ethnic Minorities established the right in Hungary to national and ethnic identity as a universal human right, guaranteeing both individual and collective minority rights, including the system of representation through MSGs. Having been granted the right to free association before the transition to democracy in the late 1980s, minority associations cropped up with the "most relevant ones form[ing] a Minority Roundtable in 1991" and becoming "an accepted partner of the government" (Dobos, 2016, p. 8). Dobos (2016) explains that the drafting of both the 1993 Act and its 2005 amendment were "lengthy and complex processes, involving various different actors with diverse interests," and thus resulting in "sensitive political and legal compromises" (p. 11). The model that ultimately prevailed is a hybrid between elements of autonomy advocated by the minorities and voluntary associations enjoying only weak competences—the latter having been a preference of the Ministry of Justice of the first democratically elected government.

The system of MSGs was incorporated into the system of local or municipal self-governments, with MSG representatives first elected at the local level (in conjunction with municipal elections) and the national MSGs indirectly elected by the latter (Dobos, 2016, p. 6). Local authorities are "the most important partners of MSGs" as well as a source of financing (Dobos, 2016, p. 6). Minority self-governments are vested with a range of delimited powers, including "the right to ask for information, make a proposal, initiate measures and object to a practice or decision related to the operation of institutions that violate the rights of the minority; such a self-government can define within its authority the circle of protected monuments and memorial sites, its own name, medals and decorations, and the holidays and festivities of the minority; it can establish institutions, companies, schools, media, or scholarships; most importantly, it must give its consent to any act of the local government affecting the minority population in their capacity as such" (Rövid, 2013). The minority groups also enjoy the right to establish one national MSG (national assembly), which is granted powers similar to the local MSGs (Rövid, 2013). The 2005 amendments to the Minority Act simplified the system by allowing only the directly elected type of MSG to exist and doing away with preferential mandates in local government. The purpose was to prevent "illegitimate" MSGs, but the abolishment of preferential mandates meant that formal access to local decision-making was cut off (Dobos, 2016, p. 17).

Upon a landslide electoral victory in 2010, the Conservative-Christian coalition of Fidesz-KDNP swiftly passed a range of new laws and acts in 2011, including a new Constitution (or "Fundamental Law" replacing the 1949 Constitution), a new Minority Act (Dobos, 2016, pp. 12-13), and a new Public Education Act (see Part II for further details). The Fundamental Law and new Minority Act have "greatly changed the institutional arrangements of MSGs," reviving the term "nationalities," (in use before 1990) and adopting an "ethnocultural conception"[3] of

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[3] "The Preamble however continues by stating: "the nationalities living with us form part of the political community and are constituent parts of the State". While this statement may be seen as an effort towards inclusiveness, it is also to be noted that the Preamble has been written in the name of "we the members of the Hungarian nation", intimating that members of the "nationalities living with us" are not part of the people behind the enactment of the Constitution. The Constitution should be seen as the result of the democratic will-formation of the country's citizens as a whole, and not only of the dominant ethnic group. Therefore, the language used could/should have been more inclusive (such as, for example "We, citizens of Hungary…"). It is, again essential, that a comprehensive approach is favoured in the context of the interpretation of the constitutional provisions" (Venice, Commission, 2011, para 40).

the nation (Dobos, 2016, p.12)." While the Fundamental Law retained many provisions with respect to minority rights, it "does not declare their general protection[4] and collective participation in public life," no longer provides for the independent Minority Rights Ombudsperson[5], and establishes only that "minorities shall contribute to parliament's work"[6] (Dobos, 2016, p. 13). The 2011 Minority Act was purportedly aimed at "clarifying and extending the individual and collective rights of the national minorities and at eliminating some of the dysfunctions of the minority self-government elections" (Venice Commission, 2012; 2011. évi CLXXIX. törvény). However, the Venice Commission of the Council of Europe opined that the new Minority Act sets out cardinal laws which effectively limit MSGs autonomy:

> The Venice Commission is also of the view that the Nationalities Act - especially as a cardinal law which requires a special majority to be amended - contains too specific and detailed provisions, of a merely technical and procedural nature, which could have been set out by the ordinary legislation or by these bodies' internal regulations. Such a detailed regulation reduces the possibility of adapting the law in the light of the experience in its application and may lead to undue restriction of the free exercise by the minorities of their rights, as well as negatively affect the autonomy of nationality self-governments [...] (Venice Commission, 2012, para 27).

It was moreover noted in the opinion published by the Venice Commission of the that: "According to non-governmental sources, in some cases, too limited time has been provided for comments and too little attention paid to the proposals submitted by the minority representatives and other interested actors" (Venice Commission, 2012, para 10)[7]. Thus, the interested stakeholders were themselves excluded from the democratic process of drafting legislation which was otherwise purportedly intended to extend and enhance the political representation and participation of minorities. In sum, according to the accounts outlined above, the political representation/participation of the Roma is hampered by the lack of a unified identity and infighting coupled with a system of ethno-cultural autonomy crippled by very limited substantive opportunities to affect decision-making. We now turn to our empirical analysis, which deals with the intricacies of these observations in the narrow context of (de)segregated education policy.

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[4] "The Commission further notes that the protection of the minorities is strictly connected to the territory and implies relations with the national and local levels of government which are specifically regulated by the Act. This may raise difficulties in the interpretation of the definition, as well as in the implementation of the Act. This could be the case in respect of some minority groups, such as the Roma, which is made up by many groups having different territorial origins and a long history of collective movements in all Central - Eastern Europe. The combined reading of the time and territory conditions may also raise some problems" (Venice Commission, 2012, para 34).

[5] "The abolition of the position of an independent, separate and autonomous minority ombudsperson has raised some concerns. In its Opinion on the new Constitution of Hungary, the Venice Commission acknowledged "that states enjoy a wide margin of appreciation with regard to such institutional arrangements, which depend to a large extent on the domestic specific situation." In the Commission's view, it is however important that the reorganisation of the institution of the ombudsperson(s) "does not entail a lowering of the existing level of guarantees for the protection and promotion of rights in the field of national minority protection" (Venice Commission, 2012, para 77).

[6] "The Venice Commission notes in this context that, according to Article 2 (2) of the Constitution, nationalities living in Hungary shall participate in the work of the Parliament as defined by a cardinal act. The Act CCIII of 2011 on the elections of Members of Parliament of Hungary, adopted in December 2011, includes provisions to enable nationalities to be represented in Parliament, through a system of preferential mandates and spokespersons (for the nationalities having failed to meet the required conditions for a preferential mandate). The new system will be applied for the first time at the 2014 general parliamentary elections (Venice Commission, 2012, para 74).

[7] The Venice Commission communicated nine general critical remarks regarding the legislation, including its concerns about the omission of the term "ethnic" from the legal text (Venice Commission, 2012, pp. 6-7).

2 POLICY PROBLEMATIZATIONS AND LIVED EXPERIENCE: POLITICAL REPRESENTATION AND PARTICIPATION OF THE ROMA MINORITY IN THE POLITICS OF SCHOOL (DE)SEGREGATION

2.1 CASE BACKGROUND

2.1.1 EVOLUTION OF SCHOOL (DE)SEGREGATION IN HUNGARY: PREVALENCE OF SEGREGATION, LEGAL FRAMEWORKS, JURISPRUDENCE, AND LEGISLATIVE PROPOSALS BY RULING GOVERNMENTS

The first part of this analysis provides a comprehensive overview of the situation of school (de)segregation (vis-à-vis the Roma and disadvantaged children) in Hungary, including the relevant legal frameworks and jurisprudence framing political discourse and action. The segregation of Roma children in Hungarian public education is not only a long-held practice but is one facet of a multidimensional phenomenon in Hungary. The segregation of the Roma or "gypsies" is more generally territorial, socio-economic, and institutional. Moreover, there are varying forms of school segregation—that is, physically separated schools where predominately (or only) Roma students attend, "Roma-only classrooms within mainstream schools" (Open Society Justice Initiative, 2016, p. 35); and segregation within classrooms (e.g., students sitting in the back rows). Segregated educated is largely characterized as "subpar education" and notably "incentivized by state funding" (p. 35). The European Court of Human Rights in its judgement of the case of *Horváth & Kiss v. Hungary* (Case of Horváth and Kiss v. Hungary, 2013) referred to the academic literature to highlight the embeddedness and pervasiveness of the situation: "Scholarly literature suggests that the systemic misdiagnosis of Roma children as mentally disabled has been a tool to segregate Roma children from non-Roma children in the Hungarian public school system since at least the 1970s" (Case of Horváth and Kiss v. Hungary, 2013; Eliason, 2017). It was estimated that, by the early 2000s, Roma children were "ten times more likely to be placed into special classes than non-Roma" (Open Society Justice Initiative, 2016, p. 35).

As a member state of the European Union, Hungary is subject to several international and transnational legal frameworks and treaties which theoretically guide domestic policy measures and legislation in the area of basic human rights, including with respect to equal treatment in education. These include universal provisions for the "right to equality before the law and protection against discrimination for all persons" as "recognized by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories" (Council Directive 2000/43/EC). Moreover, Article 2 of the Treaty of the European Union establishes that "the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail" (Consolidated versions of the Treaty on European Union, 2012). The Charter of Fundamental Rights of the European Union (legally binding since 2009) furthermore established a right to education (Article 14) and a prohibition of discrimination on the grounds of race (Article 21) (Charter of Fundamental Rights, 2012). More specifically in the case of members of the European Union, Council Directive 2000/43/EC of 29 June 2000 requires the implementation of "the principle of equal treatment between persons irrespective of racial or ethnic origin" (Council Directive 2000/43/EC). Notwithstanding, the directive does not directly define "racial segregation" and "allows for the justification of indirect discrimination" [of which school segregation is a manifestation] "where there is a legitimate aim and the means of achieving that aim are appropriate and necessary" (Eliason, 2017, p. 216).

There are several overarching national laws in Hungary relevant to the framing of policies with respect to the institutionalization of political justice vis-à-vis the Roma and the specific case of representation in school (de)segregation: (a) the Fundamental Law; (b) the 2003 Act CXXV on Equal Treatment and the Promotion of Equal Opportunities; (c) the 2011 Act CXC on National Public Education; and (d) the 1993 Act LXXVII on the Rights of National and Ethnic Minorities, which was replaced by the 2011 Act on the Rights of Nationalities. With respect to equal opportunities in education / concerns for (de)segregation, the Fundamental Law of Hungary passed in 2011 by the Conservative-Christian coalition establishes provisions for—among others— promoting equality of opportunities and social inclusion (Article XV), as well as the right to education (Article XI) (Magyarország Alaptörvénye, 2011; Translation of the consolidated version of the Fundamental Law of Hungary, 2013). Moreover, with respect to non-discrimination, according to paragraph (2) of Article XV: "Hungary shall guarantee the fundamental rights to everyone without discrimination and in particular without discrimination on grounds of race, colour, sex, disability, language, religion, political or other opinion, national or social origin, property, birth or any other status" (Magyarország Alaptörvénye, 2011; Translation of the consolidated version of the Fundamental Law of Hungary, 2013).

The 2003 Act on Equal Treatment and the Promotion of Equal Opportunities—the transposition of the Race Equality Directive—inter alia establishes the provisions for non-discrimination, including with respect to institutions of elementary and higher education. Article 27 on Education and Training provides that: "(3) The principle of equal treatment is especially violated if a person or group is a) unlawfully segregated in an educational institution, or in a division, class or group within such an educational institution [. . .]" (2003. évi CXXV. Törvény; Translation of Act CXXV, 2003). However, the opportunity for derogation is particularly important in the context of this case study. The law furthermore provides that:

> (2) The principle of equal treatment is not violated if, a) in elementary and higher education, at the initiation and by the voluntary choice of the parents, b) at college or university by the students' voluntary participation, education based on religious or other ideological conviction, or education for ethnic or other minorities is organised whose objective or programme justifies the creation of segregated classes or groups; provided that this does not result in any disadvantage for those participating in such an education, and the education complies with the requirements approved, laid down and subsidised by the State. (3) Any legal act may divert from Article 27 (2) a) in respect of educational institutions serving the protection of linguistic or cultural identity or the purposes of a church, ethnic or other minority (2003. évi CXXV. Törvény; Translation of Act CXXV, 2003).

At the national level, the Hungarian courts since the 1990s has been developing jurisprudence and case law in the area of anti-discrimination, even prior to the enactment of the 2003 Act on Equal Treatment and the Promotion of Equal Opportunities. They have argued that integration cannot be achieved through segregation, and scientific studies have furthermore underscored that including disadvantaged Roma children with the majority children in educational programs is indispensable to the integration of the former group (T/2085/3. számú módosító javaslat, 2014). As early as 1997, Roma students with the support of advocacy NGOs were successfully advancing their cases and succeeding in the courts, including at the level of the Hungarian Supreme Court (Eliason, 2017, p. 232-33). One such example is a now infamous case in the Nyíregyháza settlement, where a segregated school was discontinued in 2007 after the Chance for Children Foundation (CFCF) took the case to the courts.

There are two relevant supranational or international courts enjoying the legitimacy to adjudicate issues of (racial) discrimination with sometimes overlapping jurisdictions: the European Court of Justice (of the European Union) and the European Court of Human Rights (of the Council of Europe). With regard to the former, anti-discrimination laws remained thus far untreated by the case law, and the court's ability to adjudicate in the case of the Racial Equality Directive rests on the European Commission (or member states) bringing cases of infringement of EU law before it. Infringement procedures initiated by the European Commission since 2014

regarding school segregation practiced by member states including Hungary have thus far not reached the court (Eliason, 2017, pp. 223-26).

Conversely, the European Court of Human Rights has thus far issued six judgments regarding the school segregation of Roma children, including the case of *Horváth and Kiss v. Hungary*. The case concerned two "two young men of Roma origin" who "due to their ethnic origin" and "as a result of being misdiagnosed with mental disabilities, [. . .] could not access mainstream education [and were thus] "educated in a segregated remedial school" (European Roma Rights Center, n.d.). In 2013, the ECHR ruled that there had been a violation of the right to education and violation of the prohibition of discrimination on the part of the Government:

> 128. Since it has been established that the relevant legislation, as applied in practice at the material time, had a disproportionately prejudicial effect on the Roma community, and that the State, in a situation of prima facie discrimination, failed to prove that it has provided the guarantees needed to avoid the misdiagnosis and misplacement of the Roma applicants, the Court considers that the applicants necessarily suffered from the discriminatory treatment (Case of Horváth and Kiss v. Hungary, 2013).

By the mid-2000s, under a Socialist-liberal government, the Ministry of Education "spearheaded legislative reforms, special education reforms, and financial reforms" with the prohibition of segregation in education enshrined in both education and anti-discrimination legislation (Open Society Justice Initiative, 2016, p. 35). The *Horváth and Kiss vs. Hungary* case was furthermore concluded in this context (p. 36). On the other hand, enjoying a comfortable supermajority, the Conservative-Christian coalition and government laid the legal and institutional groundwork for the continued practice of segregation by educational institutions. Firstly, in early March 2013, the Hungarian Parliament passed an amendment to its constitution, altering a provision on the promotion of 'equal opportunities' to include "'equal opportunities and *social catching-up*'"—with many observers arguing that this served to legitimize the segregation of Roma students and that the government is "seeking to revive" segregation practices (Open Society Justice Initiative, 2016, pp. 36, 45).

Secondly, in the fall of 2014, the Minister of Human Resources submitted a proposal for modifications (T/2085. számú törvényjavaslat, 2014) to the 2011 Act on National Public Education, effectively granting the minister authority to exempt certain institutions—on the grounds of religious and philosophical freedom and right of recognized nationalities to operate their own schools (due to instruction in their own language)—from the prohibition of practicing school segregation (T/2085. számú törvényjavaslat, 2014; "Mégis törvény," 2015). This action was justified by making reference to the possibility of diversion from Article 27 (2) of the 2003 Act on Equal Treatment and the Promotion of Equal Opportunities. An independent opposition member of parliament submitted a call for further modifications to the proposal, citing concerns that the provisions would violate Council Directive 2000/43/EC and the 2003 Act on Equal Treatment and the Promotion of Equal Opportunities (T/2085/3. számú módosító javaslat, 2014). Moreover, the opposition member's challenge also cited the unconstitutionality of segregation, the minister's public statements in support of school segregation, the proposal's attempt at effective legalization of segregation, and lack of consultation with stakeholders. Despite these challenges submitted to parliament, the minister's proposed modifications passed and came into effect from January 1, 2015. Kegye Adél, a lawyer of the Chance of Children Foundation (CFCF), argued that the legal modification confuses the right of religious institutions/churches to operate separate schools with the right of ethnic/national minorities to operate separate schools; churches effectively acquired the right to operate separate schools on the grounds of ethnic/minority rights ("Mégis törvény," 2015). What is more, it is argued that these segregated programs are not subject to the same set of quality measures as would otherwise be the case with public schools ("Mégis törvény," 2015; "Vallási alapú," 2015).

In addition, under the Conservative-Christian government, the Nyíregyháza school was reopened in 2011 by the Greek Catholic Church and local municipality following opposition to desegregation by the white majority in the community (Eliason, 2017, p. 233). The school has operated as a segregated institution since then. Although CFCF

successfully challenged the Church and municipality in the lower courts, arguing that the school's opening "violated the prohibition on ethnic segregation as well as regulations prescribing equal treatment," the Hungarian Supreme Court overturned a lower court judgment in April 2015 on the grounds of religious freedom:

> The Curia ruled that the church school's practice did not constitute unlawful separation because it offers religious education and the parents send their children to this school in the full knowledge that the children receive Greek Catholic religious education (Neuberger, 2015).

In its report on strategic litigation of Roma school desegregation, the Open Society Justice Initiative (2016) recounts that "shortly before he was to give testimony in the Nyíregyháza litigation, [Minister of Human Resources, Zoltán Balogh] offered to drop the proposed amendment to the Equal treatment Act if CFCF dropped its Nyíregyháza lawsuit. The CFCF board of directors voted not to take the settlement" (p. 45). In May 2016, the European Commission launched an infringement procedure against Hungary:

> The European Commission is requesting Hungary to ensure that Roma children enjoy access to quality education on the same terms as all other children and urges the government to bring its national laws on equal treatment as well as on education and the practical implementation of its educational policies into line with the Racial Equality Directive (Council Directive 2000/43/EC). This Directive prohibits discrimination on grounds of racial or ethnic origin in education. The Commission had a number of concerns in relation to both Hungarian legislation and administrative practices which lead to the result that Roma children are disproportionately over-represented in special schools for mentally disabled children and also subject to a considerable degree of segregated education in mainstream schools. The aim of the Commission's action is to ensure for Roma children an equal access to education which is a determining factor for employment opportunities and thus an indispensable component of working towards full Roma inclusion (European Commission, 2016).

The 2015 Hungarian Supreme Court decision carries a number of legal and structural implications. Firstly, the final ruling of the Hungarian Supreme Court effectively grants greater legal permissibility to not only the practice of segregation, but to its coding into law and policy, as the narrative of the minister's modifications to the 2011 Act on National Public Education demonstrate. Secondly, the ability to bring *actio popularis* in the interest of public order—a tool under the previous Hungarian Constitution allowing NGOs to bring cases to the courts without the requirement to provide specific plaintiffs—was restricted in 2011 with the passage of the Fundamental Law and Constitutional Court ruling in 2013 which stipulated that "only natural and legal persons with a direct interest in an actual case could file a constitutional complaint" (Eliason, 2017, p. 234). Since NGOs experience important difficulties in finding willing plaintiffs-- because few are "willing to subject themselves to lengthy and intrusive legal processes"— the constitutional tool had been an important weapon in CFCF's arsenal to influence policy (Eliason, 2017, p. 234). The tool's weakening therefore presents an obstacle to bringing segregation cases to the courts, despite the pre-2015 case law and myriad of relevant international and domestic legal prohibitions against discrimination, including with respect to education.

In the meantime, the Pécs Judicial Board in the fall of 2016 ruled that the segregation of Roma children in the settlement of Kaposvár was in violation of Hungarian law. It moreover ruled that the Ministry of Human Capacities (earlier referred to as: "Ministry of Human Resources") was responsible for having failed to act against the segregation. The local administration under the mayor of Kaposvár had tried to prevent desegregation and moreover tried to continue the school's operation via a foundation. Interestingly, the ministry demanded a stop to these efforts. At the same time, the Kaposvár local authority, together with the Somogy county government, and Klebelsberg Központ (the national government institute overseeing the management of public education) requested a review of the judgment, citing the judgment's contradiction with freedom of choice in education, but the Hungarian Supreme Court rejected the request on 4 October 2017; thus, upholding the lower court's

ruling. Adél Kegyel of CFCF noted that the Supreme Court's ruling is not only unprecedented in Hungary but in Europe ("Precedensértékű ítélet született," 2017; Juhász, 2017).

2.1.2 POLITICAL AND STATE INSTITUTIONAL LANDSCAPE RELEVANT TO THE POLITICS OF ROMA MINORITY AND SCHOOL (DE)SEGREGATION

The following state and political institutions are tasked with (or have been tasked with) minority policies, particularly Roma inclusion and integration, as well as education policy:

- Ministry of Justice (Office for National and Ethnic Minorities)
- Ministry of Social Affairs and Labor/Ministry of Human Resources (State Secretariat for Social Affairs and Social Inclusion; formerly State Secretariat for Social Inclusion until 2014 ministerial reorganization)
- Inter-Ministerial Committee for Social Inclusion and Roma Affairs
- Minorities Ombudsman (role no longer exists as of new 2011 Act on Nationalities)
- Minority Self-Governments
- Klebelsberg School Maintenance Centre (centralized national body responsible for maintaining all primary and secondary schools (formerly in the hands of municipalities)
- Local governments and school districts
- District courts and Kúria (supreme court)
- Roma Integration Council / Roma Coordination Council
- Anti-segregation Roundtable (chaired by Ministry of Human Resources)

Due to limited time and space; we were forced to narrow down our focus to a very select number of institutional actors. We were mainly interested in how mainstream political actors (political parties, government ministries) problematize education vis-à-vis the Roma; versus how minority politicians and/or MSGs do so (to the extent they can); as well as how the visible arena of civil society actors problematize "segregation" and equal treatment in education. We argue that civil society is important to bring into the fold because of their contact with people on the ground, cooperation/relationship with local MSGs and local political institutions, as well as their participation in national policymaking dialogue (e.g., Anti-segregation Roundtable). Thus, we conceive of civil society as an important political player in the context of a minority which is largely disenfranchised from *mainstream politics*—by which we mean the formal institutions of party politics and government dominated by the majority non-Roma population.

2.2 PROBLEM REPRESENTATION BY POLITICAL PARTIES AND RULING GOVERNMENT

Firstly, we discuss the discursive frames and claims of representation of the Roma by mainstream (and institutionalized) political parties borrowed from the ETHOS project's deliverable 4.2 on discourses of political justice during the 2014 general elections and 2015-16 migrant-refugee crisis. The purpose is to illustrate a more current and broader context of competing but also overlapping discourses of Roma representation in mainstream politics. Secondly, we more specifically examine how policies are framed or how policy problems are represented (social inclusion and education policies related to Roma) by the central government. With regard to the second part, we focus on the national social inclusion strategies of the left-wing or Socialist government (2008-2010) and the right-wing or Conservative-Christian coalition (2011-20) to again broaden the context, as well as hone in on the problematizations advanced by the Conservative-Christian coalition more recently within the framework of the Anti-segregation Roundtable.

In this section, we discuss the discursive frames and claims of representation of the Roma by mainstream (and institutionalized) political parties during the 2014 general elections. We focus on the top four political parties and alliances running in the 2014 elections: i.e., the already governing Conservative-Christian coalition (Fidesz-KDNP), the radical right Jobbik party, the Left Unity (loose alliance of five left-wing/liberal parties), and the LMP (radical left-wing green party). As such, we cover a relatively wide spectrum in terms of claimed ideologies and political discourse.

The ruling conservative-Christian (Fidesz-KDNP) government claims legitimate representation of the Roma in a context of a radical right-wing electoral contender (Jobbik) and an embattled left-wing political spectrum which was thus far unable to consolidate a pointed, appealing and visible claim of representation with respect to the Roma minority. We argue that these claims of representation are inherently "paternalistic" in character because the political discourses are constructed by a dominant political party which had both cemented its control over the media apparatuses and invoked themes synonymous with benevolence in its 2014 electoral communications. The ETHOS D4.2 report referred to the benevolence-benefactor discourse in the case of the Roma. That is, the conservative-Christian government frames itself as benevolent and as a (financial and institutional) benefactor towards a minority which is simultaneously depicted as "coexisting" with the majority but as a faction of society which is left behind and has yet to realize its potential. The report furthermore pointed to Fidesz-KDNP's ambivalent claims of representation with respect to the Roma and other vulnerable populations, underscoring the coalition's populist and nationalist discourses of national belonging and exclusion—the boundaries of which can be fluid depending on the discursive context and audience.

In Hungary more generally, the discourses of the political representation of the Roma remain rather thin and invisible. To the extent that they are visible, they appear to serve a different function. That is, the Roma are not typically talked about as compatriots or as "constituent components of the State" in most contexts of political discourse. On either side of the political spectrum, they are most often conceived of as a "problem" which must be solved. For example, in the context of Hungary's 2015 migrant-refugee crisis, the Roma were elevated vis-à-vis migrants and refugees, they nevertheless remained in an inferior position, conceived as a problem or burden and served as a justification for why migrants shouldn't be allowed into Schengen in great numbers. [8]

However, it is an important detail that Lungo Drom—the most popular Roma minority political party—and Fidesz formed a political alliance in the early 2000s whereby the Roma party's leader, Flórián Farkas served as a member of Parliament under Fidesz. Furthermore, Farkas and Orbán signed an alliance in May 2011 whereby Farkas would be in charge of the country's Roma inclusion strategy, which was financed by European Union funding. Thus, Roma opposition figures and civil society considered Lungo Drom – or the representation of the Roma –as structurally monopolized by the ruling Fidesz-KDNP political family and disapproved of Farkas's control over the distribution of funds, particularly as the latter was caught up in related corruption scandals (for an overview see Balogh, 2015a; Balogh, 2015b).

The Orbán-Farkas alliance reveals more nuanced discourses or narratives, not least because the alliance is an important mechanism of the Fidesz political machinery. Firstly, we observe Orbán (and Farkas) casting the conservative-Christian government as the benevolent benefactor of the Roma: e.g., the basis of the ORÖ

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[8] "Roma and non-Roma poor shouldn't be imposed on other countries." Statement by Fidesz-MEP and Roma-identified politician Livia Jároka (Escritt, 2015); "It's a historical fact that Hungary must live with a few hundred thousand Roma [. . .] we can't ask anybody else to live with a large number of Roma." – Statement by Orbán (Escritt, 2015); "'We can't integrate them [. . .] Hungary should first completely integrate Gypsies"–statement by radical Jobbik MP Márton Gyöngyösi (Raksha, n.d.).

agreement with Farkas was "work, family, achievement"; the public works program[9] represented as the "largest benefit given to the Roma" because 57,000 Roma people and families experienced their "first opportunity to take part in the Hungarian economy"; "we gave assistance to 35,000 Roma youth" for the purposes of graduating from secondary education; and Orbán "appointed on the party list" Livia Jároka (Roma member of European Parliament) (Orbán, 2014a). These claims are connected to the claim that Fidesz's benevolent Roma politics is somehow unprecedented: e.g., Orbán "singularly took up a level the social inclusion of the Roma" and "singularly formed a framework agreement" for the "opportunity to integrate into the majority society"; there was never a "four-year period in the history of Roma politics" when the "Roma community could feel that they really take part in the design and direction of these programs"; and Farkas refers to Fidesz government's "outstanding" and of "historical merit," which is why "the gypsies are willing to vote only Fidesz" because it is the "party which shouldered our affairs"[10] (Orbán, 2014a; Kacsoh, 2017).

Secondly, the benefactor-benevolence discourse overlaps with a morally deserving discourse—that is, the Roma are both elevated in their status of deserving state help relative to migrants *and* certain groups of Roma are characterized as exemplary for their desire to be part of the nation. Orbán refers to the Roma as a "hidden reserve" against the predominant position by EU leaders of a "well managed immigration policy" to manage Europe's demographic and labor supply problems (Orban, 2014b). In the context of the impending migrant crisis and Tusnád speech on "illiberal" democracy – in which the workfare state is emphasized – the Roma are thus afforded a place in Hungary. In addition, Orbán talks exaltingly about the growing Christian Roma student collegium network (which the Fidesz-KDNP government itself had set-up) of "170 gypsy youth" who are "simultaneously Roma and Hungarian" and "proud of their Hungarian identity" and who "don't want to separate themselves, exclude themselves, and position their lives against us" but "who plan to be part of the nation" (Orbán, 2014a). These narratives reflect the moral justification of representation – particularly in the discursive contexts of the 2014 elections and migrant-refugee crisis—of the Roma as belonging to Hungary against outsiders and immigrants. As both Orbán (2014) and Florián (Kacsoh, 2017) expressed it, the "ethical solution" to Europe's and Hungary's labor supply shortage is not immigration, but to conceive of the Roma as a "hidden reserve." This is connected to the morally justifiable vision of both protecting nationhood and including those in the family of Hungarians who "plan to be part of the nation"—that is, those who make the extra effort to work as hard and be as morally superior as the (Christian) Hungarians.

With regard to the radical right-wing Jobbik, claims of representation vis-à-vis the Roma are manifested as *problem* representations rather than representations of the communities and their individual members. Jobbik's construction of the "Gypsy" issue has been one of the core ingredients of its political strategy. Thus, the party's leaders employ criminalization and paternalism frames when discussing the Roma or "gyspies." The paternalism

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[9] The basic idea behind the public works scheme is to make social assistance conditional upon completion of public work, which is typically some form of manual labor (e.g., cleaning and maintenance of public spaces, road construction, etc.). As an interviewee explains: "And then Fidesz continued the same policy, but actually they extended the volume of the public work scheme and they actually also had a new rhetoric. It was new in a way that it was much harsher [. . .] emphasizing the responsibility of the individual and so on. Which is actually done…Fidesz is doing that" (HU5.2.01). The public works scheme is a key tool in Prime Minister Orbán's so-called "workfare state": If the private sector is not capable of giving everyone a job, which is currently the case in Europe, the state needs to step in, play a rational role and strive to realize full employment. This is what we call a society based on work in Hungary. We reduced the period during which unemployment benefits are paid from nine months to three months, and instead of providing benefits, the state attempts to offer everyone employment, which we will truly manage to do perhaps next year. This is what we call the workfare state" (Orbán, 2014b).

[10] "And the reason why they are saying that because of the Roma framework program, which was initiated during the Hungarian presidency of the EU and actually that was an important issue for them. So, that was one of the main issues on the agenda, of the EU presidency [. . .] I think it had a very important political aim [. . .] to show that Hungary [is]…trying to do something important politically for the Roma" (HU5.2.01).

frames are not dissimilar to those used by Fidesz-KDNP. These include references to rejecting "vulgar racist politics" and "tensions of Hungarian-Gypsy coexistence,"—"tensions" and "coexistence" implying inclusionary-exclusionary societal structures and dominance of one ethnic group over the other (A 60-lépés program, 2014; Nagy and Neményi, 2014; Derényi, 2015; Nemzeti1 TV, 2015). Yet, Jobbik more prominently casts "gypsies" as "anti-social," irresponsible, and inactive, promising to stop "Gypsy crime" (an actual term in Hungarian: *cigánybűnözés*[11]), the "buying" of Gypsy electoral votes, as well as to conduct a signature drive in advance of local elections advocate for the "free liquidation" of (predominately Roma) ghettos which are conflated with "drug farms" and "stealing of electricity" (A 60 lépés program, 2014; "Szigorúbban büntetné," 2013; Nagy and Neményi, 2014; "Indul a Jobbik," 2014).

Alternatively, the party promises to "bring about" radical solutions, including "initiat[ing] the 'social card' for the purposes of eradicating the possibility of making a living through child rearing," "the establishment of state-run boarding schools for socially challenged Gypsy children," "ceas[ing] racial and ethnic positive discrimination," and "bring[ing] about a cadre of leadership for Gypsies in Hungary who consider Hungary their home and who endeavor for a relationship of brotherhood with Hungarianism." The dominance of ethnically white Hungarians in "bringing about" a cadre of leadership deemed acceptable and worthy of participating in political representation is taken-for-granted and implied in the invocation of "brotherhood with Hungarianism." The criminalization of "gypsy voting" is exemplified by the claim that it is used to buy votes for Fidesz-KDNP - what Jobbik refers to as "chain voting" during municipal and minority elections ("Szigorúbban büntetné," 2013; Kálmán, 2014). Thus, the Fidesz-KDNP-government, Roma political leadership, and Roma voters are simultaneously criminalized in rigging the system and, fundamentally, rendering elections unfair (e.g., see also Enyedi, 2015 on parallel usage of "political crime" and "gypsy crime"). Jobbik promises to do away with this, whereas Fidesz-KDNP claims to represent the majority of the Roma electorate. This is an important and not-so-subtle difference in claims (and power structures) of representation.

On the other side of the ideological spectrum, Lefty Unity predominately employed a solidarity and social inclusion frame vis-à-vis the "gypsies" and the poor—the latter two groups often conflated and treated simultaneously. "Gypsies" (the term universally used) are treated in the language of "social justice," "social rights," "social inclusion," "solidarity," "standing up to discrimination and racism," "equal opportunities in education," and referred to as "compatriots" (Bajnai, 2013; Gyurcsány, 2013; MSZP, 2014; Liberálisok, 2014)—rather than criminalized, although DK's reference to "shared responsibility" is not unlike the language used by Fidesz. Despite the inclusive language, the Roma are treated as a side issue. "Gypsy" gets one mention in the Socialist party's 56-page electoral program document. There are perhaps veiled references to the Roma/gypsy in the form of invoking terms such as "the poor" or "poverty," which expresses a morally based view of the phenomenon (see further below). The Democratic Coalition's electoral program devotes two pages to the social inclusion of "Hungarian gypsies." The Hungarian Liberal Party devotes a few paragraphs on "we feel one with the nation's gypsies and makes reference to their supposed view that the "nation's other groups don't feel willing to burden their hearts with the gypsies' future" (p. 17). Thus, the party emphasize the "re-establishment of self-worth" and "support for cultural and identity promotion" (p. 18).

Neither of these programs, however, match the level of visibility of the "gypsy" issue crafted by Jobbik—whose discourse of "Hungarian-Gypsy coexistence" was central to its platform. An observer cannot help but arrive at the conclusion that—in comparison to Left Unity—Fidesz and Jobbik *own* the "gypsy" issue—albeit in different ways and reflecting divergent goals. According to one observer, the left is "on the margins of really creating

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[11] With Jobbik, "gypsy crime [. . .] became like a term or a concept or an ideology, but it's a narrative used by everybody. The Roma minority self-governments haven't been able to come up with counter-narratives" (HU5.2.01).

counter narratives" (HU5.2.01); another interviewee notes that there are "tendencies of prejudice" along the political spectrum, even on the left (HU5.2.02).

Nevertheless, Left Unity's representation discourse of solidarity and social inclusion is juxtaposed against the right's "criminalization of the poor" (MSZP, 2014) and the conservative-Christian government's destabilization of democracy (expressed as "there is no stable democracy") through the "slavery of public works" (reference to the state work program tied to social assistance benefits) and by neglecting the poverty of four million people (Liberálisok, 2014). Thus, the discourse of Left Unity in this sense adopts an emancipatory character—that is, what is represented here is the common good of human rights. There is also the admission that there has been a collective failure on dealing with the issue: "gypsy inclusion" conceived as the "greatest omission of the last two decades" (Gyurcsány, 2013), "neglected by the right" and "treated as social issues by the left" (Liberálisok, 2014). Fundamentally, it is a *human rights* construction of the phenomenon: the poor are morally righteous and victims of economic injustice and political oppression by the conservative right. While claiming to support the rights of national and ethnic minorities, the LMP green party program scarcely mentions the "Roma" (Lehet a Más a Politika, 2014a, p. 4); it rather seems that the issue is subsumed under the broader anti-global capital and cartel capture of politics discourses, as evidenced by repeated references to exploitation, including with respect to the Conservative-Christian government's public works scheme. Thus, as is often the case in Hungarian leftist political discourses vis-à-vis the Roma, the Roma are discussed in the context of unfair labor market structures which discriminate against this minority. Thus, from the political left, we also observe a victimization discourse.

In general, the political right is dominating the discourses and (problem) representations associated with the Roma. Jobbik was considered to have put the Conservative-Christian coalition under pressure in the run up to the 2014 election campaign period. Thus, this phenomenon has arguably pushed Fidesz-KDNP further to the right in terms of discourses and legislating (more broadly speaking). While both political groups employ paternalistic frames of representation and employ the language of "coexistence," Fidesz exercises greater ambivalence in its discursive treatment of the Roma. In addition, while Jobbik predominately criminalizes the Roma, Fidesz adopts a more careful and structurally advantage approach manifested as the benevolence-benefactor discourse, while absorbing the most popular Roma minority party into its political family. The political left, meanwhile—having suffered massive electoral defeat in 2010—has endeavored to advance discourses of solidarity and social inclusion to appeal to its voter base of urban educated elite and in the context of these parties' claims of defending Hungary's democracy and European Union credentials. But unlike their right-wing counterparts, the left/liberal parties have been unable to appeal to a broader set of voters with regard to a whole host of policy issues, including Roma "integration." Moreover, their visibility is marginal in the context of the Orbán-Farkas alliance.

2.2.2   GOVERNMENT POLICY DISCOURSES AND RESPONSES REGARDING (DE)SEGREGATION

We now turn to examining how (de)segregation policies are framed and problematized by the central government. This section firstly comprises a comparison between the national social inclusion strategies authored by the left-wing or Socialist government for the period 2008-10 (Committee against Social Exclusion, 2008-2010) and the right-wing or Conservative-Christian coalition for the period 2011-20 (Ministry of Public Administration and Justice, 2011). The purpose is to broaden the policy context and show general trends and deviations in policy approaches across the political spectrum. Secondly, we also devote time and space to (sometimes seemingly contradictory) problematizations advanced by the Conservative-Christian coalition more recently within the framework of the Anti-segregation Roundtable.

Both national inclusion strategies are said to have involved dialogue with coordinating and consultation bodies. Under the socialist government, this included consultation with the Roma Integration Council ("In general, these forums supported the document") (Committee against Social Exclusion, 2008-2010, p. 10). For 2011-20, the draft

was reviewed by the national Roma MSG and Inter-Ministerial Committee for Social Inclusion and Roma Affairs[12]. The review initiated several rounds of consultations with relevant ministries (Ministry of Public Administration and Justice, 2011, p 10). As a consequence of this process:

> The Roma Coordination Council[13] came into being in order to enable the widest possible cooperation of social actors and stakeholders involved or with an interest in the inclusion of the Roma. Its members are, in addition to representatives of the Government, the representatives of minority self-governments, local municipalities, the Hungarian Academy of Sciences, employers, employees, churches, civil organisations and the Central Statistical Office. Roma organisations account for the majority of the 27 members. Following expert-level inter-ministerial consultations, the Council opened the social debate of the draft strategy at its founding meeting on 26 September 2011. As part of the wide-ranging social consultations conducted until 9 November, the representatives of social and professional organisations and churches, too, stated their opinion with respect to the text of the draft and the indicative list of proposed measures (Ministry of Public Administration and Justice, 2011, p. 10).

Since the two national inclusion strategies are structured rather differently, the following functionally equivalent sections were compared: the Introduction (2008-10) vs. Executive summary (2011-20) *and* sections of both documents dealing simultaneously with education and the Roma. In the overview below we analyze the language and terms used with regard to the Roma [please see "

Table 1: Language used in the Hungarian national social inclusion strategies with regard to Roma from the 2008-2010 report (left-wing government) and 2011-2020 report (right-wing government)" in the Annex]. Both reports employ similar language casting the Roma as marginalized vis-à-vis the majority, e.g., the least reached, least integrated, most endangered, the poorest, multiply disadvantaged, and as a special target group. The 2008-2010 report (authored by the previous Socialist government) employs the frames of integration, "catching-up," assimilation, poverty, social exclusion, but differs from the succeeding report in its references to "mainstreaming" and "positive discrimination" (Committee against Social Exclusion, 2008-2010):

> [. . .] mainstream[ing] in all affected areas [. . .] special measures will be taken to decrease their housing and educational segregation and discrimination towards them (p. 11)

> The number of disadvantaged students (children from a poor family or children of parents with low school degree) enrolled in higher education increases year by year due to 'positive discrimination' (access with lower test results or exemption from tuition fees). Students enrolled that way are assisted by a mentor throughout their studies. As shown by the relevant data, the number of students enrolled that way increases year by year (p. 27).

Moreover, the treatment of Roma-related issues are dealt with under the broader category of "fight against poverty and social exclusion," rather than featuring more prominently. The 2011-2020 report meanwhile (authored by the current Conservative-Christian government) similarly emphasizes poverty and casts the Roma as a special case in a wider poverty phenomenon. Yet, by comparison, the term "Roma" plays a prominent role in the title of the document and within its first sentences. On the first page, we already encounter language

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[12] "This is the body responsible for cooperation between the ministries and other agencies concerned (12 State Secretaries and a representative of the Prime Minister's Office constitute its membership)" (Ministry of Public Administration and Justice, 2011, p. 10).

[13] Due to space limitations, we have chosen to exclude this body from extensive analysis. Given that our specific focus is (de)segregation, we focus instead on the Anti-segregation Roundtable.

framing the expectation of *how* Roma should relate to the non-Roma majority (of white ethnic Hungarians): e.g., partnership, active participation, responsible approach -- implying that the Roma thus far may have been uncooperative, inactive, and irresponsible. The emphases on "responsibility" and "socialization" imply that national belonging is learned and earned rather than given (despite national belonging of Roma automatically enshrined in law) (Ministry of Public Administration and Justice, 2011):

> The Act on the Rights of National and Ethnic Minorities passed in 1993 allows us to involve the Roma as genuine partners in affairs concerning their lives, thereby encouraging active participation and a responsible approach on their part. The new national minority legislation currently in the making extends and reinforces these rights (parliamentary representation) [...] On behalf of the Government, Prime Minister Viktor Orbán signed a „Framework Agreement" with the President of the National Roma Self-government, Flórián Farkas, in May 2011, which lays down specific undertakings with respect to the most important issues concerning the Roma. This document signed at the highest level indicates, on the one hand, the Government's commitment vis-à-vis the majority, non-Roma Hungarian society to the inclusion of the Roma and, on the other hand, conveys the message to Hungary's largest ethnic minority (according to the new Constitution, "national minority") that the Government is counting on their cooperation as a partner (p. 6).

Thus, the 2011-2020 report both allows Fidesz-KDNP to "singularly [take] up a level the social inclusion of the Roma" (see above on discourses of political representation) and echoes the ambiguous and fluid frames similarly employed by Prime Minister Viktor Orbán and his Conservative-Christian government during the election campaigning season:

> The Social Inclusion Strategy is a Roma strategy but not *just* a Roma strategy [. . .] The strategy targets social problems and problem areas, and is not aimed at social groups identifiable on the basis of personal characteristics (p. 60).[14]

In the 2011-2020 report, there are also references to the justification of data collection vis-à-vis Roma, repeated emphasis on special targeting of the Roma on social grounds and *not* ethnic ones, the language of "multiple disadvantages" (or "multiply disadvantaged") and socio-cultural/cultural disadvantages, and the language of socialization (Ministry of Public Administration and Justice, 2011). Interestingly, the report also emphasizes that Roma policy is both social policy *and* minority policy and that these cannot be separated from each other (e.g., "Roma as a national affair") (Ministry of Public Administration and Justice, 2011). While there is language both discouraging segregation and over diagnosis of disabilities, as well as encouraging equal opportunities, the language of "socio-cultural-" and "cultural disadvantages" indicates the prevalence of white Hungarian majority-dominated political institutions and embedded social structures. The report also refers to the much-touted framework agreement between the government and the National Roma Minority Self-government as one "reinforce[ing] coexistence" (Ministry of Public Administration and Justice, 2011). Thus, coexistence implies that the majority and the Roma minority are separated along key dimensions, including physically, socially, economically, and culturally. As one Roma community member contends: They can only show the bad, they can't show the good. They shouldn't only show the bad, but also the good. Roma are not all the same" (HU5.2.03).

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[14] Yet, on the same page the following passage seems to contradict this stance: "In harmony with the findings of the Institute for Development and Methodology of the State Audit Office, it is a basic principle that projects specifically aimed at the Roma minority are only warranted if the disadvantage intended to be remedied is clearly and primarily of an ethnic nature. Against the background of this principle, as one of the key elements of the strategy, we pay particular attention to the effects on the Roma of the programmes implemented or contemplated in the target areas and the involvement and participation of the Roma in these programmes" (Ministry of Public Administration and Justice, 2011, p. 60).

Both national inclusion strategies reveal the institutional and discursive domination of the non-Roma Hungarian majority because the language communicates the notion of the minority "catching up" to and "integrating" with the majority. However, as the Conservative-Christian government steered Hungary's Presidency of the EU Council (2011), one of its headline goals was Roma inclusion (Ministry of Foreign Affairs, 2011). Importantly, this intersected with the Decade of Roma Inclusion (2005-2015)—its permanent secretariat having been based in Budapest. The increased political visibility of the Roma and institutionalization of Roma integration should not be separated from this important transnational context. Furthermore, there was a gradual political institutionalization of enhanced national belonging in the form of the Orbán-Farkas alliance. Another key difference is how the Socialist government-based report (2008-2010) made references to "mainstreaming" and "positive discrimination," which is more synonymous with the political left's solidarity and social inclusion frames. The nature of the language used in the Conservative-Christian government-based report (2010-2010) meanwhile characteristically reflects the benevolence-benefactor discourse, while the language of "social inclusion" is nevertheless present.

We now turn to analyzing the policy goals and planned measures in the area of school (de)segregation with a specific focus on the Roma. Continued from the approach above, the analysis functions as a comparison between the policy approaches of the Socialist government (before 2010) and the Fidesz-KDNP government (after 2010), identifying common patterns and differences with regard to the Roma and school (de)segregation (see "Table 2: Policy goals and planned measures in the area of school (de)segregation: A comparison of the 2008-2010 *and* 2011-2020 national social inclusion strategies (Hungary)" the Annex). In general, both reports claim to acknowledge the connection between "poverty" and "exclusion," on the one hand, and early school leaving (low educational attainment) and school segregation, on the other (e.g., 2008-2010: pp. 10-11, 20, 2010-2020: pp. 6, 8). Thus, both governments problematized education of the Roma as one of segregation and exclusion.

Moreover, both reports articulate the integration and inclusion of the Roma in the Hungarian public education system as a major goal, with policy measures focusing on early childhood engagement to the continuation of studies. The two governments also overlap in their emphasis on targeted training, talent, and skills development, including mentoring and various extra-curricular programing. Thus, both governments problematized the education of the Roma as the lack of integration and inclusion on the part of the latter, implying that the system needs to fine-tuned in order to accommodate the special target group. Note the absence of proposals for a more fundamental recalculation of the education system—the problematization of the education of the Roma being predicated on the institutional embeddedness of Hungarian public education, which as one interviewee explained is not designed for mass social mobility—neither of the Roma, neither of large segments of the society who are materially and culturally excluded from the (upper) middle classes (HU5.2.01). Thus, the problematization of the education of the Roma as one inherently rooted in the lack or absence of integration/inclusion is taken for granted.

Furthermore, it is important to bear in mind the vital role of transnational policymaking and exchange as a compass for both governments (e.g., European Union, Decade of Roma Inclusion), in terms of language used, articulating problems and solutions, and financial feasibility. As one interviewee noted, "politicians are still careful about being politically correct" in the context of the EU and, in that sense, the EU is influential (HU5.2.02). As such, Hungary's approach is far from unusual and largely reflects a collective, transnational paradigm in understanding Roma-related issues. The template for the national inclusion strategies is itself the result of a collective problematization of Roma inclusion since the goals, table of contents, and vocabulary are largely pre-defined (see section "B" concerning civil society). Crucially, the EU structural funds provide significant sums of targeted financing, enhancing the feasibility and (theoretically) accountability of "inclusion" and "integration" focused projects as this type of support is conditional with strings attached. The large sums allocated to "Roma inclusion" throughout the EU and the Decade participating countries are indicative of the inherent political salience of an ethnic group which is largely problematized as a severe and pressing integration issue needing immediate attention and redress. Thus, Hungary under both left-wing and right-wing governments has been a

signatory—sometimes in the driver's seat—of this shared transnational framework and understanding of the *problem*.

There are, however, important differences between the two national inclusion strategies. For one, the Socialist government placed a greater emphasis on equal opportunities and positive discrimination and dis-incentivizing (negative) discriminatory practices. Thus, the left-wing government was also more inclined to problematize the education of Roma in terms of *discrimination* and *equal opportunities*—with the Education Office having acquired authority to establish the fact of discrimination and the requirement that settlements and institutions submit an equal opportunities situation analysis and plan in their application for funding. Thus, the Socialist government adopted a policing approach, reflecting an understanding of the problem which is legalistic and whose redress is based on corrective action.

It is important to note the potentially steep political costs of advancing integration and inclusion of the Roma in the Hungarian public education system. The substantive and financial targeting of the Roma with respect to anti-poverty and social inclusion policies is politically risky in the context of a white-majority dominated political electorate which tends to put parties in power who nevertheless cast the Roma as inactive and irresponsible (i.e., the Hungary country report for ETHOS 4.2 noted the similarities in preferences of Socialist and Jobbik voters). This is an important reason why the language of the national inclusion strategy authored by the Conservative-Christian government is carefully crafted to emphasize that it's not *just* about the Roma, but that the Roma are indeed a special case. In a similar vein, although the strategies reflect a discursive commitment to territorial and school de-segregation, Hungarian governments (regardless of their political coloring) risk widespread backlash in the form of "white flight" from the public school system (Eliason, 2017) because Roma or "gypsy" children are considered a hindrance to scheduled learning. An interviewee underscored that in seeking to retain their voter base (i.e., the majority doesn't want their children to attend integrated schools) parties "largely accommodate [segregation]" (HU5.2.02). Thus, on the one hand, the approach of Roma "integration" and "inclusion" in the education system is conceived as a necessary ingredient to the ethnic group's labor market "participation" and, thus, integration into society more generally (note the commodification). On the other hand, the pursuit of a policy which seeks to mix children and students of different ethnic groups and socio-economic backgrounds in a common institutional setting is politically risky.

The scale of the response to school (de)segregation is—at least on the surface—vertical and horizontal. This is indicative of the political importance attached to the "problem" of poverty and exclusion more generally. The transnational framework(s) and funding are important resources for the articulation, coordination/monitoring, and financial viability of "inclusion" policies at the national level. Both governments set up and coordinated national consultation bodies responsible for advising on Roma inclusion policies. The scale of stakeholder participants from different sectors and with complementary expertise and/or interests in the "problem" indicates the scale and the political salience of Roma "inclusion": government representatives, minority self-government representatives, local municipalities, academics, employers, employees, churches, civil society organizations and other government offices.

Since 2013, however, the Conservative-Christian government has advanced a seemingly contradictory set of problematizations and policy goals. A key protagonist of the policy approach formulated in the National Social Inclusion Strategy of 2011-2020 is Zoltán Balog—once a Calvinist minister of the German Reformed Church, widely considered to be close to the issue of Roma inclusion, and served as the State Secretariat for Social Inclusion from 2010 and later as the Minister of Human Resources from 2012. In his capacity as minister, Balog also initiated the so-called *Anti-segregation Roundtable* in 2013 for the purpose of advising on the elimination of segregation practices. Its members include(ed) representatives from state institutions (e.g., the centralized Klebelsberg Institution Maintenance Centre, national faculty of teachers, members from the state secretariat for social inclusion and the ministry), relevant experts from civil society organizations (hereafter CSOs), religious institutions/churches, and the government. Within a half a year, two CSO-based legal advocates resigned from the Anti-segregation Roundtable ("Mohácsi Erzsébet otthagyta," 2013; Ónody-Molnár, 2014).

As recounted in the case background above, Minister Balog submitted in the autumn of 2014 a proposal for modifications to the 2011 Act on National Public Education Act , effectively granting the minister authority to exempt certain institutions—on the grounds of "religious and philosophical freedom" and "right of recognized nationalities to operate their own schools" (due to instruction in their own language)—from the prohibition of practicing school segregation ("Mégis törvény," 2014). An independent opposition member of parliament submitted a call for further modifications to the proposal (T/2085/3. számú módosító javaslat, 2014), citing concerns that the provisions would violate Council Directive 2000/43/EC and the 2003 Act on Equal Treatment and the Promotion of Equal Opportunities. Moreover, the opposition member's challenge also cited the unconstitutionality of segregation, the minister's public statements in support of school segregation, the proposal's attempt at effective legalization of segregation, and lack of consultation with stakeholders. A further round of criticism was levelled by CSO actors regarding the 2014/15 modifications to the Act on Public Education ("Mégis törvény," 2015; Janecskó, 2014). Despite the challenges submitted to parliament, the minister's proposed modifications passed and came into effect from 1 January 2015. This exemption to the prohibition was furthermore bolstered by the 2015 Hungarian Supreme Court decision recounted previously.

Despite the above circumstances, the ministry continued to convene the Anti-segregation Roundtable, while in January 2016 another critical CSO representative resigned from the platform ("Faképnél hagyta," 2016). In May 2016, the European Commission launched an infringement procedure against Hungary, calling the government to bring its national laws on equal treatment as well as on education and the practical implementation of its educational policies into line with the Racial Equality Directive (Council Directive 2000/43/EC; European Commission, 2016). A proposed legal modification submitted by the Hungarian Minister of Justice in the fall of 2016 was intended to amend the abovementioned discrepancies between 2003 Act on Equal Treatment and the Promotion of Equal Opportunities and the 2011 National Public Education Act. As of this writing, the proposal is currently under review in the Legislative Committee of the National Assembly (T/12366 törvény módosításáról, 2016).

Relatedly and importantly, in July 2017, the European Commission launched another infringement procedure against Hungary for its new law on foreign-funded NGOs adopted on 13 June. The law stipulates that certain categories of NGOs receiving annual foreign funding above HUF7.2 million (approx. € 24,000) must "register and label themselves in all their publications, websites and press material as 'organisations supported from abroad', and to report specific information about the funding they receive from abroad to the Hungarian authorities"; otherwise they face the possibility of sanctions (European Commission, 2017).While this law may not have applied equally (or not at all) with respect to some CSO members in the Anti-segregation Roundtable, there was a culmination of pro-government press coverage casting CSOs as "foreign funded" entities conflicting with Hungarian national interests prior to and subsequent to the passage of the law. In response, two more critical CSO representatives resigned from the Anti-segregation Roundtable in the spring of 2017.

The Conservative-Christian government constructed a terrain of two overlapping words-- testing the boundaries of EU laws, on the one hand, and a commitment to de-segregation and European Union laws, on the other (Piroska & Zemandl, 2018). In addition to the national inclusion strategy, the convening of the "Anti-segregation" Roundtable represents one way in which the government discursively positioned itself as a partner in systematizing de-segregation. Thus, the invocation of "anti" firmly positioned the government against segregation. Moreover, its published communications labeled the work of the roundtable as a forum for "joint review," "debate," and "examination" of school segregation (State Secretariat for Social Inclusion, 2013a, State Secretariat for Social Inclusion, 2014; State secretariat for social affairs and social inclusion, 2014, 2016a). These communications further claimed that segregation is "not acceptable" and must be "eliminated" (State secretariat for social inclusion, 2013b) as well as pointing out the agreement among both political and professional roundtable members that segregation is "not quality education" (e.g., State Secretariat for Social Inclusion., 2013d).

Moreover, in the wake of the 2014/15 modifications to the Act on National Public Education recounted previously, the ministry consistently denied in its public communications that it was crafting exceptions to the prohibition on segregation and responded to accusations—that it has "no intention of working out conditions for segregation" (State secretariat for social affairs and social inclusion, 2014b; Pálfi, 2015) and that it "condemns segregation" (Janecskó, 2014). Moreover, ministry communications covering the Anti-segregation Roundtable in December 2016 (approximately a half year after the EC's infringement procedure was launched), highlighted that the "legislation can be amended in a form agreeable to the European Commission" and referred to the AR's role in this (State secretariat for social affairs and social inclusion, 2016b).

In defending the changed legal framework, the ministry's communications advanced a debate on the contours of segregation, questioning whether critical actors (particularly directed at legal advocates) were talking "positive action" or "segregation"; and highlighting the discrepancy between the importance of rights vs. the capacity to exercise them (State Secretariat for Social Inclusion, 2013b). Moreover, legal advocates were associated with terms such as "aggression," "dogmatic rights groups," [15] and as "damaging as radical movements" and as "knowing only theoretical solutions" (State Secretariat for Social Inclusion, 2013b; Gulyás, 2013). Relatedly, the government claimed to be working toward "synchronizing" "principles" with the "truth", constructing the roundtable as a forum for "reasonable" and "practice-oriented solutions" (State secretariat for social inclusion, 2013b; also State secretariat for social inclusion, 2014).

At the same time, in 2013 the ministry was already open to the increasing involvement of churches in the education of Roma children, citing the development as "positive" and advocating the combination of "church" and "other methods" in "parallel" (State Secretariat for social Inclusion, 2013b). Later, the Hungarian government employed legal and technical language invoking "freedom of religion" and "right of national minorities" in the construction of conditions under which church-run schools could be exempt from the prohibition of segregation. Initially, it dismissed the infringement procedure as a measure from the EC which "doesn't make any sense," citing the prohibition of the collection of ethnic data as a reason why there would be no way to know with any certainty what the ethnic makeup of schools actually is ("EU warns," 2016). Minister Balog furthermore declared that: "We . . . support every institution which enables students with disadvantaged backgrounds to close the achievement gap, even if the institution only educates Roma children" (Open Society Justice Initiative, 2016, p. 45). The minister has also qualified the separated education of Roma children as "affectionate segregation" ("Balog a szeretetteli," 2013).

While, on the one hand, the government positioned itself as combatting social exclusion and segregation (invoking the strong language of "anti-segregation"), it simultaneously advocated "other methods" including so-called "affectionate segregation" in the name of closing gaps at least for a transitional period (see summary of Zoltán Kovács interview in: "Balog a szeretetteli," 2013). Minister Balog contended that one can still implement catching up through segregation, but that this approach needs to be complemented with affection, skilled teachers, and good methods ("Balog a szeretetteli," 2013). The government furthermore argued that it was "necessary to investigate the possible means of legality of those school programs who help disadvantaged children access chance creating catch-up education" (State secretariat for social affairs and social inclusion, 2014a). In other words, some form of education which effectively separated children was deemed acceptable as long as it didn't violate legal principles and was founded on "good" pedagogical grounds.

The government moreover considered church-run institutions as an ally in this endeavor. Himself a former priest, Balog openly stated that he was "very confident in the pastoral activity of the churches" because "children's gangs are terrorizing schools" and that the program strengthens the children's identity through the pedagogic role of moral and religious education ("Balog a szeretetteli," 2013). Minister Balog stressed that "catching up

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[15] "One of the greatest dangers to the Roma is right-wing extremists; we have taken very strict measures against them. The other is dogmatic rights groups." – statement by state secretariat for social inclusion Zoltán Kovács (Gulyás, 2013).

programs" in church-run schools are about cultivating active participation in students ("Balog a szeretetteli," 2013); this reflects the (paternalistic) language in the national inclusion strategy and political discourses of activation, partnership, and responsibility. While the government adopted the language of transnational-sourced problematizations (e.g., integration, social inclusion, de-segregation, etc.), it also advanced a problematization whereby CSOs and legal advocates are stuck in the world of "theory" ("Balog a szeretetteli," 2013) and can't live with alternative methods of integration which are claimed to better reflect the special needs of the already territorially segregated Roma populations. The question of whether children can "catch-up" in segregated institutions was central to the Nyíregyháza court case. It illustrates the divergent problematizations on the part of the governments versus CSOs.

2.3 PROBLEM REPRESENTATION BY ROMA POLITICAL LEADERS AND MSGS

There are two key dimensions of problem representation in the context of the representation and participation of the Roma in Hungarian political life. One aspect is a problematization of the minority self-governments which conceives of the system as ineffective, incapacitated, and corrupt, as well as politically subsumed by the Conservative-Christian political family. Another aspect is the problematization on the part of Roma political leaders of the Hungarian (public) education system and its (ill) treatment of Roma/gypsy children. We first deal with the former aspect.

The document analysis and interviews revealed one problematization of Roma political justice as rooted in the monopoly of the Lungo-Drom-Fidesz political alliance. Lungo Drom – which won 75% of the votes in the 2014 national minority elections - has been "courted" by both left and right political forces in Hungary since 1990 (Balogh, 2015a). However, Lungo Drom and Fidesz formed a political alliance whereby the Roma party's leader, Florián Farkas served as a member of Parliament under Fidesz. Demonstrating their strong loyalty, Florián Farkas, in an open letter to US senator John McCain – who referred to Orbán as a neonazi – takes on a role as voice of the Roma, citing his leadership of the "largest ethnic minority in Hungary" and "largest ethnic minority party" as a way to legitimize his defense of Prime Minsiter Orbán against the US Senator's attacks (Kacsoh, 2015)[16]. Furthermore, Farkas and Orbán signed an alliance in May 2011 whereby Farkas would be in charge of the country's Roma inclusion strategy. Thus, it was widely perceived among Roma opposition figures and civil society that Lungo Drom – or the representation of the Roma – was structurally monopolized by the ruling Fidesz-KDNP (Conservative-Christian) political family. Relatedly: "according to the new electoral rules, which reshaped how minority representatives are elected to the national parliament, minority self-government bodies may run a separate list. This list is compiled by the party which has the most representatives in each minority council" (Kovács, 2015, p. 276).

For the D4.2 Hungary report, it was comparatively difficult to find any speeches or statements on the part of National Roma Self-Government in the immediate context of the 2014 national and European electoral campaigns (spring), the local municipal elections and those concerning the National Roma Self-Government in the fall of 2014. The aspect that much of the discussion was deferred to the local and minority elections is also perhaps indicative of the relegation of the representation of the Roma into the background. Moreover, much of the press coverage concerning the minority self-government elections concerned controversies about voter registration, i.e., whether the requirement to register one's ethnicity/minority affiliation in order to vote in the minority elections took votes away from local Fidesz politicians and Farkas (e.g., Czene, 2014; Kovács, 2015, p. 276; Windisch, 2014). Romani civic organizations protested against the above changes introduced by Fidesz-

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[16] Institutionalization through existing mainstream parties: Moreover, Roma political parties have been traditionally split along two lines: *Lungo Drom* is allied with the conservative Fidesz party (in coalition) and MCF Roma Union is allied with MSZP.

KDNP, pointing out that if minority voters choose to register for the minority list, they cannot vote for national party lists" (Kovács, 2015, p. 276). Thus, in being forced to choose, the Roma are excluded from participating in the same general elections as their majority compatriots.

The testimonial of an ethnic Roma Fidesz politician Béla Lakatos[17], mayor of a town of 7000 people, furthermore underscores the Conservative-Christian monopoly over Roma politics. He temporarily suspended his Fidesz membership in 2004 because he didn't agree with the party's Roma policy, namely that minorities would have to register on a separate list for the elections, but acknowledged that it was "advantageous" to be a Fidesz-KDNP candidate in the 2014 elections:

> There are values I can agree with and those I can't agree with [. . .] I cannot accept the Roma policy, but I told the state secretary of public education [he also claims that she "helped the town a lot" and that they "understand each other well"], and I will also bring it up with the state secretary responsible for Roma policy. A few issues should be handled differently (Albert, 2014).

In this context, he is "proud" to identify as Roma, and has a university degree, which is a rare feat among the community, but also remarks that he must "satisfy the majority, otherwise I wouldn't be the mayor" (Albert, 2014).

In an answer to the interviewer's question about how common mayors of Roma ethnicity are in Hungary (referring here to majority political institutions, not MSGs), Lakatos explains that there are only a few and that they tend to lead small towns of only a few hundred people. He considers one's Roma identity in an election "a disadvantage" in a municipality where a majority is non-Roma: "if nobody knew me [referring to his previous role as school principal when he ran an integration program], I wouldn't be elected," adding that "where human values are more important than the political party, you can make it as a Roma too, if you put something on the table." He recounts how his predecessor encouraged people during the 2010 elections not to vote for a gypsy: "I could be a professor, but to him I'm only a gypsy" (Albert, 2014).

Fundamentally linked to the monopolization of minority politics by mainstream parties is the claimed ineffectiveness, incapacity, and corruption of the RMSG system. Thus, Roma minority politics is problematized as having its hands tied. In the last three years, the Roma party has faced extensive public scrutiny over ongoing corruption scandals involving its leader and the management of EU funds aimed at the Roma inclusion strategy. Although Farkas continued to be supported by the ruling Fidesz-KDNP coalition, his position in the National Roma Self-Government – where he faced mounting criticism for corruption and is furthermore not accepted by progressive Roma activists (see ETHOS D4.2 Hungary report)- has been less clear (for a comprehensive overview see Balogh, 2015b). Although Lungo Drom appears on Fidesz's official website as an "ally," the link seems to have been broken for months. Following the 2014 minority self-government elections in the fall, Orbán even exalted and "congratulated" his Roma allies – "the work of Flórián and his team" in the "fantastic achievements" coming out of the public works scheme of the last four years (Orbán, 2014a). He then offered Farkas position of commissioner for Roma affairs under the structure of the Prime Minister's Office: "I hope he will accept this offer." (Orban, 2014b).

Ethnic Roma mayor Béla Lakatos, for example, is also critical of the national RMSG, particularly its handling of funds, which is deemed to lack credibility, since "nothing comes of the training programs, no jobs" (Albert, 2014):

> I have problems with it. I am not sure it's a good solution. In thirty years, I'm sure it could be good, when the gypsies are ripe for it, when we will be in the same situation as the German

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[17] Interestingly, Lakatos ran on the party list of new political actor *Momentum* in the 2018 parliamentary elections; after coming in third place, he subsequently resigned from his mayoral post.

[minority] where those people who should be running minority government are sitting in there [. . .] If Flórián Farkas is once again going to be the president of the national Roma self-government or senior advisor to the prime minister, then a very sad fate is awaiting the gypsies, and I will stand up against this. This business of Roma politics should be stopped (Albert, 2014).

A conservative civil society actor underscored this diagnosis, from a more paternalistic perspective, with regard to the RMSGs: "this situation in Hungarian society shows that we can't leave them [the Roma] to themselves," citing how "these guys steal everything, millions, and it doesn't matter under which government—be they socialist gypsies or orange [Fidesz] gypsies " S/he furthermore mentions a Hungarian Roma movement—the Setét Jenő circle—who is "honestly organizing" and "hasn't allowed itself to be bought" and "he could be a real leader" (HU5.2.05). The interviewee labels the current cadre of Roma minority leadership as "easily bought" and claims that development funds are only perpetuating the hopelessness of misery:

money poured into misery begets more misery [. . .] Poverty has a culture, a vision, a value system. So, in the Middle Ages or in the sixties poverty held a community together. They helped each other [. . .] And who knows only poverty, and of course he likes to conflate it [with misery] because he can then say that he was bathing in cold water and yet became a prime minister, but that is not the same. Misery does not have a culture, no subculture, nothing (HU5.2.05).

There is evidence, however, that there exists a demand for more "effective" minority representation. A focus group report published by in the framework of the Decade of Roma Inclusion (2005) found that three groups of ethnic Roma urban dwellers (some educated, others with low educational attainment and living in poverty) largely deemed the MSGs as not adequately representing Roma interests (pp. 3-4). All three groups agreed that RMSG representatives are motivated by their own interests, citing Romani leaders' lack of reliability and effectiveness, expecting the local and Roma self-governments to address Roma's problems in a "more direct way" (e.g., exerting influence over equal treatment, providing social allowances in-kind instead of money) (Decade of Roma Inclusion, 2005, pp. 3-4). A social scientist underscored this perspective: "that was basically the conclusion of all these researches that this kind of representation is not effective in terms of 'what's the real needs of the Roma,' like the social needs, housing, jobs, schooling and so on. This is about [instead] cultural representation" (HU5.2.01). Another adds that the system is "not something which came from the grassroots" (HU5.2.06).

Interviewees reveal that RMSG representatives are trapped in a catch-22 paradigm. A former RMSG representative explains that: [RMSG political leaders] are not always treated as partners" and that "their voice doesn't mean much," "they don't really have decision making powers" and thus "can't really affect change" (HU5.2.03; also HU5.2.06). S/he gives the example that if a representative tries to step up and "help a family" with—for example—legal or bureaucratic issues, "they are looked at by the authorities like, what are you doing here?" S/he furthermore recounts how representatives are handed "a lot of rules and laws" to follow, but their "hands are tied" (HU5.2.03). The RSMGs "are only there so that the government can show it's doing something" (HU5.2.03). But the field expert talked about situations where the opposite is expected of the RMSGs: "if somebody goes to the local authority to ask for help with something, then they tell them, 'I won't help, go to the minority self-government, they will solve it, they are yours'" (HU5.2.06).

The social scientist furthermore illustrates how the RMSGs are "dependent" on local authorities at the municipal level:

[The minority self-governments] got resources from the state, from the central budged, but it was very small, so the local authorities had to give some additional sources for the minority self-governments, so they could actually function [. . .]How could you be part of representation or…you know… advocate for your rights if you depend on the local government? And lots of issues are actually happening at the local level, like all the injustice and everything [cites distribution of social benefits, housing, education].They never stood up for their rights because

of this dependence. And of course this dependence thing is not only about financial issues, but it is more structural, it's like personal and so in that sense the minority government system of the Roma was not a real solution (HU5.2.01).

The field expert underscores this structural political dependence—that "corrupt" Roma politicians are "sucked into big politics [melt into the party they happen to be a member of] and don't offer an independent voice [. . .] it shouldn't be Lungo Drom's main goal to push Fidesz ideology on the gypsies but instead to represent gypsy interests within the Fidesz party. And I see that the situation is rather backwards" (HU5.2.06). In addition, interviewees emphasized the structural connection between access to the public works scheme ("workfare" system implemented by the Conservative-Christian government) and social assistance. The Roma self-governments have to cooperate closely with the local authorities and "decide who is a deserving or a non-deserving poor" (HU5.2.01). Similarly, "it is documented that they put pressure on people to participate in the election and vote for the governing party in order to be eligible" for the public works-social assistance scheme (see interview data from D4.2 Hungary report). Thus, the minority self-government political system is relegated to a substantively lower rung in the totem pole of political structural power and is expected to serve a gatekeeping rather than empowerment function.

Another interviewee from a Roma community traces the ineffectiveness of RMSGs to representatives "not having the proper educational background," including secondary school diplomas (HU5.2.02; also HU5.2.03). A civil society actor underscores this view and describes a scene where the local RMSG representatives spend the organization's allowance on organizing "two gypsy balls" and thus "blow their [remaining capacity for] local representation" because they "don't have the knowledge[18] or the intention" to represent; "it's the money and who has possession of that money which carries weight here" (HU5.2.04). S/he adds: "The problem is that those people who are in these positions they don't understand what they are supposed to represent [. . .] These people don't have any IT skills, they can't use the internet, they can't send an email, they can't write a grant application" (HU5.2.04).

It was also mentioned that the RMSGs, particularly at this local level have not articulated (for example) counter-narratives to the criminalization discourse or thwart school segregation, although the interviewee cites *one case* from the 1990s where an RMSG representative "stood up against the local government concerning school segregation" (HU5.2.01). Similarly, during the recent migrant and refugee crisis in Hungary (20105-2016), in a somewhat related manifestation of solidarity, Roma community and political leaders endeavored to deflect the negative statements and attitudes they claim were on the rise as a result of the government's anti-immigrant campaigns (Escritt, 2015; also HU5.2.01), but these statements were hardly visible in the mainstream public discourse and, again, they are sporadic and not necessarily voiced by RMSG representatives:

We often experience the kind of exclusion that migrants feel [. . .] You hear even stronger statements about gypsies, about migrants, things you would never have heard 20 or 25 years ago- a statement by the head of the Roma advisory council in the northern industrial city of Miskolc (Escritt, 2015).

Gypsies and refugees are so closely linked in the public mind that it takes just a few moments to put the two together – remarks by a Roma mayor (Escritt, 2015).

One interviewee partly attributes this incapacity to a lack of a Roma intelligentsia as well as internal contradictions within the community at large:

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[18] The interviewee recounts an episode where a CSO called together a group of local RMSG representatives for a brainstorming. The representatives were asked to conduct a SWOT analysis by filling out a form. On one of the returned forms, the representative wrote in big block letters: 'there is no problem here'" (HU5.2.04).

So, it was not yet possible for a Roma intelligentsia to form a layer that could stand up for the poorest and most disadvantaged Roma and effectively intervene. They also have conflicts between themselves, such as with regard to the Roma Holocaust [. . .] There is such desperate culture-building and obsession with Roma culture, which I think is not supported by the Roma base. There is such an idyllic Gypsy image that they want to communicate about the gypsies, for which it is very difficult to find the seed [because] "in segregated communities where half the adults are illiterate or functionally illiterate, there is no storytelling and conversational culture. [. . .] So, mixed up with poverty, there is a special subculture there which is contradicted by what the Roma advocacy would like to promote (HU5.2.04).

As a member of a Roma community argued:

It would be best if it wasn't the state that interfered with Roma communities, but if they could organize themselves. These Roma communities are not so politically organized. There are examples in various localities, but not on a national level. Theses local examples should be replicated nationally and perhaps this would be the state's major task. [Roma self-governments] could influence more, but they don't necessarily have the intellectual capital and can't mobilize the simple people. They don't get paid (HU5.2.02).

The interviewee adds that local Roma mayors (e.g., such as Béla Lakatos above), civil society, and church organizations are more visible in political terms than RMSGs. Similarly, the field expert observes that "there are Roma intellectuals in Hungary, but we don't see them among Roma political representatives" (HU5.2.06). S/he claims that, instead, "those who are representing are so corrupt that they don't have any good influence over the representation of the Roma minority" (HU5.2.06). Overall, the RMSGs are problematized as ineffective and lacking the capacity, tools, and power to affect substantive or material change which would be felt on the ground.

The second problematization is related to the Hungarian public school system and is associated with claims about the ill treatment of Roma/gypsy children. Mayor Lakatos, who had been principal of the public school in the town Ács, offers a rich testimonial. His answer to the interviewer's question, "What do you think about the current Hungarian education system's handling of the Roma?": "Twenty years have passed, and when I walk into the school, I still see that it's the Roma children and [so-called] multiply disadvantaged children who sit in the back row [. . .] Today's Hungarian education system is not dealing adequately with this problem, and whether it can through state support, I don't know." He talks about a discussion with a mayor (while he was principal), who spoke of the Roma in a very demeaning way: "I said, let me ask a question. In the last thirty years, was there a program through which they did anything for the gypsies? The answer was that they don't need this. Now, how can a local authority solve any problems? It can't" (Albert, 2014). The mayor contends that "an average person would"; says there should be teaching of "tolerance" and knowledge about the Gypsies (cites US as counter-example to Hungary). Thus, for him, the problem is lack of acceptance, tolerance, and a mutual curiosity on the part of the majority vis-à-vis the minority. According to this perspective, then, integration is a two-way street. Lakatos is adamantly against segregation or separation of students and claims to have been successful in approach to integration during his tenure as principal:

You cannot do integration by putting all the multiply disadvantaged children in one classroom; the school cannot survive this. We had four grades running in parallel, and they could easily put up with those two to three multiply disadvantaged Roma students, of course with the right professionals and developmental specialists. I was a principal for six years, and in that time, I implemented complete integration [. . .] Unfortunately, now that I'm no longer there [no longer the principal], I see classes where they aren't doing it right. There are more mulitply disadvantaged children in one classroom [. . .] in the first year, parents go to register their children. Everybody knows what kind of family you come from. Typically, they decide which teacher they want to send the children too. This is why the elites end up in one classroom, and

the leftovers are separated. I told the school's leadership that I wouldn't like to see this next year (Albert, 2014).

This narrative and its protagonist—who is an extremely rare example of a "mainstream" form of Roma political leadership—demonstrate what Roma representation (and participation) could look like if it was more broadly applied. It shows how the regularized integration of ethnic Roma in mainstream political parties could advance political justice as compared to the incapacitation and failed promises of the minority self-government system.

It is notable that, in the framework of this research project, it was challenging to find statements and views on the part of RMSGs with regard school segregation. One Roma community member offered their problematization during an interview, and it is notable that they once served as an RMSG representative. S/he laments that what s/he sees now is that "it is good for everybody that there is segregation," adding: "But you can see it's not good for the kids, we have more problems, and the teachers don't treat the Roma kids the way they should" (HU5.2.03). When asked why the teachers are problematic, s/he responds that: "Teachers are trained, but treat Roma kids as stupid and expect them to be quiet" (HU5.2.03). Moreover, s/he says that teachers claim the kids are "uncontrollable," but s/he thinks it's rather that "they don't spend enough time with them" (HU5.2.03). Thus, from this point of view, the problem is not that teachers lack adequate training (which is the problematization offered of many CSOs; see below), but that they exhibit an attitude problem--that there is a mismatch between needs and the *will* to address those needs.

2.4 PROBLEM REPRESENTATION BY CIVIL SOCIETY ADVOCACY

Firstly, we provide an overview of the civil society landscape in Hungary, including the political role of civil society organizations (CSOs), placing this terrain within the context of European Union membership and transnational policymaking. Secondly, we analyze problem representations by civil society in the more focused context of the Anti-segregation Roundtable. CSO actors in this context were concerned with legal and policy advocacy and service provision (social, educational, cultural, etc.). It is important to stress that the CSO landscape comprises actors who may diverge in the nature and scale of their activities. Moreover, in the realm of Roma-related policies, CSOs (be they local or global) are part of a complex web of state and not-state actors, including inter-governmental and international organizations. While one set of problematizations—from the point of view of critical CSOs—are centered on *segregation* as a violations of rights, another set is focused on casting political/state institutions' accommodation of the Roma as hypocritical, supporting corruption, and allowing degrading/discriminatory language. The final problematization concerns the gradual elimination of the civil space in Hungary more generally. We should note, however, that the conservative CSO representative interviewed for this report offers a divergent set of problematizations compared to the latter group.

Rövid & Kóczé (2012) have reviewed the last century of Roma-related civil society and identified three phases of the "pro-Roma" non-governmental "microcosm" which are distinguished according to dominant (but not exclusive) foci: (1) 1970s–1980s: self-determination; (2) 1990s–early 2000s: human rights violation; (3) from late 2000s: social and economic inclusion (p. 110). In short, the first phase characterized by "self-determination" endeavors involved the genesis of pro-Roma civil society in the 1960s and "inspired the creation of a number of international Romani umbrella organizations to promote the interests of the world's Roma through United Nations instruments and structures" (Rövid & Kóczé, 2012, p. 110). These organizations began to advance the legitimization of the "right to a state" through the promotion of culture and, by the 1970s, their efforts culminated in the First World Romani Congress, which included the adoption of a national flag, hymn, and a declaration claiming non-territorial nationhood and international recognition (Rövid & Kóczé, 2012, p. 111). Thus, it was Roma civil society—through the support of the United Nations—which politically deliberated the formulation and formation of ethnic nationhood.

The second phase of civil society activity (1990s to early 2000s) is said to be characterized by a human rights focus in a context of "limited rights of assembly and association" in the post-transition era (p. 111). While the Roma could politically organize after 1990, it was "pro-Roma NGOs, run by non-Roma but advocating on behalf of Roma" who "burgeoned" and promoted "human rights" discourses and policy advocacy. Together, local, national and international NGOs along with special international bodies (e.g., Council of Europe, Organization for Security and Cooperation in Europe) formed a "transnational advocacy network" for influencing government policies vis-à-vis Roma. These CSOs included for example Amnesty International, Human Rights Watch, Open Society Institute (OSI), and European Roma Rights Center (ERRC)—the latter two being salient actors in Budapest. The following diagram from Rövid & Kóczé (2012) depicting the "flow of norm socialization from civil society to government and inter/supranational bodies" in Hungary illustrates the political importance of (especially globally active) CSOs in galvanizing policy interest around the Roma at multiple levels, including domestic political institutions. It lends a broader historical perspective to the earlier analysis in 2.2 hierboven regarding the language used and problem representations by government(s) but also political parties:
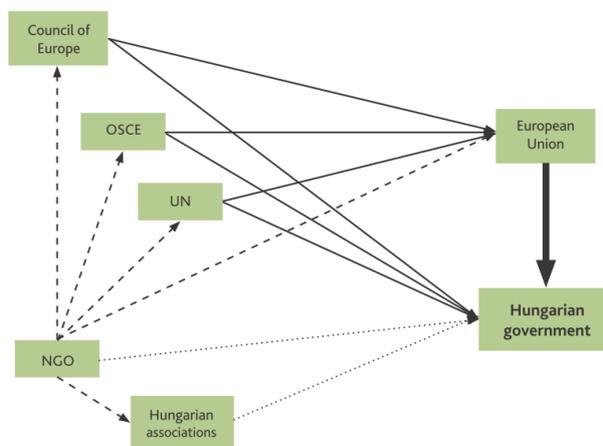

Figure: The Flow of Norm Socialisation From Civil Society to Government and Inter/Supranational Bodies, Using Hungary as an Example

The third phase of civil society activity (from the late 2000s) is said to be associated with the launching of the Decade of Roma Inclusion 2005–2015 program and characterized by its focus on economic and social inclusion. Initiated by the OSI and World Bank in order to ensure political actors' continued commitment to Roma inclusion, the Decade was formulated by "the most important" non-governmental and governmental actors and comprises the voluntary membership of nation-states:

> Member states of Decade have to demonstrate their political commitment to improve the socio-economic status and social inclusion of Roma by developing their own national 'Decade Action Plans', specifying goals and indicators in four priority areas: education, employment, health and housing (Rövid & Kóczé, 2012, p. 116).

However, partly due to the "lack of data about Roma communities" rendering the monitoring of governments difficult and apparent lack of progress in many areas, the "most influential" CSOs formed a coalition and lobbied for "more active involvement on the part of the EU" (p. 116). This subsequently led to the EU Framework for National Integration Strategies, with the *Hungarian EU presidency* (2011) playing an instrumental role.

In a similar vein, CSOs have been both legally and politically active in combatting segregation practices by leading strategic litigation. For example, the (global but Budapest-based) ERRC and the (domestic) Chance for Children Foundation (CFCF) have led strategic litigation efforts in Hungary, including bringing a domestic *action popularis* in order to "force systemic change" (Open Society Justice Initiative, 2016). This has led to "settlement

discussions" (not yet concluded) with the Ministry of Human Resources and "thus a platform to directly seek the implementation of *Horváth and Kiss [vs. Hungary],*" which includes legislation for permitting the collection of ethnically disaggregated data for children diagnosed with mental disability (p. 64). Moreover, the developments surrounding the Nyíregyháza case (recounted earlier in the case background) saw "deep involvement by civil society groups" in the form of transportation services for uninterrupted access to integrated education, academic testimonials supporting CFCF, and initiation and management of petitions to "to convince members of the Hungarian Parliament not to amend the existing legislation to allow catch-up education" (p. 62). A comprehensive assessment of the impact of strategic litigation by the Open Society Justice Initiative (2016) argues that: "The galvanizing effects of successful strategic litigation can transit from domestic NGOs to national human rights bodies to international institutions" (p. 65)[19]. But as one interviewee notes, Hungarian society is still "very judgmental" towards legal advocates and that this type of movement hasn't taken hold in Hungary as in the US (HU5.2.02).

Political, legal, and policy advocacy by CSOs in both transnational and domestic spaces play a role in political representation and participation on the part of (or on behalf of) the Roma, giving a voice to human rights claims and social integration via their claimed expertise and right to organize in a European polity. The OSI's own statement that bringing a domestic *action popularis* in order to "force systemic change" (Open Society Justice Initiative, 2016) hints at the political activism of certain CSOs. As another case in point, the published resignation letter from the Anti-segregation Roundtable of CSO actors Szűcs Norbert and Berki Judit to Minister Balog on Anti-segregation roundtable (19 April 2017), stressed their "belief in the necessity of social integration [. . .] civil organization [. . .] in the European Union" (Szűcs and Berki, 2017). But as a Roma community member has observed: "They are very important, like in Western Europe. But somehow in Central and Eastern Europe civil society hasn't been able to achieve as much. Even the churches could give some sort of framework for local integration. In the successful local examples, civil society organizations or churches have had an important role. But in most of Central and Eastern Europe, their role hasn't developed much" (HU5.2.02).

2.4.1 CIVIL SOCIETY PROBLEMATIZATIONS AND RESPONSES REGARDING (DE)SEGREGATION POLICIES

We analyze problem representations by civil society in the narrowed-down context of the Anti-segregation Roundtable—a consultative forum of state and non-state actors organized by the Ministry of Human Resources in 2013. CSO actors in this context were concerned with legal and policy advocacy and service provision (social, educational, cultural, etc.). As illustrated above, the landscape comprises actors who may diverge in the nature and scale of their activities, but it is also important to note that CSO actors also differ in terms of their relationship with government or political parties. Our study incorporates perspectives from the group of CSO actors who are, on the one hand, in a closer relationship with the Conservative-Christian government (referred to in this report as "conservative CSO"), and from the group of CSO actors who are, on the other, have adopted a more critical stance vis-à-vis the government. In addition, we look at CSOs on the one hand who are engaged in legal advocacy and strategic litigation, which we here argue is inherently political in its purpose of affecting policy change and, as such, articulate a certain problematization. We also look at on the other hand CSOs who provide a range of social services to marginalized communities, including so-called "Tanóda" (i.e., study hall) programs which are designed to help "disadvantaged" students "catch-up" with their more mainstream peers. We considered the Anti-segregation Roundtable as a manageable setting to focus our analysis, since this was a conduit of direct dialogue with the government and, thus, was inherently political. For our sources, we relied on interview data as

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[19] For example "[t]he power of strategic litigation to mobilize domestic human rights bodies [Ombudsman] is significant. As Patricia Ötvös, an official at the Office of the COE Commissioner for Human Rights, noted: 'NGOs are often perceived as having their own agenda, so it gives a different perspective if a national human rights structures goes in the same or similar direction.'" (Open Society Justice Initiative, 2016, p. 65).

well as press statements and resignation letters (of critical CSO representatives) from the Anti-segregation roundtable.

Briefly revisiting the analysis on government-sourced problematizations, the Conservative-Christian government in particular (though not exclusively) qualifies segregation—Minister Balog referring to the notion of "affectionate segregation"--as perhaps a temporary necessary evil to achieve eventual "catching-up." The government casts its seemingly nuanced approach as a more realistic solution. Critical CSOs, on the other hand, consider segregation as an obsolete practice, treating it as a zero-sum issue and tending to cast it in a more negative light, associating it with the violation of "equal opportunities," "equal treatment" and "human rights." Thus, government problematizations and proposals to loosen the prohibition on segregation are interpreted as illegal and violating constitutional rights: "This is the first time in the history of Hungary's constitutionality that a government fiddles with the Fundamental Law with the clear intention of unlawful segregation" – statement by a representative of the Hungarian Civil Liberties Union (Gulyás, 2013).

On a more fundamental level, the difference in ideological perspective is, on the one hand, critical CSOs' emphasis on the need to cultivate "acceptance" of disadvantaged and Roma children into the mainstream school system versus the government's emphasis on "catching-up" ("Balog a szeretetteli," 2013). The former stance implies that the system (a hegemonic construction by the majority) needs to accommodate outliers, while the latter stance rests on the implication that it is those left behind who need to change. The perspective offered by a conservative CSO (and in a less confrontational relationship with the government) approach appears to largely reflect that of his CSO colleagues: "[names a Roma settlement] you cannot learn how to learn [. . .] because of the situation at home," but nevertheless stresses that „if you can approach this with love in your heart and not the attitude, 'oh make sure to put on rubber gloves when you go there,' but that [you go there with the attitude] 'we need to solve this,' then I think we still have a chance" (HU5.2.05).

Thus, the representation of the Roma on the part of critical CSOs is often conceived as one resting on the promotion of rights, including right to equal treatment in education. With respect to the legal modifications recounted earlier, rights groups argued that children of diverse backgrounds should be schooled together and that separating them replicates the failed policies of the communist era (Gulyás, 2013). For example, during the Nyíregyháza trial, CFCF wanted the court to declare that the Greek Catholic Church was running a segregated education program and, thus, violating equal treatment in education ("Balog a szeretetteli," 2013). One interviewee discusses at length the more recent role of the churches in sustaining segregation and thus "violating fundamental rights," referring to their role as "using children" to "grow their congregation" by accepting support from the Hungarian state which is "three times per head than the state school" (HU5.2.04).

Furthermore, critical CSOs emphasize a link between equal treatment, on the one hand, and *quality* of education and equal opportunities in life, on the other. We note here that this in a more abstract sense represents the assumption that there is a mechanism of rights, on the one hand, and economic/social inclusion, on the other. The argument goes that segregation prevents Roma and non-Roma children from building connections, which is assumed to destroy Roma children's life opportunities ("Balog a szeretetteli," 2013). For example, a legal advocate argued that segregated programs are not subject to the same set of quality measures as would otherwise be the case in public schools because "segregated children will be educated according to different 'pedagogic principles' and will be evaluated differently – so the government openly admits that they won't expect the same quality of education" ("Mégis törvény," 2015). Similarly, with respect to Minister Balog's proposed legal modifications, a CFCF advocate insisted that "freedom of choice" argument is only valid where there are actual options to choose from (Ónody-Molnár, 2014).

Relatedly, critical CSOs were also concerned about the shortage of qualified teachers (who have the appropriate professional training to deal with disadvantaged children or with those who have learning disabilities) and repeatedly asked the ministry to supply data on the extent of the problem, but they insist this never happened (HU5.2.04). the Ministry of Human Resources even suggested studying whether unqualified teachers can

compensate for the shortage. Eventually, they retreated because of the public outcry (HU5.2.04). The representative of a conservative CSO underscores that "it is a problem that there are no brave school principals and teachers" but avoids criticizing the law on public education and adds that it "is totally fine, completely." Nevertheless, s/he argues that one should start by "diagnosing" the problem and traces the problem to the bad school conditions: "before all else let's raise to the sky the schools in very, very bad shape [. . .] let's allocate five times more money and that's when they'll get better teachers [. . .] I think let's have those conditions in place where a teacher wants to go there because they don't see the problem but instead sees a set of tools to choose from. This is not a Roma question [. . .] it's totally irrelevant who studies there [. . .] I think we've move on from this, it doesn't interest me" (HU5.2.05).

But even the legal advocates argue there are exceptions for allowing segregation if territorially there is no other solution (when integration is impossible because a disadvantaged community is geographically far from the majority). However, they contend that "good schools" need to be created in such circumstances, which can also attract non-Roma students ("Balog a szeretetteli," 2013). The conservative CSO actor agrees that "it's not good" that even people who otherwise consider themselves "liberal" would not even send their own child to [a classroom with predominately disadvantaged children]. However, s/he continues:

> but let's not start by mixing children from nearby schools because that's not good either [. . .] you cannot require Hungarian society to love this; it cannot be said that it wants integration. Forced school integration will be a crazy failure, both in Nyíregyháza . . . it cannot be. As long as they do not want it, I think there is only one way, I call it a reverse integration, where you simply present examples [lists successful education and extracurricular programs] you cannot accelerate a twenty-year process in two years [. . .] so we have to get a sense of the rhythm of these things [. . .] we can do whatever I want, but if that [Roma/gyspy] kid goes to the church school and recounts that his big brother escaped and three days later everyone was still drunk, this kid is not going to be able to fit in. So, steps can be taken as long as there are still points of contact. And he's not going to feel that great unless there is a genius head teacher whom of course we can't just breed (HU5.2.05).

Critical CSOs have portrayed the government as "making exceptions" for some segregation, believing in the notion of "good" versus "bad" segregation (without clarifying what they mean by bad segregation), debating the definition of segregation (when there is already a legal definition), negotiating with members of the roundtable while "expanding segregation in the background," "questioning" (the validity of) research on segregation, keeping up the practice of a racially segregated school system, as either anti-EU or "manipulating" EU-compliance, as spending tax and EU money on "corrupt" and "anti-EU" measures, as dismissing the EU's laws prohibiting segregation as „interference in internal domestic affairs," and "allied" with the churches in supporting "some segregation," granting "three times more funding" to "often segregated" church-run schools than to public ones ("Egyre foghíjasabb," 2016; Ónody-Molnár, 2014; Szűcs and Berki, 2017). On the other hand, a representative of a CSO, who is in closer partnership with the government, talked about the confrontational nature of this dialogue:

> I saw many times at the Anti-segregation Roundtable that there was an opening up, but then somebody stands up and says 'they are racist,' and then it starts to close again and, it's possible that the statement this person said is true, but this closed the avenue for those in power or those who could make strides in small steps to stay with us [. . .] these are not the conditions for revolution [. . .] we can have some really cordial arguments and we can say to ministerial department heads and state secretaries that it's a little stupid what they are saying outside of meeting minutes (HU5.2.05).

Moreover, the interviewee nevertheless sees an opportunity in the role of the churches, contending that it may be necessary to make "compromises" by allowing churches to piggyback on their own financing and to take over

the "gyspy schools," since "I don't really see how today's Hungarian society would accept that we spend three times more on a gypsy school" (HU5.2.05).

Another important dimension to CSO problematizations is critical perspectives on how political institutions accommodate the Roma minority in Hungary, particularly in the context of the current Conservative-Christian government. The government and state institutions are cast as hypocritical (depicting a "rosy" but "degrading" picture of integration) and compromising on education standards. For example, one critical CSO representative deems it "disgraceful" and a "hotbed of corruption" the current relationship between government and Roma, as the funds intended for Roma integration and development "disappear" at the level of the national RMSG and institutional system; s/he mentions that it's "incomprehensible" that the government "still supports" Florián Farkas, who spent time in prison and "hasn't been able to prove his secondary and tertiary education" and who in charge of managing EU funds and is doing so in a "corrupt way" (HU5.2.04). And reacting to the minister of prime minister's office statement that the majority of those who participate in the public works program don't have time to steal: this style of communication "is completely un-dignifying" and its "unacceptable" (HU5.2.04). S/he continues that the Roma and other vulnerable populations at large are generally unrepresented and their problems not addressed:

> The political representation of the Roma is non-existent [. . .] nor does it exist for the disabled, the invalid, women, and the elderly in Hungary. A very bizarre system has emerged at present [. . .] There is a rosy communication in which there are virtually no social problems, no problems with the eduation system, no problems with the healthcare system, no housing poverty. Here all that happens is a successful [family support scheme], but what a family living in poverty can do with that is not talked about. So these problems are suppressed, and this honey-glazed communication of success on the part of the government is more and more prevalent as the election nears (HU5.2.04).

The interviewee moreover recounts how, during a presentation about "good practices" in integration, an expert from the Ombudsman's office "systematically interrupted the presentation" and:

> took a stand in support of segregated education—that yes, that is the best if gypsy children are separated [. . .] how can someone represent basic rights whose [conviction] is so exclusionary? [. . .] It wasn't like this before [. . .] So [now] a school principal can say that 'we won't accept a Roma child because they are not christian, and it doesn't matter if they are poor or not [because our] goal is not equal opportunity education' [. . .] And this is possible because the government's communication paved the way for degrading these people [. . .] Just as you can say it openly in Parliament, in press conferences, you can say it openly at the local government level, at the level of instiutions, you can insult these people to their face without any consequences" [. . .] And there is nobody who can stand up against this (HU5.2.04).

But a more conservative interviewee appreciates Prime Minister Viktor Orbán's consideration of the Roma as an "opportunity": "we have a people who've lived with us for 2-3-4-5-600 hundred years—those whom should catch-up and whom we should integrate. And let's start looking at this crowd as an opportunity; they are Hungarian citizens and we don't have to teach the majority of them Hungarian" (HU5.2.05). When asked what s/he thought about a public statement made by the head of the Prime Minister's office (that those in the public works program don't have time to steal), s/he added: "I do not know what to do with it, so I do not even waste my time on it" and insists that such "joking" should be ignored and that one can change the subject my talking about the Roma/gypsy enrolled in the CSO's extracurricular programs, how much the students enjoyed a field trip, etc.—explaining that you can even convince the "most Jobbik friend" to help out (HU5.2.05).

A final important dimension to critical CSO problematizations (and fundamentally linked to the previous two) is critical perspectives and experiences with the (lack of) opportunities for democratic representation, participation, which includes the government's sidelining, exploitation, and de-legitimization of civil society. Critical CSO actors

mentioned the government's "inciteful campaign," "paranoia," and "propaganda" against foreign-funded (and "critical") CSOs who are labeled as "traitors" or "enemies" because they "don't support [the view that] the public works program is wonderful" and that "the [national RMSG]'s *Bridge to the World of Work* program was a great success" (Szűcs & Berki, 2017; HU5.2.04). Eventually critical CSOs came to perceive the Anti-segregation Roundtable as a "passive" forum or "window-dressing," serving the "legitimization of segregation"[20], where CSOs and the government "don't speak the same language" (Ónody-Molnár, 2014; "Egyre foghíjasabb," 2016; Szűcs & Berki, 2017; HU5.2.04).

This is despite that critical CSO participants considered the "incorporation of their activities in the state system" as "very important" and were "willing to pay the price" of being used for the purposes of "legitimizing [. . .] fundamentally misguided policy decisions [. . .] so that "we could contribute to preventing bigger problems, launching positive processes, and effective lobbying activities" ("Egyre foghíjasabb," 2016; Szűcs & Berki, 2017). However, as a CFCF representative formerly participating in the roundtable remarked, the government's "good word is useless," narrating an episode when her organization offered their expertise and field knowledge to KLIK, whose president promised to "really focus on the problem," but the legal advocate claims that this "this is not what happened," and that the only method left is "the courts" (Ónody-Molnár, 2014). Conversely, the more conservative CSO representative argues: "What is civil society? I wouldn't work with contentious civil society [. . .] there aren't spaces where we can talk about agreeing, our successes, the government's successes [. . .] So, all we can hear is that it's not enough, he's a traitor, etc." (HU5.2.05).

Overall, critical CSOs of the Anti-segregation Roundtable seemed to perceive government actions as contradictory, contentious, discriminatory, and unwilling to address the problem of school segregation. While one set of problematizations are centered on *segregation* as a violation of rights, another set is focused on casting political/state institutions' accommodation of the Roma as hypocritical, supporting corruption, and allowing degrading/discriminatory language, and the final problematization concerns the gradual elimination of the (critical) civil space in Hungary more generally. The government is cast as the culprit hindering both integration and democratic participation. On the other hand, the conservative perspective was considerably more sympathetic towards the Conservative-Christian government and its set of problematizations, casting critical CSOs as being too confrontational at an inappropriate time—that maybe that is not the time for a "revolution" (HU5.2.05).

It is also notable that these representations take place at a high political level (cast as expert-based debate) and physically removed from the living space of the Roma or gypsies. Thus, the affected Roma themselves are isolated from this level of political deliberation. CSOs however have taken on the role of representing Roma interests— problematized from the point of view of constitutional rights and social integration—at the level of the courts, in direct dialogue with the government, including by participating in de-segregation programs in partnership with local authorities (and thus participate in direct deliberation with local government as well) (e.g., HU5.2.04), and by putting pressure on the government to discontinue segregation practices (in spite of court rulings) by going to the press or appealing to the Ombudsman (HU5.2.04). But as critical CSOs—those organizations who were out in the field so to speak—began resigning from the Anti-segregation Roundtable and/or are cast as *liars* or the *enemy,* avenues for exerting policy influence have begun to disappear.

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[20] E.g., "This is the first time in the history of Hungary's constitutionality that a government fiddles with the basic law with the clear intention of unlawful segregation." – statement by Mihály Simon of the Hungarian Civil Liberties Union (Gulyás, 2013).

2.5 LIVED EXPERIENCES OF THE ROMA IN THE POLITICS OF (DE)SEGREGATION

A whole range of responses and statements from Roma/gypsy community members (including a member of a Roma collegium, local advocate/former RMSG representative, and on-the-ground testimonials from the Decade and other research investigating experiences with de/segregation), civil society representatives, and a field expert working with Roma on the ground have revealed that the Roma's lived experience of political justice is more holistically part of a multidimensional experience of (in)justice. In other words, political justice is not just *political*; it is also intricately linked to economic, social, and culture experiences, and concerns human dignity more fundamentally. Overall, the themes, which emerged include the experience of helplessness and lack of empowerment, which is also linked to the "worthlessness" of development funds (i.e., barely trickling down to those who need them most), and a reinforcement of perspectives (among the Roma) which sees conceives of Roma as "disadvantaged" through the (white) hegemonic lens of economic and social inclusion. More pointedly, the data analyzed show that Roma/gypsy experiences with the Hungarian education system are uneven and range from feelings of isolation/separation (from majority society), disappointment (with outcome of education and inability to integrate despite education obtained), to satisfaction with separation and segregated education. We argue that these are strongly related to political justice as they reflect Roma experiences with the resulting policies coming out of diverging problematizations driven by political actors (including civil society). This dynamic unfolds in a context where the most isolated and disadvantaged among the Roma have virtually no awareness nor contact with the political world.

In general, one sentiment is very critical and negative, indicating an overall sense of helplessness and lack of empowerment: "We are not ahead, no matter whether the government interferes or someone else. Everybody is only interested in their own interests and not looking at what could be good for us, only their own interests [. . .] official political institutions hide behind the law" (HU5.2.03). In a similar vein, an observation by a field expert demonstrates how even seemingly positive representations of the Roma in the context of CSO and church activities is rather about "the gypsies being victims and somebody is helping them," so "it's not about how the gypsies did something too [. . .] but about how these helpers were such good guys" (HU5.2.06). This is fundamentally linked to the "worthlessness" of development funds for Roma integration, which "don't reach the intended people, so the lowest [in society]" (HU5.2.04). The field expert depicts a context in which "governments are very good at playing the 'minority card'," focusing on the gypsies to "distract" the majority from other issues:

> So, by the time whatever project funds reach the field, where there is a great need for it, there is so little left that there is really no point to it anymore. And that is when foreign decision makers or European Union decision makers say, 'why should we give Hungary money if nothing changes?' And this is where the scapegoating comes in [. . .] those in power take advantage of this and say, 'nothing is enough for these people.' It's the typical approach: 'we tried to help, we put - I don't know how many - millions into - I didn't know which - projects, and here you see, it's not better.' And the problem is that we don't look at what road the money took [...] And how did it evaporate? Where did it go wrong? (HU5.2.06).

Interestingly, there appears to be a tendency for Roma/gypsies to reinforce or perpetuate the majority sourced perspective of "economic and social inclusion," conceiving of the Roma as "disadvantaged" through lens of economic and social inclusion. The Decade of Inclusion (2005) focus group report (included mix of "highly qualified," low educational attainment and impoverished) found that opinions largely converged regarding key concepts linked to this framing. For example, discrimination and prejudice were seen to "hit" the Roma in employment, education, health, and everyday life. Labor and education were considered the most important issues since they are linked to poverty of the Roma (Decade of the Roma, 2005):

> Summarizing we can say that each participant took the part of integration and refused the phenomenon of segregation, since segregation only increases the prejudice and destroys the status of Roma [. . . .] The integration was considered of importance in education, community,

employment and especially in those professions, where the Roma do not participate or do take part but only in small numbers (p. 3).

Furthermore, it was argued that the government doesn't focus on providing jobs, but is rather associated with providing social assistance which was seen as "weakening" the Roma and also keeping them in a "child status" vis-à-vis the state. Moreover, "each participant showed aversion" to "positive discrimination" since it purportedly "increases the prejudice hitting the Roma"; and all three groups considered the primary role of government to be job creation, for which they believed it should enact and observe anti-discrimination law, equality in education, and address housing (Roma slums) (p. 3).

There is also perhaps a nostalgia among older Roma/gypsies (shared with many in the white majority) for the state socialist system (Kádár regime, 1956-1989). Some interviewees perceive the comparatively "more egalitarian" situation during the communist Kádár regime—albeit in socio-economic terms, not political rights. For example, a social scientists offers the following interpretation:

> If you think about the state socialist regime, I mean-there was like the official ideology. There is social equity in a way, so it's an egalitarian society. Of course the everyday experiences of people were very different because it was a nuance. It was not an egalitarian society at all, and there were like huge social differences. But regarding some social groups, like the Roma, for example, their social status actually became much better than it used to be before the war. And actually, retrospectively, it's known that it was also better than it is now. For some social groups, and it's not only for the Roma obviously, but others (like lower-middle class people and so on), there was kind of a stability. They were integrated into the labor market. They had much better chances for social mobility, although this is also misunderstanding that state socialism provided such a great chance for social mobility. This is not true [. . .] So, there is always like a quite big population that cannot be integrated into the labor markets [due to low educational attainment]. And Hungary has been struggling with that since 1989 (HU5.2.01).

A former RMSG representative offers the following testimonial:

> I used to be in a combined classroom when I was a child. The communist system for me was good because there wasn't this *cigány* question. A kid was a kid [. . .] The politicians changed and they emphasize certain things. They use the Roma as scapegoats when there is a problem in the country [. . .] There is a lot of hate at the societal level [. . .] which comes from the right wing discourse" –although the interviewee adds that s/he doesn't like to take sides in politics (HU5.2.03).

S/he continues:

> [Other minorities] are elevated compared to the Roma, who are very down. The government doesn't spend much time on the Roma. They overstate everything [i.e., success of programs designed to help Roma] but the situation is worse than it used to be [. . .] Worse in every sense (HU5.2.03).

This raises the (silent) problem of the role of electoral competition (post-communism) in encouraging and perpetuating the scapegoating of Roma/gypsies for electoral gain. We propose here that this aspect of electoral competition is closely linked to the white hegemonic frames of problematizing the injustices experiences by the Roma/gypsies as economic/social inclusion or "catching-up" because both phenomena tend to commodify the Roma/gypsies and reduce them to utilitarian subjects.

With regard to the policy issue at hand, (school segregation) the interview material—some of which was gathered through other sources (news articles, research—demonstrates that the Roma's experiences with the Hungarian education system are uneven and can diverge—which may account for varying perspectives regarding the

supposed ills and virtues of segregated educated. This is partly due to wide disparities and differences among educational programs—be they part of a private alternative or more comprehensive semi-public program. For example, the field expert has observed there are big differences among study hall programs—e.g., some church-run programs "dare to do some tawdry things," some CSOs "which were organized by the Roma [. . .] do a really good job," and there are those CSOs "which see a business opportunity in all this [. . .] where not much happens" (social inclusion funds). There are also reports of a CSO close to the radical Jobbik party who is reportedly "doing it well" and where students "love their tutors" (HU5.2.06).

This report has found that it is largely the voice of those Roma/gypsies who have taken part in more integrated educational programs and, thus completed at least a secondary level of education, which is articulated and audible in the cacophony of political discourse. Mayor Lakatos of the town of Acs, for instance, recounts what many would deem an integration success story and probably accounts for his career as a principal and local politician:

> I majored in history-geography there [in Szeged]. This gave me a very good knowledge and wide perspective; very qualified people finished there. Looking back, I am amazed that I got that far. A lot of people are judgmental towards Roma children. I can say that I was an excellent student; the history teacher for example called me 'Professor,' although when there was a class competition in history, I didn't make the team. A Roma child has to be able to deal with these disappointments in a way that doesn't break them down, that he decides to show them. But if a teacher doesn't tolerate this type of thing, then even a talented [child] an become a two-three [poor] student, and eventually unemployed (Albert, 2014).

This demonstrates that positive experiences with education are largely conditional upon the openness and tolerance of education practitioners. Overall, interviewees argue that the Roma/gypsies' low educational attainment and entrenchment of their poor treatment has scarcely changed in Hungary. Mayor Lakatos laments further that:

> Twenty years have passed, and when I walk into the school, I still see that it's the Roma children and [so-called] multiply disadvantaged children who sit in the back row [. . .] Today's Hungarian education system is not dealing adequately with this problem[. . .] (Albert, 2014).

An educator in another town similarly observed that: "Our first-graders [in secondary education] many times can't read a sentence out properly or have trouble with basic mathematics" – statement by Tibor Derdak, a teacher and activist with Buddhist Jai Bhim, an organization working with Roma and other underprivileged groups to provide access to education and sports (Gulyás, 2013). Thus, despite the Decade, the EU Framework, detailed and comprehensive national inclusion strategies, the jurisprudence advancing de-segregation, the Anti-segregation Roundtable, and CSO advocacy and integrated service provision, Roma children continue to be largely and systematically separated from their majority peers (or fail to attend, or drop out of education) and struggle to keep up.

However, the report on strategic litigation impacts by the Open Society Justice Initiative (2016) illustrates the challenges of promoting and implementing so-called integrated education. It is a question whether Roma community members value integrated education in the first place. And if they don't, why not? The report observes that "mobilization" in favor of or against a judgement and its implementation can be "every bit as important as the judgment itself"—with the "success in court [potentially leading] to greater rights awareness, which in turn spurs further litigation" (p. 55). The report contends that strategic litigation has made in-roads into cultivating rights awareness (one may argue that this is a key ingredient to realizing political justice) - how, in general, judicial decisions helped plaintiffs and those they know to feel validated - that is they felt that "someone finally believed us" (p. 70): "'[The litigation] introduced the thought that what appeared to be the natural state of affairs and therefore not worth discussing, might actually be illegal'" (p. 71). We argue here that "right awareness" then frames ones awareness of segregation and its "consequences": "we are already rather closed

off, why should we be separated even further?" A parent recounts: "Five of my children study in a collegium with the other kids. They have lots of friends. They wouldn't learn anything if they went to a Roma-only school" ("Balog a szeretetteli," 2013).

This is underscored by existing empirical research from another European Commission financed research consortium, Desegregation and Action for Roma in Education-Network (http://www.dare-net.eu/). Primarily, the inferior qualifications gained in segregated primary school programs are not transferable and inadequate for advancing in the education system and entering the labor market. Moreover, lack of qualifications or a *perceived* lack of abilities hampers completion of grades and educational programs. As one Roma student explained in DARE-net's report, *Roma children in segregated education: Parents and children testimonials":*

> Now, after spending three years here at this school, I have some friends. Sometimes I regret that I didn't make non-Roma friends in the primary school because I might have chosen a different school and career path then. I do regret that I went to a segregated school because in an integrated school I might have had studied a lot more. In a segregated school students can't focus, they don't study that hard, they misbehave. I think a teacher should be strict and have higher expectations, because this way, students will perform better. As for my children, I don't want my children to study in a segregated school. I want my children to have the best education possible (Roma children in segregated education, n.d.).

Notwithstanding, people also live in fear, as one CFCF representative recounted a situation where a child was beat up in school and the mother was afraid to report the Greek Catholic school (Ónody-Molnár, 2014; also HU5.2.05). The conservative CSO representative similarly recounts the story of "Julika" who is "afraid to go to the school across the railroad tracks" and needs slow coaxing in order to "open up even a little bit" to the idea (HU5.2.05). But András Bíró, a former board chair of the ERRC, explains how advocacy may reap dividends but that it is simultaneously an exclusionary model: "Roma advocates played critical leading roles in negotiating with the Ministry of Human Resources," but "'[t]he debate on this topic [school desegregation] is extremely restricted to a small part of the Budapest intelligentsia'" (Open Society Justice Initiative, 2016, p. 56). Our analysis of the Anti-segregation Roundtable is a case in point. It is likely that most Roma/gypsies in from the countryside and very remote provinces will never hear about the political deliberations concerning their lives, much less will never have the opportunity to visit the big capitol (due to lack of transportation infrastructure, access, and means of travel).

This brings us to a situation of uneven experiences. As the report of the Open Society Justice Initiative (2016) overviews: mainstream schools often "impose costs" and can lead to "ostracism," "bullying," "hostile environment"; whereas the segregated schools are more inviting and often offer financial help (p. 59). Some Roma have mobilized against court judgements and in support of segregation. During the Nyíregyháza case, representatives of RMSGs "testified in favor of retaining it"; some Roma "affirmatively decide to educate their children in segregated (special or mainstream) schools" (p. 58). The OSJI acknowledges that societal prejudices may reduce the supposed benefits of education (p. 59). For example:

> In Hungary, a Roma mother who took her son out of an integrated school in the city and put into the Greek Catholic Schools inside the Roma settlement noted why: 'I though my child would again be excluded because of his Roma origin.' The boy shared that, when he was at the integrated school, he was always put into the last row of chairs, even when there was room up front; he did not have friends there, but now, 'everyone is [his friend].' Another family member mentioned that costs played a role, too: to attend the city school, the family would need to pay for a monthly bus pass for both the child and the parent to accompany the child to school. 'Here, they do not ask for class money [i.e. a monthly parental monetary contribution to a common fund] like in the city schools; we do not have to pay for anything here,' continued the

mother. The other family member noted: '[A]nd the children are here. They care about them' (p. 58).

During the Nyíregyháza court case, CFCF legal advocate Mohácsi Erzsébet was met with "angry" parents from the geographically separated *Huszár telep* Roma settlement moments before the court proceedings, recounting how their children were humiliated and social excluded in the mainstream school ("Balog a szeretetteli," 2013):

> How do you know where the gypsy children are in their learning? You don't know [. . .] You know what? If they want to close the school, then eliminate the settlement. Buy us houses in the town so that we can live there [. . .] is good education worth anything if your child is destroyed? He will still end up in jail ("Balog a szeretetteli," 2013).

> I am very satisfied with the school; I don't even understand why it should be closed [. . .] The other kids wouldn't let my son play football; they said that the ball would smell like a gypsy if he touched it. They sprayed deodorant on my daughter because they said that she smelled. The teachers didn't do anything. They say there are too many children and they don't have time for everything" - statement by father whose son attended mainstream school ("Balog a szeretetteli," 2013).

> It was good because it was nearby, though we didn't learn too much. The town school is much better and we learned languages – statement by daughter of father above ("Balog a szeretetteli," 2013).

In a similar vein, the field expert underscores how study hall programs, for example, are somewhat plagued by the "danger" that they may not serve their intended function are treated as a substitute for mainstream education. The so-called *tanóda* programs focusing on the Roma or disadvantaged children are often taken advantage of because children arrive hungry and are provided free meals, but they are "not [even] intended to take the place of school"; are "support" or "development" programs. In addition, as s/he pointed out earlier, these programs vary in the quality of their services and management (HU5.2.06) and, thus, students' experiences diverge throughout the country.

Interviewees point to the general problem of inexperience and ignorance on the part of Roma—how this collective state of mind interferes with being able to size up your situation in the first place. As one CSO actor who quit the Anti-segregation Roundtable argues: "Everyone on the ground sees that today's system gives space to segregation based on the ability to influence and exploit Roma parents living in poverty" ("Egyre foghíjasabb," 2016). An interviewee recounts how a local RMSG representative declared at a stakeholder meeting (with school representatives as well as EU actors) that s/he "doesn't see any problem" with regard to differences between the mainstream and segregated school in the town in question where "the quality of education is taking a nose dive"; moreover, s/he immediately inquired whether it was ok to leave because s/he had work to do. The interviewee adds that RMSG representatives "live in the cocoon of local government" where they are anyway "excluded and not taken seriously." (HU5.2.04). Thus, for (critical) advocacy actors, parents' and Roma politicians' preferences for segregated educated may be the result of manipulation and dependence on local government systems, preventing them from recognizing problems. Relatedly, the field expert talks about how "those who are forced to leave" the slums and are effectively moved to another segregated community "themselves don't get the sense for what has happened to them" (HU5.2.06).

Moreover, while practically segregated school programs—such as the Ghandi academic high school, collegium, and arts school in the city of Pécs—"where one learns all the same things as in other schools, plus Roma ethnography, traditions, language [. . .] but when they finish [. . .] not a lot of them are accepted into university because they see that the person graduated from Ghandi" and "that very few of them stayed who make it in" because "they are not used to being around non-Roma" and "it's the first time they have to deal with discrimination" (HU5.2.06). The civil society actor explains why it is challenging for the state to intervene—that

"obviously" the business of the state is to "intervene" and that a "community can be developed using pedagogic methods," but "there are decisions people simply don't make" such as "enrolling one's child into a school where there a lot of gypsy children" because "the goal [of eventual integration] is so far out there that they couldn't pursue it with a clean conscience" (HU5.2.04). Thus, the risk of white flight is argued to stunt state involvement in driving sustainable integration.

And how do people on the ground relate to civil society? One interviewee explains that it is a two-way street: "They are happy if anyone can help them. But it also depends on their willingness to be more involved" (HU5.2.02). Another interviewee underscores this with the claim that civil society "treats us as human beings" and „they ask our opinions" and they "try to come up with solutions that are good for both parties." S/he adds that "nobody else comes here" and that "the government would forget about us" if CSOs disappeared (HU5.2.03). A civil society actor underscores a point made earlier by another (HU5.2.02) that there are only very few examples of Roma mayors who have been able to advance some form of integration. As a result: "it follows that civil society organizations of the majority society are the ones currently able to generate the kind of development that would enable these people to decide for themselves and organize themselves" (HU5.2.04). Thus, the view from the ground is that CSOs are more likely to engage in mutual political deliberation rather than exercising structural dominance and can bring the knowledge and socialization potentially important for political self-organization/determination.

In this sense, civil society is a bridge between Roma/gypsy people and the state—on both a political but primarily practical level. A civil society actor who works in the field recounts situations where Roma ask CSOs to accompany them to court cases or to explain official documents. S/he recounts an episode where a CSO advocates on behalf of a family, the state authorities in question ask that the (Roma) people who are concerned not be present in a meeting between the authority and CSO. S/he adds that: "we finally got to the point where they accepted to have them there, but then the foreign expressions started coming out that these poor people obviously can't understand. Then we had to intervene and ask that we slow it down, express ourselves in a way that everyone can understand. Let's not degrade them! They can't help that they don't understand because they only made it to the sixth grade, but a decision is being made about them" (HU5.2.04). However, the field expert contends that, on a more political level, CSOs "can't put pressure on the government"--that one would think because "they are on the ground and see what's happening" that they could "channel" these experiences to the government as a basis for decision-making—but "this is not how it works" and that "it's rather government putting pressure on civil society" (HU5.2.06).

The range of "solutions" proposed by interviewees overall reveals that the way forward will inevitably involve a two-way street. The themes which emerged included open dialogue between majority and Roma/gypsy societies, the cultivation (firstly) of Roma identity and local political participation, and the conscious and systematic accommodation of Roma/gypsies in the life of and experience with state institutions. A more conservative view however stresses that the cart cannot be put before the horse, i.e., that education is vital to effective and meaningful political participation and that strategic litigation isn't a way forward in the absence of mainstreaming best practices on the ground.

Firstly, a Roma community member traces the inadequacy of political representation on this issue to the absence of dialogue at the levels of politics and society: "There needs to be more discussion about why segregation is bad, and why improving the situation of the Roma is important in the long term" (HU5.2.02). S/he furthermore argues that a "Roma movement" and "intelligentsia" need to be formed in order to formulate how the Roma could be organized and integrated—also at the local level. S/he adds that interests and intellectuality should work in a coordinated way (HU5.2.02). Another interviewee also emphasizes the local—that political participation needs to be developed at the level of (small) local communities "with outside help" because currently segregated communities lack the "forces" and "people" who could do anything "forward looking" (HU5.2.04).

Relatedly, one's Roma identity "would be very important" because "we live in a world where you cannot live with this identity" (e.g., "they will spit on you out in the world"). Yet, at the same time, the interviewee stresses that public discourse needs to separate the Roma from poverty: "So this is a matter of separating "Roma" from "poor," and it is very important in public debate that we can communicate this better [. . .] but this is not working very well right now [. . .] so, we need a strategy for public debate [which promotes the idea that] a gypsy isn't dirty and living in extreme poverty—that anybody can end up in a situation like that. People simply don't understand this, they don't see it, and use this term [cigány] to stereotype" (HU5.2.04).

With regard to the accommodation of the Roma/gypsies in state life, one CSO representative contends that the "majority institutions" need to be prepared to "explain to these people" (not in a "condescending" way, but in an "understandable" way) what the "rules/laws are that one needs to accommodate to in the interest of integration." S/he adds that: Roma integration requires a "special knowledge" and that "only our combined knowledge" (Roma and white) can develop integration by "working with the kids and adults together" and thinking in terms of "generations." (HU5.2.04). Similarly, the field expert advocates for the representation of the Roma/gypsies at all levels of state institutions in proportion to their actual population—in other words, not only in the lowest rungs of state institutions, but also as department heads, in directorships, in decision-making and important implementation roles (HU5.2.06).

A conservative CSO point of view is that we should start with education before voting rights, arguing that "voting is not about public opinion" at present—that people vote out of "fear" and "ignorance" (HU5.2.05). S/he moreover contends that: "we should take it seriously and pass laws that we can follow. At this moment, this isn't happening with these integration and segregation things either. [Argues that litigation isn't a way forward] The way forward is to show good practices" (HU5.2.05).

3   DISCUSSION AND CONCLUSION: TENSIONS BETWEEN INSTITUTIONALIZED POLITICAL JUSTICE AND EXPERIENCED (MIS)RECOGNITION

The actor, issue, and institutional dynamics of public education policy vis-à-vis the Roma pointedly demonstrates the space and boundaries of political justice concerning this national minority in Hungary. This report has extensively and comprehensively analyzed the tensions between institutional political justice and the lived experience of the Roma by examining political discourses (problematizations) of formal political institutions of the majority non-Roma, the Roma politicians and MSG representatives, and civil society vis-à-vis the experience on the ground. "Table 3: Tensions between institutionalized political justice and experienced (mis)recognition of the Roma" in the Annex provides a detailed yet synthesized map of this exercise per Bacchi (2009)'s WPR approach. The following concluding remarks and discussion offer a summary and further reflections.

Within the political system, we observe a dual reality—the condemnation of de-segregation, on the one hand, and its continued practice or promotion, on the other. Generally, political discourses across the political spectrum associate Roma with "problems." Thus, you cannot think about the Roma without thinking of them as "the" problem. The overwhelming approach is to use paternalistic frames when talking about the Roma (manifested as criminalization, benevolence-benefactor—but one could also add—victimization discourses). While the political left is more likely to emphasize discrimination and victimization by the majority (absence of equal opportunities), the political right is more likely to emphasize (the lack of) responsibility on the part of the Roma (language of active partnership, hidden reserve).

Through its discourse, the Conservative-Christian Coalition claims the gradual political institutionalization of enhanced national belonging through the government's purportedly close relationship with the national Roma MSG. This is primarily manifested through the Orbán-Farkas alliance and framed by paternalistic understandings

(i.e., benevolence-benefactor discourse). References to coexistence imply that the majority and the Roma minority are separated along key dimensions, including physically, socially, economically, and culturally.

Both Socialist and Conservative-Christian governments problematized the education of the Roma as the lack of integration and inclusion on the part of the latter, implying that the system needs to fine-tuned in order to accommodate the special target group. Note the absence of proposals for a more fundamental recalculation of the education system—the problematization of the education of the Roma being predicated on the institutional embeddedness of Hungarian public education, which itself is not known for its facilitation of social mobility. The scale of the response to school (de)segregation is—at least on the surface—vertical and horizontal. This is indicative of the political importance attached to the *problem* of poverty and exclusion more generally. The transnational framework(s) and funding are important resources for the articulation, coordination/monitoring, and financial viability of *inclusion* policies at the national level. Both governments set up and coordinated national consultation bodies responsible for advising on Roma inclusion policies. The scale of stakeholder participation from different sectors, with complementary expertise and/or interests in the problem, indicates the scale and the political salience of Roma inclusion: government representatives, minority self-government representatives, local municipalities, academics, employers, employees, churches, civil society organizations and other government offices.

It is important to bear in mind the vital role of transnational policymaking and exchange as a compass for both governments (e.g., European Union, Decade of Roma Inclusion), in terms of language used, articulating problems and solutions, and financial feasibility. It is largely a non-Roma urban elite dominated space. However, on the one hand, the approach of Roma *integration* and *inclusion* in the education system is conceived as a necessary ingredient to the ethnic group's labor market *participation* and, thus, integration into society more generally (note the commodification). As Eliason (2017) notes, the issue of (de)segregation and equal treatment in the access to education has been approached from the basic legal starting point of "market access" in both the European Union and United States (p. 207). On the other hand, the pursuit of a policy which seeks to mix children and students of different ethnic groups and socio-economic backgrounds in a common institutional setting is politically risky. Even in situations in Central and Eastern Europe where schools undertook de-segregation, non-Roma parents have often removed their children and relocated them to different school settings (Eliason, 2017, p. p. 207; Schiff, 2014). Thus, schools subject to de-segregation are vulnerable to re-segregation, potentially challenging expectations of political actors advocating for de-segregation.

The Conservative-Christian government constructed a terrain of two overlapping words (driven Minister Balog)-- testing the boundaries of EU laws prohibiting racial discrimination, on the one hand, and a commitment to de-segregation and European Union laws, on the other (Piroska & Zemandl, 2018). It constructed the roundtable as a forum for "reasonable" and "practice-oriented solutions" (in the context of questioning the importance of rights against the "capacity to exercise them"), while legal advocates were associated with terms such as "aggression," "dogmatic rights groups," and as "damaging as radical movements" and as "knowing only theoretical solutions." The government came to problematize rights versus the capacity to exercise them, contending that for the purposes of catching-up, there was a need to think about the legal space available to educational programs/institutions helping disadvantaged children access chance creating (catching up) education--as long as these don't violate legal principles and are founded on "good" pedagogical grounds. Thus, the right to equal treatment in education was conceived as a hindrance to assimilation.

There are two key dimensions of problem representation in the context of the representation and participation of the Roma in Hungarian political life. One aspect is a problematization of the minority self-governments which conceives of the system as ineffective, incapacitated, and corrupt, as well as politically subsumed by the Conservative-Christian political family. Another aspect is the problematization on the part of Roma political leaders of the Hungarian (public) education system and its treatment of Roma/gypsy children. The minority self-government political system is relegated to a substantively and materially lower rung in the totem pole of political structural power and is moreover expected to serve a gatekeeping (between Roma people and state

institutions/programs) rather than empowerment function. Fundamentally linked to the monopolization of minority politics by mainstream parties is the claimed ineffectiveness, incapacity, and corruption of the RMSG system. There is evidence, however, of an existing demand for "more direct" representation and advocacy capacity because RMSGs are bound by a catch-22 situation where either they are looked down upon by the mainstream state/political institutions, on the one hand, and expected to deal with everyday Roma needs (while their "hands are tied"), on the other. But this issue is also problematized from another angle: i.e., the claimed lack of a Roma intelligentsia (or at least a very thin layer) as well as internal contradictions within the "community" at large. Overall, the RMSGs are problematized as ineffective and lacking the capacity, tools, and power to effect substantive or material change which would be felt on the ground.

It is contextually important that (global) civil society has played a pivotal political role in the formulation, dissemination, and mainstreaming of a policy focus on human rights as well as economic/social inclusion, not only in Hungarian but throughout Europe more generally. Many local civil society actors have played a salient role in this process as practitioners, "experts in the field" and advocates. The Conservative-Christian government in particular (though not exclusively) qualifies segregation—Minister Balog referring to the notion of "affectionate segregation"--as perhaps a temporary necessary evil to achieve eventual "catching-up." Critical CSOs, on the other hand, consider segregation as an obsolete practice, treating it as a zero-sum issue and tending to cast it in a more negative light, associating it with the violation of "equal opportunities," "equal treatment" and "human rights."

On a more fundamental level, the difference in ideological perspective hinges on critical CSOs' emphasis on the need to cultivate "acceptance" of disadvantaged and Roma children into the mainstream school system versus the government's emphasis on "catching-up." The former stance implies that the system (a hegemonic construction by the majority) needs to accommodate outliers, while the latter stance rests on the implication that it is those left behind who need to change. Although the conservative CSO representative's statements reflect more paternalism, s/he talks about approaching the problem with love in your heart (e.g., fighting the urge to put on "your rubber gloves").

Furthermore, critical CSOs emphasize a link between equal treatment, on the one hand, and *quality* of education and equal opportunities in life, on the other. We note here that this in a more abstract sense represents the assumption that there is a mechanism of rights, on the one hand, and economic/social inclusion, on the other. The link is argued to enhance life chances, and critical CSOs charge the government and churches of using segregation to grow their congregations (although this charge is not levelled at all church-run institutions) rather than focusing on how education will improve children's lives. The conservative CSO representative, however, indicates his view that some CSOs want to push integration overnight, which Hungarian society cannot be expected to embrace. Similarly, gypsy children themselves need time to adjust and assimilate. Such processes need twenty years and cannot be achieved in only two years.

Critical CSOs also problematize the shortage of qualified teachers with appropriate professional training to deal with disadvantaged children or with those who have learning disabilities. On the other hand, the conservative CSO representative denies that it's "Roma problem" and traces the problem to the "bad" condition of schools, arguing that you need to create the conditions for attracting brave and creative principals/teachers (put more money into the worst schools and allow pedagogic flexibilty). Another important dimension to critical CSO problematizations is critical perspectives on how political institutions accommodate the Roma minority in Hungary, particularly in the context of the current Conservative-Christian government. The government and state institutions are cast as hypocritical (depicting a "rosy" but "degrading" picture of integration) and compromising on education standards, supporting corruption in minority politics and allowing degrading language vis-à-vis the Roma in public discourse. But the more conservative perspective is that Prime Minister Viktor Orbán has some valuable points, including the perception that gypsies are an opportunity.

A final important dimension to critical CSO problematizations (and fundamentally linked to the previous two) is critical perspectives and experiences with the (lack of) opportunities for democratic representation, participation, which includes the government's sidelining, exploitation, and de-legitimization of civil society, including within the context of the Anti-segregation Roundtable. On the other hand, the conservative perspective was considerably more sympathetic towards the Conservative-Christian government and its set of problematizations, casting critical CSOs as being too confrontational at an inappropriate time—that maybe that is not the time for a "revolution."

It is notable that these representations take place at a high political level (cast as expert-based debate) and physically removed from the living space of the Roma or gypsies. Thus, the affected Roma themselves are isolated from this level of political deliberation. CSOs however have taken on the role of representing Roma interests—problematized from the point of view of constitutional rights and social integration—at the level of the courts, in direct dialogue with the government, including by participating in de-segregation programs in partnership with local authorities (and thus participate in direct deliberation with local government as well).

A whole range of responses and statements from Roma/gypsy community members (including a member of a Roma collegium, local advocate/former RMSG representative, and on-the-ground testimonials from the Decade and other research investigating experiences with de/segregation), civil society representatives, and a field expert working with Roma on the ground have revealed that the Roma's lived experience of political justice is part of a multidimensional experience of (in)justice. In other words, political justice is not just *political*; it's also intricately linked to economic, social, and culture experiences, and concerns human dignity more fundamentally.

Overall, the themes, which emerged include the experience of helplessness and lack of empowerment, which is also linked to the "worthlessness" of development funds (i.e., barely trickling down to those who need them most), and a reinforcement of perspectives (among the Roma) which conceives of Roma/gypsies as "disadvantaged" through the (white) hegemonic lens of economic and social inclusion and includes a shared nostalgia with the white majority for Kádár's state socialist system. These hegemonic frames are devoid of alternative conceptions or visions of justice(s), which are or otherwise could be articulated by a (at present) very thin layer of Roma intelligentsia hardly visible at either the level of majority society or at the most disadvantaged levels of Roma/gypsy society.

It is worth asking whether nostalgia for state socialism reveals the (silent) problem of the role of electoral competition (post-communism) in encouraging and perpetuating the scapegoating of Roma/gypsies for electoral gain. We propose here that this discriminatory aspect of electoral competition is closely linked to the majority hegemonic frames of problematizing the injustices experiences by the Roma as economic/social inclusion or "cathing-up" because both phenomena mutually reinforce "value free" (ETHOS D5.1, p. 4) articulations of multi-dimensional poverty (e.g., Deleeck, 2001), which commodify individuals and social groups and reduce them to utilitarian subjects. That is, assuming a Roma intelligentsia could eventually galvanize and penetrate both majority and the most disadvantaged and isolated Roma societies, we may be exposed to alternative and perhaps more value-laden articulations of the Roma experience and expectations of national belonging which are predicated on cultural and identity representations. However, we argue here (as others have) that due to the disparate nature of Roma identities in Hungary, a national approach may prove particularly challenging to realize. This is where the "local" may offer hope.

With regard to the policy issue at hand, the data analyzed show that Roma/gypsy experiences with the Hungarian education system are uneven and range from feelings of isolation and separation (from majority non-Roma society), disappointment (with outcome of education and inability to integrate despite education obtained), to satisfaction with separation and segregated education. We argue that these are strongly related to political justice as they reflect Roma experiences with the resulting policies coming out of diverging problematizations driven by political actors (including civil society). This dynamic unfolds in a context where the most isolated and disadvantaged among the Roma have virtually no awareness nor contact with the political world.

We found that it is largely the voice of those Roma who have taken part in more integrated educational programs and, thus, completed at least a secondary level of education, which is articulated and audible in the cacophony of political discourse. Thus, despite the MSG system and the absorption of Roma minority representation into the mainstream party system, particularly the Fidesz-KDNP (Conservative-Christian) political family, the Roma in Hungary remain substantially under-represented and largely isolated from public debate and awareness of political life, experiencing politics only on a local and superficial level and in a fleeting way (if they do at all).

The claimed appreciation for CSO and church activities indicates large scale and systemic neglect of Roma communities. They are not consulted, nor visited by political leaders. Civil society—already under pressure in an increasingly repressive system—is for many the only contact with mainstream or "normal" world and state power. This contact is uneven and divergent depending on the local context (i.e., in extreme cases, civil society is completely absent). We moreover argue that the various manifestations of CSO involvement also remain largely hegemonic because many organizations are led by non-Roma or are part of the mainstream CSO landscape. Thus, they have their own "integration" agenda. To the extent that CSO actors consider their own involvement as a two-way street, resting on deliberation with local community members, there is potential for cultivating an experience of empowerment.

The range of "solutions" proposed by interviewees overall reveals that the way forward will inevitably involve a two-way street and thinking in generations and systems, which appears to be largely and perpetually missing from how embedded state and political institutions approach the "problem(s)" on a day to day basis. The related themes which emerged included open dialogue between white and Roma/gypsy societies, the cultivation (firstly) of Roma identity and local political participation, and the conscious and systematic accommodation of Roma/gypsies in the life of and experience with state institutions. A more conservative view however stresses that the cart cannot be put before the horse, i.e., that education is vital to effective and meaningful political participation and that strategic litigation isn't a way forward in the absence of mainstreaming best practices on the ground.

However, it should be noted that these articulations of the ideal world (or visions of a common good) were largely articulated by educated practitioners and members of society—who nevertheless engage with people on the ground on a regular basis, but are not among the "miserable" or "disadvantaged." Court cases involving strategic litigation reveal that plaintiffs often have difficulties articulating their experiences at length, much less write about them. These individuals are largely invisible and don't have a voice. When they do, they are filtered through a hegemonic system of state institutions which are not designed to accommodate their special needs and circumstances—political, judicial, and bureaucratic institutions included. At the highest level of state politics, they are "represented" by the mainstream political elite in accordance with paternalistic frames (benevolence, criminalization, victimization) and are problematized as the "problem" across the political spectrum.

Taking Rövid's (2013) overview and discussion of forms of Roma political representation and participation, we can deduce that the Roma or gypsy are largely disenfranchised from equal political rights—particularly as registering to vote for a minority list excludes them from exercising full political rights—and that the rights of political autonomy are substantively and substantially limited. Thus, political autonomy is no substitute for equal political rights, since it is the majority or mainstream political landscape which formulates and dominates policymaking, financial distribution, and public discourse. The MSG system—while seemingly "grassroots" at the local level—lacks the formal and practical capacity, including human capital, to impart substantive influence on education policy vis-à-vis the Roma.

Therefore, as Sobotka (2001) would probably contend, the self-representation model of MSGs and policy formulation model would need to be "combined" in the exercise of minority political influence over education. We furthermore argue that the testimonial of former Fidesz mayor Béla Lakatos demonstrate the added value of cultivating ethnic Roma political figures in mainstream politics at the local level, where they can more directly exercise influence over state institutions. It would seem on the basis of our analysis that CSOs may indeed have

a role to play, provided that they invite and engage in deliberation and mutual construction with local community members.

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TABLE 1: LANGUAGE USED IN THE HUNGARIAN NATIONAL SOCIAL INCLUSION STRATEGIES WITH REGARD TO ROMA FROM THE 2008-2010 REPORT (LEFT-WING GOVERNMENT) AND 2011-2020 REPORT (RIGHT-WING GOVERNMENT)

Language	Example text	National social inclusion strategies (2008-2010 *and/or* 2011-2020)
Roma-related issues discussed under "fight against poverty and social exclusion"		National Strategy Report on Social Protection and Social Inclusion (2008-2010)
Endangered and likely to become poor	-"Main risk factors of poverty are still as follows: head of family with low school qualifications or one who is unemployed, families with three or more children or with single parent (and especially children and youngsters themselves), and residence at small settlements. Factors mentioned above characterize the Roma population more than the average population; therefore, they are many times more endangered and likely to become poor." (p. 6) -"They can be considered as the most endangered social group in Hungary from the aspect of poverty and exclusion" (p. 6)	National Strategy Report on Social Protection and Social Inclusion (2008-2010)
Poorest of the poor	"At the same time, we must pay particular attention to the ethnic group of the Roma as experiences show that they are the poorest of the poor and have been least reached by the various inclusion programmes" (p. 6)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Certain problems "affecting basically the Roma"	"Usury (an unnecessarily high interest to be paid on lent money as a fee for use) and the debt trap connected to this are phenomena related to poverty and affecting basically the Roma." (p. 11)	National Strategy Report on Social Protection and Social Inclusion (2008-2010)
Breaking the cycle of deprivation	"Programs based on personal responsibility and participation" (p. 59)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)

Poverty; Roma; Segregation (all three terms mentioned in the first two sentences of the document)	First sentences in the "Executive Summary": "One of Hungary's gravest problems today is the gradual deterioration of the situation of individuals living in poverty, including the Roma population. A consequence of this process are segregation, exclusion from the opportunities offered by life in the fields of education, employment and health care, and deterioration in living conditions in disadvantaged regions as well as on the peripheries of settlements" (p. 6).	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Fight against child poverty	"Creating opportunities and compensating of the family disadvantages of disadvantaged children and young people will be of crucial importance in the educational system in the following period" (p. 26)	National Strategy Report on Social Protection and Social Inclusion (2008-2010)
Special regard to integration of Roma	"Reducing territorial and housing disadvantages, with special regard to the integration of the Roma [so-called "Priority 3"] [. . .] The ghettoized areas in big cities are also disadvantaged where the rate of the Roma population is quite high, too." (p. 20)	National Strategy Report on Social Protection and Social Inclusion (2008-2010)
	-"Reduction of the rate of individuals living in poverty and social exclusion, with special regard to the Roma population" (p. 9) -"The Social Inclusion Strategy is a Roma strategy but not *just* a Roma strategy [. . .] The strategy targets social problems and problem areas, and is not aimed at social groups identifiable on the basis of personal characteristics"[21] (p. 60).	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)

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[21] Yet, on the same page the following passage seems to contradict this awkward and ambiguous stance: "In harmony with the findings of the Institute for Development and Methodology of the State Audit Office, it is a basic principle that projects specifically aimed at the Roma minority are only warranted if the disadvantage intended to be remedied is clearly and primarily of an ethnic nature. Against the background of this principle, as one of the key elements of the strategy, we pay particular attention to the effects on the Roma of the programmes implemented or contemplated in the target areas and the involvement and participation of the Roma in these programmes" (p. 60).

Special social circumstances of the Roma	*Used as justification for collection of data*: "We need ethnic data concerning the Roma population for the evaluation of the programmes and interventions designed to improve the situation of the Roma population. The need for such data for the purposes of targeting may be disputed on the grounds that the social disadvantages gravely affecting the Roma population are, with the exception of ethnic discrimination, not disadvantages of an ethnic nature; they do not stem from the ethnicity of the individuals concerned but from their social circumstances. It is, however, hardly questionable that it is necessary to look into the effects of the interventions on the Roma population" (p. 9)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Positive discrimination	"The number of disadvantaged students (children from a poor family or children of parents with low school degree) enrolled in higher education increases year by year due to 'positive discrimination' (access with lower test results or exemption from tuition fees). Students enrolled that way are assisted by a mentor throughout their studies. As shown by the relevant data, the number of students enrolled that way increases year by year" (p. 27).	National Strategy Report on Social Protection and Social Inclusion (2008-2010)
Mainstreaming	In the framework of the Roma Decade: "mainstream[ing] in all affected areas [. . .] special measures will be taken to decrease their housing and educational segregation and discrimination towards them." (p. 11)	National Strategy Report on Social Protection and Social Inclusion (2008-2010)
Partnership, active participation, responsible approach(expected from the Roma)	-"The Act on the Rights of National and Ethnic Minorities passed in 1993 allows us to involve the Roma as genuine partners in affairs concerning their lives, thereby encouraging active participation and a responsible approach on their part. The new national minority legislation currently in the making extends and reinforces these rights (parliamentary representation) [. . .] On behalf of the Government, Prime Minister Viktor Orbán signed a „Framework Agreement" with the	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)

	President of the National Roma Self-government, Flórián Farkas, in May 2011, which lays down specific undertakings with respect to the most important issues concerning the Roma. This document signed at the highest level indicates, on the one hand, the Government's commitment vis-à-vis the majority, non-Roma Hungarian society to the inclusion of the Roma and, on the other hand, conveys the message to Hungary's largest ethnic minority (according to the new Constitution, "national minority") that the Government is counting on their cooperation as a partner" (p. 6) -"Programmes based on personal responsibility and participation (enhancement of the abilities of the individuals concerned to lead their lives independently and the development of a work culture that facilities entry into the labour market)" (p. 59) - Specifically targeting Roma: "The activities of community centres must extend to the responsibility of individuals as citizens, household management studies, gardening, personal and environmental hygiene, healthy lifestyle, responsible family planning, the importance of regular physical exercise, healthy eating, the prevention of smoking and extreme alcohol consumption, the importance of learning and training and the knowledge and adoption of cultural values" (p. 79)	
Socialization	-"socialization and learning disadvantages" (p. 75) -"As part of the programmes, participants must also be given a chance to try out work in practice and must be socialised towards work" (p. 77) - Specifically targeting Roma: "The activities of community centres must extend to the responsibility of individuals as citizens [. . .] the importance of learning	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)

	and training and the knowledge and adoption of cultural values" (p. 79)	
Reduction of deviance	"By creating the appropriate atmosphere, employing the right educational methods and offering a wide range of activities that induce a constructive lifestyle, schools must play a part in the reduction of deviance with a destructive impact on the chances of children in later life" (p. 77)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Roma as a national affair	-"primary objective that [Government] wishes to treat the problems of the Roma as a national affair, rather than as a mere poverty policy issue" (pp. 6-7)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Values of public education	"The whole of public education is determined by the moral and intellectual values of knowledge, justice, order, freedom, equity and solidarity and the requirement of equal treatment" (p . 73)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Children with multiple disadvantages	-"Integrated kindergarten education of children with multiple disadvantages, in particular, Roma children, is a key issue" (p. 73) -"promoting the integration of pupils encumbered with socio-cultural disadvantages" (p. 74) -"In conjunction with education, cultural institutions, museums and libraries operate a number of programmes relevant to social inclusion which serve to reduce cultural disadvantages and school drop-out rates" (p. 78).	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
Unnecessary declaration of disability	-"children should not be unnecessarily declared disabled" (p. 77) -e.g., "In the spirit of prevention and in the interest of ensuring the timely and professional development of children, we must create standard procedures, professional contents and	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)

	requirements also in the areas of early childhood development, educational consulting and speech therapy" (p. 77)	
Educational system creating opportunities	"As emphasised in the national strategy „Making Things Better for our Children" (2007), 'in an educational system creating opportunities, children, regardless of whether they come from poor, under-educated families, live in segregated living conditions, are disabled, migrants or blessed with outstanding talent, must receive education suited to their abilities and talents throughout their lifetime, without their education being influenced or affected by prejudices, stereotypes, biased expectations or discrimination. Therefore, this must be the most important priority of Hungary's educational policy.'"	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)

TABLE 2: POLICY GOALS AND PLANNED MEASURES IN THE AREA OF SCHOOL (DE)SEGREGATION: A COMPARISON OF THE 2008-2010 AND 2011-2020 NATIONAL SOCIAL INCLUSION STRATEGIES (HUNGARY)

Policy analysis	National Strategy Report on Social Protection and Social Inclusion (2008-2010)	National Social Inclusion Strategy – extreme poverty, child poverty, the Roma (2011-20)
What objectives and goals were identified?	-In the framework of the Lisbon Strategy: comprehensive, infrastructural, educational and social closing-up [22] programmes will be introduced in the most disadvantaged micro regions between 2008 and 2013 – with the funding of Structural Funds. Regional closing-up is closely related to the improvement of the situation of the Roma population who suffer from multiple disadvantages (pp. 10-11). -Roma Decade [23]: special attention given to housing and educational segregation and discrimination (p. 11) -Good governance: channels of discussion with key stakeholders (p. 13) and comprehensive monitoring system (p. 17) -Measures/objectives relating to access to education and (de)segregation: -Reducing territorial and housing disadvantages, with special regard to the integration of the Roma (so-called "Priority 3"), with implications for education[24] -"The number of Roma children and children with special educational needs educated in integrated classes has been increasing continuously. In the period between 2007 and 2013 the professional and infrastructural development of educational institutions will	-First sentences in the "Executive Summary": "One of Hungary's gravest problems today is the gradual deterioration of the situation of individuals living in poverty, including the Roma population. A consequence of this process are segregation, exclusion from the opportunities offered by life in the fields of education, employment and health care, and deterioration in living conditions in disadvantaged regions as well as on the peripheries of settlements" (p. 6). - "Therefore, a policy aimed at the inclusion of the Roma in Hungary cannot be separated from the general fight against poverty and the improvement of social and economic competitiveness. At the same time, we must pay particular attention to the ethnic group of the Roma as experiences show that they are the poorest of the poor and have been least reached by the various inclusion programmes" (p. 6). - "The Act on the Rights of National and Ethnic Minorities passed in 1993 allows us to involve the Roma as genuine partners in affairs concerning their lives, thereby encouraging active participation and a

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[22] This is an awkward Hungarian translation of "social inclusion" and refers to the notion of "catching up."

[23] "(Parliamentary Decision 68/2007 (VI.28.)) forecasts a long-term strategy in order to promote the social and economic integration of the Roma population, to improve their living conditions, to improve their access to public services as well as to mitigate the gap between the living conditions of the Roma and the non-Roma. The related Government action plan (Government Decision 1105/2007 (XII. 27.) Korm.) for 2008-2009 will build upon the large-scale utilization of Structural Funds in order to improve the living conditions of the Roma" (p. 18).

[24] "Territorial disadvantage has remained an extremely strong dimension of social exclusion in Hungary, the level of which has not decreased in the recent years. Differences appearing in the fields of economic development, employment, education, transport or availability of public services are significant not only between the regions but also within them (between big cities and small settlements, or between the various micro-regions)" (p. 20)

be continued by the support of EU funds as well as the support of special programmes granted to disadvantaged students including Roma children (e.g. 'Study hall' programme and various grant and scholarship schemes)" (p. 16)

-Equal opportunities in education treated under "fight against child poverty" – commodification (p. 24-26)

-Amended laws on school districts entered into force on January 1, 2007: "According to the law, the rate of students with multiple disadvantages and students not belonging to such group in the settlement has to be reflected in the school districts. Complying with the rates is essential in order to eliminate and prevent school segregation. The above amendment of the law changed the rules of positive discrimination, too, since primary schools may accept further admittance or take-over applications upon the fulfilment of their own admittance obligations" (p. 26)

-Education Office: acquired authority to establish the fact of discrimination or can initiate proceedings before any other authority, or impose a surveillance penalty, but also will have the right to adopt measures itself to redress discrimination (p. 26)

-Integration training and skills-development programme against educational segregation of

disadvantaged, mainly Roma pupils, available since 2003, will continue to be provided institutionally in 2008-2010[25] (p. 27)

-Equal opportunities situation analysis and plan: related to the settlement and the institution concerned; must be prepared in each

responsible approach on their part. The new national minority legislation currently in the making extends and reinforces these rights (parliamentary representation)" (p. 6).

-Integration of objectives and approaches of: "Making Things Better for our Children" National Strategy and the "Decade of Roma Integration Programme (DRIP) Strategic Plan" as well as links to priorities of Europe 2020 Strategy

-Raising the employment rate of individuals aged between 20 and 64 to 75% by 2020, reducing the ratio of early school-leavers to 10% and reducing the number of individuals living in poverty and social exclusion by half a million

-Call for more "ethnic data" for evaluation of programs and interventions designed to improve situation of Roma population (p. 9)

-Goals related to education of Roma (p. 63):

→ Development of early talent fostering and early childhood education and care.

→ Improving the access of Roma children and children in extreme poverty to education.

→ Reduction of school drop-out rates.

-Measures/objectives relating to access to education and (de)segregation:

→ Integrated kindergarten education of children with multiple disadvantages, in particular, Roma children: increase the available kindergarten capacity and must

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[25] In case of the integration programmes the rate of students with multiple disadvantages in the class is below 50 per cent. Should such rate exceed 50 per cent then the skills-development programme may be organized. As from 2008 the principle of equal representation must be met in both types of trainings, i.e. if there are more classes in one year in an institution, then the difference between the classes regarding the rate of students with multiple disadvantages may not exceed 25 per cent. The programme was extended to secondary schools and vocational schools, too, so it is also possible to support the transition from primary school to secondary school. In addition to this, equal opportunities of Roma students are also promoted by an anti-discrimination signalling system to be established from EU funds" (p. 27).

	case when submitting a public education development application[26] (p. 27) -Programs to be continued: promoting further studies and school progress of disadvantaged students through financial and mentoring support; support for development of skills, talent development and accommodation in dormitory for secondary-school students; scholarship possibilities especially for Roma students; study hall programs for disadvantaged students (p. 27)	improve the accessibility of services, cooperation scheme with the National Roma Self-Government to enable the enrolment in kindergarten education at the earliest possible age (p. 74) → Providing an inclusive school environment, reinforcing the ability of education to compensate for social disadvantages (development of services, conflict management methods, teacher training, enhanced curricula, support services inside and outside school, coordination of educational institutions and services with a view to equal access and the central coordination of education policy, programs to prevent drop-out/alternative school models, raising educational level of Roma girls/women, career promotion, preventing unnecessary diagnoses of "disability," active Roma teacher/mentors) (p. 74-8) →Helping disadvantaged young people, including Roma youths, enter and complete secondary and higher education (transition programs, scholarships) (p. 78) →Culture, development of cultural and sports services (informal and extra-curricular programs; community centres, workshops) (p. 78-9)
What are the perceived costs and benefits?	Costs: -Budgetary constraints against maintaining level of resources for combatting poverty/social exclusion at time of financial crisis were perceived as a challenge (p. 13) -so-called white flight from desegregated schools (Eliason, 2017)	Costs: -Budgetary constraints, particularly amid "white flight" Benefits: -Invoking 1993 Act on Ethnic and National Minorities as an opportunity for Roma to

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[26] "During the preparation of these documents, it has to be examined whether the settlement is free from segregation and supports the educational and social integration of students with multiply disadvantages. Should the rate of disadvantaged children educated in the institution subject to the application exceeds 40 per cent then the applicant is obliged to employ an equal opportunities expert provided by the Ministry of Education and Culture ('OKM') who will countersign the draft accordingly. The municipality will have to tackle any deficiencies of education or the existence of any form of segregation revealed, and various grant schemes are available for solving such problems" (p. 27).

	Benefits:	be involved as "genuine partners in affairs concerning their lives"
	-so-called "catching up"	
	-financial incentives: large-scale programmes financed from the Structural Funds will be implemented between 2008 and 2010[27] (p. 27)	-implies harmonized coexistence
How do these relate to the problem?	-Emphasis on integration and "catching-up" with majority – the notion being that Roma are behind in Hungarian society (a recognized minority with special problems)	-Management of the problems of disadvantaged social groups has in recent years yielded few results (citing deteriorating labor market situation due to economic crisis and fiscal adjustments as well as violence "related to the Roma") (p. 7).
	-Fight against child poverty (p. 24)	
What is the scale of the response, and how are scales (neighbourhood, national, regional, international) joined up?	Supranational: EU structural funds used to promote de-segregation/equal opportunities in access to education	Supranational:
		-Hungary's EU Presidency contributed development of the EU's framework on Roma integration
	National: Distribution of funds, national inclusion policies, de-segregation discourse	-EU structural funds
		National:
	Local: implementation of education policies and responsible for solving problems of segregation (e.g., from September 1, 2008 the local municipalities shall ensure that all children with multiple disadvantages have access to kindergarten education as from their age of 3) (p. 26)	-On behalf of the Government, Prime Minister Viktor Orbán signed a „Framework Agreement" with the President of the National Roma Self-government, Flórián Farkas, in May 2011. This document is signed at the highest level, indicating prioritization of Roma integration.
	-Roma Integration Council (consultation in framework of Social Policy Council at EU level)	-National Roma Self-government (consultation): reviewed the draft of the Strategy in several rounds and agreed
		with the objectives, interventions, means and methods; clarifications and additional ideas incorporated (p. 10)
		-Roma Coordination Council (consultation): representatives of the Government, the representatives of minority self-governments, local municipalities, the Hungarian Academy of Sciences, employers, employees,

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[27] For the purposes of so-called "competency-based education," also "uniform systems of assessment and quality assurance, and "training for teachers" for purposes of establishing "non-segregated public education system."

| | | churches, civil organisations and the Central Statistical Office. Roma organisations account for the majority of the 27 members.

Principle of community participation and support

-involvement of government bodies, civil society, private sector, Roma community/experts, and "church communities whose level of activity in the field of social inclusion warrants this." (59) |
|---|---|---|
| *Summary* | -Challenges and goals with respect to Roma are emphasized. That is, the Roma are identified as a special target group, but are mainstreamed in the strategy in the discussions across different policy areas.

-There is the language of "catching-up," implying that Roma are outsiders in every aspect of social inclusion/exclusion.

-Equal opportunities in education treated as an aspect of the fight against child poverty.

-Amendment of law on school districts required and coded de-segregation conditions and practices into law.

-Programs promoting de-segregation continue also with help of EU funds. Therefore, there is a financial incentive on the part of school districts and schools to implement de-segregation practices.

-Positive discrimination | -Already in the title and within the first sentences of the document, we see a prioritization of the Roma, including with respect to segregation.

-The poverty of the Roma framed as a part of a more general poverty phenomenon, yet especially acute.

-Invoking 1993 Act on Ethnic and National Minorities as an opportunity for Roma to be involved as "genuine partners in affairs concerning their lives"

-Claims poor management of "problem"

-More systematic integration of different strategies and policies (social policy and ethnic policy)

-Targeting employment, education, poverty, social exclusion

-Targeted areas with respect to Roma and education: access, early childhood development, maintenance.

-Casts a wide net of stakeholders, including emphasis on "church communities" and responsibility of Roma (political) communities

-Focus on reducing territorial disadvantages, segregation, exclusion (on basis of disability) |

TABLE 3: TENSIONS BETWEEN INSTITUTIONALIZED POLITICAL JUSTICE AND EXPERIENCED (MIS)RECOGNITION OF THE ROMA: THE CASE OF SCHOOL (DE)SEGREGATION IN HUNGARY

"WPR approach" Bacchi (2009)	Majority politics/government	Minority political leadership and government		Civil society (legal/policy advocacy, service provision)	
What's the problem represented to be in a specific policy?	Political discourses • Roma are generally associated with "problems" across political spectrum: Roma needing to catch-up and integrate with the majority →e.g., language of "coexistence" with majority (rightwing), multiply disadvantaged • Paternalistic frames of the problem(s): benevolence-benefactor discourse (conservative-Christian government as representing and helping Roma), criminalization / "gypsy crime" discourse (right wing, sometimes leftwing), social inclusion discourse (both leftwing and rightwing) • Left is more likely to emphasize discrimination,	Problem of representation • RMSGs (e.g., Lungo Drom) as structurally and financially absorbed by Conservative-Christian government and mainstream politics, especially dependent on local authorities • Roma identity in mainstream politics is a "disadvantage" • Roma voters forced to choose between minority list or participating in same general elections as majority • Ineffectiveness, incapacity, corruption: RMSGs dependent on local authorities	Problematization (of education) by representation • Lack of acceptance, tolerance, mutual curiosity between majority and minority • Attitude problem among teachers	Critical perspective • Segregation and discrimination is the problem • Constitutional violations of equal opportunities/ treatment, human rights • Governments and churches using segregation to grow religious congregations • Shortage of qualified teachers with appropriate professional training to deal with disadvantaged children or with those who have learning disabilities • Political/state institutions' accommodatio	Conservative perspective • Shouldn't be treated as a Roma problem; schools are in bad shape and that's why they don't attract brave and creative principals/teachers (put more money into the worst schools, allow pedagogic flexibility, including role of church programs) • CSOs want to push integration overnight, but Hungarian society cannot be expected to immediately embrace it and gypsy children cannot be expected to assimilate so rapidly • CSOs are overly confrontational (this is not the right time for a revolution)

	victimization by majority, absence of equal opportunities; while right more likely to emphasize responsibility on the part of the Roma (language of active partnership, hidden reserve) School (de)segregation policies - Both leftwing and rightwing governments problematized education of the Roma as one of segregation, exclusion/inclusion, catching up: connection between "poverty" and "exclusion," on the one hand, and early school leaving (low attainment) and school segregation, on the other - Conservative-Christian government's Anti-segregation Roundtable promoted idea that segregation is "unacceptable" - Importance of rights vs. the capacity to exercise them → how to grant legal space to	and serve gatekeeping rather than empowerment function (hands are tied, only cultural representation) → need "more direct" capacity		n of Roma manifested as hypocrisy, supporting corruption, allowing degrading public discourse - Decreasing opportunities for political representation / participation through civil society (sidelining, exploitation, and de-legitimization of civil society)	

	educational programs/institutions working primarily with Roma in a transition phase to catching up (affectionate segregation)			
What presuppositions or assumptions underlie this representation of the problem?	Right-wing • Roma have to "plan to be part of the nation"—that is, those who make the extra effort to work as hard and be as morally superior as the (Christian) Hungarians are deserving of full recognition (assumption: majority don't want to). • Roma are a hidden reserve, an opportunity (commodification). • Church based institutions have an instrumental role to play in "catching-up" policy in education; predicated on assumptions about (lack of) morality and faith	• Behavior is guided by self-interest • You need majority (mainstream) education to be an effective leader • Majority is discriminatory, minority is the victim	• Majority society is inherently discriminatory and not accepting of the Roma, which leads to systemic exclusion of the latter • You need majority (mainstream) education to make life connections and advance life opportunities	• Practitioners have to be incentivized to teach in schools where disadvantaged are in the majority • People are too scared and turned off from helping disadvantaged people • Big changes need twenty years, not two • Roma are a hidden reserve, an opportunity (commodification) • Gypsies are not only living in poverty, but misery (which has not culture

	Left-wing • Gypsies as part of the poor (morally righteous): denied basic human rights and social justice, victims of discrimination and exploitation by majority (thus, need positive discrimination)			
How has this representation of the 'problem' come about?	• Roma as a "problem" has deep historical roots • Human rights and inclusion frames emanating from (global) civil society and inter-governmental organizations → government	• Discrimination and falling behind have deep historical roots		• On the one hand: (global) civil society has been important political actor in formulating, disseminating, and mainstreaming policy focus on human rights as well as economic/social inclusion • On the other: Christian/catholic conservative approach (deeper roots in Hungarian civil society than more "liberal" CSOs): best to advance in small incremental steps, don't rock the boat
Lived experience: What is left unproblematic in this problem representation? What are the silences? Can the 'problem' be thought about differently?	• Overall sense of helplessness, powerlessness, and lack or absence of empowerment. They do not have control over their lives; others make decisions for and about them without consultation with those on the ground (e.g., distribution of funds). • Understanding their own condition(s) through white	• Minority politicians are self-interested but also system prevents them from advocating in a direct way →MSGs themselves emerged as a result of and embedded white political hegemony →Local politics is also deeply personal		• Understanding their own condition(s) through white hegemonic language of economic/social "inclusion" (for those that can speak about their situation/s). →Few educational programs initiated by the Roma/gypsies themselves → Roma/gypsy interests articulated by small circle of Budapest intelligentsia including civil society (those on the ground are mostly unaware and excluded from these political deliberations)

	hegemonic language of economic/social "inclusion" (for those that can speak about their situation/s); only a very thin layer of Roma intelligentsia can articulate alternatives, and these are hardly visible either at the local level or in majority society. →General unawareness among Roma/gypsies that they are trapped in a multidimensional poverty cycle (e.g., Deleeck, 2001) which prevents long-term life chances. →But what should they "catch up" to (commodification/reduced to utilitarian existence)? What about their own value system? Is there emancipatory potential? How? By whom? • Role of electoral competition (post-communism) in encouraging and perpetuating scapegoating of Roma/gypsies for electoral gain?		• Diverging opinions and points of view within and between and among Roma/gypsy communities about (good) education in a context of different CSO approaches to and outcomes of education → one size does not fit all vs. ensuring equal opportunities →What does a "caring education" system look like/could look like?

	• Dissimilarities, divergences, unevenness in experiences with Hungarian education system and opinions about what constitutes good education. →Near silence of those who were predominately segregated and are illiterate; the Roma/gypsies who survived integrated education tend to articulate their experiences more publicly (i.e., we hear about success stories in the frame of the hegemonic system, but those who "failed" cannot articulate well and visibly)		
Lived experience: What effects are produced by this representation of the problem?	• Deep-rooted and systemic disconnect between white majority and Roma/gypsy minority • Co-existence of two worlds that shall never meet	• Lack of empowerment	• CSOs and churches forcing their diagnoses, visions, and programs on Roma/gypsies • Due to different approaches among CSOs, educational experiences and attainment vary widely; how does this affect the trajectory of integration more holistically? • Claimed appreciation for CSO/church activities indicates large scale and systemic neglect of Roma/gypsy communities. They are not consulted, nor visited by political leaders. Civil society—already under pressure in an increasingly repressive system—is only contact with mainstream/normal world and

	state power (contact is uneven and its nature differs by context).
How/where has the representation of the 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced?	• Hegemony of mainstream political/public discourse (i.e., paternalism). • Systemic discrimination in state institutions, including education system →Two-way street, thinking in generations and systems → Political empowerment needs to be cultivated locally at grassroots level →Open dialogue/debate about why segregation is bad →Cultivating Romani identity-separating from poverty → Conscious and systematic accommodation of Roma/gypsies in the life of and experience with full range of state institutions →Education first, politics second (more conservative view) →Focus and mainstreaming of best practices on the ground