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Discrimination and Informal Institutions**

Pavel Ciaian and d'Artis Kancs

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EERI
Economics and Econometrics Research Institute
Avenue Louise
1050 Brussels
Belgium

Tel: +32 2271 9482
Fax: +32 2271 9480
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Social Mobility Barriers for Roma: Discrimination and Informal Institutions

PAVEL CIAIAN and D'ARTIS KANCS

Directorate-General Joint Research Centre, European Commission, Via Enrico
Fermi 2749, I-21027 Ispra (VA), Italy.

Email: pavel.ciaian@ec.europa.eu; d'artis.kancs@ec.europa.eu

This article attempts to identify and document social mobility barriers for Roma. We have identified two types of social mobility barriers: the cost of exit from the traditional Roma community, and the cost of entry into the mainstream society. Most of the existing policy and academic debate on the social and economic marginalisation of Roma has focused almost entirely on entry barriers. The main contribution of the current paper to the existing literature is to draw attention to exit barriers, which usually are neglected in the public debate and the academic literature. In the current paper we show that understanding both types of social mobility barriers for Roma is crucial for designing effective policy measures.

1. Introduction

Around 12 to 15 million Roma live in Europe,¹ and in almost all countries where Roma are present they are socially and economically marginalised from mainstream society. Being relegated to the fringe of society, Roma perform worse in almost all socio-economic spheres of life. Usually, Roma are found to have lower income levels, higher poverty rates, higher unemployment rates, they are less educated, face higher incidence of undernourishment, have lower life expectancy, higher child mortality, less access to drinking water, sanitation and electricity, etc., than the mainstream population.²⁻⁶ More importantly, there is no significant improvement over time, and in most EU countries Roma have been marginalised for many decades/centuries.

From the policy perspective, the key question relates to the factors behind the persistence in the marginalisation of Roma and their extremely low social mobility out of poverty and social exclusion. The current article attempts to identify and document social mobility barriers for Roma. We have identified two types of social mobility barriers: the cost of exit from the traditional Roma community, and the cost of entry into mainstream society. Most of the existing policy and academic debate on the social and economic marginalisation of Roma has focused almost entirely on entry barriers. The main contribution of the current paper is to draw attention to exit

barriers, which usually are neglected in the public debate and the academic literature. We show that understanding both types of social mobility barriers is crucial for designing effective policy measures.

Entry barriers determine to what extent the mainstream population is willing to share with Roma the socio-economic resources and infrastructure that it controls, such as access to education, the labour market and the social infrastructure. The key entry barriers into mainstream society for Roma are anti-Roma discrimination, expressed through negative attitudes from the mainstream population, and anti-Roma policies implemented across Europe. There is a vast body of literature investigating and documenting the adverse effect of anti-Roma discrimination on the Roma's socio-economic well-being.⁷⁻¹³

Exit barriers determine how costly (socially, emotionally, etc.) it is to break with the traditional Roma lifestyle. In the current paper we show that Roma-specific informal institutions are important for understanding the importance of exit barriers for their social mobility. Roma are governed by informal institutions, which replace formal state institutions to sustain a specific social order. The informal Roma institutions include a set of rules (or laws), called *Romaniya*, which govern the conduct of members of the Roma community. *Romaniya* contains a complex system of rules based on a superstitious belief system; it is self-sustaining; it contains own-enforcement mechanisms; and prescribes a system of societal organisation.^{7,14,15} In line with Greif and Laitin's theory of endogenous institutional change,¹⁶ *Romaniya* belongs to the genre of self-enforcing institutions.¹⁴ The current paper argues that a number of *Romaniya*-specific rules reduce the social mobility of Roma, by causing self-isolation and imposing exit costs when breaking with the traditional Roma lifestyle.

2. Anti-Roma Discrimination

2.1. Theoretical Insights

In the existing literature, anti-Roma discrimination is identified as one of the main causes of the social and economic marginalisation of Roma. Whereas there is a general agreement in the literature about the pervasiveness of anti-Roma discrimination in mainstream European society, there is no consensus about the drivers behind the anti-Roma discrimination. A number of theories from different social science disciplines have contributed to a better understanding of the factors leading to discriminatory behaviour: the taste-based discrimination theory, the statistical discrimination theory, the theory of social interactions and networks, the theory of identity economics, the realistic conflict theory, and others.

According to Becker's taste-based discrimination theory,¹⁷ racial discrimination arises when some individuals value certain types of individuals more than others (e.g. Roma versus non-Roma). Because of an implicit utility assigned to preferred individuals, they are treated more favourably in socio-economic interactions compared with individuals from other groups. Conversely, the disutility attached to a certain group leads to discriminatory treatment of this group in socio-economic interactions. Although this theory helps to explain the occurrence of the transitory differential

treatment of Roma by non-Roma, it provides too simplistic explanation of discrimination itself: the discrimination is triggered by disutility stemming from interactions with Roma without providing an explanation why the disutility arises in the first place. In a competitive market environment with rational (utility maximising) agents there is no scope for taste-based racial discrimination, as competition would drive out discriminatory behaviour in the long-run.¹⁸

Still, there appears to be plenty of empirical evidence supporting the taste-based discrimination theory. The negative stereotypes of Roma among the mainstream population can be observed at almost all levels of European society; a racially motivated harassment of Roma by the mainstream population is common in many European countries.^{11,19,20} According to Mudde,¹⁹ the surveys conducted in Bulgaria in 1992, 1994 and 1997 revealed that more than 85% of ethnic Bulgarians consider that 'Gypsies are inclined to commit crime', more than 80% believe that 'Gypsies are lazy and irresponsible' and more than 60% think that 'Roma should live separately and not mingle with us'. Bernát *et al.*²¹ report similar findings for Hungary, where the surveys conducted annually between 1994 and 2011 showed that mainstream society discriminatory attitudes towards Roma have remained relatively constant over the last two decades. According to the 1994 survey results, 89% of Hungarian adults consider that 'the problems of the Gypsies would be solved if they finally started working', 64% think that 'the inclination to criminality is in the blood of Gypsies' and 46% agreed that 'it is only right that there are still pubs, clubs and discos where Gypsies are not let in'. In the 2011 survey, the percentage of respondents agreeing with these statements were 82%, 60% and 42%, respectively. The share of respondents 'uncomfortable' with their children having Roma schoolmates stood at 34% EU-wide in the 2012 Eurobarometer survey. The highest number of 'uncomfortable' responses stemmed from Slovakia and the Czech Republic, where more than half of all respondents feel uncomfortable if their children have Roma schoolmates. A relatively high proportion of 'uncomfortable' respondents were also reported in Luxembourg (49%), Italy (48%), Hungary (46%), Belgium (44%), Denmark and Cyprus (both 42%), France (41%), the Netherlands (38%), Bulgaria (35%) and Ireland (33%).⁴ According to the Roma survey conducted in 17 European countries by the European Commission, the UNDP and the World Bank, around half of the surveyed Roma have experienced at least some discrimination in the past 12 months because of their ethnic background.^{2,5}

Modern economic theory stresses the role of information imperfections and expectations in determining the behaviour of agents in socio-economic transactions.^{18,22} Building on these insights, statistical discrimination theory argues that discrimination can arise when agents have limited information about the characteristics of other individuals (e.g. skills). If the unobservable structural differences between society groups lead to a differential behaviour of different groups (e.g. differences in productivity), then agents have incentives to use observable characteristics (e.g. race) to differentiate between groups.^{18,22} The statistical discrimination theory, then, implies that, if Roma differ systematically in certain unobservable characteristics (e.g. culture) and behave differently in socio-economic interactions compared

with non-Roma (e.g. productivity) then, based on past experience, the mainstream population will use the observable characteristics of Roma (e.g. race) to differentiate them from non-Roma in socio-economic interactions (e.g. by offering them inferior jobs or lower wages).

The empirical evidence supporting the statistical discrimination theory can be observed e.g. in the labour market. According to Drydakís,¹² only a small share (34%) of the wage gap between employed Roma and non-Roma women can be explained by observable characteristics, while the major part is attributable to discrimination and prejudices against Roma. A similar result was found by Kertesi and Kezdi,¹⁰ who estimate that up to 60% of the wage gap between employed Roma and non-Roma in Hungary can be attributed to labour market discrimination.

Still, according to Arrow,²³ the racial discrimination of Roma cannot be explained by market-based theories alone. Instead, one needs also to take into account *social interactions and networks*. Kranton and Minehart²⁴ argue that a sufficiently dense network will mimic a perfect market, implying that the evidence of the statistical discrimination should be viewed as evidence that networks are both important and imperfect in the sense that they are not sufficiently dense. Given that economic interactions are often mediated through personalised networks, various social aspects, such as social capital, beliefs and preferences, may shape the agent's behaviour. Montgomery shows that in the case of labour markets, due to social network effects, 'workers who are well connected might fare better than poorly connected workers.'²⁵ Preferential treatment may occur, for example, when employers have imperfect information about potential employees (also referred to as the principal-agent problem).²⁶ First, employers may have better information about employees with whom they share the same social background, such as language, ethnicity, or culture. Second, workers with the same social background as the employer may perform better than workers from other social groups.

The theory of identity economics starts from the idea that people make economic choices based on both monetary incentives and their identity (social psychology).²⁷ This theory explains the persistence of various social patterns including ethnic-based discrimination. It combines the rational choices of (utility maximising) individuals with identity as an important source for an individual's utility. It extends the cost-benefit calculation with a new set of payoffs for individuals' actions, which can either enhance or decrease the identity fulfilment. For example, if individuals strongly subscribe to idealisations associated with the ethnic group, they will benefit from actions that express solidarity with the group, even when the action in question leads to anti-solidarity with other ethnic groups. In line with this theory, a number of empirical studies have argued that the ethnic difference between Roma and non-Roma in terms of language, way of living (e.g. nomadism, norms) and skin colour may have contributed to a negative Roma stereotype among the mainstream population.²⁸⁻³⁰

An alternative explanation for discrimination from the social psychology perspective is provided by realistic conflict theory.³¹⁻³³ According to this theory, when two or more groups are competing for limited resources, this usually leads to social conflict and discriminatory behaviour between the conflicting groups. The social

conflict in turn may trigger the emergence of negative prejudices and stereotypes against the competing group(s) as well as cause hostile behaviour between the conflicting groups. This behaviour may arise especially in situations when one of the groups is perceived to be the winner in the competition for limited resources (i.e. if competition is perceived as a zero-sum game). The severity of inter-group frictions depends on the perceived value and the scarcity of resources.^{33–35}

Following this theory, a number of economic activities (e.g. metal-working, trade) of the Roma when they first arrived in Europe entered into direct competition with those of the mainstream population. In Central and Western European countries, crafts were tightly regulated in guilds. Trade and commerce were strictly controlled. Moreover, peasant economies were not in the habit of employing casual labour. These factors may have also contributed to the anti-Roma discrimination after their early arrival in Central and Western Europe.^{7,36} The mainstream society's attitude toward Roma was slightly different in Eastern and Southern Europe, where the skills and services provided by Roma were often in shortage, and where Roma were more complementary for the economy and society. This may also explain why, in Eastern and Southern Europe, Roma were initially more tolerated by mainstream society or were enslaved to ensure the supply of specialised skills that could not be provided by non-Roma craftsmen (see further). However, with industrialisation, specialised crafts became more abundant, which eliminated the Roma's advantage and led to a gradual increase of anti-Roma attitudes also in Eastern and Southern Europe.^{7,29,36}

2.2. Institutionalisation of anti-Roma discrimination in Europe

A negative attitude to Roma with the mainstream population surfaced relatively soon after the Roma's arrival in Europe in the fourteenth and early fifteenth centuries. According to Fraser,⁷ sporadic signs of resistance and rejection emerged a few years after their arrival, although open conflicts usually became more widespread after 10 to 20 years. Over time, negative stereotypes about Roma gradually spread among European societies. Roma became more and more associated with 'anti-social activities', such as fortune telling, larceny, lock-picking, purse-cutting, horse stealing, and general witchcraft and fraud.⁷ To illustrate the general perception of Roma in this period, their description in Ephraim Chambers' (1728) *Cyclopaedia* (a universal dictionary of arts and sciences) is particularly informative:

[Roma], in our statutes, a counterfeit kind of rogues, who, being English or Welsh people, disguise themselves in uncouth habits, smearing their faces and bodies; and framing to themselves an unknown, canting language, wander up and down; and under pretence of telling fortunes, curing diseases, &c. abuse the common people, trick them of their money, and steal all that is not too hot, or too heavy for them. (Ref. 7, p. 188)

As early as the second half of the fifteenth century, discriminatory attitudes against Roma became incorporated in public legislation and regulations. Anti-Roma discrimination was institutionalised following the gradual deterioration of attitudes towards Roma in the mainstream population. The first type of anti-Roma measures consisted of either providing incentives for Roma to leave, or refusing them

permission to enter or stay in places where they arrived. For example, a common practice applied in different European towns and municipalities was to pay Roma to move on upon their arrival. These were the first institutionalised attempts to expulse Roma from Central and Western Europe. Initially, most of these measures were adopted at the local level (town, municipality) and they were heterogeneous across Europe. There were no targeted and coordinated policies enacted by state authorities (e.g. monarchs) at that time.⁷

Gradually, however, state authorities across Europe started adopting country-wide discriminatory policies against Roma in the second half of the fifteenth and the first half of the sixteenth centuries. Some of the first anti-Roma regulations were adopted in Switzerland in 1471, the Holy Roman Empire adopted its first anti-Roma regulation in 1497, Castile and Aragon (Spain) followed in 1499, Sweden in 1523, England in 1530, Moravia in 1538, France in 1539, Bohemia in 1541, Poland in 1557. Most of these measures were based on racial grounds; state authorities perceived Roma as criminals and attempted to forbid them from entering, passing or staying in the country.⁷

In practice, however, it turned out that the initial expulsion measures adopted in Central and Western Europe were ineffective in stopping Roma from arriving. The main reason for this was that the efficiency of enforcing anti-Roma regulations was low, owing, among other things, to the limited public resources available and the inefficiency of the public institutions implementing them. Therefore, anti-Roma regulations were adjusted and strengthened between the sixteenth and eighteenth centuries. The number of anti-Roma regulations increased and the penalties became harsher. Laws either specifically targeted Roma, or the latter were bundled together with vagabonds, beggars and vagrants. The upsurge of anti-Roma response was relatively uniform across Central and Western European countries. Among other responses, they included banning Roma from entering or staying in the country, expulsion, deportation, imprisonment, forced labour, even the death penalty without trial on the grounds of being Roma, exclusion from certain occupations (e.g. trade), confiscation of possessions, the forceful removal of Roma children from their families and placing them in non-Roma families, forced assimilation, integration and deportation to the colonies.⁷

The repressive enforcement of anti-Roma policies varied considerably from country to country. The countries with the most repressive and successful policy in preventing Roma to arrive or stay were the Netherlands, the Rhineland and Switzerland. In contrast, France was more liberal and attracted foreign Roma from neighbouring countries, where Roma policies were more repressive. As a result, by the middle of the eighteenth century more than a quarter of Roma sentenced for hard labour (French galleys) had been born outside of France.⁷

In the second half of the eighteenth century, after expulsion measures had failed, a number of governments (Habsburg Monarchy, Prussia, Spain) changed their Roma policy radically and started to implement a more 'rational' approach. For example, the Habsburg Monarchy adopted a series of measures in 1758–1783 aimed at immobilising and assimilating Roma. Another country implementing forced integration was Hungary (which then also included Slovakia), motivated by the fact that

Hungary was severely depopulated during the military conflict between the Habsburg and the Ottoman Empires. Spain also first tried to expel the Roma and then to assimilate them. In 1619, a decree ordered the Roma to leave the Spanish Kingdom, any returnee being subject to a death penalty. However, it allowed Roma to stay in the Spanish Kingdom if they settled down and abandoned the Roma way of life (the dress, nomadism, name, language). A subsequent regulation issued in 1633 (*pre-mática*) launched measures aiming at forced integration of the Roma into the mainstream population and this set the course of Roma policies in Spain for the next two centuries. For example, the forced integration measures included, next to giving up the Roma way of life, outlawing that, in any place, there should be a concentration of more than 200 Roma inhabitants, and assigning Roma to separate districts and places or towns; they were also prohibited from keeping or using horses and from practising occupations not connected with cultivation; they were forbidden to attend fairs or markets; they needed permission to travel; and any individuals protecting or helping them could be fined, or sentenced to hard labour.⁷

A different development with respect to the Roma occurred in Eastern and Southern Europe, where expulsion policies were weaker or absent. In general, Roma were treated better by state authorities in territories occupied by the Ottoman Empire; they were not subject to repressive policies, as in Central and Western Europe, although negative stereotyping and resentment also held sway in Southern Europe. In some regions Roma were enslaved from their early arrival in Europe. For example, in the Romanian principalities (Walachia, Moldova and Transylvania) Roma were owned either by the Romanian state, boyars, or monasteries. Roma slaves were the personal property of their master and could be used as labour, sold, exchanged for other goods, used in payment for debt, mortgaged, or bequeathed. In Romania slavery lasted until 1864.^{7,29,36}

The anti-Roma attitudes established in the first three centuries after the Roma arrived in Europe continued largely unaltered until the Second World War. To tackle the Roma issue, forced assimilation policies gradually became more widespread in attempts to eradicate their way of life and persuade them to adopt a sedentary lifestyle. This approach was often supported by religious and charitable organisations, and by the wider public. The renewed westward migration wave of Roma from the Balkans and Hungary in the second half of the nineteenth century severely impacted growing anti-Roma attitudes in Western Europe. In response, anti-Roma policies were reinforced in a number of Western European countries. Whereas forced assimilation policies targeted domestic Roma, foreign Roma were largely subject to expulsion. Internationally, there was increasing cooperation among countries to tackle the Roma migration issue. For example, Germany cooperated with neighbouring countries to keep Roma away. Regulations on 'combating the Gypsy nuisance' adopted by Prussia in 1906 included nine bilateral agreements with Austria-Hungary, Belgium, Denmark, France, Italy, Luxemburg, the Netherlands, Russia and Switzerland.⁷

One of the worst instances of European racism against Roma occurred during the Second World War. Like the Jews, in German-occupied territories Roma were sent to extermination camps on racial grounds. The genocide of the Roma by Nazi Germany

and its allies is now known as ‘Porajmos’. The Nazi government on 26 November 1935 issued a supplementary decree to the Nuremberg Laws defining Roma as ‘enemies of the race-based state’, the same category as Jews. During this period, Roma communities suffered human rights abuses, such as killings, abductions, torture, crimes of sexual violence, unlawful detentions, forcible displacement and plunder of property.³⁷ Historians estimate that 220,000 to 600,000 Roma were killed by the Nazis and their collaborators, or around 25% of the 1 million Roma in Europe at the time. The biggest losses in Roma life were recorded in Yugoslavia, Romania, Poland, the USSR and Hungary.^{37,38}

After the Second World War, the attitudes of European state authorities started to change and shift towards the integration of Roma. Adopting a more integrated approach, the until-then generally practised anti-Roma discrimination was significantly deinstitutionalised. Generally, since the 1970s, the integration of marginalised groups in society became one of the main European policy paradigms to address problems associated with ethnic minorities, such as the Roma. Nowadays, integration policies in Europe seek to integrate Roma into mainstream society, while having them retain their cultural identity. Some of the key priorities of such integration policies are to integrate the Roma into schooling systems and labour markets, and to improve their access to social services. The only exceptions were the Communist countries, where forced assimilation remained the main government policy paradigm. Only after the fall of their communist regimes did Central and Eastern European countries start to adopt a more integrated approach towards Roma based on the principles of equality and solidarity.³⁹

Even though institutionalised anti-Roma discrimination by state authorities has diminished significantly during the post-Second World War period, it has not been eliminated completely. Discriminatory attitudes of state authorities against Roma can still be observed in many European countries, particularly in Central and Eastern Europe. The most widespread forms of institutionalised anti-Roma discrimination are linked to deficiencies in the functioning of various public institutions and/or the way regulations are implemented and enforced by central, regional and local authorities. Examples of the institutionalised anti-Roma discrimination taking place in Central and Eastern European countries include the abusive behaviour of the police forces towards Roma, the failure of the justice system to investigate racist abuses, forced evictions, unequal treatment of Roma children by the mainstream schooling system (e.g. segregation, abusive behaviour of teachers, inferior education), the failure of official authorities to take an active stand against racist attitudes towards Roma, and so on.^{11,19,29} The anti-Roma bias present in state institutions is not limited only to Central and Eastern Europe. In Western Europe too, official authorities have taken a number of measures against Roma. For example, France and Italy introduced anti-Roma laws and deported Bulgarian and Romanian Roma during the period 2008 to 2010, which seemingly resembled the expulsion measures applied towards Roma in the Middle Ages.^{40–43}

Further, anti-Roma attitudes are supported by various extremist and radical political parties active in almost all European countries. Many of these political

parties legitimise their existence and build their political capital by prototyping minorities as a burden to mainstream society and as a cause of societal problems.^{44,45} Among other minorities, Roma are a common target of extremist and radical political parties in Europe looking to gain votes and political power.^{20,21,46,47}

3. Informal Roma Institutions

3.1. *Romaniya*

In their traditional way of living, Roma are governed by informal institutions, which in praxis replace state institutions to sustain a specific social order. Greif and Laitin define institutions as

a system of humanmade, nonphysical elements – norms, beliefs, organizations, and rules – exogenous to each individual whose behavior it influences that generates behavioral regularities. (Ref. 16, p. 635)

The informal institutions of the Roma community include a set of rules (or laws) called *Romaniya*, which govern the conduct of community members. These rules are based on superstition and ritual beliefs used to sustain a certain social order and to ensure the enforcement of these informal institutions. *Romaniya* institutions are customary and oral; they are administered and enforced through a peer-based system. The *Romaniya* legal system coexists with the (formal) legal institutions of the countries in which Roma reside. Being preserved orally, *Romaniya* is permanently adjusted and its application varies across Roma communities. However, the main principles are common.^{7,14,15}

Romaniya is a self-enforcing institution, where individual behaviour is sustained by its members' belief in a certain socio-economic order instead of by formal state institutions. According to Greif,⁴⁸ and Greif and Laitin,¹⁶ the key elements of a self-enforcing institution are beliefs and rules. They are exogenous to each individual but endogenous to a group using the particular institution as a whole. Beliefs include the common knowledge that individuals hold about how other individuals should behave, about the functioning of the surrounding world, and the implied causal relationship between actions and outcomes. This knowledge is shared among all members of the society, it motivates the behaviour of its members. In self-enforcing institutions, belief-induced behaviour is self-enforcing, leading individuals to act in a manner that reproduces the associated beliefs. Informal rules are instructions that facilitate and coordinate individuals in choosing a particular behaviour in line with the belief system. They are the outcomes of a sustained interaction between individuals as a response to the belief system and define how individuals should behave in various circumstances. Rules help to address the information imperfections, transaction costs and the bounded rationality of individuals in providing, in a condensed (aggregated) form, information that is necessary to direct behaviour consistent with the belief system. However, in a self-enforcing institution, rules correspond to an equilibrium situation, where behaviour induced by rules is the optimal choice of individuals and reproduces a given belief system.^{16,48–50}

Romaniya relies on a ritual belief system with, as a core concept, the distinction between behaviour that is polluted (*marimé*) and pure (*vujó*). In the Roma belief system, *marimé* is perceived as morally and spiritually (ritually) ‘dirty’, though not necessarily physically so.⁵¹ It has important implications for Roma behaviour, as it determines actions and behaviour that are accepted and are in line with *Romaniya* rules. *Marimé* has a dual meaning. It refers both to the state of pollution as well as to the sentence of expulsion imposed for the violation of purity rules or any other behaviour against *Romaniya* rules.^{14,15}

Although the concept of *marimé* represents a fundamental instrument for enforcing *Romaniya* rules, it is also argued that the pollution taboos evolved partly to prevent the spread of diseases among people living in poverty and under deprived conditions.^{52,53}

The main source of pollution (*marimé*) is the human body. According to *Romaniya*, the human body consists of pure and impure (polluted) parts, with the waist as the dividing line. The lower part of the human body is polluted, while the upper part is fundamentally pure and clean. Any unguarded contact between the lower and upper parts of the human body is *marimé* and may lead persons, objects, food or topics of conversation to become *marimé*. Generally, women are less clean and are thus a higher source of contamination than men. The concept of purity and impurity follows a life cycle. Children are free of pollution until their puberty (except for the first six weeks after their birth). Older Roma are also less subject to *marimé*. Non-Roma (*gaje*) are unclean by definition, as they do not adhere to *Romaniya* rules. They are outside the accepted behavioural boundaries and they represent a constant danger of contamination. Therefore, non-Roma places (e.g. hospitals, buses, schools, offices, jails, homes) and non-Roma objects (e.g. *gaje* prepared food) are polluted by definition.^{7,14,15}

3.2. Jurisdiction and Enforcement of *Romaniya*

Romaniya rules are enforced at different levels of Roma society, depending on the seriousness of the particular case. At the first level, the clan (*viŝa*) chief handles day-to-day conflicts within the Roma community. Conflicts between Roma from different clans are mediated through informal proceedings among chiefs of clans (*divano*). When the particular case cannot be settled at a lower instance, or when the case is particularly serious (e.g. divorces, economic disputes), conflict resolution is referred to the informal court system *Kris*, with as judges the *Krisnitoriya*. The decision of *kris* is final and binding. Even though *kris* appears as a formal institution, its decisions are influenced by the whole community through active participation at the proceedings.¹⁵ The punishment imposed by *kris* depends on the seriousness of the offence. A sentence of *marimé* is the most severe punishment. It implies banishment (exclusion) of the offender from the Roma community. The punished offender is declared to be polluted and hence is a potential source of contamination (e.g. nobody should eat with such a person, objects touched by such a person must be destroyed, indifferent of the value of the object). For less serious offences, a temporary *marimé* can be imposed. In this case, the *Romaniya* offender is temporary banished from the

community until the resolution of the offence (e.g. until the *Romaniya* offender repays victims in the case of theft). Other possible punishments imposed by *kris* include community service, a monetary fine, etc.^{7,14,15}

The enforcement of the *marimé* punishment is executed by the entire Roma community through peer-to-peer pressure (i.e. it is self-enforcing). There is no police or prison system available for the purpose. The public declaration of the verdict creates a common knowledge about the *marimé* lawbreaker. The threat of contamination ensures peer-to-peer monitoring and execution of the imposed punishment within the whole Roma community.^{14,15} According to Leeson,¹⁴ due to the high costs of monitoring the behaviour of community members, *Romaniya* incentivises a self-executing punishment of antisocial behaviour, by making pollution physically contagious. Punishment is sustained by rendering non-Roma as dangerously polluted. That is, the belief that pollution is contagious addresses the free-rider problem and facilitates self-enforcement at the same time, while the exit from the Roma community is harshly punished by considering leavers as unclean, breaking off all contact or interaction with them. Because pollution is contagious, and pollution follows from contact with an infectious punished individual, other Roma individuals avoid such interaction and thus exclude the punished individual from the Roma community.

Violation of rules against another Roma is perceived as antisocial behaviour and thus is subject to punishment under *Romaniya*. However, this does not hold with respect to non-Roma. Given that non-Roma do not adhere to *Romaniya* rules, they are outside its jurisdiction. Being outside of *Romaniya* institutions, offences committed against non-Roma are not subject to punishment. In fact, since non-Roma are considered to be outside the accepted societal behavioural boundaries, they represent a constant danger of contamination and thus unfair behaviour against them is tolerated or even supported. Roma perceive offensive behaviour towards *gaje* not only as permissible, but they also 'engage in deliberately fraudulent practices'.¹⁵ As noted by Weyrauch,¹⁵ 'Under Gypsy law, theft and fraud are crimes only when perpetrated against other Gypsies'. For example, if a Roma steals from another Roma 'the thief is publicly shamed and banished from the community until he or she has repaid the victim'. This element supports *Romaniya* to be self-enforcing, by clearly separating accepted from non-accepted behaviour, as well as the associated payoffs, while reinforcing the underlying beliefs.

Romaniya has important implications for the behaviour of Roma with respect to non-Roma. It supports an adverse behaviour of Roma with respect to non-Roma. *Romaniya* does not punish offences against non-Roma, and hence it does not deter their occurrence. Combined with the belief that non-Roma are inherently polluted, it actually tends to stimulate Roma to conduct various petty crimes such as stealing, begging, cheating in contractual relations, etc. According to Leeson:

For Gypsies, using one's cleverness to relieve a gajo of his money or property is a virtue, not a vice. Thus Gypsies don't scruple at defrauding fortune-telling customers or engaging gaje in other confidence games. Abusing and defrauding government welfare programs is also a popular and important economic activity for modern Roma. (Ref. 7, p. 278)

From the Roma perspective, the outside world is seen as an opportunity to make a living, by legal or illegal activity (from a non-Roma standpoint). Roma do not share the value system of non-Roma, nor do they share the fundamental division of labour and the societal acceptance (prestige) or disapproval associated with various occupations and activities. For example, Roma consider that begging is an occupation similar to salesmanship or entertainment, as both types require similar skills. It is considered to be comparable to selling used cars, fortune-telling, dancing, or playing music. The moral judgement of non-Roma is irrelevant and unimportant.⁵⁴ As stated by Matras:

Thus stealing may be dispreferred as a means of making a living because of the risks attached to it, rather than in recognition of the value that [*Gaje*] attach to small items of personal possession. Because little importance is attached to [*Gaje*] attitudes, Roma are also unembarrassed to exploit outsiders' image of Gypsies – as poor, as scavengers, as sorcerers, as seductive, or as craftsmen; there is no 'shame' in relation to outsiders, since there is also no opportunity to appear honourable to outsiders. (Ref. 54, p. 6)

Given that Roma activities are often semi-legal or illegal (from a non-Roma standpoint), Roma cannot rely on state courts to enforce their economic partnerships and contracts. The willingness of State courts to resolve conflicts within the Roma community is thus rather low, as state authorities cannot support economic activities such as theft or fraud. This fact additionally reinforces Roma to rely on their own informal institutions for enforcing social order within their community.¹⁴

4. Conclusions and Discussion

The current article attempts to identify and document social mobility barriers for Roma. We have identified two types of social mobility barriers: the cost of exit from the traditional Roma community, and the cost of entry into the mainstream society. Most of the existing policy and academic debate on the social and economic marginalisation of Roma has focused almost entirely on entry barriers. The main contribution of the current paper is to draw attention to exit barriers, which usually are neglected in the public debate and the academic literature. In the current article we show that understanding both types of social mobility barriers for Roma is crucial for designing effective policy measures.

As shown in previous studies, entry barriers determine to what extent mainstream society is willing to accept Roma within their socio-economic structures which, as we show in the paper, often are discriminatory. Since their arrival in Europe in the fifteenth century, Roma have faced direct discriminatory attitudes from mainstream society and institutionalised discrimination reflected in anti-Roma policies – ranging from expulsion and forced assimilation to enslavement – imposed by state authorities across Europe for over six centuries. Only after the Second World War have attitudes towards Roma started to change, when integration became one of the main European policy paradigms to address problems associated with the social and economic marginalisation of minorities.⁵⁵ However, even with such an improved policy

framework, anti-Roma discrimination has largely remained in place to the present day in most social and economic spheres.

Anti-Roma discrimination poses a major problem for the social mobility of Roma, as it constrains their integration and interactions with mainstream society. More specifically, anti-Roma discrimination reduces Roma benefits from socio-economic opportunities outside their community, such as education, the labour market and other infrastructures. Overall, anti-Roma discrimination plays an important role in preserving the segregation between Roma and non-Roma in two parallel society groups.

In this article we argue that another important factor that restricts the social mobility of Roma is the Roma-specific informal institution called *Romaniya*. *Romaniya* contains a complex system of rules based on a superstitious belief system, which incentivises its members to sustain a socio-economic order separate from mainstream society. It relies on a ritual belief system with, as a core concept, a distinction between behaviour that is polluted (*marimé*) and pure (*vujo*). *Marimé* has important implications, as it determines actions and behaviour that are accepted and are in line with the *Romaniya* social order. Non-Roma are considered as inherently polluted. A strict enforcement of *Romaniya* implies wide-reaching restrictions for Roma in all aspects of social and economic life. According to *Romaniya*, Roma need to abstain from any interactions with non-Roma society, except for those vital to the survival of Roma. The belief enshrined within the *Romaniya* that non-Roma are inherently polluted plays a key role in ensuring its self-enforcement and makes the exit from Roma society or interactions with non-Roma costly. More precisely, the outside opportunities available within mainstream society (such as education and employment) are perceived as undesirable actions, which are sanctioned within *Romaniya*. Through self-imposed isolation *Romaniya* contributes to the social and economic marginalisation of Roma.

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