LOST IN TRANSLATION?
THE 'INEDUCABLE' ROMA THROUGH CZECH AND EU LENSES

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Abstract

This thesis examines the constraint of 'language' in policy transfer, focusing on European Union directives and policies which promote the integration of Roma children in the Czech education system. Czechia's persistent failure to effectively transfer such policies raises the question as to whether the actors involved in its 'translation' understand the subject of the policy in fundamentally divergent ways. Using an interpretive approach of qualitative content analysis and a conceptual coding scheme based on competing narratives, this paper analyses the underlying assumptions of actors at three levels – EU, Czech government and Czech public – regarding the obstacles to school integration and Roma's continuously disadvantaged position in Czech society. The findings reveal that whilst the understanding at EU level is predominantly of social capital deficiency, most prominent for Czech politicians and the public are narratives of cultural incompatibility and fundamental ineducability.

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Introduction

In September 2014, the European Commission launched infringement proceedings against Czechia, in reaction to the country's continued discrimination of Roma children in education. The proceedings came seven years after a landmark case in which the Grand Chamber of the European Court of Human Rights[1] judged Czechia to have consistently and over-proportionately allocated Roma children to 'special' (*zvláštní*) schools established for children with mental disabilities. This, according to the ECHR, amounted to *de facto* racial segregation through means of inappropriate testing and consequential separation of Roma and non-Roma pupils in the Czech education system.[2] As a result, a disproportionate number of Roma children received an "inadequate" and inferior education.[3]

The case, *D.H. and Others v. the Czech Republic*, was ground-breaking in at least two ways. For the first time, an allegation of systemic racial segregation in education had been brought to the ECHR; and for the first time, the principle of *indirect* discrimination had been engaged in the final judgment, which dismissed discriminatory intent as irrelevant.[4] The responsibility was therefore placed on the Czech government to prove that difference in treatment of Roma and non-Roma was not on racial grounds. Ultimately, Czechia was found to have violated Article 14 of the European Convention on Human Rights, prohibiting discrimination on the grounds of race, ethnicity, gender, and language, and Article 2 of Protocol 1, which defends a person's right to education and declares that "the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious

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[1] Hereinafter "EHCR".
[2] 'Case of D.H. and Others v. the Czech Republic,' European Court of Human Rights: Grand Chamber, November 13, 2007, accessed March 10, 2018, https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-83256%22]}.
[3] Ibid., ¶25.
[4] Jennifer Devroye, 'The Case of D.H. and Others v. the Czech Republic,' *Northwestern Journal of International Human Rights*, Vol.3, Issue 1 (2009), 81.

and philosophical convictions."[5] The Court judgment signalled Czechia's *non-compliance* with EU law and with levels of minority welfare expected of all EU members.

Upon their accession to the European Union in 2004, and as part of the *acquis communautaire*, the new members were obliged to adopt programs and policies aimed at integrating Roma, and taken from three Council of Europe directives, whilst also committing to *The Decade of Roma Inclusion 2005-2015*, an initiative focused on the improvement of housing, employment, health care and education for the Roma population.[6] In doing so, the governments signed a commitment to abate discrimination against Roma, to diminish inequalities between Roma and non-Roma, to encourage and support Roma participation in civil society, and to measure progress in these areas.[7] Since then, notwithstanding the failed education policy reforms highlighted by the ECHR in 2007, steps taken by the Czech government, including the National Action Plan on Inclusive Education (2010),[8] the Strategy for the Fight against Social Exclusion (2011)[9] and their ground-level implementation, have been deemed, by a variety of reporting organisations, as ineffectual.[10] And precisely these deficiencies were cited by the European Commission upon launching infringement proceedings against the EU member state in 2014.[11] This second official transgression has brought increasing pressure to Czechia's table, with the prospect of a referral to the European Court of

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[5] 'European Convention on Human Rights: As Amended by Protocols Nos. 11 and 14,' Council of Europe, treaty series no.5 (2010), 34. Accessed March 12, 2018. https://www.echr.coe.int/Documents/Convention_ENG.pdf.
[6] Maja Miskovic, 'Introduction,' in *Roma Education in Europe: Practices, policies and politics*, ed. Maja Miskovic (Routledge, 2013), 2.
[7] Christian Brüggemann and Eben Friedman, 'The Decade of Roma Inclusion: Origins, Actors, and Legacies,' *European Education*, Vol. 49, Issue 1 (2007), 3.
[8] "Národní akční plán inkluzívního vzdělávání" (The National Action Plan on Inclusive Education).
[9] "Strategie boje proti sociálnímu vyloučení" (Strategy for the Fight against Social Exclusion).
[10] See, for example: Amnesty International, 'Czech government still failing to address discrimination against Romani children in schools. https://www.amnesty.org/en/latest/news/2012/11/czech-government-still-failing-address-discrimination-against-romani-children-schools/; European Roma Rights Centre, 'Five More Years of Injustice,' http://www.errc.org/reports-and-submissions/five-more-years-of-injustice-segregated-education-for-roma-in-the-czech-republic.
[11] 'Brussels Takes Action against Czech Republic over Roma School Discrimination,' Open Society Foundations, accessed April 12, 2018, https://www.opensocietyfoundations.org/press-releases/brussels-takes-action-against-czech-republic-over-roma-school-discrimination.

Justice, to which the infringement procedure is a precursor.[12] Currently, Czechia's new legislative framework and the Inclusive Education Action Plan for 2016-18 are hoped to address inadequacies in this respect, but not much has changed in practice.[13]

On the ground, many 'special' schools have been abolished or restructured since the *D.H.* case, despite an initial rebranding exercise which saw the mere renaming of such institutions. But the number of Roma pupils enrolled in the remaining 'special' (now 'specialised' or 'practical') schools is still relatively high. In the school year of 2016/17, according to Czech government statistics, Roma children comprised 3.7% of all attendees of Czech primary schools (33,858 from 906,188), whereas the representation of Roma in 'special' schools was 30.9% (4,318 from 13,983), compared to 30.6% in the previous year (4,539 from 14,810).[14] The figures show that although overall attendance of 'special' schools has lowered, a greater proportion of attendees are Roma.

These numbers are compounded by the frequency in which Roma pupils are illegitimately denied mainstream education. Roma applications to regular Czech schools are often unofficially rejected by school directors on the basis that the school's capacity has been reached, and usually only by informing the Roma parents verbally.[15] An example of this practice was revealed in a recent Czech district court case (March 2017), which found a school in Ostrava guilty of discrimination against Roma children by manipulating entry assessments

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[12] According to The Open Society Foundations, the European Commission, through infringement proceedings, questioned Czechia's compliance with Article 21 (1) of the Charter of Fundamental Rights of the EU (equal rights regardless of race or ethnic origin), and the Race Equality Directive (2000/43/EC (RED)) Articles 2.2a, 2.2b, 2.3, 3.1.g (equal access to education regardless of race or ethnicity). See: https://www.opensocietyfoundations.org/press-releases/brussels-takes-action-against-czech-republic-over-roma-school-discrimination.

[13] 'Czech Gov't human rights report finds Romani children are still discriminated against in education,' *Romea*, September 1, 2017, accessed March 10, 2018, http://www.romea.cz/en/news/czech/czech-gov-t-human-rights-report-finds-romani-children-are-still-discriminated-against-in-education-2.

[14] 'Zpráva o stavu romské menšiny za rok 2016' [Report on the state of the Roma minority in 2016], Government of the Czech Republic. Accessed December 3, 2017. https://www.vlada.cz/cz/ppov/zalezitosti-romske-komunity/dokumenty/zprava-o-stavu-romske-mensiny-za-rok-2016-158612/.

[15] 'Romské děti ve vzdělání často čelí diskriminaci, *Týden*, July 2017, accessed December 1, 2017, https://www.tyden.cz/rubriky/domaci/romske-deti-ve-vzdelavani-casto-celi-diskriminaci_439467.html.

to deny their inclusion. The school's headteacher told the court that he was significantly pressured to restrict the number of Roma students by non-Roma parents.[16] It is a documented trend that headteachers and directors of mainstream Czech schools are careful to avoid accepting too many Roma for fear of non-Roma parents taking their children elsewhere as a result.[17] Even for those who overcome this obstacle and now attend regular schools, the Roma pupils are commonly segregated from non-Roma *within* these schools.[18] As such practices persist a decade on from *D.H. and Others v. the Czech Republic*, and four years after intervention from the European Commission, Roma children remain unlikely to secure access to mainstream education.

Research Questions

There is a clear disconnect between EU policy, Czech policy and its implementation – an example of ineffective policy transfer. The 2007 ECHR judgment demonstrated the Czechs' non-compliance, which, it can be argued, was a failure in the Czechs' attempt at policy transfer in their early years of EU membership. Further down the line, the decision of the European Commission in 2014 highlighted a continuation of this failed compliance. But what has been the main obstacle, or constraint, to this transfer of policy in the field of minority rights and education? How do the actors on each level understand the issue of Roma integration, and how

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[16] 'Czech court rules that school ethnically discriminated against Romani children by rejecting their enrolment,' *Romea*, March 3, 2017, accessed November 26, 2017, www.romea.cz/en/news/czech/czech-court-rules-that-school-ethnically-discriminated-against-romani-children-by-rejecting-their-enrollment.

[17] Michela Bunova, 'Běžte jinam, slyší často Romové ve školách. Segregace je stále problém,' *Idnes*, November 18, 2017, accessed December 2, 2017, https://zpravy.idnes.cz/segregace-skoly-romske-deti-problem-ostrava-asociace-romskych-rodicu-1ke-/domaci.aspx?c=A171115_133825_domaci_nub.

[18] Štěpán Drahokoupil, 'Discrimination against Roma in education: waiting for changes on the ground,' *European Implementation Network*, March 22, 2017, accessed November 28, 2017, http://einnetwork.org/ein-voices/2017/3/22/discrimination-against-roma-in-education-waiting-for-changes-on-the-ground#_ftn6=.

does this understanding affect the way in which policy is designed and the way in which implementation is approached?

Research Plan

This paper will explore one dimension in the partial failure, or incompletion, of policy transfer in Czechia's case: 'language'. Crucial to any transfer of policy is that the actors involved understand the issue in the same way and can therefore resolve any misdemeanours to facilitate transfer and implementation. To this end, I will examine the underlying assumptions behind the views of actors at three levels: the EU, the Czech government, and the Czech public. Using a method of qualitative content analysis and a coding scheme, I will analyse three documents, each with content from members of the aforementioned levels – the ECHR report of the *D.H.* case (2007), interviews with Czech parliamentarians (2012), and a Czech online public forum (2014). The coding scheme is based on particular narratives on Roma integration which, according to the relevant scholarly literature, are most prominent in European and Czech societies. The coding and categorisation of the narratives on each level will help decipher whether the issue is understood differently across levels, whether each actor's approach is consequently divergent, and, ultimately, to what extent the EU policy is 'lost in translation'.

Hypothesis

My hypothesis is that the major constraining factor which has fundamentally limited the capability for Czechia to meet EU policy requirements is that a common 'language' is not being used. Put differently, those involved in the process of policy transfer at the EU level, at the

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Czech government level, and among the Czech public do not share the same perception of the problem's roots, and, hence, the necessary condition for a mutually satisfying solution is absent. This paper therefore argues that a lack of common 'language' and understanding has impeded effective policy transfer. In so doing, I will contribute to the literature on policy transfer, with an ongoing and salient issue, and also to the scholarship that addresses Roma integration in education.

Thesis Structure

The paper will be structured in the following order. Chapter 1 will elaborate on the variety of prominent perceptions and narratives surrounding the educational integration of Roma, and how discourse has evolved historically. Of course, the diversity in views on how Roma *should* be educated not only depends on inter-ethnic relations, but it entails a consideration of alternative educational trajectories and requires us to question the notion of 'success'. This is examined in Chapter 2. Chapter 3 will review the literature on policy transfer, the constraints on transfer, and more specifically, the process of policy translation. In Chapter 4, I will provide a detailed account and explanation of the methodology chosen for my analysis, including the design of the coding scheme, as well as some reasoning behind the choice of source documents. An analysis of the three documents will be set out in Chapter 5, under three separate subsections. Concluding remarks will follow, with a ponderance on potentially more fruitful future approaches that could be taken towards Roma integration in Czech mainstream schools.

1. Narratives

1.1. The 'Ineducable' Roma

The Roma minority have for decades held a position on the periphery of societies in the East-Central European region, often excluded physically in the ghettoization of city suburbs. In many localities, Roma people do not enjoy the same access to, or standard of, services as the majority population, which, as briefly discussed, includes education. This lack of integration between Roma and non-Roma is explained, argued or justified by an array of voices and through certain narratives. To further our analysis of these voices, let us first consider how, discursively, the perception of Roma has developed historically in Europe and more contemporarily within Czech society.

Considered by many as the cornerstone of contemporary Roma study, *Die Zigeuner* (1783), a book written by historian Heinrich Grellmann (1756-1804), significantly changed the complexion of how Roma were viewed.[19] Prior to Grellmann's publication, which was translated from the original German to English, French and Dutch and disseminated widely in Western Europe at the end of the eighteenth century, the mystery of their origin made the positioning of Roma people within European societies unclear.[20] This ambiguity gave rise to a variety of discourses and accounts which maintained the Roma as an alien Other and a constant threat to order and stability on the continent. Spatially, socially and racially, the Roma were understood to be peripheral subjects, and Grellmann's study was the first to situate the minority as a people of Indian origin and provide the grounding for future narratives and state policies.[21]

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[19] See, for example: N. Saul, *Gypsies and Orientalism in German Literature* (2007); K. Lee, 'Orientalism and Gypsylorism' (2000); M. Yaron, 'Johann Rudiger and the Study of Romani in 18th Century Germany' (1999).
[20] Ken Lee, 'Orientalism and Gypsylorism,' *Social Analysis: The International Journal of Social and Cultural Practice*, Vol. 44, No. 2 (Nov. 2000), 134.
[21] Ibid.

In the view of Ken Lee, it "marked a significant genealogical disjuncture in the Othering process of Romanies."[22]

In *Die Zigeuner*, Grellmann assigns the mind and nature of the Roma, or "Gipseys", to an Orientalist foundation, from which those people are necessarily in conflict with 'high European culture' and ideals: "[they] are an eastern people, and have eastern notions. It is inherent in uncivilized people, particularly those of Oriental countries, to be strongly attached to their own habits."[23] The essay continues with sociological, anthropological and linguistic observations which claim to explain why Roma people are the source of social problems.[24] Grellmann expands his deliberations to the question of education and whether Roma hold the capacity to learn in the accommodating territories. To this end, a certain inadaptability is deemed evident: "the Gipseys, by reason of their eastern origin, and *consequent way of thinking*, are not easily made to change their principles and habits. […] Laziness is so natural to them."[25] Along this line of reasoning, Grellmann elaborates on the supposedly inherent characteristics that render Roma unable to achieve academic 'success':

> Their volatile disposition and unsteadiness will not allow them to complete any thing which requires perseverance or application. Frequently the bud perishes before it blows; or if it proceed [sic] so far that fruit appears, it commonly falls off and rots ere it attains maturity. In the midst of his career learning, the recollection of his origin seizes him; a desire arises to return to, what he thinks, a more happy manner of life; this solicitude increases; he gives up all at once, turns back again, and consigns over his knowledge to oblivion. Such is the reason why the Gispey race has never produced a learned man, nor ever will so long as these principles are retained.[26]

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[22] Ibid.

[23] Heinrich M.G. Grellmann, *Dissertation on the gipseys*, trans. Matthew Raper (London: Ballintine, 1807), x. Emphases added.

[24] Lee, 'Orientalism and Gypsylorism,' 135.

[25] Grellmann, *Dissertation on the gipseys*, V and 92. Emphases added.

[26] Ibid., 93.

Significantly, however, the capacity of Roma is not defined by Grellmann as defective; somewhat contrarily, he acknowledges their talent, skill and ingenuity. Rather, the constraint is bounded in the gypsies' ethno-cultural configuration, due to which these commendable traits are likely to be misused, ignored or inevitably abandoned – it is their "disposition [that] makes them the most useless pernicious beings."[27] Grellmann therefore proposed that gypsies must assimilate by sending their children to school at a young age, but also by ceasing to use the Romani language and conforming to local customs.[28] The conclusion here that Roma *are* (conditionally) adaptable is problematic – whilst the people of this minority may not be biologically deficient, their 'culture' is certainly restrictive, and one must ultimately take the 'Roma-ness out of the child'. But how salient is such discourse in more recent years, when human rights organisations are pressurising societies to include and *integrate* Roma people?

Scholars have noted a dangerous shift in European anti-Roma discrimination. Michael Stewart, for example, argues that the perception of Roma has evolved from a 'nuisance' or 'plague' among the hard-working folk, to a pawn of crisis politics and a measurable 'stain' on the nation.[29] In this light, the modelling of a nation and its culture increasingly revolves around the purging of Roma's influence in society. For the purposes of his study, Stewart interviewed the mayor of a northern Hungarian town, who frames his Roma constituents in much the same way – that Roma bring only shame and are a permanent mark on the majority community:

> I just don't understand this question about who is a Gypsy. It is quite clear, isn't it? Everyone who is a Gypsy is a Gypsy. You can smell them from a kilometre. There is no definition for this – I can't find one. You have to accept that a person who was born a Gypsy has a different temperament; they live differently and behave differently. I grew up among Gypsy children. Everyone who is a Gypsy

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[27] Ibid., 96.
[28] Ibid., 106-7.
[29] Michael Stewart, introduction to *The Gypsy "Menace": Populism and the New Anti-Gypsy Politics*, ed. Michael Stewart (London: Hurst & Co., 2012), xviii.

has remained a Gypsy. It makes no difference if they have a bath every night, the smell remains, just like with horses. There is a specific Gypsy smell.[30]

This temperament and divergent livelihood associated with Roma has become a rotten smell in society, dehumanised to the nature of a horse. It signifies both the biologisation of behavioural characteristics and, in turn, a persistence of Roma as the opposition to a favourable environment in any community. Stewart further notes that whilst anti-Roma xenophobia and hostility have continued over decades, cultural conflict narratives modelled on Samuel Huntington's 'clash of civilisations' have augmented in political salience.[31] In other words, such narratives are expressed more explicitly in European societies, and are a tool for re-presenting societal problems rather as consequences "of inherent, unchangeable features of an alien, 'non-European' or '*un-European*' culture."[32] Undesirable characteristics become inherent *traits* of the Roma ethnicity: 'criminal Roma', 'work-shy Roma' and '*ineducable*' Roma.[33] There seems to be a discursive concentricity between views on aspects of culture – the structure, values and norms within Roma communities – and those on a person's 'biological belonging' to the Roma ethnicity. Hence, a Roma person is, by definition, undetachable from anti-social cultural traits assigned to the community.

In Czechia, a similar shift has been observed. Karel Čada's research into the social exclusion of Roma in Czechia reveals that 'otherness' is increasingly constructed through exaggerated work, welfare and educational attributes. It is a form of 'cultural racism' which develops quasi-biological traits, such as criminality and work-shyness, and these traits are *indicators of a Roma person*. Whilst the Indian origin, race and ethnicity of Roma remain a pivotal component of Czech discriminatory discourse, the demand for cultural and linguistic

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[30] Ibid.
[31] Stewart, introduction to *The Gypsy "Menace",* xv-xx.
[32] Michael Stewart, 'Populism, Roma and the European Politics of Cultural Difference,' in *The Gypsy "Menace": Populism and the New Anti-Gypsy Politics*, ed. Michael Stewart (London: Hurst & Co., 2012), 4.
[33] Ibid.

homogeneity has created somewhat of a paradox. According to Čada, behind this demand for full assimilation of minority ethnic groups are people who also emphasise cultural interpretations of difference along ethnic lines, and, as such, believe that Roma *cannot* assimilate.[34] Čada connects this to Gregory Bateson's concept of the 'double bind': a group receives two conflicting messages that negate each other.[35] In our case, the rhetoric of this double bind both declares a need to seed Czech cultural values among the Roma community and, simultaneously, asserts that Roma are unable to absorb these values – a sign of fundamental inadaptability. Consequently, through this perpetual 'culture of poverty', the dominant narrative is that efforts to integrate Roma are pointless, mainly because their unemployment and illiteracy "*suit* their *cultural proclivities.*"[36] Čada finds that 80 percent of Czechs "believe that because Roma belong to another sort of people they are unable to adapt or change."[37] This double bind has also resonated in Czech school legislation – a 2001 national education programme related socio-cultural disadvantage to symptoms of neurological and psychological disorders.[38] But how does one become socially or culturally disadvantaged? What binds the Roma together as a group that is less culturally and socially respected?

1.2. Social and Cultural Capital

The socio-cultural value of a group is commonly cited in analyses of inequality in society. Pierre Bourdieu, most notably, conceptualised societal value in terms of *capital* – social,

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[34] Karel Čada, 'Social Exclusion of the Roma and Czech Society,' in *The Gypsy "Menace": Populism and the New Anti-Gypsy Politics*, ed. Michael Stewart (London: Hurst & Co., 2012), 76.
[35] See: Gregory Bateson, *Steps to an Ecology of Mind: Collected Essays in Anthropology, Psychiatry, Evolution, ad Epistemology* (Chicago: University of Chicago Press, 1972).
[36] Stewart, introduction to *The Gypsy "Menace",* xxvi. Emphases added.
[37] Čada, 'Social Exclusion of the Roma,' 74.
[38] William S. New and Michael S. Merry, 'Solving the "Gypsy Problem": D.H. and Others v. the Czech Republic,' *Comparative Education Review*, Vol. 54, No.3 (August 2010), 404.

cultural, economic – which can be accumulated and used to appropriate social "energy".[39] Cultural capital is mapped by Bourdieu in three ways: in the embodied state (dispositions of mind and body), the objectified state (pictures, books, dictionaries) and the institutionalised state (academic qualifications).[40] Expanding on Bourdieu's distinctions, Tomáš Sirovátka and Petr Mareš interpret social capital in three accumulative components: *bonding* (with fellow members of a group), *bridging* (with those outside the group) and *linking* (between members of different social classes).[41] If, for example, Roma parents wish to communicate with school personnel and struggle to do so, this may be both an example of deficiency in social capital (bridging) and cultural capital (embodied state). A lack of value afforded to the parent's cultural practices induces a greater imbalance between the social capital of the parent and the teacher. Other assumptions about the parent's disposition or qualifications can develop as a result.[42] This cyclical stigma, which denies Roma sufficient capital to be treated by non-Roma as 'persons of worth', also prevents an exchange of cultural capital for beneficial forms of social capital, such as bridging in the labour market.

Whilst it has been noted that, commonly, the *bonding* in Roma communities is strong, these interpersonal relations may, in fact, work against a Roma parent – the closer networks are expected to only cement those traits with which non-Roma label Roma (ineducable, socially deviant). In this way, the people of the ghetto become increasingly 'ghettoised' through the realisation of changing capital. Equally, the Roma who encounter this ensued disrespect are more likely to distrust or show aversion to the school and its personnel. The perpetual process and relationship clearly also impacts the parents' decision to send their children to a specific school: whether to a school of majority non-Roma, that is unlikely to be equipped to

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[39] Pierre Bourdieu, 'The Forms of Capital,' in *The Sociology of Economic Life*, ed. Mark Granovetter et al. (Colorado: Westview, 2001), 46.
[40] Ibid., 47.
[41] Tomáš Sirovátka and Petr Mareš, 'Social Exclusion and Forms of Social Capital: Czech Evidence on Mutual Links,' *Czech Sociological Review*, Vol. 44, No. 3 (2008), 531-555.
[42] New and Merry, 'Solving the "Gypsy Problem," 397-8.

accommodate minority differences and where the child risks ostracism, or to a Roma-oriented school in which intra-communality can be reproduced and anti-Roma hostility is minimal.[43] But if the child does not attend the school with majority non-Roma, its social and cultural capital among the majority population will likely remain weak.

An additional consideration is the Roma child's habitus, as Susan Dumais puts it – how a person views the world and his place in it.[44] If one acquires the resources (capital), the question becomes one of the orientation towards these resources (habitus).[45] Whilst the willingness to activate capital may be debated in respect of Roma's standing in society, it is precisely the self-belief, or perception of one's self, which would facilitate the effective use of capital. Only until Roma dispel the common identification with disorder, utter cultural disparity, and unworthy living conditions, can improved forms of capital be realised and activated.[46]

These concepts of 'ineducability', 'social capital' and 'cultural capital' represent different framings and will form the basis of the coding scheme for my analysis. Further elaboration on this coding scheme will come in Chapter 4. The assumption is nonetheless dominant that a Roma child who attends a separate type of school to the majority is destined to fail. But what exactly is this failure? Can we conceive of success in other ways? And how beneficial are the accentuated emphases on desegregation, inclusion and integration? To help

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[43] 'Case of D.H. and Others v. the Czech Republic,' *European Court of Human Rights: Grand Chamber.*
[44] Susan Dumais, 'Cultural Capital, Gender, and School Success: The Role of Habitus,' *Sociology of Education*, Vol. 75, No. 1 (2002), 45.
[45] Ibid.
[46] Elias Hemelsoet, 'The Roma people: problem or mirror for Western European societies? An exploration of educational possibilities,' in *Roma Education in Europe: Practices, policies and politics*, ed. Maja Miskovic (Routledge, 2013), 66.

our analysis of the aforementioned narratives, it is useful first to critically reflect on these educational questions through the relevant literature.

2. Approaches to minority education: Desegregation, inclusion, integration

Crucial to our understanding and analysis of the competing narratives outlined in Chapter 1 is how education policies are conceptualised, and consequently how they are considered in practice. For example, if we adopt the assumption that Roma are 'ineducable', the idea of integration becomes mere desegregation and potentially more detrimental to all involved. But if we adopt the assumption that social disadvantage is the primary cause of Roma segregation, then integration must include extra support for those Roma children affected. Efforts to 'desegregate', 'include' and 'integrate' are bounded in their interpretation – each notion impacts, and is impacted by, the underlying perceptions of Roma. I would argue that a subtle, yet significant, hindrance to current policies aimed at improving Roma's situation is the way in which these concepts are used interchangeably by actors at all levels. Let us assess these subtleties in the related literature.

2.1   The conceptual debate

The notion of *desegregation* in schooling has inspired volumes of sociological and pedagogical research in Europe, and especially in the U.S., since the 1950s. It followed the U.S. Supreme Court ruling in the case *Brown v. Board of Education (of Tropeka, Kansas)* in 1954, which overturned a "separate but equal" doctrine for black and white Americans, highlighting an unequal education structure based on race.[47] Separate schools then became the

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[47] Janet W. Schofield, 'School Desegregation and Intergroup Relations: A Review of the Literature,' *Review of Research in Education*, Vol. 17 (1991), 335.

focus of much critique and interracial debate, and segregation was no longer deemed to facilitate desirable results in education nor society.[48]

A rich body of literature has since set about addressing the various impacts of a '*desegregated*' education system.[49] Melissa Houlette et al. argue that by exposing members of different ethnic groups to each other, not only does the school achieve a more safe and harmonious environment for all students to academically accomplish, but the culture of that society is diversified.[50] Roslyn Mickelson and Mokubung Nkomo develop this idea in their research of school desegregation at micro and macro levels, whereby they propose potential outcomes from desegregated schooling, including those of short- and long-term non-academic nature: cross-race peers, multicultural navigation, reduction in racial fears and stereotypes, occupational attainment, preparation for the global economy, cross-race friendships, integrated residential neighbourhoods, and greater civic engagement.[51] But in both the reasonings of Houlette et al. and Mickelson and Nkomo, there seems to be a disjuncture between simply mixing two groups together and their proposed results of interracial harmony. This criticism is applicable to large swathes of social and behavioural science literature, which declare positive relationships between the attendance of ethnically diverse schools and those students' future results in life. Diversity may be an effective starting point, but it cannot be the sole ingredient to a prosperous environment. It is a feature, rather than a determinant.

Alternative studies have indeed addressed this limitation. Their authors contend that the mere desegregation of children is not enough to reduce majority prejudice towards the

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[48] Ibid.

[49] See, for example: A. S. Wells and R. L. Crain, 'Perpetuation Theory and the Long-Term Effects of School Desegregation,' *Review of Educational Research*, Vol. 64, No. 4 (1994), 531-555; J. D. Angrist and K. Lang, 'Does School Integration Generate Peer Effects? Evidence from Boston's Metco Program,' *The American Economic Review*, Vol. 94, No. 5 (2004), 1613-1634.

[50] Melissa A. Houlette et al. 'Developing a More Inclusive Social Identity: An Elementary School Intervention,' *Journal of Social Issues*, Vol. 60, No. 1 (2004), 52.

[51] Roslyn A. Mickelson and Mokubung Nkomo, 'Integrated Schooling, Life Course Outcomes, and Social Cohesion in Multi-ethnic Democratic Societies,' *Review of Research in Education*, Vol. 36 (2012), 199.

minority, nor to increase the self-esteem of the minority, and does not axiomatically facilitate the improvement of the minority's academic achievement.[52] Janet Schofield, for example, highlights the importance of the school's responsibility towards social cohesion: a child will develop its first intimate intergroup experiences in the first years of school, and much social learning occurs in this environment.[53] Thus, for Schofield, the responsibility is with racially or ethnically mixed schools to plan extremely carefully, to avoid the possibility that the school exacerbates social tensions and hostilities.[54] Furthermore, earlier research, such as Irwin Katz's work on African-Americans, has shown that desegregated environments can have detrimental effects on the academic progress of ethnic minority children.[55] Schofield, however, stops short in addressing exactly which circumstances would exacerbate interracial tensions. One factor which may differentiate chaos from cohesion is how students perceive themselves to be *included* in the inter-ethnic mix.

Although used in many contexts synonymously with desegregation, *inclusion*, and especially *educational inclusion* holds added connotations. Besides the obvious difference in that inclusion marks a more positive or progressive action than simple desegregation – perhaps they can be synthesised as 'two sides of the same coin' – scholars have noted further distinctive factors in the arena of education. Maja Miskovic, for example, argues that 'inclusion' implies a 'bringing in', which presumes a naturalised centre, into with the Other must be pulled. For Miskovic, it makes a normalised centre invisible by locking the minority group into the margins, and subsequently they are seen to represent 'the included'.[56] This leads to a form of double bind: The Other should be included, but then as the 'included' they represent something

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[52] W.G. Stephan, 'School desegregation: An evaluation of predictions made in Brown v. Board of Education,' *Psychological Bulletin*, Vol. 85, No. 2 (1978), 217-238.
[53] Schofield, 'School Desegregation and Intergroup Relations,' 339-340
[54] Ibid., 340.
[55] Irwin Katz, 'Review of evidence relating to effects of desegregation on the intellectual performance of Negroes,' *American Pyschologist*, Vol.19, No.6 (1964), 381-399.
[56] Miskovic, 'Introduction,' 7.

that is difficult to incorporate into the academic 'centre'. Elias Hemelsoet reiterates this 'self-fulling prophecy' by questioning *who* includes *who*, and *what* are children being included in.[57] Such a deliberation highlights the demarcation of 'us' and 'them', and in doing so, places heterogenous groups into homogenizing categories.[58] Consequently, the minority becomes a 'problem in need of repair' and the majority is the solution. Whilst I would argue that Miskovic's and Hemelsoet's analyses somewhat degrade the intention of minority rights supporters, the authors raise very pertinent issues with the way changes in education are approached linguistically and conceptually.

'Integration', in this respect, connotes a less hegemonic structure, and it could be argued that the minority is less problematised. To integrate a group with another is to combine attributes, with respect for the concerns of the two, and thus both sides are 'included' into a newly moulded 'centre' or unified whole. In a more practical sense, Miskovic rightly warns that educational inclusion without *social integration* can fortify 'differences'.[59] Children may share one classroom, but if interracial social interaction is low or unamicable, the divide becomes even more visible. But what Miskovic seems to overlook is the potentiality that, in order to socially integrate, the minority may need (or believe there is a need) to abandon a part of their culture. Houlette et al. reject this notion, arguing that, regardless of fears of cultural protectionism, integration does not require the forsaking of one's identity: "It is possible for members to conceive of themselves as holding a 'dual identity' in which both subgroup and superordinate groups are salient simultaneously."[60] Again, however, Houlette et al. disregard the significance of *subjectivity* – if the 'dual identity' is perceived to harm an aspect of one's culture, it may not constitute a beneficial status in the eyes of a minority group member.

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[57] Hemelsoet, 'The Roma people,' 66.
[58] Ibid.
[59] Miskovic, 'Introduction,' 7.
[60] Houlette et al., 'Developing a More Inclusive Social Identity,' 37.

2.2. The positioning of Roma in education

These distinctions between desegregation, inclusion and integration, and their practicalities in relation to the Roma of Central and Eastern Europe are today readily debated. The question of how to 'accommodate' Roma in the region's societies has persistently pivoted on the role and form of education. Sevasti Trubeta, for example, perceives the dominant framing of Roma since the early eighteenth century as *homines educandi* – a people whom it is necessary to *correct* by education.[61] The motivation behind the necessity to 'correct' the Roma, Trubeta argues, has shifted since then. First, it was an attempt to address the nomadism that disturbed social cohesion in Europe – to "keep itinerant groups close to mainstream education"[62] – and, later, a method of enabling Roma's entrance into the labour market, to which the European Commission eluded in 2010: "Roma exclusion entails not only significant human suffering but also significant direct costs for public budgets as well as indirect costs though losses in productivity."[63] For Trubeta, the key difference in this shift of motivation is the consideration of *social integration*. Whilst efforts to include all Roma in some form of education advocated the use of special schools and segregated classes, as the Council of Europe did in 1969,[64] more recent emphasis on the economy has highlighted the importance of preparing young people for the labour market over simply meeting school attendance targets.[65] In this way, the mere 'inclusion' of Roma has been identified as insufficient by a shift in the needs of a modern societies and economies.

Some have also scrutinised the emphasis on Roma's inclusion in the way education reforms are measured. Svjetlana Curcic and Shayna Plaut, in their cross-country analysis of

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[61] Sevasti Trubeta, 'Roma as *Homines Educandi*,' in *Roma Education in Europe: Practices, policies and politics*, ed. Maja Miskovic (Routledge, 2013), 16.
[62] Ibid., 21.
[63] 'The social and economic integration of the Roma in Europe,' The European Commission (2010), cited in Trubeta, 'Roma as *Homines Educandi*,' 21.
[64] Ibid., 19.
[65] Ibid., 21.

inclusionary policies, argue that a major flaw in the assessment of such action is its "positivist fact-finding" logic: if the number of Roma pupils enrolled in mainstreams schools does not increase, this may 'prove' that Roma are reluctant to pursue education. For Curcic and Plaut, this skewed logic then normalises exclusion.[66] The often underwhelming results culminate in the image of the Roma as the 'problem child' of Europe, and one that opposes integration.[67] It is an observation that perfectly demonstrates the double-bind logic of Miskovic and Hemelsoet. When inclusion is the ultimate objective, any underachievement towards this objective can be blamed on the inadaptability of the Roma. In this respect, what 'inclusion' lacks is a consideration of *Roma objectives.*

The question therefore becomes more about how Roma perceive the current format and role of education. Hemelsoet probes further this other side of the integration 'relationship': "What if the idea of schooling *as is* does not make sense for the Roma? What if dominant language illiteracy is not seen as oppression but liberation from the 'gadjo' community 'craziness'?"[68] Similar concerns are raised by Martin Levinson, who asserts that, for many Roma communities, "education is not merely irrelevant, but constitutes a cultural threat" because progression in literacy in the majority language may be perceived to cause a loss of cultural capital.[69] Although Levinson, in my view, over-generalises education to nullify its value for Roma, his line of argument is valid on both sides. Levinson asserts that a major objection to the inclusion of Roma children in mainstream schools comes from certain cultural

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[66] Svjetlana Curcic and Shayna Plaut, 'Beyond Numbers: Education and policy in the Decade of Roma Inclusion (2005-2015),' in *Roma Education in Europe: Practices, policies and politics*, ed. Maja Miskovic (Routledge, 2013), 71-79. And in Miskovic, 'Introduction,' 7.

[67] Trubeta, 'Roma as *Homines Educandi*,' 24.

[68] Elias Hemelsoet, 'Questioning the Homogenization of Irregular Migrants in Educational Policy: From (il)legal Residence to Inclusive Education,' *Educational Theory*, Vol.61, No.6 (2011), 661.

[69] Martin P. Levinson, 'Integration of Gypsy Roma children in schools: Trojan or pantomime horse?' in *Roma Education in Europe: Practices, policies and politics*, ed. Maja Miskovic (Routledge, 2013), 102.

dynamics.[70] Resultantly, for Levinson, the Roma's aversion to education fuels non-Roma's reluctancy to be schooled with them, and vice-versa.

This is indicative of the assumption of incompatible cultural *traits*, as William New points out: "Teachers tend to believe that Roma children's success depends on their ability and willingness to not be Roma, and to separate themselves from their families and their heritage."[71] Simultaneously, Roma are treated as forever unchangeable.[72] On the other hand, and to a lesser extreme than New, Levinson maintains the emphasis on divergent *habits* rather than *traits*. According to Levinson, Roma children contribute to family operations, such as housekeeping and childcare duties, from an early age, which school is deemed to inhibit.[73] This 'self-segregation' of Roma is, however, rejected by Trubeta, who claims that Roma recognise mainstream education as a source of social capital and it is increasingly valuable to them as a necessary channel for entering the labour market.[74]

Even if there is a case to be made that Roma do not value mainstream schooling, or indeed any schooling, the primary question is not what can be changed about the Roma, but rather how can education entice non-participating groups.[75] This is achieved by focusing on the general meaning of education for non-participants, regardless of ethnicity.[76] How can the meaning of education be changed or enhanced in order to attract young people's voluntary engagement, and instead of using coercive inclusion methods? Clearly, a consideration of targets and trajectories in schooling is crucial here, and one which is absent from much of the scholarship.

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[70] Ibid.
[71] William New, 'Litigating exclusion, inclusion and separation: dilemmas of justice in Roma education reform,' in *Roma Education in Europe: Practices, policies and politics*, ed. Maja Miskovic (Routledge, 2013), 188.
[72] Ibid.
[73] Levinson, 'Integration of Gypsy Roma children,' 102.
[74] Trubeta, 'Roma as *Homines Educandi*,' 22.
[75] Hemelsoet, 'The Roma people,' 68.
[76] Ibid.

2.3. Academic 'success' and alternative educational trajectories

A common assumption is that there exists a superior pinnacle of education, to which one dominant path leads. But what is the standard of academic 'success', how is this measured, and who determines the metric for this measurement? What must be learnt to be considered educated?[77] Miskovic describes this assumption as a "socially-constructed idea of normalcy", with its origins in the nineteenth century concept of the average man (*l'homme moyen*), a man who can be 'normed' and should become intrinsic to the norm.[78] The idea of academic success therefore, as a construct, disregards other means of achieving a livelihood that not only adds to the economy but also enriches the person and his community. To take Miskovic's formulation further, and to a paucity in the literature, it is crucial to distinguish between educational equality and equal rights to *an* education.

Victoria Schmidt is one of few scholars to question the dogged pursuit of equality. Through the assumption of an ideal, or *l'homme moyen*, and, with it, the view of 'regular schools' as the best avenue in this respect, Schmidt warns that we may overlook the utility and potentiality of alternative teaching strategies in Roma-oriented schools.[79] For example, if some Roma children are more receptive to a mode of teaching which is distinct from that in mainstream schools, a segregated environment can facilitate trained teachers to engage those children in a very similar curriculum and up to the same standards, but, crucially, through *alternative techniques*. It perhaps should be clearer where one draws the boundary between equal opportunity and enforcing a particular (not necessarily ideal) learning path. I would agree with Schmidt that rejecting the possibility of some forms of segregation is detrimental to the Roma's right to choose a suitable educational track. This is especially the case when

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[77] Miskovic, 'Introduction,' 5.
[78] Ibid., 6.
[79] Victoria Schmidt, 'Eugenics and special education in the Czech lands during the Interwar Period: The beginning of segregation against disabled and Roma,' *Social Work and Society International Online Journal*, Vol. 14, No.1 (2016), accessed December 11, 2017, http://www.socwork.net/sws/article/view/461/846.

'suitability' is dictated by non-Roma and when some abilities of Roma, such as linguistic richness, are skewed to become a deficit.[80]

Whilst the literature is evolving to appreciate linguistic and conceptual subtleties, a substantial proportion still fails to consider the problematic aspects of forced integration. Other potential avenues for people with possibly alternative values and priorities are overlooked by many scholars, and this lack of critical analysis, which would challenge the notions of 'equality' and 'success' is observable in the design of policies, and indeed in how such policies are transferred to the ground. Our research will aim to address this paucity and contribute to a very recent stream of critical approaches to educational 'integration'. But let us first turn to a review of the policy transfer literature.

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[80] Miskovic, 'Introduction,' 7.

3. Policy Transfer: A review of the literature

Within the public policy literature, the conceptualisation of policy transfer and use of 'transfer' as a concept has adopted a new significance in global governance. Becoming prominent in the early 1990s, the European literature of policy transfer has since focused on convergence, decision-making dynamics, the role of agency and the processes of learning.[81] A currently prominent debate involves the motivation behind policy transfer, which some argue does not simply oscillate from coercive transfer (imposed policy) to lesson-drawing (rational choice), but rather gradates between the two poles. David Dolowitz and David Marsh, for example, have developed a policy transfer 'continuum', within which transfer may also be induced by obligation, bounded rationality, conditionality, or by perceived necessity.[82]

Another important consideration in the literature, and of greater relevance to our analysis, are the subjective and objective aspects of policy evaluation. For instance, whilst a reform may be discussed in terms of an objective success, the public may disapprove or believe it to be excessively costly, and hence, politically, it could be deemed a failure.[83] Equally, policies that objectively seem to have failed may nevertheless be supported by political elites and the public.[84] Furthermore, if we consider unintended consequences of a policy – either reverse effects or impact beyond the desired scope – then any analysis of the success or failure of a policy becomes problematic. Agnes Batory et al. point out that negative side-effects are also often exaggerated or skewed by diverse expectations, political opponents or critics of that exact

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[81] Diane Stone, 'Understanding the Transfer of Policy Failure: Bricolage, Experimentalism and Translation,' *Policy and Politics*, Vol. 45 (2017), 3.

[82] David Dolowitz and David Marsh, 'Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making,' *Governance: An International Journal of Policy and Administration*, Vol.13, No.1 (2000), 13.

[83] Guy Peters, 'Reforming through borrowing and learning: Easy, but so terribly difficult,' in *Policy experiments, failures and innovations*, eds. Agnes Batory and Diane Stone (Elgar, 2018), 193.

[84] Ibid.

policy transfer.[85] But can expectations play such an influential role? I would argue that expectations are a feature of a broader issue, namely that of the policy's appropriateness. As Guy Peters posits: "A policy failure occurs after the transfer may simply have been transferred into a setting for which it was unsuited or it may not have been well designed in the first instance. Moving the policy into a new setting may simply have made the deficiencies of the policy more evident."[86] Dolowitz and Marsh would argue that this deficiency can be understood as any of three processes: *uninformed* transfer, *incomplete* transfer, or *inappropriate* transfer.[87] Alternatively, it may be wiser to focus rather on outcomes of 'failures' than the process of transfer itself. Violetta Zentai, for example, concurs with this critique of failure claims, adding that experimentation and learning are more useful observations of policy transfer disjuncture.[88] The outright success or failure of policy transfer, then, is clearly a problematic conclusion for several scholars. The complex debate continues over what is successful or not, and how these claims are justified. However, to elaborate on such claims is not the direct aim of this research; instead, the expanding scholarship that discusses obstacles or *constraints* on policy transfer (on their potential 'success' and 'failure') is more valuable, and indeed more illuminating.

3.1. Constraints on policy transfer

There are numerous factors which can restrict or facilitate policy transfer. Dolowitz and Marsh set out roots of limitation in their updated policy transfer framework, citing complexity, the influence of past policies, structural or institutional deficiencies, and financial feasibility.[89]

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[85] Agnes Batory et al., 'Trial and error: Policy experiments, failures and innovations in Central and Eastern Europe,' in *Policy experiments, failures and innovations*, eds. Agnes Batory and Diane Stone (Elgar, 2018), 7.
[86] Peters, 'Reforming through borrowing,' 193.
[87] Dolowitz and Marsh, 'Learning from Abroad,' 17.
[88] Violetta Zentai, 'National Roma inclusion policies in CEE: Diverging learning paths with residual outcomes,' in *Policy experiments, failures and innovations*, eds. Agnes Batory and Diane Stone (Elgar, 2018), 90.
[89] Dolowitz and Marsh, 'Learning from Abroad,' 9.

Magdaléna Hadjiisky et al. elaborate on Dolowitz and Marsh's framework, adding three new dimensions to their emphasis on technical complexity: policy and organisational culture, resistance to coercive design, and counter-hegemonic models.[90] These factors are, however, built on earlier foundational considerations by Richard Rose, who hypothesised that policy complexity was the greatest hinderance of transferability, identifying policies less likely to be fully transferred as those with multiple goals, those without a direct relationship between problem and solution, those with various possible side-effects, those without easily-predicted outcomes and those which have not properly informed the population in the desired location.[91] Diane Stone joins this academic conversation by suggesting that predominant limitations of the transfer process may lie rather in ideas, knowledge and learning than in resource constraints and *real-politik*.[92] Despite these field-enriching deliberations, Stone's solutions, such as "identifying domestic circumstances or structures that aid effective policy transfer,"[93] are left vague. A degree of ambiguity is indeed a common feature of this body of literature, which also seems to lack substantive exemplification in support of its claims.

There are others, however, who narrow the scope. Guy Peters, for example, offers another potential obstacle to 'successful' policy transfer: deficiency in what he terms "indigenisation".[94] Indigenisation, according to Peters, seeks to overcome any discrepancies in the norms or values between old and new members of a policy arena such as the European Union. This, Peters explains, is especially relevant to newer democratic regimes which emerged from extensive communist control and were expected to accept policy values of the

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[90] Magdaléna Hadjiisky et al., introduction to *Public Policy Transfer: Micro-Dynamics and Macro-Effects*, eds. Magdaléna Hadjiisky, Leslie A. Pal and Christopher Walker (Elgar, 2017), 16.

[91] Richard Rose, 'Comparative policy analysis: the program approach,' in *Comparing Pluralist Democracies*, ed. M. Drogan (Boulder CO, Westview, 1988), 219-41.

[92] Diane Stone, 'Learning Lessons and Transferring Policy across Time, Space and Disciplines,' *Politics*, Vol.19, No.1 (2002), 54.

[93] Ibid.

[94] Peters, 'Reforming through borrowing,' 197-199.

EU and its earlier members.[95] If, for example, some norms are far removed, the acceptance of international or regional values must be "translated into, and made compatible with, the political language and norms of the new host country."[96] But any translation is open to different interpretations and therefore indigenisation requires a greater than usual understanding of one's social and economic system, and involves a "blending and integration of ideas."[97] Whilst Peters' compelling concept explains the problem of divergent norms between policy source and destination, 'indigenisation' somewhat presupposes an hierarchical structure in the process of making the policy 'your own'.

Similarly, when there is an attempt to transfer policies directly, the desires of the new member state are often neglected. Antoaneta Dimitrova agrees with this danger of 'linear' policy transfer, arguing that EU enlargement was accepted as an "asymmetrical process of taking over the rules of a club," which, in turn, severely restricted the new members' control over changes they were expected to implement.[98] Other scholars, such as Wade Jacoby, have noted similarly rigid processes upon EU's eastern expansion, describing, for example, the transposition of EU legislation to member states as a "cookie-cutter method of transfer."[99] It seems, then, that there is a clear concurrence in the disparagement of an uncritical transfer of policy, a disparagement which I would argue is most valid in relation to data-driven and evidence-based implementation. The specific conditions on the ground – the socio-political context – must be included in a more case-sensitive assessment of policy transfers. Indeed, it is not unreasonable to surmise that each transfer is unique.

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[95] Ibid.
[96] Ibid., 198.
[97] Ibid.
[98] Antoaneta Dimitrova, *Driven to Change: The European Union's Enlargement Viewed form the East* (Manchester University Press, 2004), 8.
[99] Wade Jacoby, 'Priest and Penitent: The European Union as a Force in the Domestic Politics of Eastern Europe,' *East European Constitutional Review*, Vol. 62 (1999), 65.

Hadjiisky et al. expand on these socio-political conditions. In contrast to the 'asymmetry' observed by Dimitrova, Hadjiisky et al. propose that transfers do not operate unidirectionally, straight from innovation to emulation, but rather *relationally* and *interdependently*.[100] The context here is key. Where other scholars have considered the concepts and the results of transfers, Hadjiisky et al. emphasise micro-processes and actors' configurations, bringing actors of all levels (local, national, trans- and inter-national) to the centre of their analysis.[101] Through this approach, the authors seek to view policy transfer through a discursive and culturally-framing lens. In turn, they argue that, because ideas cannot travel unchanged across diverse 'landscapes', they should inevitably be adapted, meaning that transfer actors are more than cogs in the straight implementation process, they are *translators* who "reframe the initial proposition in a socially and politically meaningful way for the populations concerned."[102] It implies that particular 'languages' forge a channel for the *translation* of policies.

3.2.   Translation of policy

Where Peters' emphasis of 'indigenisation' is on the policy recipient to adapt and minimise the discrepancy between source and destination, the literature on policy *translation* focuses more specifically on the process that *highlights* these gaps and it implies a more neutral relationship between transfer actors. Dave Bainton, in his critique of an imagined and naturalised Western-style 'global policy', grants policy translation both oppressive and agentive possibilities.[103] That is: whilst ideas lose meanings that are untranslated or unsayable across borders, translation is also a meaning-making process.[104] As Bainton eloquently posits,

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[100] Hadjiisky et al., introduction, 14.
[101] Ibid., 15.
[102] Ibid.
[103] Dave Bainton, 'Translating education: assembling ways of knowing otherwise,' in *Making Policy Move*, eds. John Clarke et al. (Policy Press, 2015), 168.
[104] Ibid.

"Policy translation, operating as it does on the borders between different epistemic territories, is inevitably caught up in this endless struggle between uniformity (reproduction) and creation (transposition)."[105] But if meaning is lost, we can deduce that any kind of translation is necessarily, albeit only partially, *exclusionary*. Roland Vegso, in support of Bainton's logic, intriguingly infers that, in order to establish what is translatable, something must be untranslatable, and that is then excluded from the end-product. Consequently, the untranslatable element must be evident for the translatable to also be apparent. But whilst the division between translatable and untranslatable is necessary, it can only be produced through an act of translation.[106] Taking Vegso's formulation into our understanding of policy translation, a policy must necessarily be transferred before the excluded parts become evident. The notion that policies may be 'lost in translation', then, would be challenged by Bainton and Vegso, as loss is natural to the process – it is more a matter of interpretation.

However, others take a more cynical stance on the intricacies of policy translation. Gita Steiner-Khamsi, for example, looks further than Bainton into the consequences of such an accepted understanding of translation. The author accentuates a phenomenon of "yes, but…", by which the receiving state refuses to learn, adopt or borrow elements of a policy, and both the mode of and justification for refusal is in translation.[107] Policy actors point to fundamental differences and insist that the two contexts lack sufficient similarity for the policy to be fully compatible and implementable.[108] In this case, I would argue that Steiner-Khamsi's point is rather arbitrary – whilst translation may be used as justification, the appropriation of a policy is naturally anchored in the 'local'. As Bainton points out, "all translation is local", and can therefore "emphasise the specific rather than the general, diversity rather than uniformity, and

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[105] Ibid.

[106] Roland Vegso, 'The Parapraxis of Translation,' *Faculty Publications – Department of English* (2012), 58-59, accessed May 3, 2018, http://digitalcommons.unl.edu/englishfacpubs/99.

[107] Gita Steiner-Khamsi, 'Cross-national policy borrowing: understanding reception and translation,' *Asia Pacific Journal of Education*, Vol. 34, Issue 2 (2014), 158.

[108] Ibid., 153-167.

divergence rather than convergence.[109] But does the localisation of Roma policy within EU countries ultimately transfer the policy, or can a form of translation be a constraint? A note on the EU's Roma rights approach in Central and Eastern Europe may elucidate this inquiry.

3.3.   Roma inclusion policies: The EU-CEE relationship

Much has been written about the prospects for Roma inclusion since the EU's eastward enlargement. It is little surprise that the adaption, translation, localisation and appropriation of EU policies and ideas by new member states in Central and Eastern Europe (CEE) has borne most fruitful for the policy transfer scholarship.[110] Whilst some observers are critical of the adaption of EU minority rights directives, as part of the Copenhagen criteria for accession, because it skewed implementation, others maintain that the EU requirements helped to align norms in the CEE region.[111] But post-accession incentives dropped and, perhaps more importantly, the EU framework was a general blanket over new members with different social exclusion problems, with alternate inclinations to conform to EU policies, and with an inconsistent variety of interstate connections and relations.[112]

In addition to accession requirements and the *Decade of Roma Inclusion (2005-2015),* the European Union Framework for National Roma Integration Strategies was established in 2011, following which all members were impelled to submit updated national strategic documents with new plans for Roma inclusion between 2014 and 2020.[113] It is a structure that facilitates malleability. Indeed, Zentai acknowledges that these EU integration strategies are framed as a political compromise on a transnational level, which often conflictingly tangles

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[109] Bainton, 'Translating education,' 169.
[110] Batory et al., 'Trial and error,' 11.
[111] Zentai, 'National Roma inclusion policies,' 92.
[112] Ibid., 95.
[113] Ibid., 88-89.

with domestic politics.[114] But, it seems to reveal an over-simplification in Jacoby's "cookie-cutter" interpretation. Strict expectations are set out, however the way in which individual states meet those expectations is less stringent.

This flexibility has occasionally been observed to cause significant detriment to the transfer of Roma policies. Peter Vermeersch, for example, reveals an alarming inclination in the 'translation' or reinterpretation of EU Roma policies by member states. The framing of Roma in EU policy as a *European* priority and a special *European* concern has, in the view of Vermeersch, enabled politicians of national governments to disassociate the minority from their national space.[115] Instead of this translation serving to indicate a localisation of the policy, paradoxically, the appropriation of the policy and its language has *de-localised* the issue. Here, linguistics plays an enormous role in how the policy is transferred. Equally, it is another example of translation hindering the meeting of targets.

A great number of scholars have debated the various constraints of policy transfer and the forms, processes and outcomes involved in policy translation. Whilst some treat translation as fundamental and natural to any policy transfer, others view translation as a cynical tool that may be used to justify discrepancies. But the subjectivity in judgments of problems and solutions is significantly under-elaborated in the policy transfer literature. Not sufficiently addressed by the scholarship are the underlying assumptions that contribute to certain constraining forms of translation. This paper will seek to reduce this dearth.

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[114] Ibid., 90.
[115] Peter Vermeersch, 'Reframing the Roma: EU Initiatives and the Politics of Reinterpretation,' *Journal of Ethnic and Migration Studies*, Vol.38, No.8 (2012), 1197.

4. Methodology

4.1. Scope, justification and contribution of research

Roma education in Czechia is an ideal case study for our analysis of the influential role of underlying assumptions behind policy transfer. The expectations for EU member states to comply with EU minority rights directives was adjudged not to have been met in Czechia's case in 2007 (*D.H. and Others v. the Czech Republic*), and corrective reforms proposed by the EU were later deemed to have been mostly evaded by Czechia, indicated by the European Commission's infringement proceedings in 2014. There are two clear cases of non-compliance here, which, in effect, are examples of EU policy that has not been transferred. A degree of unwillingness from Czech government officials on this issue of compliance has been documented, and public defiance, among the non-Roma majority, is also frequently addressed in research and scholarly literature. Therefore, the constraint relating to 'language', within the process of policy translation, is the focus of our analysis. By revealing discrepancies between the understandings of the issue at all levels – EU, Czech government, Czech public – this paper will highlight the significance of a shared understanding for effective policy transfer, and, in this way, aims to contribute to the policy transfer literature. Additionally, this study also offers insights for the literature on educational approaches and Roma rights within the school system.

4.2. Qualitative Content Analysis

For our analysis, I have chosen an interpretative approach of qualitative content analysis (QCA) outlined by Bruce Berg and Howard Lune. This method allows us to organise the data in a way that reveals patterns of meaning. It also enforces some consistency in our analysis and

adds systematic value to the case studies.[116] Rather than a more positivistic approach to content analysis which would identify and count elements in data, our QCA will involve a consideration of words, *how* these words are used, and, in turn, how the authors perceive the subject matter. As Berg and Lune succinctly posit, "it is a passport to listening to the words of the text and understanding better the perspective(s) of the producer of these words."[117] In order to understand the range of perspectives in the data, we must first develop a coding scheme.

In preparation of the final coding scheme, it helps to get an impression beforehand of the material's content, to abstract alternative meanings and adapt the conceptual categories accordingly. Amanda Coffey and Paul Atkinson, whilst distinguishing its descriptive nature from other coding methods, propose coding's preparatory use with a more conceptually-driven system. To use coding as a *conceptual device*, as additionally suggested by Coffey and Atkinson, provides the ground for a more in-depth analysis.[118] Rather than a means to reduce data, the conceptual coding framework will facilitate a *questioning* of the data, an interpretative tool with which we can link textual evidence with conceptual categories. The possibility of identifying connections *between* concepts, as well as between data, is also aided.[119] Therefore, both coding as a reductive method and conceptual device will be instrumental for our analysis.

4.3.   Choice of documents

Three types of document have been chosen, each reflecting narratives on the three levels (EU, Czech government, Czech public). The first document is the ECHR report of the case *D.H. and Others v. the Czech Republic*, in which the following is outlined: the context of

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[116] Bruce L. Berg and Howard Lune, *Qualitative Research Methods for the Social Sciences* (8th Edition), (Pearson, 2014), 239.
[117] Ibid., 242.
[118] Amanda Coffey and Paul Atkinson, *Making Sense of Qualitative Data: Complementary Research Strategies*, (Sage, 1996), 29.
[119] Margrit Schreier, *Qualitative Content Analysis in Practice* (Sage, 2012), 39.

Roma's position in Czech society, the details of each party's submissions, some proposals and concluding remarks.[120] Whilst much of the report is expressed legalistically, a substantial proportion is based on external sources, such as Roma rights and human rights organisations, and comes to conclusions on a foundational understanding of how the Roma can and should be better integrated in Czech education. Therefore, the document reveals various underlying assumptions of EU judges and also the official expectation of policy-enforcers at this supranational level.

The second set of data is a collection of Czech parliamentarians' opinions on Roma more generally, conducted by *Parlamentní Listy* and published by *EU Portál*, two online news media platforms.[121] Several members of parliament, from a variety of left- and right-leaning parties, including Senators, were interviewed as part of a journalistic study. It followed a nationwide survey by the Public Opinion Research Centre (CCVM), a research unit of the Institute of Sociology at the Czech Academy of Sciences, which asked the public to indicate their attitude towards Roma.[122] The parliamentarians were responding, in their interviews, to this survey. It should be noted that, since the ECHR case in 2007, the issue of Roma integration has sparsely infiltrated parliamentary debates,[123] which illustrates a degree of ambivalence among government officials. Thus, the interviews selected for our analysis present a more useful and

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[120] 'Case of D.H. and Others v. the Czech Republic,' European Court of Human Rights: Grand Chamber, November 13, 2007, accessed March 10, 2018, https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-83256%22]}.

[121] 'Cikáni jsou povaleči, paraziti a kriminálníci. Rozsáhlý průzkum o názorech politiků na Romy,' *EU Portál,* April 19, 2012, accessed April 20, 2018, https://www.euportal.cz/Articles/8998-cikani-jsou-povaleci-paraziti-a-kriminalnici-rozsahly-pruzkum-o-nazorech-politiku-na-romy.aspx.

[122] 'Vztah Čechů k národnostním skupinám žijícím v ČR – březen 2012,' Centrum pro výzkum veřejného mínění, accessed April 9, 2018. http://www.parlamentnilisty.cz/profily-sprava/user-data/06B091AE/file/33587-Men%C5%A1iny%20CVVM.pdf. The CVVM survey results revealed that, in 2012, 78 percent of Czechs surveyed did not sympathise with Roma, whilst only 7 percent sympathised. The previous year, the respective percentages were 74 and 12, suggesting a deterioration in empathic relations between Roma and non-Roma Czechs.

[123] For the archive of parliamentary debates, see: https://www.psp.cz/sqw/hp.sqw.

demonstrative insight into Czech parliamentarians' understanding of Roma's position in society.

The third source of data for our analysis is an online forum, open to the public, and set up by *Česká Televize*, Czechia's main public television broadcaster.[124] This platform was established to enable reaction to a documentary television series, named 'Třída 8.A' ('Class 8A'), which followed the attempts of three non-Roma teachers to enhance learning in a class of predominantly Roma pupils. Broadcast between September and November 2014, 'Třída 8.A' attracted over one thousand respondents to the online platform. Although the forum is not necessarily representative of the wider public, this data will be used to reveal alternative narratives that are relevant for the Czech public – the exact *frequency* of narratives will not be measured. For the purposes of our analysis, the first and last 100 comments will be used, for a balance of both immediate and potentially more considered reaction.

Those who commented online are likely to have engaged with the Roma debate in social circles or hold a personal interest in education. Under similar logic, commenters had been sufficiently impacted by the programme to dedicate time and effort to creating an account on the forum and subsequently posting their views. It should be noted that the possible motivations for commenting do not devalue this data selection. If commenters feel to be a kind of 'spokesperson' for their social circle, or if they publish anonymously knowing that those opinions would not be expressed otherwise, their narratives are nonetheless useful. From a 'spokesperson', the opinion is likely to be shared by a broader community, and under anonymity, the narrative could be one that is prevalent, yet supressed, among others.

A potential limitation of this data is that reactions were to content which was produced for television viewership. Although the programme was framed as a 'fly-on-the-wall'

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[124] 'Třída 8.A: Diskuse,' *Česká Televize*, accessed March 10, 2018,
http://www.ceskatelevize.cz/porady/10719503009-trida-8-a/diskuse/.

documentary series, editing naturally requires interpretation and a deliberate choice of content. That said, assuming the audience is aware of this editing process, and considering the otherwise raw nature of the programme, the online forum provides a rich data set for our analysis of underlying public assumptions and narratives of Roma education.

It must be noted that the politicians' responses and the online forum comments were translated to English by the author of this paper, with extreme diligence and respect for the original wording.

4.4. Coding scheme

Based on concepts extracted from the competing narratives addressed in Chapter 1, as well as engaging with the data set beforehand, I have designed the following coding scheme for our analysis. In addition to the 'fundamentally ineducable' category, it became evident from an initial assessment of the documents that the 'cultural capital' narrative was more nuanced and therefore warranted two separate categories.

Fundamentally ineducable

> Fitting this category are notions of *biological traits*, an *underclass by nature*, references to a *preconditioned mentality*, or any characteristics which are *inherent*, within the Roma *from birth*, or *hereditary*. Comments which suggest a *genetic deficiency*, or something *innate* which is *in all Roma*, *ingrained*, *internal* and possibly *eternal*. Allusion to *unchangeability* or *inadaptability* which has spanned *generations* should be within the framework of *nature* or *biology* rather than habit. Roma simply do not have the *capacity* to learn in the same way as non-Roma.

Cultural traits

This category pertains to *traits* and *habits* which are deemed not to be easily changed or adapted. Roma have a particular way of thinking, a way of acting that is *intrinsic* to their culture and, importantly, *incompatible* with the Czech education system or Czech society more broadly. The *lifestyle* is passed down *from generation to generation*, and their culture is thus extremely unlikely to be altered.

Cultural practices

In this case, Roma are viewed as unmotivated by school curricula, possibly because they aspire to work in professions such as hairdressing or building. Roma parents *deliberately remain unemployed* to gain welfare benefits, they *demotivate* their children and often prioritise help at home over school attendance. The distinction between this category and 'cultural traits' is that these 'practices' are deemed to be *changeable* – a question of *nurture* rather than nature.

Social capital

Here, the emphasis is on weak *social bonds* and *interaction* between Roma and non-Roma. This is due to the *physical exclusion* or *ghettoization* of Roma communities; they live on the periphery and do not receive enough support. Their position is a symptom of wider *socio-economic issues*, and *not something ingrained in their culture*. With extra provisions or necessary help, Roma *can integrate* and achieve similar results as non-Roma in schools.

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5. Analysis

In this chapter, I will categorise and interpretively analyse the array of narratives found in each of the three selected data sets.[125] I will judge which understanding of Roma's predicament is most prevalent in each case, and then, by comparing the three sets of data, I will ascertain any differences between them.

5.1. Grand Chamber of the European Court of Human Rights, report: *D.H. and Others v. the Czech Republic* (2007)

The analysis of the ECHR report focuses on the segments that aim to describe the situation Roma face in Czechia, and to this end, rely on contextual information from sources such as the Recommendation of the Committee of Ministers, the Parliamentary Assembly and the European Commission against Racism and Intolerance, as well as independent human rights organisations. The way in which the Court explains its decision, with the application of principles and justification of the judgment, gives an indication of how obstacles to Roma integration are understood. The remainder of the report, which is presented in highly legalistic language, inhibits an interpretation of foundational narratives, and hence those sections were excluded from the analysis.

Socio-economic factors and deficiencies in social capital were referred to most prominently in the report. There were also some instances in which cultural practices supported the Court's assessment of the position and prospects of Roma children. However, all deliberations avoided the insinuation that Roma are, to any degree, unchangeable.

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[125] The full coded documents will be provided on request.

5.1.1. Social capital

The Court primarily emphasises the importance of links between teaching staff and parents, which may be improved by mediators. There exists the possibility of an 'understanding', whilst certain social structures must be strengthened and, the use of which, made clear to Roma. Although an overriding assumption in the majority of the Court text is that Roma parents *unknowingly* and *erroneously* agree to send their children to alternative schools, the reasons behind this lack of judgment are left open-ended. The report cites, in separate segments, parents' lack of education, parents' inability to make the 'right' decision, and that Roma parents are not informed of the consequences of segregated schooling.

> Particular attention should also be paid to the need to ensure better communication with parents, where necessary using mediators from the Roma/Gypsy community which could then lead to specific career possibilities. Special information and advice should be given to parents about the necessity of education and about the support mechanisms that municipalities can offer families. There has to be a mutual understanding between parents and schools. The parents' exclusion and lack of knowledge and education (even illiteracy) also prevent children from benefiting from the education system. [11]

> […] the Court is not satisfied that the parents of the Roma children, who were members of a disadvantaged community and often poorly educated, were capable of weighing up all the aspects of the situation and the consequences of giving their consent. [42]

Even if the gap in social capital between Roma and non-Roma parents is bridged, the Court further notes that Roma must be *persuaded* of the value of mainstream education. The fact of 'persuasion' insinuates a general aversion to school among the Roma community, and also claims the mainstream path as necessarily the most adequate educational path for Roma children. Instead of highlighting the parental right to decide a child's destination, the Court instead accentuates the need for parents to *realise* that integrated classrooms are the best option.

The assumption here is that Roma parents would unquestionably choose to send their children to regular schools. As a later passage explains, the decision is not straightforward:

> Nor do the domestic authorities appear to have taken any additional measures to ensure that the Roma parents received all the information they needed to make an informed decision or were aware of the consequences that giving their consent would have for their children's futures. It also appears indisputable that the Roma parents were faced with a dilemma: a choice between ordinary schools that were ill-equipped to cater for their children's social and cultural differences and in which their children risked isolation and ostracism and special schools where the majority of the pupils were Roma. [42]

> In certain communities, it was crucial to raise the awareness of Roma parents, who themselves might not have had the possibility to attend school, of the necessity and benefits of adequate education their children. [18]

In all cases, however, the communication between school authorities and Roma parents is deemed paramount – the missing jigsaw piece is social capital. Upon their application of 'established principles' to the *D.H.* case, it is proposed that Roma children require targeted aid due to the minority's marginalisation. Here, there is clarity – Roma's 'turbulent' history includes "centuries of rejection" and "attempted extermination by the Nazis", as detailed in the initial background description (paragraphs 12-15).

> The Court notes that as a result of their turbulent history and constant uprooting the Roma have become a specific type of disadvantaged and vulnerable minority. […] They therefore require special protection. [39]

5.1.2. Cultural practices

Aside from clear social capital narratives, the report also proposes the accommodation of Roma culture within mainstream Czech curricula. Intertwining teaching material on Czech and Roma, according to the Council of Europe recommendations, would also diminish the social gap between the two ethnic groups:

The curriculum, on the whole, and the teaching material should therefore be designed so as to take into account the cultural identity of Roma/Gypsy children. Romani history and culture should be introduced in the teaching material in order to reflect the cultural identity of Roma/Gypsy children. The participation of representatives of the Roma/Gypsy community should be encouraged in the development of teaching material on the history, culture or language of the Roma/Gypsies. [12]

In their submission, the assessment had not taken into account the language and culture of the children, their prior learning experiences or their unfamiliarity with the demands of the testing situation. [36]

The Court considers that, at the very least, there is a danger that the tests were biased and that the results were not analysed in the light of the particularities and special characteristics of the Roma children who sat them. [41]

The judgment frequently refers to cultural particularities of the Roma, usually in the sense that cultural differences between ethnic communities must be acknowledged and respected. In this regard, the Court notes that the design of school entry assessments was ignorant of such differences. However, on occasion, the report subtly brings into question how assailable the division in cultures realistically is – whether some aspects of the Roma culture are incompatible with Czech societal progress. The cultural practices of Roma, in this narrative, become a contentious issue for those seeking to rectify educational segregation. Simultaneously, the non-Roma population is deemed to have contributed to such disjuncture between ethnic communities in Czechia, through the weakening of Roma's social capital:

The Court is gratified to note that, unlike some countries, the Czech Republic has sought to tackle the problem and acknowledges that, in its attempts to achieve the social and educational integration of the disadvantaged group which the Roma form, it has had to contend with numerous difficulties as a result of, *inter alia*, the cultural specificities of that minority and a degree of hostility on the part of the parents of non-Roma children. [42]

However, the ECHR document maintains the narrative of the Roma's social disadvantage. Where cultural components are cited, it is rather that the Czechs do not value

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Roma culture enough than the notion that Roma people's lifestyle is incompatible with Czech society. The underlying assumption is of misunderstanding among parents and a lack of social platforms on which any understanding can flourish.

Most interestingly, the Court decision was opposed by four judges, whose 'dissenting opinions' touch upon cultural obstacles as more severe factors. Undesirable habits and traits that are long-lasting, in the view of one judge, will prove to be almost impervious:

> According to the applicants, no measures were taken to enable Roma children to overcome their cultural and linguistic disadvantages in the tests. However, this is but another excellent illustration of their lack of realism. It is, in my view, illusory to think that a situation that has obtained for decades, even centuries, can be changed from one day to the next by a few statutory provisions. Unless the idea is to dispense with the tests altogether or to make them an irrelevance. [55]

Dissenting Judge Jungwiert highlights a constraint in the integration process that insinuates a degree of unchangeability. Notwithstanding Jungwiert's presupposition that Roma culture is necessarily inferior to the majority, the call for 'realism' in how children should be examined suggests that Roma cannot simply adapt – especially following 'decades, even centuries' of this situation.

Similarly, Judge Sikuta, another to oppose the Court judgment, implies that the segregation of Roma and non-Roma pupils based on tests was a fair representation of two conditions. Firstly, it represents the children's under-capacity to learn in a way expected at that age, but secondly, segregation reflects a certain 'preparedness'. This preparedness implicitly relates to the upbringing of a white Czech child, which is suggestively lacking in the cultural make-up of the Roma community.

> The difference in treatment of the children attending either type of school (ordinary or special) was simply determined by the different level of intellectual capacity of the children concerned and by their different level of *preparedness*

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and *readiness* to successfully follow all the requirements imposed by the existing school system represented by the ordinary schools. [55, emphases added]

Despite such references to more deeply ingrained cultural structures, the majority of the Grand Chamber judges did not share these narratives. Overwhelmingly, the Court judgment seems to have understood the segregation of Roma in education as predominantly the result of poor social linkages between Roma and non-Roma parent communities and school staff.

5.2. Czech Parliamentary Officials: Selected interviews

The responses of Czech parliamentarians interviewed by *Parlamentní Listy* were very divided. A small proportion of politicians maintained the lines that social and economic marginalisation was responsible for the hitherto limited progress in Roma's integration. A much larger segment of respondents understood Roma segregation as an issue related to cultural considerations, and few, although a notable few, referred to inherent factors.

5.2.1. Social capital

Former leader of the party TOP 09 and candidate for presidency in 2013, Karel Schwarzenberg, was adamant that, generally, Czechs harbour racial prejudice against Roma. Several political officials echoed this reasoning, citing commonalities between Roma and majority Czechs and the creation of employment opportunities as building blocks for integration efforts:

This is caused by the decades of Roma ghettosiation, instead of a consistent limitation of their numbers in individual settlements. […] Contemporary economic problems escalate racism.

[Josef Novotný, MP for the party VV]

Rather, it is a long-term failure to solve unemployment in our country, a small degree of integration of society as a whole, and the action of a government that divides the society in order not to have an organised opposition.

[Vojtěch Filip, Chairman of the Communist Party of Bohemia and Moravia,

KSČM]

I think we are very unfair to some of our Roma fellow citizens when we call them "socially unresponsive", because, on the contrary, I think they are socially skilled.

[Miroslav Antl, Senator for the Social Democratic Party, ČSSD]

We are, along with the Roma, an Indo-European race. The problem is social. The Czechs historically have problems in managing themselves, and multicultural societies even worse so. […] Now we have a period of insane social regression.

[Jan Žaloudík, Senator for ČSSD]

Within the social capital framing, cultural factors were blended in as reasoning behind poor intercommunal relations. A referral to Roma's 'unfortunate', or even 'backward', cultural status was common in responses that lifted discriminatory intent from non-Roma shoulders. Consequently, lines of responsibility led to habits, proclivities and, eventually, the fundamental 'nature' of Roma people, thereby blurring the boundaries of our categories.

5.2.2. Cultural practices

This inward-looking narrative is extended by several respondents to encompass lifestyle choices which do not fit Czech majority expectations. Impacts on society such as filthiness, noise levels and heightened intercommunal aggression resonate the most for politicians.

Importantly, however, these observations are deemed to be of choice – somewhat of a cultural 'trend' – rather than an intrinsic characteristic of the Roma minority. Senators Petr Pakosta and Jaroslav Kubera put it subtly: "The Czechs are not to blame for the Roma. Their avoidance of work, their growing aggression, their way of life at the expense of the majority is their decision." [PP], "It's not about racism. Czechs just don't like a filthier mess than we are accustomed to in the region. And if someone makes a mess, they will be disliked." [JK]

MP David Rath perceived the choice in lifestyle and daily practice of Roma to potentially provoke non-Roma, causing more dangerous disruption to Czech society. Interestingly, Roma *priorities* are the root cause – whether such priorities are socially learned or are rather expressions of ingrained traits within the community, Rath did not make clear:

> Their lifestyle and the behaviour associated with them irritates a lot of people and distorts the majority population's style and values. I would not call it racism. The non-Roma majority prefers order, cleanliness, education, hard work, usually chooses less noisy musical entertainment, and seeks fair and honest work. Roma life priorities are often set out completely differently, which then provokes many people.

To demonstrate the alterity of Roma and their behavioural habits, other respondents, such as Jaroslav Doubrava, used a comparison with non-European minorities in Czechia, albeit with the understanding that their historical trajectories are incomparable – the Vietnamese, for example, migrated as labour workers under communism.

> If we were racist, we would behave like this with the Chinese, the Vietnamese, and others who live among us. But we do not treat them like this because they are communities which behave just like us. […] They are not people who, like the Roma, have, without reason, massacred people three times, *as is customary to them…* [Emphases added]

Doubrava's final reference to acts of violence is intended to justify the antipathy of some Czechs to Roma. But it also suggests a wider commonality: akin to Rath's 'priorities', these

anti-social habits have come to be expected of every member of the minority and are likely distributed between generations. The 'customary' behaviour in this narrative evolves into a far more concrete portrait, which is evident in the response of Pavel Lebeda, Senator for the party ČSSD:

> For bumming around, resistance to work, parasitism on the majority population, and criminality of most Roma, the public attitudes are understandable and only enhanced by unacceptable positive discrimination in justice. A sense of restraint and impunity has lead the Roma, in addition to traditional property crimes, increasingly to brutal crime. If we add to this the problems of civic coexistence and widespread drug addiction among Roma, then the majority population's aversion to them cannot come as a surprise to anyone.

The narrative is of characteristics that are not only widespread, becoming a trait of the Roma minority, but also escalating in severity. It leads, in several responses, to more explicit representations of Roma's cultural incompatibility with the ethnic majority.

5.2.3. Cultural traits

The clearest example of this cultural distinction and perceived distance between Roma and non-Roma are explanations offered by two Senators – Stanislav Juránek, of the Christian and Democratic Union-Czechoslovak People's Party (KDU-ČSL), and Miloš Malý, of ČSSD:

> The life of Roma is as far removed from ours as that of the Australian natives. We do not understand them, so we consider them worse than they are. [SJ]

> The survey shows that the way of life of this minority is not digestible for the citizens of this democratic country. For centuries and throughout our coexistence in Europe, they have been unable to accept our culture and adapt. It is up to them to understand what needs to change. They have enough chance for this. [MM]

5.2.4. Fundamentally ineducable

The majority of respondents' understanding of the issue of Roma segregation falls between the categories of cultural 'practices' and 'traits', often attached to social and economic implications. However, the belief that the Roma minority is, *by nature*, inadaptable was not infrequent within the parliamentarians' interviews. An unequivocal example came from a Senator of the party TOP 09, Jan Horník:

> From my personal experience, I can say that, unfortunately, the majority of Roma people have not integrated naturally into our mixed society. It is not in their nature, and they have had for centuries, in their genes, an encoded and unlimited freedom of being. There are other peoples in this mix, and so many of them intuitively live and get on well with others. Here is the cause. Two completely different gene-equipped worlds. We have not been looking for natural disputes, but to encourage the emergence of common symbiosis.

The genetic make-up of Roma people culminates in a particular livelihood or disposition. According to Horník, such traits that are incompatible with the Czech majority society are long-lasting and seemingly inherent. As a result, the Roma have failed to 'naturally' integrate. Indicative of the degrading tone of some interviews is Horník's wording in his description of the relationship between Roma and non-Roma as *symbiotic* – a term which can refer both to interpersonal or intergroup relations that are mutually beneficial, but also to the communal habitation of dissimilar organisms or *species*.

Not only are borders of our categories permeated by parliamentarians' comments, but also entirely divergent assumptions were combined *within* singular opinions. An example of a response that contains elements fitting both 'ineducable' and 'social capital' categories came from Miroslav Krejča, a Senator for the party ČSSD:

> The public's view of the Roma is entirely justified, and we are too tolerant of this unadaptable and parasitic minority. But, of course, you cannot throw

everyone in one bag. We have only ourselves to blame for many years of disadvantaging the Roma.

It is a rather contradicting assembly of narratives. On the one hand, the Roma are ever-present leaches who barely deserve the respect of the Czech majority, and on the other, the Roma have been subjected to social injustice and have suffered at the hands of the majority. Notwithstanding the clear reversal of blame, the contrast is also between an unchangeable nature of the Roma and a current situation towards which they have been pushed, thus from which they may be pulled. This example, along with those that indicated cultural assumptions about the Roma, display a mixed and conflicting array of underlying beliefs.

5.3. Česká Televize: Online public forum

The public forum certainly broadened the scope of narratives within the coding scheme. The belief that Roma are fundamentally ineducable was most prominent in responses to the television programme. However, the subtleties in the logic by which commenters reached their verdicts varies greatly. This questionable reasoning, or often irrationally formed associations, brought about an interesting concentricity between categories.

5.3.1. Fundamentally ineducable

The most explicit formulations of Roma's unchangeability were in reference to their genes. A frequently used example, which claimed to prove this, was that the Roma had not developed or successfully integrated into the region's societies in centuries, and therefore this

will continue indefinitely. Whatever it is that renders their integration impossible is 'passed

down', or hereditary.

> It is sad, but I feel that genetics comes into it… purely by how they speak and behave… I don't believe that even with maximum effort we can get them beyond middle school.
>
> > [talpa, 21.8.2015, 15:07]
>
> They have simple parents, they are also simple, and their children will also be simple. The ethnic group will never be another.
>
> > [rosta, 12.12.2014, 19:06]
>
> Roma will remain Roma. […] These programmes try to point out that mischievous Roma are oppressed and discriminated against, and some do not even know what that word means. Nobody does anything about their parents – the children cannot behave from an early age. They have had this behaviour inside them for generations.
>
> > [Mirek Svoboda, 25.10.2014, 15:17]
>
> Can they learn anything when the intellect is just not there? Perhaps discrimination already began with God, when he simply did not give them the right tools.
>
> > [Hana, 24.10.2014, 12:41]

In the same vein, other commenters likened Roma to beasts – that the Roma minority

lack the common behavioural features and learning capacity of 'normal' people because they

are somewhat subhuman, and irreversibly so.

> It's awful to see how primitive they are.
>
> > [Mirek Svoboda, 26.10.2014, 20:51]
>
> Even to educate this ethnicity, it's just like with animals when you take them to pet schooling, so they can learn, but as soon as they're released back into the nature, everything is forgotten, and they behave just as before.
>
> > [ivan, 28.10.2014, 05:19]

These groups of people have an incredible number of children and the only thing they care about is hopping around. They cannot even feed themselves.

[Jarmila, 27.12.2014, 10:44]

The integrational targets of European societies, vis-à-vis Roma, are perceived by other respondents to be unattainable primarily due to the inadaptability of Roma *everywhere*. Both generationally and spatially, these people have lacked civilizational traits and therefore produce conflict for any society hopeful of law and prosperity. Roma are the international 'stain', which is a reason why they fled their region of origin, and for their alleged nomadism since then.

The thing is that in the Gypsy ethnicity, the principles are of uncivilised behaviour, the non-recognition of values, the non-recognition of authorities – it's ingrained in the Gypsy ethnicity and applies to all Gypsies, whether adults or children. That is why the Gypsies have problems not only in the Czech Republic, but throughout the world. […] The difference between the Indian and the Gypsy is that the Indian does not steal.

[greg, 30.10.2014, 00:10]

A comparison with other minorities in Czechia delivers only the conclusion that, even when given the chance to integrate, the Roma are unable to do so:

The children are uneducated, their ethnicity is backward-thinking, there is nothing to do about it. Yes, Vietnamese and other nationalities living in the second generation no longer want to speak their native language with their parents, whereas Roma are here for hundreds of years and cannot speak Czech. They were driven out of India because they did not even beat their most precious caste that others despised… And to all the 'humanists', I would say go to Brno and Cejlu and the adjacent streets with a handbag on the shoulder…you will see what the 'oppressed' will do with you.

[Chlap, 12.12.2014, 19:22]

Still within the 'ineducable' category, but with a more progressive tone, are those who expressed their support of a segregated education system precisely based on the opinion that

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the teaching of Roma children is only possible with a lower standard curriculum and a homogenous environment. It is often unclear whether the suggestions for separate schools are in hope of educating those pupils or simply as a way to nullify Roma's interference with the academic fluidity in mainstream Czech schools.

> This programme showed how difficult it is to teach at such a school, and that the Roma CAN NOT be integrated into normal school where 30 pupils are studying, mainly because they cannot manage the pace of normal learning at all! Roma children should have their own kindergartens, schools, a special way of teaching, special educators, and in second grade focus on learning correct Czech.
>
> [RR, 12.12.2014, 12:57]

> I'm from Brno, and so I know that we will never educate these nonsensical people. The system has failed. Most of them are semi-literate people without perspective. Only remedial school will help them.
>
> [Lucka, 24.10.2014, 11:12]

5.3.2. Cultural traits

The distinction between emphases on fundamental 'ineducability' and cultural traits is not straightforward, as several 'cultural' obstacles were found, to an extent, to be also hereditary. In a way, these characteristics must be passed down as a continuation of the Roma culture, but, in these cases, they have been biologized, and thus form part of a mould. It seems that the Roma mentality is preconditioned and that values are ingrained from birth.

> Gypsies/Roma have had a different mentality for centuries.
>
> [PES, 28.10.2014, 01:51]

> Their parents and grandparents live just like they do… they have no motivation to live differently.
>
> [KH, 14.12.2014, 11:16]

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Stop constantly implying that the majority is behind their laziness. I am irritated by the constant apology for all the ghettos. They are the result of the Roma mentality.

[tiktak, 14.12.2014, 18:47]

Alternatively, the inherent cultural traits are respected as merely different to that of the majority, and it is very reasonable to expect separate learning environments to provide for those people with instinctively contrasting values. If Roma cannot integrate in the majority community, then at least they can be accommodated through segregated schooling.

It seems to me that those children (unlike us) refuse to give up their naturalness in exchange for (bribed) "social success" which we constantly submit to them as the highest value. For them, it is simply more valuable to be consistent with their emotions.

[Petr, 17.12.2014, 04:53]

It is clear that Roma have their own specificities. They have a different way of life, different values. Just have a look at how children talk about their parents. Most do not work – children see that they can live without work – at the expense of the state, the other "income".

[tiktak, 14.12.2014, 18:47]

I think most of the kids will end up just like their parents. They are children without ambitions, who nobody can ever teach to realise that they can be skilful in something or even the best.

[Lucie, 24.10.2014, 14:34]

A Roma child is viewed as inextricable from its situational upbringing. This narrative is relatable to Grellmann's logic, in that whilst the Roma are not biologically doomed to 'fail', there is no escape from the cyclical nature of the minority's culture. Here, the boundary lines of our categories are obscured, as the inevitability of Roma behaving in a specific way filters into the narrative of cultural practices.

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5.3.3. Cultural practices

Again, there is a degree of overlap between 'nature' and 'nurture'. An integrating child requires motivation, but the source of this motivation is unclear. Whether a whole minority can harbour a measurable capacity for motivation, whether motivation relies on the parents of the child, or, in turn, whether this motivation can be improved through enhancing the social interaction between school faculty and the pupil's family. It is also proposed that this motivation would be galvanised by including studies of Roma culture and history in mainstream Czech curricula, implying that integration relies greatly on nurture.

> Children are the image of their parents! If their parents are not interested in improving their descendants' education, then the classroom assistants are useless.
>
> [Jiri Pustka, 13.12.2014, 18:10]

> Still, I feel that this work will not produce the desired results, because the Roma population does not have sufficient motivation to learn. Roma children in families have not recognised the importance of working in life… quite the opposite, they are led to believe it's more advantageous not to work.
>
> [Marie Sulcova, 22.12.2014, 18:48]

> Why not have regular Roma classes in the classroom, where pupils who have a general problem understanding things can learn only basic vital knowledge? It is a social problem. Why shouldn't the Roma, in history classes, be able to learn about the history of their ethnicity? In mathematics, the fundamentals of financial literacy, and in Czech, the necessary ability to write with basic spelling… and all at a reasonable pace!
>
> [Milos, 24.10.2014, 11:09]

These perceptions of Roma habits slip occasionally into the assumption that social exclusion only facilitates the continuation of similar practices. However, the undertone is that marginalisation plays into the hands of the Roma community, fuelling their 'nefarious' trends

and their own shadowed social circles. Czech standards of education, at least in segregated schools, is the only escape from this.

> The problem is that, currently, it doesn't matter to girls. And not only to them, but also their parents, because the welfare system really suits them. They receive money for giving birth, parental allowance, and that's enough for them. As long as such financial support for young mothers who have neither completed education nor have ever worked, improvement will not be possible. I see it in the neighbourhood. For them, it's a pretty good source of money, they are not thinking about the future.
>
>   [Gabi, 13.12.2014, 16:03]

Whilst the root of the issue is deemed to be the generosity of the Czech welfare system, it is still in the nature of Roma people to 'get something for nothing.' Within this framing, the assumption is two-fold. Firstly, the perceived cultural proclivities of Roma, such as laziness, work-shyness and the tendency to foster large families, are *symptomatic* of social security structures. Yet equally, the *nature* of Roma people is to take advantage of such structures.

5.3.4. Social capital

References solely to the social exclusion of the Roma minority and debilitating prejudice against them were, relative to other categories, very infrequent. Even in such comments, the narrative is devoid of any positive angle, such as, for example, diversifying the Czech cultural landscape by investing in the dissemination and awareness of Romani culture. Instead the focus is on correcting social marginalisation, whilst maintaining the framework of cultural superiority of the Czech majority.

> How can we want change to happen when we put the Roma together and far away from the white ethnic group? When we allow that Roma neighbourhoods are created. How will they know any different and motivate themselves when we prefer to stuff them in one place so they don't annoy us.
>
>   [Veru, 19.2.2015, 22:37]

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But the most striking pattern of responses in the forum was that of discourse that combined a variety of underlying assumptions. Several examples which satisfy *all* categories of this coding indicate an ambiguity in how the prospects of Roma integration are understood in light of well-established stereotypes. For instance, one respondent suggests the following:

> We have to work systematically with Roma children. They have to be approached differently, taught differently, motivated differently, because they cannot see positive examples from their inactive parents. We have to place them in schools and make it as simple as possible. Because if we do not make "people" out of Roma children, it will come back to haunt us.
>
> [Eva, 25.10.2014, 23:56]

The integration, or at least inclusion, of Roma is feasible here, with the condition that teaching methods and perhaps even whole curricula are adapted to suit alternate learning. Motivation is also key, to ensure the child does not emulate the parents' 'inactive' lifestyle – a generational issue. Not only must the child be removed from the Roma's cultural and social setting, but through the negation of this 'Roma-ness', the child may only then stand a chance of becoming a proper 'person' in society.

5.4. Comparison of Data Sets

Actors at all three levels touch upon the narrative of 'social capital' to varying degrees. The ECHR report relies heavily on the understanding of deficiencies in social linkage, whilst for Czech parliamentarians and forum commenters the issue is much less noted. Where the Court document touches upon cultural 'particularities' – only the few dissenting judges emphasise these further – cultural habits, proclivities and *traits* are far more prevalent in the other two data sets. Among the Czech politicians, there is a distinct mix of narratives, but cultural aspects of Roma are most often referred to, with only a minority of respondents citing fundamental ineducability – these few, though, are significant. A strong concentricity of

parliamentarians' perceptions and those of online commenters is evident in the two 'culture'

categories, but where the data sets are most divergent, and indeed where the ECHR report is

utterly adrift, is in the prominence of 'ineducability' narratives. Some forum users display a

mixing of narratives *within* their comments, which makes for greater ambiguity, and yet, most

often, this ambiguity is between 'cultural traits' and 'fundamentally ineducable'. It is clear that

the understandings of the position of Roma in Czechia differ between the three levels of actors,

and, in some categories, drastically so.

Conclusion

This thesis set out to examine one major constraint to Czechia's full compliance with EU policy directives in the field of minority rights and, specifically, the integration of Roma children into mainstream schools – 'language'. Since acceding to the EU, Czechia has consistently failed to meet EU policy expectations in this field – exemplified by the case *D.H. and Others v. the Czech Republic* (2007) and by the opening of infringement proceedings against Czechia in 2014. The effective transfer of any policy requires the actors at all levels of the transfer to understand the subject of the policy in a very similar way, and therefore this thesis sought to analyse the underlying assumptions, of Roma's educational integration, held by actors at the EU level, actors at the level of Czech government, and by the Czech public.

Using a form of qualitative content analysis and a conceptual coding framework, I coded and categorised text from the three levels: the European Court of Human Rights report of the final Grand Chamber judgment in the *D.H.* case, the statements of Czech parliamentarians regarding Roma's position in Czech society, and comments published on an online public forum which accompanied a documentary series on Roma education. Based on the concepts of 'fundamental ineducability', 'social capital' and 'cultural capital' (which was expanded to 'cultural traits' and 'cultural practices'), the coding and interpretation of the data revealed significant discrepancies between the three levels. The reasons behind Roma's disadvantaged position in Czech society was understood by the majority of ECHR judges to be bounded in weak social capital, whilst Czech politicians predominantly cited Roma's cultural practices or traits, and the narrative that Roma are fundamentally ineducable was most prevalent among forum commenters.

This thesis has therefore argued that the lack of a shared 'language' and understanding of Roma's predicament has significantly restricted the capability of Czechia to meet EU policy

requirements. Given the divergent underlying assumptions of why Roma children remain excluded from mainstream education, the approaches of each actor involved in remedying this issue are unaligned. In this way, I expand on the policy transfer literature, specifically with 'language' as a major constraint, by highlighting an ongoing case of policy translation which, upon its local adaptation, has lost its desired effects. The findings of my analysis also serve to question the educational assumptions intrinsic to the successful transfer of the EU's Roma policies. Not only do the policy actors on each level not share one set of assumptions, the interchangeable use of 'desegregation', 'inclusion' and 'integration' and their unclear conceptualisations further impede the transfer and implementation of policies on Roma education in Czechia. To compound this, the data from all three levels shows that considerations of Roma's educational objectives and alternative learning trajectories, touched on sparsely in the literature, are also overlooked. Significantly, the analysis illustrates that the perceptions of educational integration, and indeed questions of whether equality is achievable, are interdependent on more fundamental understandings of Roma's predicament.

The implications of our findings are that a dysfunctional transfer process of Roma integration policies between the EU and Czechia, in the field of education, is likely to continue. The first step to addressing policy transfer which is not based on a common understanding would be for all actors to recognise this inconsistency. If the actors do not speak the same 'language', then one actor must adapt, or a compromise must be reached. This 'language' not only pertains to the foundational narratives about Roma's position in society, but, crucially, also to the perceptions of educational equality and success.

Moving forward, and given the relative prominence of the 'ineducable Roma' narrative in Czechia, policy-makers, activists and researchers would be advised to focus on educating non-Roma on tolerance and racism, and on promoting Roma culture and initiatives. This way, the policy actors at all levels may come to 'speak' a more similar 'language', and the translation

of policy may become more effective – meaning less is 'lost in translation'. With the opportunity to further develop and build on this research in the future, I would seek to examine *how* the EU can alter its approach to this issue in member states in order to improve Roma children's access to mainstream education. I would also look further into *if* and *how* the narratives on Roma integration are *evolving* among the broader Czech public, and their potential impact on future EU policy transfer.

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