

**THE AFTERMATH OF 600 YEARS OF ABUSE:  
ANTIGYPSYISM AND THE GENDER VIOLENCE  
FRAMEWORK IN SPAIN**

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To my daughter Angela

## ABSTRACT

The “Spanish model” is internationally celebrated both for its Roma inclusion policy framework and for its comprehensive legislation on gender violence, defined as violence perpetrated by men against women within intimate partnership. Yet, women from the Kalé minority – the main Romani group on the Iberian Peninsula – reportedly do not reach out to state authorities when experiencing violence in partnership. This dissertation addresses the apparent contradiction by reassessing the implementation of the gender violence framework in Madrid from the perspective of antigypsyism and Critical Race Theory. Antigypsyism operates an epistemic shift away from the study of the Roma towards the process through which majority society essentialises certain groups as “Gypsies”, regardless of how the latter identify (Alliance against Antigypsyism 2017, 3). I argue that Kalé women’s underreporting of gender violence only comes across as a paradox if we overlook the gendered process of racialisation that state institutions have operated throughout the centuries in their construction of Spanish national identity. Based on qualitative data collected in Madrid between 2015 and 2017, I examine the strategies deployed by practitioners to maintain Kalé women in a subaltern position. The analysed dataset was collected through eight months of ethnographic work in the southern outskirts of Madrid, including participant observation at a local NGO working with Kalé women; but also through semi-structured interviews with practitioners working in specialised courts, law enforcement, support services, health facilities, and civil society organisations; observation during court hearings; the analysis of court files, psychosocial forensic reports, official and shadow reports; as well as focus groups conducted with Kalé women who attended “empowerment programmes”. I revisit the “4 Ps” framework in comprehensive state response to gender violence, here referred to as Prosecution, Protection, Prevention, and Participation, to expose the various ways in which gender violence specialised institutions produce violence against Kalé women. I find that the policies and practices in place ironically put Kalé women at greater risk of gender violence and jeopardise their exiting and self-defence strategies. First, while the prosecution pillar is given primacy, the criminal justice system is particularly punitive towards Kalé women and, for Kalé victims, represents a threat of becoming a target. Second, practitioners tasked with providing protection endanger the few Kalé women who do go through judicial proceedings by denying them their victim status and support networks. Third,

gender violence prevention aimed at Kalé women is implemented within a punitive welfare scheme that infantilises beneficiaries and fosters economic precarity. Finally, the political participation of Kalé women is staged in public ceremonies that objectify them as entertainers while sabotaging their resistance strategies. I invite to entirely rethink gender violence from the perspective of state antigypsyism and to cease approaching Kalé women as a “footnote” (Harris 1990; Oprea 2012), as is frequently the case in European scholarly and policy work.

## COPYRIGHT STATEMENT

I hereby declare that this dissertation contains no material accepted for any other degree in any other institution. Nor does it contain material previously written and/or published by another person, except where appropriate acknowledgement is made in the form of a bibliographical reference.

Sections of this dissertation (in chapters 3-6) can be found in the following publications:

- Werner Boada, Sarah. 2019. "Sugar-coating Antigypsyism? The Subtle Forms of Disciplining Roma in Spanish Welfare Services". In Ismael Cortés and Markus End. Eds. *Dimensions of Antigypsyism in Europe*. Brussels: ENAR and Central Council for Sinti and Roma.
- . 2020. 'They're Saying That to Us?'. *Critical Romani Studies*, Vol. 2 No. 1.
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## CHAPTER 1: INTRODUCTION

On December 10<sup>th</sup>, 2015, ten Romani feminists from across Europe, led by Spanish activist Patricia Caro Maya, flew to Brussels to bring violence against Romani women to the attention of Members of the European Parliament. In the statement they issued that day, they regretted that, despite the increased visibility of violence against women and girls on the European agenda, notably since the entry into force of the Istanbul Convention,<sup>1</sup> antigypsyism was still never factored in in legal reforms (Caro Maya et al. 2015). It was precisely this deafening silence that convinced me to join academia to investigate the matter. In the autumn of 2014, I helped organise, as an NGO worker, two international ceremonies in Geneva and New York to celebrate “the best laws and policies to end violence against women and girls” (World Future Council et al. 2014). Spain’s 1/2004 Organic Law on Integrated Protection Measures against Gender Violence (LOVG), which groundbreakingly codified male violence against women in partnership under the term “gender violence” and inspired other legal developments in that direction across the globe, was one of the prize winners. Tasked with researching the LOVG’s impact a decade after its adoption, I would routinely ask stakeholders how inclusive it was of women from the Kalé minority – the main Romani group on the Iberian Peninsula. I vividly remember one practitioner’s candid reaction: “You mean, the *gitanas*? No, no, no – we don’t know anything. They don’t talk to us, and we don’t talk to them.” Deafening silence indeed.

Despite the sweeping austerity measures introduced following the 2008 economic recession, the Spanish state still enjoys a solid reputation for its comprehensive legal framework on gender violence on the one hand, and for implementing Roma inclusion programmes from a gender-sensitive perspective on the other. Whereas many European Union member and candidate states timidly honour their international obligations with gender-neutral laws against domestic violence (Montoya 2013), or inadequately use European Structural and Investment Funds dedicated to Roma inclusion (Kostka 2019), Spain shines as a success story

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<sup>1</sup> Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2011, in force since 2014.

on both fronts. The LOVG created a series of measures aimed at protecting all women, regardless of their legal status or economic situation, formulated from a victims' rights perspective. Roma inclusion projects, implemented through state-NGO partnerships, are internationally applauded for fostering Kalé women's empowerment through access to formal education, employment training, and public services. Why is it, then, that women from Kalé communities remain so bafflingly underrepresented among the victims reaching out to authorities? The 2015 Brussels declaration, initiated by a Spanish activist, certainly does not suggest that Kalé women in Spain do not experience gender violence, or that they are not in need of support when they do. Could it be that the current institutional framework is not as inclusive as we believe it to be?

### **Is Spain truly a role model?**

Driven by the post-1989 agenda to democratise post-socialist states, international actors have been almost exclusively monitoring the situation of Romani people in Central and Eastern Europe (CEE), while overlooking rights violations occurring in Western Europe (Trehan and Sigona 2009; Simhandl 2009). However, many have voiced criticism of the pedestal on which Spain has been put on the international scene. Anthropologists Ostalinda Maya and Anna Mirga-Kruszelnicka, for example, co-authored an opinion piece in the Spanish press to debunk the “myth of the Spanish model of Roma inclusion” (Maya and Mirga 2014). The “Spanish model” narrative, they argue, takes credit for socio-economic developments that occurred independently from the adopted policies and, most importantly, obscures the high level of precarity and stigma that the Kalé minority still live with in present day Spain (*Ibid.*). More recently in February 2020, UN Special Rapporteur on extreme poverty and human rights Philip Alston published an alarming report on Spanish Kalé people's “dire situation”, where he expressed concern over public officials' lack of political will and unmet promises, “after years of plans and benchmarks that have left Roma poverty indicators at deplorable levels” (Alston 2021). Reflecting on Alston's statement, philosopher and Member of Parliament Ismael Cortés further notes that “residential segregation” has been historically used “to exclude the *gitana* population” and to this day bears unaddressed catastrophic consequences for the Kalé minority in the country (Cortés 2020a).

Spain is home to the largest Romani population in Western Europe, with an estimate of 750,000 people according to the Council of Europe (2012).<sup>2</sup> Arrived on the Iberian Peninsula in the 15<sup>th</sup> century, the Kalé – literally “the black ones” in Romani language – are more commonly known as *gitanas/os*, a label which, despite being reappropriated by the communities, was mistakenly coined by majority society, and still bears racist connotations. In Madrid, many Kalé people live south of the M30, the orbital motorway that separates so-called *Madrid centro* to the peripheral, usually significantly poorer parts of the city. It is common for Madrid inhabitants to refer to the M30 as a social and racial symbolic line of demarcation between the better-off, dominantly white populations of *Madrid centro* and the poorer minorities living in the outskirts. The neighbourhood where I conducted field work, Orcasitas, is made up of neatly aligned, beige-bricked apartment blocks that were built in the late 1970s following a housing policy that aimed to dismantle *chabolos* (shanty towns) and relocate their inhabitants into new buildings. Most places where I socialised with research participants were located on the same avenue, just a couple of minutes’ walk away from the overground train station. Kalé women residing in the neighbourhood spontaneously visited each other, calling at the window should they need anything. Their daily evening church service, *el culto*, was held in a church that the local Kalé community built in the 1980s, a small house up the street with an annex cafeteria, “the bar”, where women, children and sometimes a couple of men met to share a *café de sobre* (instant coffee) or a *bollo* (pastry) before services. The main local NGO working with Kalé women was, at the time of my field research, hosted by the neighbours’ association, on the upper floor of a small two-floors building, in a cramped and poorly heated office, with a bathroom that lacked light, toilet paper, and soap. It has since relocated to a larger office across the road, above one of the local corner shops.

Despite the attachment that residents have to their neighbourhood and the significant improvements that have been introduced since the 1970s thanks to local mobilisations, most Kalé women living there must provide for their household with a few hundred euros per month, as opposed to an average income of €2.172,10 (€2.408, 23 for full-time employment) in the

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<sup>2</sup> Statistics available at: <https://rm.coe.int/1680088ea9> .

region of Madrid in 2019<sup>3</sup> and a minimum salary set at €900 by regional law.<sup>4</sup> Many are compelled to share illegally occupied flats with their relatives, and risk eviction at any time. When, in February 2020, Special Rapporteur Alston blew the whistle on Kalé people's situation in Spain, no one anticipated how devastating the new Covid-19 pandemic was going to become for them. Barely a month after his report came out, the virus had spread so rapidly in the city that a national state of emergency was adopted. Death came knocking on the door of many Kalé families who, because of the centuries of marginalisation to which they have been subjected, often live with significantly worse health conditions than the rest of the population and cannot access health care anywhere else than through overcrowded public hospitals. The strict lockdown measures that followed had a dramatic impact on those earning a living from street-trading and other informal self-employed activities. Banned from selling their goods outdoors, surviving off a meagre compensation from the state, many of them had to stop paying their water, gas, and electricity bills so their families could still have food on the table. A food bank was reportedly organised every two weeks by social services, but the queues were so long that they would have to wait all day to receive a few packs of pasta. Access to key institutions became limited, if not frankly impossible. Community support was also impacted. Many did not see their relatives and friends for months and the daily church services that most members of the communities held so dear were turned into radio podcasts. While the measures were eased after the shock of the first wave had died down, Orcasitas residents barely had the chance to catch their breath. In the autumn of 2020, the district in which the neighbourhood is located had the highest infection rate in the whole of Europe. City authorities controversially imposed strict lockdown measures on the poorest and most racialised neighbourhoods of Madrid, which were placed under surveillance of police patrols, while the wealthier inner-city districts could go on living with much fewer restrictions (see figure 1 below) (El Salto Madrid 2020). The most help Kalé communities received came from their own solidarity networks – the youngest

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<sup>3</sup> According to the Spanish National Institute of Statistics (*Instituto Nacional de Estadística*, INE). Last accessed 16 October 2021: <https://www.ine.es/jaxiT3/Datos.htm?t=13930>.

<sup>4</sup> *Salario Mínimo Interprofesional* (SMI) according to the Royal Decree 1462/2018, of 21 December (BOE núm. 312, de 27 de diciembre) and the 15/2001 Law of 27 December on the Insertion Basic Income of the Madrid region (art. 10.4), last accessed on 16 October 2021: [http://www.madrid.org/cs/Satellite?c=CM\\_ConvocaPrestac\\_FA&cid=1109168955327&definicion=Prestaciones+ Sociales&idListConsj=1109265444710&pagename=ComunidadMadrid%2FEstructura&tipoServicio=CM\\_ConvocaPrestac\\_FA](http://www.madrid.org/cs/Satellite?c=CM_ConvocaPrestac_FA&cid=1109168955327&definicion=Prestaciones+ Sociales&idListConsj=1109265444710&pagename=ComunidadMadrid%2FEstructura&tipoServicio=CM_ConvocaPrestac_FA).

organised among themselves to bring in groceries to the eldest, and street-traders distributed their goods. Meanwhile, and despite many Kalé people's mobilising to support hospital patients and other affected people, the press and social media users indulged in hate speech depicting Kalé people as responsible for propagating the deadly virus. The data analysed in this dissertation was mostly collected in the years of 2016 and 2017, over two years before the Covid-19 crisis blew up in our faces. Yet, the reaction to the pandemic in Madrid only unveiled an already existing gap between discourses and deeds, in a country that is so often promoted as a haven for the national Romani minority.



**Figure 1.** “Villaverde stands up for dignity in the south”, September 2020.

Visual shared on Twitter following the selective lockdown adopted in September 2020 in Madrid. It reads: “Villaverde stands up for dignity in the south. Is the selective lockdown a coincidence? No, it is inequality, inequity, decades of neglect. You want me to go into lockdown when I return to my home after crossing the entire Madrid in Metro, to clean your streets, to care for your sick father, to serve you food, to leave your little Amazon package on your doormat. #Ayuso go into lockdown first.” It features a map of Madrid districts highlighting the spatial inequality coinciding with the spread of the virus and selective lockdown measures. Source: “La población afectada por el confinamiento se movilizará mañana contra las medidas del gobierno madrileño”, *El Salto Madrid*, 19 September 2020.

### *The puzzle: Explaining Kalé women's underreporting of gender violence*

Kalé women are fully entitled to social and political rights as Spanish citizens. In the large urban area and capital city that is Madrid, they should in principle be able to enjoy greater



access to public services, health facilities, judiciary institutions, as well as civil society support than in smaller towns. However, the preliminary research I conducted ahead of field work immediately confirmed a generalised reluctance, among Kalé women experiencing violence within intimate partnership, to reach out to competent authorities, whether or not it involved filing a complaint.

In recent years, academic researchers and policy experts started investigating Romani women's underreporting of gender violence in Europe, still with a stronger focus on the CEE region. Emerging literature seems to link the phenomenon to Romani communities' cultural norms (Merhaut 2019) or to their social marginalisation and unawareness of services (Kozubik, van Dijk and Rác 2020; Rác 2020). International organisations and NGO reports offer a similar diagnosis and claim to work towards Romani women's empowerment, so they can challenge "traditional gender roles" and early and forced marriage within their communities and learn to navigate access to services (Milenković for UNDP 2018; BIBIJA Roma Women Center for UN Women 2019; JUSTROM 2016-2018; JUSTROM2 2018-2019; JUSTROM3 2019-2021). Conversely, engagement with Romani feminist scholars' earlier assessments of how Romani women's experiences of gender violence interlock with their experiences of state racism remains limited. Alexandra Oprea (2004; 2005) and Angéla Kóczé (2009a; 2009b), especially, openly addressed the harm to which Romani women are exposed when they contact law enforcement or other state services. In a context of deep-rooted racism towards Romani people across the whole European continent, women risk fuelling further stigma and police persecution against their communities, while being left unprotected, because of the widespread belief that gender violence is business as usual within Romani communities and that Romani women are immune to it (Oprea 2004).

A minority of empirical studies expose the racist filters through which practitioners approach Romani women experiencing violence. Gabriela Wasileski and Susan Miller show for example that shelter workers in Slovakia would sometimes categorically refuse to take in Romani women, assuming that they were making up their stories to be granted free accommodation (Wasileski and Miller 2014). In Spain, Lorena Sosa (2017), as well as Erica Briones-Vozmediano, Daniel La Parra-Casado and Carmen Vives-Cases (2018), find that service providers depart from legal colour-blindness to engage in a culturalist reading of gender violence that may indeed lead to inadequate protection and secondary victimisation of Kalé

women. In Madrid, during the time of my field work, feminist mobilisations for a better implementation of the LOVG and the subsequent regional legislation and policies mostly linked high attrition rates to budget cuts and conservative views on gender among judges. Yet, in 2019, local policy actors launched an initiative to address practitioners' treatment of Kalé women experiencing violence through intercultural mediation and training (EFE 2019).

Arguably, the recommendation to set up specialised training programmes still relies on the assumption that arbitrary and discriminatory practices need to be overcome so that women can more easily file complaints and successfully go through judicial proceedings. Setting higher conviction or incarceration rates as an end goal omits what resorting to criminal justice may mean to a historically persecuted minority and fails to consider that alternative help-seeking strategies could feel safer to Kalé women. Not ready yet to take off my NGO worker glasses, I began my doctoral research with a similar posture to the above emerging initiatives. Convinced that Kalé women experiencing violence in partnership did not have access to judicial institutions and were more likely to be revictimised and drop their cases during judicial proceedings, I hoped to address cultural barriers and prejudices among practitioners. Shortly after starting field work, the narratives of Kalé women participating in my research led me to rethink my perspective. Aware of gender violence mechanisms and of the services available, they instead kept returning to their everyday experiences of racism and, implicitly, to how those were rooted in centuries of unjust measures and treatment. Meanwhile, I repeatedly witnessed how service providers would overlook or dismiss their stories. It became achingly clear that aiming at equal access to rights and equal treatment in service provision and judicial proceedings would never suffice. The institutions handling cases of gender violence were not built on a blank slate: they bear the heavy legacy of centuries of state governance constructing Kalé women as undesirable and dangerous citizens. How could we possibly expect Kalé women to turn to them in a situation of such extreme vulnerability?

*A shift in perspective: Antigypsyism as a way to introduce race into the debate*

A radical epistemic shift is newly gaining ground in a small part of academia, activist work and even, to some extent, at the political level. The Critical Romani Studies movement, led by Romani scholars and allies, marks a rupture with the Romani studies scholarly tradition that objectifies the Roma as a marginal group and subculture with restricted access to

institutions. Rehabilitating Ian Hancock's work (1997), a coalition of scholar-activists, the Alliance against Antigypsyism (2017), advocates for the study of "antigypsyism" – *antigitanismo* in Spanish –, defined as the process through which majority society essentialises and stigmatises different groups under the "Gypsy" label. Likewise, by focusing on antigypsyism, I investigate a process of racialisation initiated and maintained by majority society and the complex state apparatus from which it benefits. In other words, this dissertation *does not* study gender violence within Kalé communities. It *does not* look for elements in Kalé culture or lifestyle which may expose women to further violence or prevent them from reaching out to institutions. It *does not* make the claim that the Kalé minority is more, or less, marked by patriarchal gender relations than majority society. What it does do is revisit Spain's gender violence legal and policy framework and, indirectly, the international legal standards on how best to respond to gender violence which I long held as untouchable, through the lens of six centuries of state persecution. Importantly, the comprehensive approach in the LOVG goes beyond the judiciary and involves a wide array of state and non-state institutions, including welfare agencies and civil society organisations. I thus analyse the interactions between Kalé women and a diversity of actors involved in prevention and protection work, ranging from specialised courts to social services and NGOs.

Lately, Romani politicians, scholars, and activists – notably through the efforts of MEP Soraya Post and Spanish MP Ismael Cortés – successfully brought antigypsyism to the agenda of the European Union (European Parliament resolution of 25 October 2017) and the Spanish Parliament (creation of a parliamentary subcommittee for a National Action Plan against Antigypsyism, 20 May 2021). The politicisation of antigypsyism represents a move away from the premise that Romani minorities are potentially problematic and need integrating into a better-off majority society. Alexandra Oprea and Margareta Matache (2019) have however voiced concern about the fact that antigypsyism focuses on misrepresentations among majority society. They suggest that this angle might reinforce the view that institutional actors are only ignorant and will improve their practices if better educated about the diversity of Romani culture and realities (*Ibid.*). Bearing their important criticism in mind, I nonetheless support that such a change of narrative at the highest political level has the potential to introduce race into discussions on how the state responds to gender violence in Spain. I am convinced that European work on antigypsyism and the U.S.-born Critical Race Theory can mutually feed

each other and bring awareness of the ways in which Kalé women have been racialised since the construction of the Spanish nation state, and how this legacy translates into current legislation and policies on gender violence.

A key precondition for this is that we as members of the dominant group take responsibility by becoming aware of the racialised representations that are rooted in our popular culture and the institutional landscape, but also by actively combating them even when that means renouncing the ways in which they benefit us. Matache (2016) and Caro Maya (2017) address this by highlighting the “gadjo-ness” and “gadjo-centrism” in policy frameworks as well as scientific knowledge production. *Gadjo* (masc. singular), *gadji* (fem. singular), or *gadje* (plural) is a Romani word used by many Romani groups across the world to refer to the non-Romani, dominant ethnic group. It is also used among Spanish Kalé, although they more frequently refer to us as *payos/as* or *jambos/as*. Both Matache and Caro Maya voluntarily use the masculine form, *gadjo*, in their depiction of dominant institutional apparatuses, to signify how racial and gender systems of oppression interact within them. The word in itself is an act of resistance, often frowned upon by majority society, and which I also feel uneasy using – for fear of indulging in white guilt or re-appropriating it. However, it is important to name power relations, as well as the specific form of oppression targeting Romani people, and reflect on our positions within them. As such, I will, throughout this dissertation, refer to myself as *gadji*. I will also follow the lead of Matache and Caro Maya by referring to the Spanish state and institutions, in all their complexity, as *gadjo* in the masculine form. This choice of terminology has strong political and scholarly implications as it both leads me to acknowledge my researcher subjectivity and role in power dynamics and makes the structural imbrication of patriarchy and anti-Roma racism explicit.

## Methods

### *Research design and unexpected findings*

My initial research question led me to a research design that combined eight months of ethnographic work with semi-structured interviews across multiple sites, conducted in Madrid between 2015 and 2017. On the one hand, a comprehensive response to gender violence involves a wide array of institutions and forms of intervention: relying on my existing professional and activist contacts and using the snowball method, I could interview 41

practitioners working in specialised courts, law enforcement, health care facilities, specialised support services, social services, and NGOs (details in appendix). I had access to official and shadow reports, but also to classified court files and psychosocial forensic reports, and I was invited to observe emergency hearings that were not open to the public.<sup>5</sup> On the other hand, I was keen to enter the field through a grassroots group run by or working with Kalé women to be able to address my gadjo bias when engaging with practitioners. I therefore joined a local *asociación de mujeres gitanas* (literally, *gitana* women's association) as a volunteer, ready to help and join their daily activities, while making my PhD researcher position explicit to the women present in its premises.

I soon found out that the organisation was set up through state subsidies, run by gadje social workers, and that it worked in partnership with regional social services to implement welfare programmes. Because of this, I from this point on refer to it as a non-governmental organisation (NGO) working *with* Kalé women, rather than an *asociación de mujeres gitanas*. Admittedly, the “non-governmental” label is misleading, as state governmentality permeates non-state entities and there is in reality no such thing as acting outside the state and beyond the reach of legal hegemony. My use of “the state” or “state authorities” also aims to encompass complex and various layers of governance, especially as the Spanish state was radically reconfigured in the wake of the Francoist dictatorship, with a simultaneous movement towards decentralisation and Europeanisation of power (Banaszak et al. 2003). Conducting field research in Madrid involved engaging with regional and local levels of governance, as well as the state institutions concentrated in the capital city.

Besides two preliminary interviews and participant observation at the courts in 2015, I started to interview practitioners working in judicial and other gender violence related institutions in January 2017, three months after beginning my volunteering with the NGO. The interviews lasted on average one and a half to two hours and were conducted in places chosen by interviewees. I would begin by asking them to explain the functioning of their institution and walk me through a typical day at work, after which we would discuss their experiences with Kalé women plaintiffs or service providers. I took detailed field notes of every interaction

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<sup>5</sup> Note that the each interviewed court practitioner had only encountered a couple of cases involving Kalé women throughout their entire time working at there.

and fully transcribed all recorded interviews. The entire dataset was coded with NVivo and analysed using thematic analysis.

When socialising with beneficiaries outside the NGO premises, in my first month of field work, I was surprised to discover that the women were financially obliged to attend the NGO's activities in return for their welfare benefits. As they expressed their dissatisfaction with the mandatory programmes on gender violence and despaired over institutional actors' failure to address racism, I changed my initial research question and searched for patterns in my interviews indicating a dismissal of race. Despite the ban of ethnically disaggregated data in public institutions, practitioners did know when they were interacting with Kalé people and could recall cases, notably due to the mention of typical Kalé names or Kalé ethnicity in court cases and psychosocial forensic reports. I found that most of them, while identifying as feminist and inclusive of minorities, espoused an analysis of gender violence that did pay attention to ethnicity, but rejected the existence of institutional racism and, instead, singled out Kalé culture as the patriarchal enemy authorities should focus on combating. I eventually confronted my preliminary findings with NGO beneficiaries, through four focus groups conducted within the NGO premises, with ten women in each group.

### *Negotiating my position*

Because of my previous professional and activist experience in the field, I shared many points of reference with gender violence practitioners in Madrid. With their support, I had access to specialised courts which, for safety reasons, were carefully guarded by security staff and would normally not allow public access. I felt grateful for their contribution and the access they had granted me. Likewise, they spontaneously acted in a friendly and informal manner towards me, which I suspect went beyond our professional backgrounds, and had to do with a tacit gadjo complicity. I especially had expected the local police to show reluctance to my research, but their public relation department explicitly informed me that they were "eager to improve their image", and I was enthusiastically welcomed in their specialised unit and allowed to visit the desks of their victim helpline. One notable exception was the *Servicio de atención a las víctimas de violencia de género 24 horas* (SAVG), which co-handles the helpline in Madrid along with the local police and coordinates access to shelters. The City Council Equality division mysteriously prevented me from getting access to SAVG employees, after

requesting that I sign an official document and leaving me pending for several months. Other practitioners, including former SAVG staff, confirmed that access was “extremely complicated” and that current SAVG employees were “locked behind an armoured door”.

Although wherever I went, I was a PhD researcher from a different country, speaking Spanish with a foreign accent, and affiliated with an English-speaking higher education institution, conducting research on multiple sites further complicated my positionality. In particular, the NGO I had romanticised as a safe community space turned out to be a service outsourced by regional authorities, marked by strong hierarchies in which I confusingly became caught up. Justifying its *asociación de mujeres gitanas* label, the NGO was headed by a Kalé woman, unpaid for the position, who worked full-time for an institute affiliated with the Ministry of Culture and only showed up periodically at the premises. In its daily operations, it was run by a team made up of a social worker, a treasurer, and three mediators, hired and funded through regional social services. Only the mediators were Kalé, and they appeared to be at the bottom of the organisational hierarchy. While I developed an honest friendship with two of the mediators, and the third mediator was rarely in the office, my rapport with the social worker and the treasurer was more ambivalent. The social worker acted as an important facilitator by welcoming me into the organisation, sometimes giving me car rides, and pedagogically answering my questions. However, when she and the treasurer realised that I was more critical of institutional racism than they had anticipated, they both acted as gatekeepers and restricted my access to privileged information, keeping themselves as the sole interface between beneficiaries and me. They visibly did not trust me and kept me out of some communication, notably a Whatsapp group which they shared with beneficiaries where they posted information and pictures of the activities.

Similarly, I had a multi-faceted relationship with the NGO beneficiaries. Although I introduced myself as a university researcher and explained my research topic, I was immediately perceived as a member of staff. They would frequently apologise to me after using the word *payo/a* in my presence. The boundary between us became blurrier when they heard me positioning myself differently with respect to antigypsyism or when they found out that my partner was Romani. After one of them – who later became a friend – invited me to attend church with her, I ended up socialising with many women attending the NGO programmes at the NGO premises in the morning, and church services in the evening. Whereas the two places

were located only five minutes away from each other, our socialising happened at distinct times of the day, and in very distinct atmospheres. Besides the staff, they were attended by almost the same people, and yet the relationships and power dynamics between us were radically different according to where we were. At the NGO, I was often referred to – despite my protesting – as “teacher” (*profe*), and we kept a symbolic and physical distance when talking to each other, even when sharing personal anecdotes. At church, I was called “sister” (*hermana*), hugged, offered coffee or a piece of cake, but more importantly, taught how to behave in a place that was fully theirs. This complexity made field work unsettling at times, but it also better informed my analysis.

Towards the end of my stay at the NGO, in late May 2017, I offered to the beneficiaries that we discuss my preliminary observations and conduct interviews in the form of focus groups. I was determined not to contribute to the punitive framework to which they were subjected by welfare rules and insisted that participation was optional and anonymous. Nonetheless, using the tools and space I was provided with was necessarily limiting. The research participants who were present for the group interviews were still there out of their usual obligation to attend NGO activities. We used four of the one-hour-long sessions that they attended twice a week. Ten women were present in each group, making it a total of 40 focus group interviewees, but we agreed that they would only partake in the interview if they were interested, so a couple of them withdrew every time.

Prior to leading these four focus groups at the NGO where I volunteered, I had led a more spontaneous one at another NGO in the nearby neighbourhood of Villaverde. I was originally present to interview social workers, who suggested that I join sessions with beneficiaries and speak with them directly. While the intention was commendable – why talk about programme attendees on their behalf without giving them a say? –, the process was unplanned, awkward, and made us all uncomfortable. I introduced myself to women who did not know me and had apparently not been informed of my visit. Only three were present in the room that day. They were colouring mandalas, an activity one of the social workers had introduced at the end of workshops because she thought it was helping them relax, but after I was invited to ask my questions, the atmosphere became undeniably tense. I explained I was researching revictimisation of Kalé women in specialised gender violence institutions and asked them about their experiences with social services, police forces, and other state



administrations. Two of them stayed silent and barely made eye contact, arguing that they “didn’t know” or “didn’t know what that meant”. One was more vocal and defensively insisted that she was very grateful to the social workers who supported her in her daily life. They all showed reluctance to talk about the police and told me there had never been any conflict in their families in any case. The discussion took place in the presence of the NGO social worker leading the group, although she reminded them that the interview was anonymous and that she was happy to leave the room if they preferred her to. It is probable that NGO beneficiaries did not want to challenge her or her colleagues openly. In any case, there is no doubt that they found my presence and out-of-the-blue questioning unsettling, intrusive, and perhaps even suspicious. Aware that the unannounced and, therefore, forceful interview was a mistake, I insisted that I did not want to make them uncomfortable and that they did not have to answer any of my questions. When they left the room, one of them apologised that “[they] couldn’t really help me” and another one said goodbye touching my arm as a comforting gesture.

One of the things that puzzled me that day was the discrepancy with the discourses held by women in Orcasitas, who were constantly despairing that social services frontline workers were disrespectful, authoritarian, cutting back or withdrawing their benefits, scolding them about their children’s school attendance, while employment agencies were denying jobs to them or their husbands. And indeed, the beneficiaries who later took part in the four focus groups, women I knew and with whom I had spent much time over the past months, had similar grievances. Their body language significantly differed from interviewees in Villaverde – whereas the latter would mumble a dismissive answer and avoid eye contact, interviewees in Orcasitas would sometimes speak with agitation, jumping on their chairs, raising their voices. One of them repeatedly insisted, pointing her finger at me: “Make sure you write this down! It’s important!”. The failed attempt at discussing discriminatory practices with Kalé women I did not know in Villaverde, and the three months of ethnographic research that followed, reoriented me towards an approach that was far more inductive, built over trust and open discussions on my research findings and what required addressing, when I interviewed NGO beneficiaries in Orcasitas. These women had met me when my original research question focused on experiences of gender violence and secondary victimisation during judicial proceedings. They were the ones who had led me onto a different path, and I made it clear, when inviting them to reflect on my findings, that listening to them had encouraged me to

explore institutional racism from a broader and different angle. The awkward conversation I had had with women in Villaverde months earlier was characteristic of the entitlement with which we gadje scholars intrude into the lives of Romani people and expect to collect personal information without any guarantee that we and our research projects can be trusted. It highlighted that not only my research questions but also the settings in which I investigated them needed to be better suited to the wishes of NGO beneficiaries.

All interviewees, regardless of who they were, were guaranteed anonymity, given the choice of using a recorder or not, and free to stop the recording whenever they wished to do so. The focus groups were the only instances when I did not offer to record, because the women were present at the NGO out of welfare obligation. I had not planned to ‘trick’ any practitioner into making racist comments. However, there is no doubt that the comments came up – and they almost systematically did – because interviewees were speaking to a gadji interlocutor. Admittedly, I did politely challenge them by suggesting that institutions carried responsibility for secondary victimisation of Kalé women during proceedings. This triggered defensive reactions several times and, in rarer cases, led interviewees to rethink their claims and engage in self-reflection. Yet, unknowingly, I ended up using my gadjo complicity to give visibility to discussions that normally take place behind closed doors. As suggested by the Arizona-based Indigenous Action collective (2014), supporting the oppressed in their struggle from a place of privilege means taking risks and, in a way, betraying our own group. We need to become “accomplices, not [merely] allies” (*Ibid.*). In a sense, reporting on feminist practitioners’ casual racism as the legacy of centuries-old state antigypsyism makes me another kind of accomplice. I do this with a strong sense of betrayal, but that is also because analysing their individual everyday contributions to systemic oppression is for me like holding a mirror. That is precisely the purpose of my dissertation: taking responsibility.

## **Gender violence: a proposed redefinition**

### *Current feminist debates in Spain*

The 2004 LOVG defines “gender violence” (*violencia de género*) as physical or psychological acts of violence perpetrated by a man against a woman, in the context of a former or current partnership, regardless of marital status and whether they cohabited or not. It

explicitly understands such acts as “the manifestation of the discrimination, situation of inequality, and power relations of men over women” (LOVG Art.1). This legal reform represented a gigantic step forward by recognising violence in intimate partnership as systemically gendered. Using as leverage the entry into force of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) in August 2014, of which Spain is a State Party, feminist advocates have been mobilising for an expanded legal definition of gender violence that would include all forms of male violence against women, including outside intimacy.

The understanding of gender violence as a systemic phenomenon targeting women across all social groups, which is dominant among feminist activists and victims’ advocates groups in Spain, still relies on what Angela P. Harris refers to as “gender essentialism” (Harris 1990), by gravitating around the perspective of the dominant group. Even the latest initiatives to take Kalé women into consideration, instead of rethinking what violence means and feels like from their perspective, relegate them to a “footnote” (*Ibid.*, 592; Oprea 2012, 19). Kalé women may be featured as add-ons – through intercultural mediation and training, gender violence prevention workshops – so long as the core remains the same. The dissonance upon which I stumbled when observing gender violence workshops for Kalé women is often interpreted by gender violence practitioners and feminist advocates as disengagement with the issue, the persistence of internalised conservative gender norms. This reflects the dominant narrative that can be found in recent policy reports and academic literature, which relate Romani women’s lack of access to services to alleged cultural barriers or social isolation. In contrast, I argue that this dissonance originates in a failure to consider the centuries of assault to which Kalé women have been subjected in Spain, rooted in criminal and civil legal dispositions aimed at – aggressively or surreptitiously – eradicating them, but also popular culture representations vilifying them as worthy of punishment or death.

### *Beyond the footnote*

What is gender violence, then, and what does it encompass? From Domestic Violence, feminist scholars and policy experts started talking about Intimate Partner Violence (IPV) – to account for the diverse ways in which control may occur within (and because of) intimacy,

even outside the home, outside marriage, and outside the family. From Violence against Women, we started talking about Gender Violence, to link it more explicitly to socially and institutionally enshrined power structures, and the “destructive masculinity” such structures maintain (Harris 2011). The legal definition of “gender violence” in Spain names power relations, but remains limited – not only to intimacy, but also to heterosexual relationships, cis-women, and individual acts of violence. By reviewing the four pillars of comprehensive state response to gender violence – reflected in the LOVG and explicitly verbalised in the Istanbul Convention – through the lens of Kalé women and the long history of gendered racial abuse they have endured, I show that, in their case, state intervention against gender violence *produces* gender violence. A change of perspective can both offer a qualitatively different understanding of gender violence and expose how the current framework in Spain ends up doing what it was designed to undo. It is crucial to understand that what is often perceived, among policymakers, as mere gaps in implementation or arbitrary practices, tangibly puts Kalé women at risk of harm, with sometimes fatal consequences.

#### *The 4 Ps framework*

The so-called 3 Ps approach in the international human rights framework originates in the 1989 UN Convention on the Rights of the Child (CRC), which was built on the principles of Provision, Protection, and Participation. Inspired by the CRC, feminist policy work similarly refers to Prosecution, Protection, and Prevention – otherwise known as “punishment, safety and reform” in legal anthropologist Sally Engle Merry’s work (2009) – as the main pillars in comprehensive state intervention against gender violence. Additionally, the participation of civil society has been put forward as playing a key role in the adoption, implementation, and monitoring of laws and policies, as well as providing support to victims’ and ensuring their perspective remains central (e.g., Logar for UN Women Expert Group Meeting on good practices in legislation on violence against women 2008). I articulate my dissertation around those four principles and notably pay tribute to the Istanbul Convention – internationally dubbed “gold standard” for legal and policy frameworks on gender violence (UN Women 2013) – which is known for promoting the 4 Ps approach.

In the current climate of recrudescence of men's rights activism and anti-gender mobilisations against the LOVG and the Istanbul Convention – the same groups that promote far right values and racial hatred, such as the rising neo-Francoist party Vox –, I support the existence of legal and policy frameworks aimed at the protection of women from any form of harm. By showing how the four pillars of intervention in Spain's gender violence framework paradoxically translate into violence against Kalé women, I invite reflection on the foundations of the criminal justice system and how they impact current institutional practices. The aim is not to discard important feminist legal reforms to tackle gender violence, but to revisit them with the awareness that Kalé women – and other minorities – are to this day still subjected to policing, neglect, economic violence, and agency denial at the hands of “the gadjo state”.

## Chapter summaries

Contrary to what its quasi-absence in scholarly literature may suggest, gender violence against Kalé women is a regular trope in Spanish popular culture. The study of antigypsyism, by focusing on the fantasised imagery of “Gypsies” constructed by gadjo society, makes an explicit connection between cultural representations and discriminatory practices in current politics and legislation (Cortés 2021). In that spirit, each of the following chapters begins with literary or musical references, considered cultural landmarks in Spain, which foster negative representations of Kalé women in relation to gender violence. In doing so, I demonstrate that gender violence against Kalé women is deeply engrained in Spanish political but also cultural history.

Chapter 2 offers a detailed theoretical and historical contextualisation of the dissertation argument. Supported by a conceptual framework that combines antigypsyism, Critical Race Theory, and decolonial studies, I challenge the narrative of gaps in implementation of an otherwise good legal and policy framework, by retracing the construction of the figure of the *gitana* as enemy of the nation throughout Spanish history and how this unaddressed legacy lives on in today's institutional landscape. I review the critical work written by a minority of Kalé scholars and reflect on the specific targeting of Kalé women in a context of colonial expansion and racialisation along religious lines. Despite obvious parallels with other racialised minorities, Kalé women belonged neither to a colonised people nor to a religious minority, and yet, they were singled out as the ultimate embodiment of sin. Although explicitly antigypsyist

legislation is considered to have ended with the death of dictator Francisco Franco and the 1978 new Constitution, I debunk the myth of post-dictatorship Spain being an example of modern democracy and a haven for Kalé women, through a critical mapping of the institutions that flourished in the past decades. This historical digression is key to understanding the settings in which the LOVG and subsequent regional laws and policies are embedded. It explains on the one hand, why Kalé women remain suspicious of state authorities, and on the other, why gender violence practitioners consider that Kalé women do not have the necessary attributes to be granted victim-centred service provision: innocence, credibility, and the ability to make rational decisions.

Chapters 3 to 6 analyse each pillar of state intervention one by one and examine their role in exposing Kalé women to gender violence: Prosecution, Protection, Prevention, and Participation. In chapter 3, I show that prosecution which, notwithstanding the comprehensive approach of the LOVG, is given primacy in implementation, represents a threat rather than a way to safety for Kalé women. Despite a twenty-year-old study indicating an alarming overrepresentation of Kalé women in prisons, Spanish prison studies remain silent on antigypsyism in carceral facilities. I complement this daunting gap with North American scholarship on the criminalisation of racialised minority women, to argue that Kalé women similarly face a higher risk of policing and incarceration when reporting cases of gender violence. I confront the negative experiences with law enforcement which NGO beneficiaries described at length during my ethnographic research, to the refusal by practitioners to acknowledge the existence of institutional racism and their tendency to, instead, blame community elders' intervention as an obstruction to justice.

Chapter 4 unravels the discursive strategies deployed by practitioners working in the so-called *red de atención integral a víctimas de violencia de género* (comprehensive care network for gender violence victims), thereafter referred to as gender violence protection network, to justify the lack of protection offered to Kalé women during and after judicial proceedings. I show that, despite the Spanish state's ban on ethnically disaggregated data, practitioners do not espouse a colour-blind approach to justice and service provision. Confirming emerging research on cultural racism in gender violence policies in Europe and Spain (Montoya and Rolandsen Agustín 2013; Sosa 2017; Briones-Vozmediano et al. 2018), Kalé ethnicity does stand out in practitioners' discourses, but in a culturalist reading of gender

violence. However, rather than understand this narrative as arbitrary practices, I relate it to historically rooted negative representations of Kalé women. I find that, while mass media typically put Kalé men forward as dangerous, practitioners vilify Kalé women and families in judicial proceedings, by questioning the plaintiffs' victim status, pinning responsibility for violence on mothers, and isolating women from their community support networks. I argue that practitioners' racially biased norms of true victimhood jeopardise the safety of Kalé plaintiffs. Should they be left unprotected after undergoing risky judicial proceedings, they would be exposed to greater harm than if the case had been left unreported.

In chapter 5, I delve deeper into my ethnographic work at the NGO and assess the gender violence prevention programmes targeted at Kalé women that are implemented in partnership with regional welfare agencies. Developed within a punitive ideological framework which forces welfare recipients into precarious labour, the programmes, made mandatory for Kalé women on welfare benefits, focus almost exclusively on harmful gender roles and gender violence. I contribute to yet another field of research by supporting that welfare reforms under neoliberal governance were designed as a conscious strategy to maintain racialised minorities in a subaltern position. The programmes keep beneficiaries in a state of financial precarity and dependency on state authorities, both because attending weekly activities prevents them from exerting their usual economic activity, and because their failure to attend them results in a withdrawal of welfare benefits. Beyond discussions on economic precarity, however, I show that the activities – noteworthy labelled “classes” – rely on mechanisms of infantilisation constructing Kalé women as eternal minors, incapable of growing up and of making rational decisions. I argue that by exerting economic control over Kalé women and denying them adult agency, the programmes create conditions for violence and make exiting strategies more difficult – in total contradiction with their stated purpose.

Finally, in chapter 6, I decipher the theatricality of public ceremonies, included in mandatory activities for Kalé women on benefits, which stage their participation in political life in a context of growing Romani cultural recognition. Although the events, organised monthly in partnership with local and regional authorities in Madrid, celebrate Kalé women's self-representation, NGO beneficiaries are ironically kept off the expert arena and relegated to a position of entertainers. I relate this *mise-en-scène* to the coerced performances to which slaves were historically subjected in various instances to comfort colonisers into thinking that

racialised minorities were happier under their ownership. I argue that the recent shift towards cultural recognition at the political level has been mobilised as a strategy to reappropriate Kalé women's symbols of resistance and sabotage their capacity for self-defence – although Kalé women still manage to subvert power relations in creative ways. By explicitly analysing how six centuries of state antigypsyism manifest in public demonstrations of state reconciliation with Kalé women and recognition of their cultural heritage, I add another layer to the critique of Spanish exemplarity.

All these dimensions of racialised governance of Kalé women, across different policies, implemented by different state and non-state institutions, illustrate two major arguments developed in this dissertation. First, that discriminatory professional practices, no matter how inclusive the legal and policy framework is intended to be, will persist so long as the history of antigypsyist laws, policies, and cultural representations remains swept under the rug (or, in the “Spanish model” case, the shiny red carpet). Second, that such practices might feel like occasional mistakes to policymakers and frontline workers, but by exposing Kalé women and their loved ones to precarity, policing, incarceration, isolation, custody loss, and retaliation after (often forceful) proceedings, they in fact put their safety in jeopardy in very tangible ways. For the past two years, Spanish feminists have been reappropriating, during protests across the country, the powerful lines of Chilean collective Las Tesis – “the oppressive state is a male rapist”. In this dissertation, I probe deeper into the perpetrator state argument, by unfolding its complexity, ambiguity, and multiple layers, in a feminist state intervention against gender violence which turns a blind eye to the six-century-old abuse committed against Kalé women.



## CHAPTER 2: GENESIS OF THE GADJO STATE

“Despite their poverty and the sort of aversion they inspire, Bohemians are still treated with consideration by ignorant people, and they are very proud of it. They consider themselves to be a superior race as far as intelligence is concerned, and they cordially despise the people who offer them hospitality.”

Prosper Mérimée, *Carmen*, 1845<sup>6</sup>

Perhaps one of the most famous and unfortunate representations of Spanish Kalé women in cultural productions worldwide has been inspired by Mérimée’s *Carmen*, a widely acclaimed novella which, in truth, consists of little else than a mediocre justification for racist femicide. Murdered by Don José, a gadjo man, for the plain and simple reason that she no longer loves him back, Carmen’s character is described as a prostitute, sexually irresistible but not truly beautiful; as a witch and “servant of Satan” (Mérimée 1845, 24; 47); a thief, a liar and, worst of all, guilty of manipulating her lover, an honest member of the civil guard, into becoming a wanted outlaw. Undeniably driven by racial stigma, the narrator expresses unapologetic bias in favour of Don José, whom he describes as blond-haired and blue-eyed and unwittingly turned into a criminal by the Kalé despite his good heart. While Carmen gives the book its title and storyline, it is Don José who is given the floor for 43 pages to make his case, which he concludes pinning responsibility on Kalé people for the murder he himself committed: “Poor child! The guilty are the Kalé for raising her the way they did.”<sup>7</sup> (*Ibid.*, 76). In the novella’s fourth and last chapter, the author suddenly drops his narrator’s voice to engage in a short ethnography of the Roma, with a disturbing emphasis on Spanish Kalé women’s lack of desirability or distaste for gadje men. What better way to end this poorly disguised victim-blaming tale than showing off to the gasping white elite his newly acquired knowledge of “Bohemians” and their alleged contempt for majority society?

Grossly stereotypical as it may nowadays seem, Mérimée’s pseudo-scientific endeavour to crack the codes of Romani language and customs still bears remarkable resemblance with current academic and policy work on the Roma. As highlighted by the newly

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<sup>6</sup> Own translation.

<sup>7</sup> “Pauvre enfant ! Ce sont les *Calés* qui sont coupables pour l’avoir élevée ainsi.” Own translation.

established Critical Romani Studies school of thought, and notably Romani feminist scholars, the gadjo gaze continues dominating scholarship on Romani people and reifying them as a problematic object of inquiry (eg. Matache 2016; Selling 2018; Kóczé 2018). The obsession with Roma's reported isolation from majority society, as is manifest in Mérimée's statements, is rarely met with any reflection on the construction of the white nation state – more specifically, “gadjo-ness” and “gadjo-centrism”, as respectively coined by Margareta Matache (2016) and Patricia Caro Maya (2017).<sup>8</sup> Likewise, international policy work on access to justice for Romani women often still perpetuates the premise that Romani women are problematic service recipients, for either cultural or social reasons, and that they should be the sole actors of change. Romani women might no longer be categorised as heretics – and even that, in some instances, remains debatable –, but “the guilty” remain “the Kalé, for raising [them] the way they did” (Mérimée 1845, 76). Despite the growing recognition that Romani people are faced with unjust marginalisation and prejudice within majority society, the myth of gadjo “hospitality” (*Ibid.*, 82) lives on in the shape of an institutional framework understood as post-racial, that has been working hard, sometimes in vain, to reach out and help a group living on the margins of society. The scholars and policy experts who do question the exemplarity of the Spanish policy framework, in their majority, continue to merely point at gaps in implementation instead of addressing its foundations.

In this chapter, I challenge the tacit assumption that Romani women need only accept the state's helping hand and be granted full access to its institutions to find justice and safety. I advocate for a historically grounded epistemic shift towards the study of the gadjo state and its institutional apparatus, by connecting Critical Romani scholars' new focus on “antigypsyism” (Hancock 1997; Alliance against Antigypsyism 2017; Cortés and End 2019; Cortés, Caro, and End 2021) to U.S.-born Critical Race Theory and Latin American decolonial studies. Through a historical analysis of how the Spanish nation state was built around and against the gendered and racialised figure of the *gitana*, relying on emerging scholarship on antigypsyism in Spanish history, I highlight the permanency of “gadjo-ness” within Spanish

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<sup>8</sup> Both Matache and Caro Maya acknowledge patriarchy as a central component of “gadjo-ness” and “gadjo-centrism”, hence their use of the masculine “gadjo”.

state institutions and debunk the celebratory ‘rupture with the past’ narrative of a post-racial feminist state.

### **From the “Roma question” to the “gadjo question”**

#### *Challenging the gadjo hospitality argument*

The Spanish state’s policy towards the Kalé minority has been widely referred to as a “model” for other European countries (Kostka 2015; Magazzini and Piemontese 2016; Kostka 2019). The Spanish approach reportedly combines universal welfare and health care systems that tackle inequality in a comprehensive manner, with policies specifically targeted at incorporating Kalé people into the labour market and formal education (Laparra et al. 2013). Various European reports and surveys praise Spain’s use of European Structural and Investment Funds for “high quality Roma inclusion projects” (Kostka 2015, 79). Joanna Kostka argues that the projects’ success finds its roots in a preference for tackling structural inequality through “long-term systemic adjustments” (*Ibid.*, 82) (mainstreaming approach) rather than providing specific assistance to Roma as an excluded group (targeting approach) (*Ibid.*). However, the Spanish state does circumvent its colour-blind principle not to specifically target any ethnic group by delegating this task to non-state actors, the most important of which is the *Fundación Secretariado Gitano* (FSG) (Magazzini and Piemontese 2016). The FSG is allocated the largest part of European Structural and Investment Funds dedicated to Roma inclusion and “directly manages and implements [them]” (Messing and Bereményi 2017, 1637). Its programmes focus almost exclusively on integrating Kalé youth and adults, with a stronger emphasis on women, into formal education and the labour market (projects *Acceder*, *Promociona*, *Calí*). They are regularly applauded – even awarded prizes – at the European level and beyond: UN agencies, the Council of Europe, and the European Commission in particular, list Spain and the FSG as “good” or “best practice” on an almost yearly basis. Gravitating around the FSG, “pro-*gitano*” civil society, largely made up of organisations working with Kalé women (*asociaciones de mujeres gitanas*), started flourishing throughout Spain after the launch of a state funding scheme in 1989 (Caro Maya and Werner Boada 2018). Similarly to the FSG, but with far less funding, they focus on training their beneficiaries as labour force or on the schooling of their children. They operate in networks and interact with the general state

administration through the State Council for the *Gitano* People, an organ with consultative status that was created in 2005 within the Ministry of Health, Social Services and Equality (MSSSI), to institutionalise the partnership between the state and state-funded NGOs working with Kalé people.

European cross-country comparisons in policy documents and academic scholarship not only put Spain forward as a frontrunner: they typically contrast it to bad students in Central and Eastern Europe (*Ibid.*; Kostka 2015). This is reflective of a broader tendency in policy work on the situation of Roma in Europe which tends to leave Western European countries out of the equation. The European Commission has only started truly devoting attention to issues affecting Romani people with the EU's eastward enlargement, notably because the 1993 Copenhagen criteria for joining the European Union, which include the protection of minorities, spurred the recognition of Roma's collective minority rights in CEE countries. Since the Copenhagen criteria only apply to candidate countries, they constitute no obligation for founding member states or members states who joined prior to 1993 (Trehan and Sigona 2009). Although Roma inclusion strategies are developed in most EU member states, European institutions tend to view "Roma issues" as a problem coming from the East (Simhandl 2009) and do not handle rights violations in the same way when they occur in Western Europe. This imbalance and double standard with respect to governance of Romani minorities across different European regions relies on the orientalist premise that Western Europe is in essence more "liberal" than the CEE region. It reinforces culturalist interpretations of antigypsyism instead of addressing its root causes, as is also reflected in academic literature. Although Spain has equally been targeted by orientalist representations in European writings throughout history (Meira Goldberg 2014), it does indeed belong to the Western region in the collective imaginary.

Much of the research published tones down the political enthusiasm and points at gaps in policy implementation or limited results. For example, a study conducted in 2007, immediately before Spain went into economic recession, already showed that Spanish Kalé's life expectancy was 8-9 years inferior to the national average, and only 10% households had access to minimum income support schemes although 77% of them were affected by poverty (Laparra and Macias 2009). More recent quantitative data collected by the European Union's Fundamental Rights Agency (FRA) show that 98% of Romani households in Spain had members at risk of poverty in 2016, as opposed to 90% in 2011 (FRA 2016) and indicate a

further gender divide in early school drop-out and unemployment rates (FRA 2019). The report “Roma women in nine EU member states” from April 2019 reveals that the paid employment rate (including self-employment and occasional work) was only 16% for Romani women, compared to 31% for Romani men and 62% for the general population (FRA 2019, 28).

The stress laid on Roma’s low participation in employment and education in reports issued by FRA is characteristic of the European Union’s agenda to pull Romani communities out of their social isolation and integrate them into the labour force rather than addressing the root causes of racism. Silvia Agüero and Nicolás Jiménez note that according to data collected by the Spanish Ministry of Health, Social Services and Equality (MSSSI) in 2013, the Kalé are the most stigmatised group in Spanish society, and as much as 51.7% of the Spanish population claim that negative stereotypes about Kalé people are in fact justified (MSSSI 2014, quoted in Agüero and Jiménez 2020, 41). The scarce qualitative research that has been published on attitudes towards Kalé women in Spain reports that they experience prejudice and cultural racism from state institutions, for example when reaching out to health professionals in cases of intimate partner violence (Briones-Vozmediano et al. 2018) or when attending welfare programmes (Ayala Rubio 2014). They are regularly constructed as victims of a patriarchal culture, unaffected by suffering (Briones-Vozmediano et al. 2018) or unwilling to integrate. Ioana Vrăbiescu and Barak Kalir show that similar discourses prevail among professionals working with women from Romani migrant communities, who see the beneficiaries of their projects as “failed subjects” (Vrăbiescu and Kalir 2018).

Huub van Baar argues that the narrative of “underdeveloped Roma” having to jump through hoops to integrate into “developed” majority societies (2018, 448), which he refers to as “institutional developmentalism” (*Ibid.*), flourished at the supranational level after the fall of state socialism in Europe. Van Baar underlines the widespread use of a metaphor of gaps and bridges in programmes supported by intergovernmental organisations, notably the Decade of Roma Inclusion 2005-2015 (“Roma Decade”) and the EU Framework for National Roma Integration Strategies up to 2020 (“Roma Framework”), that identifies the Roma as a lagging subgroup within European borders and strives to help them catch up with “enlightened” Europe (*Ibid.*). Besides the tendency to essentialise Roma and impute responsibility on them for their immutability, the gap narrative also manifests in the more critical literature on Roma inclusion policies in Spain, which disproportionately relates disappointing results of otherwise good

policies to poor implementation and professional malpractice. Although this literature offers important first insights into institutional racism, it still addresses state agents' negative attitudes towards Spanish Kalé and migrant Romani women as “an aberrational spot on the pristine white body politic” (Wing 2000, 4) – with little regard for the socio-historical context that shapes and sustains them.

Conversely, the few scholars who do discuss the legacy of the Spanish state's history of racism overwhelmingly focus on postcolonial migration and barely address the Spanish Kalé minority in their analysis. Ricard Zapata Barrero (2010) argues that major events in Spanish colonial history shaped the governance of migrants in present day Spain. He notably analyses the persecution of Muslims during the *Reconquista*,<sup>9</sup> as well as the concept of *Hispanidad* – coined by 15<sup>th</sup> century imperialism and reappropriated by dictator Francisco Franco – that constructed Spain and its colonies as sharing a common culture based on Spanish language and Catholic faith. This historical baggage, he maintains, led to a hierarchisation of migrants and a discriminatory legislation with respect to the granting of residential status and voting rights. Although this argument could have convincingly led to a historically rooted analysis of race in Spain, he claims instead that the Spanish state has been resorting to a “pragmatic” approach to “diversity management”, resolving “problems” as they arise, rather than according to a broader ideological framework (*Ibid.*). U.S.-based scholars regret the unpopularity of research on race in Spain (e.g., Dixon 2005; Flores 2015; Danilo León 2019). René D. Flores, for instance, makes the compelling case, backed up with quantitative data, that the discrimination that migrants nowadays experience is based on racial categorisations rather than nationality, religion, or cultural affinities, as is usually contended in Spain (Flores 2015). Nevertheless, even he addresses race as an “emergent” phenomenon (*Ibid.*) linked to relatively recent waves of immigration and, thus, reinforces a presumption of whiteness for Spanish natives. This disregards the fact that Kalé people were present on the Iberian Peninsula even before the Spanish nation state was built and should logically be considered natives, too (Agüero and Jiménez 2020). Yet, ever since the early days of the Spanish nation state, the Kalé have been simultaneously problematised as outsiders and erased from discussions on state racism.

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<sup>9</sup> The *Reconquista* refers to a period between the 8<sup>th</sup> and the 15<sup>th</sup> century during which Christian kingdoms fought Muslim kingdoms on the Iberian Peninsula.

### *Recentring Romani voices in the debate*

As the premise of a hospitable society slowly gets dismantled by critical scholarship on Romani people in Spain and Europe, the object of inquiry, however, remains the Roma: what distinguishes them from majority society, how best to define them, and what policy area is best suited to address their problem. Indeed, despite many scholars' efforts to provide a nuanced account of Romani people's lives and to shed light on the exclusion they are systemically subjected to, the anthropological endeavour to investigate Romani "lifestyles" and "cultures" (e.g., Okely 1983; Stewart 1997; Gay y Blasco 1999), established especially in the practices of the Gypsy Lore society (Acton 2016; Selling 2018), maintains a gadjo-subject/Romani-object binary in academic research (Matache 2016). This scholarly tradition, Matache argues, "reinforces the hierarchy, established through the means of policy and law, between white Europeans and Roma, and further solidifies the social and political construction of whiteness/gadjo-ness, its hidden powers and value" (*Ibid.*). As highlighted in her analysis, the gadjo gaze is enshrined in legal and policy frameworks, and logically continues to prevail in policy-oriented scholarship. Its most notable illustration is political scientists' enduring debates on the best ways to name and define Roma, whether in terms of ethnicity or social marginalisation (Tremlett 2014). Beyond the general failure to consider the complexity and plurality of factors shaping Romani people's lives, what is at stake and remains overlooked, is that their identities and needs continue to be assessed on their behalf, whether at the policy or at the scholarly level.

It has been argued that post-1989 European governance has opened new opportunities for Romani representation, by reframing the Roma – until then perceived as "non-Europeans" – as a "European minority" (van Baar 2011; van Baar 2018), and by fostering "transnational advocacy networks" (Keck and Sikkink 1998) that bypass the clogged domestic channels of participation (Vermeersch 2006; McGarry 2010; Jacquot and Vitale 2014; Kóczé et al. 2018). Others have been more critical of the "European Roma policy" (Rövid 2011) and its tendency to essentialise culturally and socially diverse people as a single and unique voice (*Ibid.*; Vermeersch 2014). The NGOisation and interest groups model imposed by European neoliberal governance led to programmes that rely on essentialising categories in inadequacy with many Romani people's needs (Trehan and Sigona 2009; Kóczé and Rövid 2012). Romani

women are increasingly becoming objects of culturalist policies that portray certain forms of violence, such as child and early marriage or trafficking in human beings, as “Romani issues” (Jovanović 2015), while their needs are being formulated and wrongly assessed on their behalf (Oprea 2004; Kóczé 2009b).

It was not until Romani feminist scholarship gained traction in academia and beyond – and not without resistance – that the literature on the governance of Romani people began interrogating institutional whiteness. While mobilisations around “Romani gender politics” (Schultz 2012, 37) were indeed eventually amplified in the post-1989 European political landscape (Kóczé et al. 2018), Romani women’s political struggles have often been received by majority society as an attempt to break taboos around gender and sexuality within their communities and the Romani movement. However, Romani feminists, notably through the *Nevi Sara Kali* publication project; a special issue of *Signs* in 2012; as well as a groundbreaking edited volume published in 2018 (*Ibid.*), made a point of “[not pursuing their] drive for gender equality [...] at the expense or loss of their identity” (Matache 2009, 45). They defied the imperialist “white gaze” (Kóczé et al. 2018) that constructed them “as sexually available objects of fantasy, [...] as old witches [...], as passive victims of patriarchy who need saving and as thieves and beggars getting rich off of the welfare state” (Brooks 2012, 3). The contributions of Alexandra Oprea (2004; 2005; 2012) and Angéla Kóczé (2009a; 2011) are especially notable as they introduced into Romani politics the concept of “intersectionality”, developed by Critical Race Theory scholar Kimberlé Crenshaw, with whom Oprea had collaborated in the United States. Crenshaw (1989; 1991) made history with a methodological tool that approaches race and gender as imbricated rather than merely additive, to reveal the trapped position racialised minority women find themselves in when seeking support from white-dominated women’s shelters or male-dominated anti-racist movements. In the same vein, the work of scholars like Oprea and Kóczé challenges the white saviour narrative prevailing in European policy work and among white feminists and operates a revolutionary shift in perspective. As Oprea puts it, “[Romani women’s] experiences should become the quintessential foundation for feminist and antiracist politics and policies, as opposed to being an afterthought, a footnote, or a special section” (2012, 19).

Not only does this move recentre Romani women’s voices by reasserting that Romani feminists should be “the primary architects of these policies” (*Ibid.*), but it also sheds



unprecedented light on systemic power structures, specifically whiteness in conjunction with patriarchy and global capitalism. Both Matache and Kóczé explicitly resort to Critical Race Theory to analyse the failure to reflect on whiteness in Romani studies scholarship (Matache 2016; Kóczé 2018) as well as in policy work on Roma (Matache 2017; Kóczé 2020). In a policy and discourse analysis of the 2020 “EU Roma Framework” and the national strategies that stemmed from it, Matache unveils the “mismatch” in goals and expectations between policies targeted at Romani people and those meant for the general population. She argues that poor results and double standards persist due to a lack of focus on gadjo behaviour towards Roma (Matache 2017). Kóczé (2020) further contends that while the governance of Romani women is painfully neglected in welfare scholarship, it is key to understanding neoliberal policies in post-1989 Central and Eastern Europe. She shows that Romani women do not solely pay the collateral damage of austerity policies but are *per se* constructed as “unworthy” citizens in European poverty governance (*Ibid.*). The systemic pauperisation of Romani women is a prerequisite to maintain what – and whom – the state considers “worthy”, while policies promoting Romani women’s empowerment keep attention away from this domination mechanism (*Ibid.*). Kalé feminist scholars and activists in Spain similarly claim that the institutional violence that Kalé people experience, as well as its gendered manifestations, are rooted in a “gadjo-centric” institutional context (Caro Maya 2017) that requires transformation rather than correction (e.g., Caro Maya 2019; Filigrana 2020; Agüero and Jiménez 2020).

Although they are rarely credited for it, one may confidently say that the epistemic shift from what some still problematically call “the Roma question”<sup>10</sup> (Delépine 2012; Fassin 2014), to interrogating “gadjo-ness” as a fundamentally racist, classist, and patriarchal structure, originates in Romani feminist scholarship and activism. On that note, a concept that has so far not been widely used, but deserves closer attention, is “gadjology”, which was put forward by Petra Gelbart at a Romani Studies conference at UC Berkeley (2011). Gelbart defines “gadjology” as a collective label for methods that “explore how the research questions asked by many scholars of Romani people could yield better answers if they were also applied to the

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<sup>10</sup> A phrasing that not only objectifies Romani people but is also disturbingly reminiscent of the *Zigeunerfrage* (“Gypsy question”) under National-Socialist Germany. See e.g., Zimmermann, Michael. 1996. *Rassenutopie und Genozid. Die nationalsozialistische “Lösung der Zigeunerfrage”*. Hamburg: Hamburger Edition.

wider society” (*Ibid.*). She explains that it consists of a reversal of the subject/object binary – not necessarily applied by a Romani author – that interrogates majority society from the perspective of minorities (*Ibid.*). Only very recently has the term appeared as *payología* in Spanish, in an article (Jiménez 2021) featured in the printed version of Silvia Agüero and Nicolás Jiménez’s Kalé feminist digital project *Pretendemos gitanizar el mundo*. Jiménez engages in a satirical ethnographic piece enquiring who the gadje are – where we originate, what language we speak, our physical appearance – as “a first sketch for the creation of a scientific field that yet remains to be concretised” (*Ibid.*, 66). Previously in 2019, Silvia Agüero launched a Twitter campaign under the hashtag #AmadrinaAUnaPaya, literally “mentor a gadji”, both to mimic white feminism’s paternalism and to encourage genuine self-reflection within majority society (Agüero 2019).

### *The institutionalisation of antigypsyism*

The move away from ‘studying the Roma’ towards how majority society constructs and treats them has recently been gaining attention on the political scene with growing recognition for measures aimed at combating “antigypsyism” (Hancock 1997; Selling et al. 2015; Alliance against Antigypsyism 2017; Cortés and End 2019; Cortés 2021; Cortés, Caro, and End 2021) at the European level of governance. The term was first mobilised by Romani activists in the early years of the Soviet Union (Cortés and End 2019), popularised in Romani studies literature by Ian Hancock (1997), and recently rehabilitated by a coalition of scholar-activists in Europe (Alliance against Antigypsyism 2017). “Antigypsyism”, or *antigitanismo* in Spanish, focuses on majority society’s fantasised imagery of those whom they consider “Gypsies”, regardless of how the latter self-identify, and on the wide-ranging forms of exclusion and rights violations that stem from it (*Ibid.*, 3). In other words, the concept addresses a “specific form of racism” (*Ibid.*, 4) that various groups and people commonly experience, while acknowledging their diversity. Its attention to representations also sheds light on the role of popular culture in legitimising power structures (e.g., Carmona 2018; Mladenova 2019; Cortés 2021) and just how deeply engrained they are in European societies – notably West European culture.

The term first appeared in an EU document in 2005,<sup>11</sup> but was more substantially developed by the Council of Europe, through the work of the European Commission against Racism and Intolerance (ECRI) and its Recommendation 13 of 2011.<sup>12</sup> It started gaining true institutional resonance with the adoption of another European Parliament resolution, led by MEP Soraya Post, in 2017,<sup>13</sup> leading to a relatively vaster production of scholarly and policy work in the following years, including a report by FRA (FRA 2018). Such policy developments are, one should not forget, the fruit of tireless mobilisations by Romani advocates. In Spain, the creation of a parliamentary subcommittee charged with the drafting of a National Action Plan (NAP) against Antigypsyism (*Pacto de Estado contra el antigitanismo*), led by Kalé MPs Ismael Cortés and Beatriz Carrillo, was groundbreakingly approved on 20 May 2021, following a campaign for an NAP and the introduction of antigypsyism into the Criminal Code. While the subcommittee's output remains to be seen, the institutional visibility and recognition that the initiative eventually secured, along with the recent surge of civil society projects focused on racial discrimination and hate speech targeting Kalé people, could become a game-changer in a country where race is usually deemed irrelevant.

I intend to demonstrate, by making it the focus of my research, that the concept of “antigypsyism” has the potential of introducing race into European scholarship. Margareta Matache and Alexandra Oprea offer an important critique of the term which, they claim, not only legitimises the use of a racial slur – “the T/Z/G words”<sup>14</sup> (Oprea and Matache 2019, 282) – but also implies that majority society's misled representations and prejudices towards Romani people could be debunked by explaining who the Roma truly are (*Ibid.*). They advocate the use of “anti-Romani racism”, which more explicitly focuses on the racial ordering imposed by state institutions throughout the centuries and pays respect to Roma and the persecution they have suffered under the “Țigani/Zigeuner/Gypsies” label. Authors supporting the term “antigypsyism” conversely argue that they dropped the hyphen in “anti-Gypsyism”, precisely

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<sup>11</sup> European Parliament resolution on the situation of the Roma in the European Union, 28 April 2005.

<sup>12</sup> ECRI General Policy Recommendation N° 13 revised on combating antigypsyism and discrimination against Roma, adopted on 24 June 2011 and amended on 1 December 2020.

<sup>13</sup> European Parliament resolution on fundamental rights aspects in Roma integration in the EU: fighting anti-Gypsyism, 25 October 2017.

<sup>14</sup> Referring to Țigan, Zigeuner, or Gypsy, respectively used in Romanian, German, and English. The authors similarly spell Antigypsyism “anti-T/Z/G-ism”.

to signify that what they analyse is an imaginary “Gypsiness” constructed by gadjo society (Cortés 2021). Cortés further notes that in Spanish, the hyphen could have misled some into thinking the term refers to *gitanismo(s)*, i.e., the influence of Caló language in flamenco lyrics (*Ibid.*), while others could have believed it alludes to the 18<sup>th</sup> century *gitanismo* movement in performing arts (Ángel Vargas 2019). Either way, Oprea and Matache insist that, even when “antigypsyism” is genuinely mobilised to address historically rooted racism, all it does is “reinvent the wheel” (Oprea and Matache 2019, 284; 290). While one could argue back that antigypsyism ensures that the specificity of the racism experienced by people identified as “Gypsies” is not left out – as it often is – from discussions on race and racism, they do make an important point with respect to the risk of depoliticising the term as merely educating a presumably well-meaning gadjo society. This understanding of antigypsyism which, the authors suspect, is the one prevailing in European institutions, ignores the complex ramifications of race and reinforces them through what Charles W. Mills has labelled “white ignorance” (Mills 1997). In that regard, I contend that the sole focus on antigypsyism is not sufficient and must be carried out within a theoretical and methodological framework that explicitly addresses race from a global, systemic, and historical perspective.

### **Importing Critical Race Theory and its conceptual tools to the European context**

Critical Race Theory (CRT) emerged within U.S. legal scholarship in the late 1980s as an effort to provide a counter-narrative to the liberal colour-blind discourses prevailing in the U.S. context ever since conservative forces reappropriated the civil rights movement (Mutua 2006). CRT scholars draw on the Critical Legal Studies (CLS) critique of legal neutrality and argue, similarly to CLS, that laws are built on power structures and are used to maintain them. However, as emphasised by Kimberlé Crenshaw who coined the term, CRT constitutes a “race intervention” (Crenshaw 1995, xix) into a predominantly white male CLS scholarship that fails to address race in its approach to power. CRT specifically aims to conceptualise the whiteness at the foundations of the legal system, and views racism as an “integral part” of it (Wing 2000, 4). Racism is therefore, as Derrick Bell puts it, a “permanent condition” (Bell 1992) rather than an accidental occurrence. Pessimistic as this may sound, CRT scholars, or “race-crits”, still believe in the importance of defending the rights of the oppressed through (creative) legal means, mostly through legal storytelling, and gear their writings towards what they call

“antibsubordination” (Mutua 2006). Conversely, Athena Mutua insists that legal colour-blindness, “in supplanting overt legal racial ordering, has not only allowed law to ignore the social and institutional structures of oppression created historically and recreated presently in law and practice but also has blunted efforts to dismantle the racial caste system, working instead to maintain it” (*Ibid.*, 336). The dominant understanding of law, both in scholarship and in practice, works to depoliticise and pacify the voices that might be raised against institutional racism.

### *Critical Whiteness Studies as a potential counterpart*

Critical Whiteness Studies (CWS) constituted itself as a branch of CRT that explicitly investigates the reproduction of white supremacy and privilege in the practices of white people. CWS scholars highlight whiteness as a norm around which everything else is constructed but remains invisible to whites (Frankenberg 1993). They support that although race – more specifically, who is classified as white – is socially and historically constructed (Roediger 1991; Kolchin 2002), it is important to identify whiteness as the tacit basis for other groups’ subordination in order to “abolish” it (Roediger 1994; Leonardo 2002). This is not a straightforward endeavour and is met with strong resistance among whites (Delgado and Stefancic 1997; DiAngelo 2016; Applebaum 2017; DiAngelo 2018). Violeta Vajda has explicitly linked this field of study to antigypsyism, arguing that “for those of us whose identity is non-Romani and who have not been directly targeted by racism, there is no way to understand or affect race oppression unless we process our own (for want of a better word) ‘white non-Romani’ identity” (Vadja 2015, 53). Integrating CWS into our reflection on antigypsyism further helps nuance the “incomplete binary model” of ‘non-Romani/Romani’ (*Ibid.*), as it goes beyond an absurdly neutral ‘non-Romani’ category that would include other racialised minority groups who, unlike white people, do experience racism. As such, Matache’s formulation “whiteness/*gadjo*-ness” (2016) could not be more explicit: *gadjo*-ness does not merely refer to the non-Romani, it encapsulates a system of privilege and domination that benefits white people at the same time that it subordinates Romani groups.

The conceptual tools offered by CRT also limit the risk of white/*gadje* scholars navel-gazing and diverging again from the minority-centric perspective advocated for by Critical Romani scholars when engaging with whiteness studies. As necessary as this introspection

might be, the goal remains to dismantle racial hierarchies and take responsibility in the process. In that sense, Crenshaw complements and complicates the matter with the concept of “intersectionality”, which demonstrates that groups negatively affected by one axis of power may still exert domination in another. Antigypsyism interestingly overlaps with her notion of “representational intersectionality” (Crenshaw 1991, 19) that examines how the images of racialised minority women conveyed by popular culture and the media reinforce and interact with their lack of political venues – “political intersectionality” (*Ibid.*, 5) – and the systemic violence and discrimination they experience – “structural intersectionality” (*Ibid.*, 2). By conceptualising popular representations in conjunction with political and structural inequalities, her approach prevents reflections on racial prejudice from turning into a mere act of educating against stereotypes, as Oprea and Matache fear may be the outcome of discussions on antigypsyism.

#### *The disputed popularity of intersectionality*

While CRT is increasingly met with animosity in the U.S. political landscape, and is often disregarded in European scholarship, “intersectionality” has been taking off to the point of being labelled a “buzzword” (Davis 2008), or “the most important theoretical contribution that women’s studies [...] has made so far” (McCall 2005, 1771). All the same, it is not coincidental that Leslie McCall for example reduces it to women’s studies “in conjunction with related fields” (*Ibid.*) rather than explicitly paying tribute to CRT scholarship. Many argue indeed that the concept has been widely “depoliticised” and stripped of its “social justice orientation”, particularly when it travelled to Europe (Mügge et al. 2018, 18). Nikol Alexander-Floyd regrets that a concept developed by Black women and aimed to centre their experiences is now used in a way that erases such experiences as well as their intellectual labour (Alexander-Floyd 2012). Sirma Bilge explains race being wiped out from intersectionality as an attempt to sell the concept to an overwhelmingly white academia (Bilge 2013). Jasbir Puar goes further and refers to the institutionalised uses of intersectionality as a “tool of diversity management” and “mantra of liberal multiculturalism” (Puar 2007, 212), that “invokes” intersectionality instead of *doing* it (Nash 2017, 118), to “do precisely the kind of diversity work it critiques” (*Ibid.*).

Other writings have conversely worked on expanding the concept as a methodological tool that grasps the complex dynamics of power and examines various axes of domination, arguably even in an open-ended way (Davis 2008), without losing its political and politicising purpose. It has been argued that rather than merely recentring the margins, it is important to look at power dynamics in their entirety, including the construction and enactment of dominant norms, and ever-changing ways in which they interact and affect individuals (Choo and Marx Ferree 2010). Perhaps these later developments in theorising, or “reimagining” intersectionality (Nash 2019), found inspiration in Puar’s theory of assemblage, which focuses on dynamics of affect and motion rather than fixated identities (Puar 2007; Nash 2017, 128). More relevant yet is the point she is making about intersectionality paradoxically reifying minority women as an object of study, when it was originally meant to reassert them as subjects (Puar 2012). She is also critical towards the use of Western-centred categories “[produced by] modernist colonial agendas and regimes of epistemic violence” in intersectional analyses (*Ibid.*, 52), and points at U.S.-centrism and the failure to further conceptualise – and “destabilize” – the “nation”, as postcolonial feminists have been doing since the 1990s (*Ibid.*, 55).

### **A global approach to power**

CRT introduced a groundbreaking historically rooted approach to legal studies by recognising the enslavement of Black people as the foundation of the U.S. legal framework. One of its later developments, the “LatCrit” movement, further reflects on Latinx migrants’ experiences and positions itself more explicitly at the crossroads between CRT and the study of neo-colonialism (Valdés 2012). Nevertheless, it has been argued that CRT scholars’ attention to political economy as well as the historical and local specificities in which racial hierarchies unfold remains limited (Hartman 2004; Kolchin 2009). In contrast, a vast amount of research is continuously produced on class and state reconfigurations under neoliberalism in Europe, with consideration for regional varieties, but little regard for race (Boggio Ewanjé-Epée and Magliani-Belkacem 2012). Even though much of European-produced literature would agree that the U.S. legal framework is indeed shaped by racial divisions, race in Europe is widely dismissed as a nested and remote phenomenon that has long left the continent (Goldberg 2004; Goldberg 2008; Möschel 2014; Wekker 2016; Möschel and Bentouhami 2017).

A minority of authors, of which Critical Romani scholars, challenge the myth of “raceless Europe” (Goldberg 2008) by notably showing the profound impact that neoliberal reforms have had on Romani populations in Europe (Trehan and Sigona 2009; Kóczé and Rövid 2017; Taba and Ryder 2018; Kóczé 2020; Taba 2021). Kóczé (2020) argues that in the post-socialist CEE region, where welfare reforms have hit Romani minorities particularly violently, social policies have been articulated around Romani women both as a category of “unworthy” welfare recipients and as a central tool for reproducing inequality. “Romani women as beneficiaries, care givers and social workers”, she claims, “are constitutive and indispensable actors of the welfare regime” (*Ibid.*, 131): they act as a collective scapegoat while also being exploited as cheap labour force in social projects to justify and maintain the policies in place.

Despite the striking similarities between CRT writings in the U.S. and Critical Romani scholarship in Europe, as well as between the situations of Romani women and other racialised minority women (Kóczé et al. 2018), a mere U.S./Europe comparison or, worse yet, transposing U.S. knowledge production to the European context, may provide a limited, possibly contorted picture. As such, I locate the specific oppression of Kalé women in Spain within literature on globalised “racial neoliberalism” (Goldberg 2008) and neo-colonialism.

#### *From colour-blindness to post-racialism: race under neoliberalism*

In the last decade or so, scholars have been trying to address the gap in CRT literature with respect to the transformations of race under neoliberal logics of governance. Francisco Valdés and Sumi Cho advocate for a turn towards “critical race materialism” that would notably examine the interplay between “globalized neoliberalism” and the recent shift towards “post-racialism” in U.S. politics (Valdés and Cho 2011). Their argument relies on Cho’s analysis of the advent of post-racialism, i.e., the claim that race is no longer a relevant category of analysis in the study of socio-political transformations, that materialised following Barack Obama’s election as first Black president of the U.S. (Cho 2009). Mathias Möschel further shows that post-racialism is highly prevalent in continental Europe, where one of the main reasons put forward for rejecting analyses in terms of race is that racist ideology, understood only in the narrow biological sense, was worked through and massively rejected after the Holocaust (Möschel 2014; Möschel and Bentouhami 2017). In post-WW2 Europe, a posture



referred to as “antiracialism” (Goldberg 2004) dismisses the mention of race in scientific knowledge production as a regression to biological racism (Möschel 2014). The argument is particularly mobilised, in various European countries, to argue that discussions on race cause divisions (Boggio Ewanjé-Epée and Magliani-Belkacem 2012) and stigmatise whites (Möschel and Bentouhami 2017). Yet, the strategy to negate the existence of institutional racism to avoid addressing white supremacy and instead blame non-whites for their position in society, which Bonilla Silva analyses in detail in the U.S. context (Bonilla Silva 2017), has been described in very similar terms in European countries (Goldberg 2008). In fact, Philomena Essed developed her concept of “everyday racism”, referring to the cumulative acts of racism that Black women experience daily and on a micro level, in a comparative perspective between the U.S. and the Netherlands (Essed 1991). She shows that racism in Dutch society often appears in a more covert form, resorting to culturalist categorisations rather than biological ones, while self-positioning as a multicultural society (*Ibid.*). Gloria Wekker further argues that Dutch society portrays itself as a “small nation”, a “feminine and affectionate” society, and remains oblivious to its “colonial archive” – a stance she refers to as “white innocence”, “one of the few viable stances that presents itself when the loss of empire is not worked through, but simply forgotten”. (Wekker 2016, 17). Drawing from Paul Gilroy’s “postcolonial melancholia” (Gilroy 2005), she analyses Dutch white society’s “defensive argumentation” when confronted to racism as a failure to address its colonial legacy and a tendency to impute responsibility on “newcomers” instead (*Ibid.*) She also insists that cross-European analyses are direly needed to show that this phenomenon extends to other European countries. Although it serves a similar pacifying purpose to the liberal tradition of legal colour-blindness, post-racialism goes one step further by declaring race as not only peripheral, but entirely extinct – at least within Europe.

Various authors examine how the full erasure of race from institutional narratives coincides with the emergence of neoliberal patterns of governance (Melamed 2006; Goldberg 2008; Lentin and Titley 2011). This is largely explained by the emphasis on self-worth – or lack thereof – that allegedly replaces old structures of power. Indeed, while most scholars would agree that neoliberal logics of governance work towards “[facilitating] marketization and commodification” (Brenner et al. 2010, 184), neoliberalism is widely viewed as a nameless object and imposes itself as a commonsensical, hegemonic form of governing and being governed – unnameable and therefore impossible to deconstruct and resist (Monbiot 2016).

Different approaches in analysing neoliberalism have been spelt out in academic literature, across various disciplines. Loïc Wacquant synthesises them as a polarisation between scholars who view neoliberalism as a hegemonic economic regime driven by “market rule”, and those who defend a Foucauldian-inspired governmentality approach (Wacquant 2012). The “market rule” approach, which can be associated with international political economy, considers that transformations under neoliberalism are mainly driven by market forces and private economic interests. In a historical analysis of neoliberalism, David Harvey for instance argues that neoliberal governance redeploys the state to serve the interests of a minority elite that saw its economic power jeopardised post-1945 and is seeking to recover it (Harvey 2005). Conversely, the “governmentality” approach, notably defended by Wendy Brown or Aihwa Ong (Brown 2005; Ong 2007), insists that neoliberal technologies of governance turn individuals into commodities while creating more insecurity, but manifest differently across geographical areas and populations.

Wacquant argues that both approaches fail to consider the crucial role of the state: neoliberalism, he claims, “is not an economic regime but a political project of state-crafting” (Wacquant 2012, 66), the making of a new state, originating in the U.S. and spreading to other regions. He calls for a “‘thick’ sociological conception centred on the state” shedding light on “the institutional machinery involved in the establishment of market dominance” rather than a “‘thin’ economic conception [only] centred on the market” (*Ibid.*, 71). The “reengineered”, “revamped” state under neoliberalism simultaneously relies on the “retraction of social welfare [...] and the explosive expansion of criminal justice” (*Ibid.*, 67), while prioritising market-like mechanisms in all areas of governance and mobilising the dominant narrative of individual responsibility to “glue” it all together (*Ibid.*, 72). Penalty is used to simultaneously deal with increasing levels of social insecurity – in short, redirect the racialised poor towards prisons – and reaffirm the authority of the governing elite, which had been undermined by “supranational bodies and financial capital”, through a law-and-order discourse (*Ibid.*, 76). Wacquant’s analysis on Pierre Bourdieu’s theory of bureaucratic fields that distinguishes between the “left hand” of the state, protecting, nurturing citizens through social policies and its regulating “right hand”, he adds the “criminal justice arm [...] as a core component of the Right hand of the state, alongside the Treasury and the Economics ministry” (*Ibid.*, 73). He interestingly notes that the heavy investment in criminal justice is not necessarily economically profitable, as

contended by analyses of the “prison industrial complex” (Davis 2001; Harvey 2005). However, it is a core component of neoliberal governance, and key to carrying out the “punitive regulation of racialised poverty” (Wacquant 2012, 67).

Many view the shift towards neoliberal governance as a response, in whole or in part, to political progresses made in terms of equality in the post-war period, notably by the civil rights movement, and as a new strategy to govern populations deemed undesirable or unruly when their explicit targeting has been rendered more difficult by anti-discrimination legislation (Duggan 2003; Wacquant 2009; Soss et al. 2011; Lentin and Titley 2011). David Theo Goldberg affirms that neoliberal proposals to decrease state expenditure dedicated to public services and utilities, and to instead massively privatise them, became particularly appealing when state expenditure started supporting Black employment and Black education (Goldberg 2008, 337). A significant body of literature thus argues that the state under neoliberalism is “recrafted”, “reengineered” (Wacquant 2010; 2012), “reconstructed” (Dean 2009, 9 in Lentin and Titley 2011, 95), “shifting its priorities” (Goldberg 2008, 333) towards police repression and incarceration to secure the private economic interests of a white dominant class “from the projected contamination and threat of those deemed [...] not to belong” (*Ibid.*, 332). Goldberg famously coined the term “racial neoliberalism”, which he views as a continuation, but redefinition of race as established by the modern state. External policy mobilises race for the purposes of expansion and competitiveness, constructing “rogue states” defying neoliberal rules of governing as the embodiment of “anti-whiteness”, “evil” and as infantile (*Ibid.*, 347). Meanwhile, domestic policy turns it into a private matter to avoid providing state protection to racialised people and to justify “[locking] up the undesirable (in prisons) or [locking] out the externally threatening (by way of immigration restrictions)” (*Ibid.*, 335). To Goldberg, the state as a protective entity has been taken over by a state that gives preference to the “nation”, understood in racial terms. Based on a media discourse analysis of racialised migrants in Canada, Roberts and Mahtani (2010) likewise document a “continued disconnect between their ability to play the neoliberal game and the reward they receive for successful play” (2010, 253): although they are mobilised and needed as labour force in the reconfigured economy, their performance is not valued in the same way as that of white citizens (*Ibid.*). Yet, because neoliberalism is represented as race-neutral and reduces individuals to their economic potential, this racial double standard cannot be made visible (*Ibid.*). This is an important component of

what Goldberg refers to as the privatisation of race under neoliberalism. “Neoliberal practices”, Dana-Ain Davis claims, “[relocate] racially coded economic disadvantage and [reassign] identity-based biases to the private and personal spheres” (Davis 2007, 349).

Jodi Melamed importantly demonstrates that the dismissal of race as irrelevant and non-existent under neoliberalism, although “race continues to permeate capitalism’s economic and social processes” (Melamed 2006, 1) and “remains a procedure that justifies the nongeneralizability of capitalist wealth” (*Ibid.*, 2), is the continuity of the establishment of post-war “racial liberalism” in the United States. In the second half of the 20<sup>th</sup> century, when anticolonial movements started exposing connections between U.S. slavery and European colonialism, and the Soviet Union used it as an argument to undermine the U.S. and Western countries during the Cold War, a new race narrative was developed in the United States as geopolitical propaganda, using the civil rights movement to prove that “capitalist modernity [was not] compromised by white supremacy” (*Ibid.*, 5). White supremacist discourses were thus replaced with the notion that “African American integration within U.S. society and advancement towards equality defined through a liberal framework of legal rights and inclusive nationalism would establish the moral legitimacy of U.S. global leadership” (*Ibid.*, 4). By the same token, racial liberalism, calling for legal colour-blindness as a guarantor for non-discrimination, became the dominant ‘anti-racist’ narrative and was used to discredit other forms of anti-racism linking race to the global political economy and labour relations (*Ibid.*). Subsequently, as the U.S. political economy shifted from transnational capitalism to neoliberal globalisation, the liberalist colour-blind narrative shifted to a post-racial narrative reappropriating multiculturalism as a discursive strategy to erase race altogether. In an effort to legitimise new geopolitical positionings and economically driven military operations, “neoliberal multiculturalism” (*Ibid.*) racialises across colour lines, distinguishing between worthy and non-worthy neoliberal subjects. Those espousing the political economic values of neoliberalism are considered as “multicultural” – thus ironically reframing multiculturalism as the political, economic, and cultural assimilation of racialised people – whereas others are viewed as “monocultural”, hence justifying their exploitation, occupation, and domination (*Ibid.*). Melamed insists on the importance to distinguish between white supremacy under colonial capitalism, racial liberalism under transnational capitalism and neoliberal multiculturalism – yet by doing so, she also sheds light on the continuity of race as a tool for

wealth accumulation throughout the historical process. Modern race ideology is exacerbated at the same time that it is redefined and obscured. Alana Lentin and Gavan Titley similarly retrace the reframing of multiculturalism as post-racialism under neoliberalism and differentiate it from colour-blindness (Lentin and Titley 2011). Although colour-blindness, as shown by CRT scholars, sets whiteness as the neutral norm in legal institutions, it is meant to correct racism, albeit defined as marginal and incidental occurrences, rather than negating its existence *per se*. Neoliberal multiculturalism conveys the message that there is no (longer) such thing as racial domination: only higher or lesser self-worth.

### *The contribution of post and decolonial studies*

As the works of Melamed (2006) or Goldberg (2008) importantly expose, neoliberal logics of governance solidify, under a new form, race as defined by modern coloniality. Any endeavour to “[transcend] the nation state” (Leonardo 2002, 29) in our analysis of how race articulates globally should therefore address how it is impacted by “apparently separate white nations [sharing] common histories of domination over non-white peoples” (*Ibid.*, 33). While one might argue that Romani peoples over the world have never been *per se* colonised, it is the categorisations that emerged from colonial politics that led to their racialisation. Not only U.S. legislation (Harris 1993), but international law and national legal frameworks such as Spain’s are also profoundly marked by slavery from the modern colonial era (Bentouhami-Molino 2015). Besides Adrien Wing’s effort to expand CRT to other national contexts and international law and to connect with the work of postcolonial scholars, notably in the Middle Eastern region (Wing 2000), empirical applications of CRT and intersectionality would benefit from a closer engagement with analyses of neo/coloniality. Rather than go beyond the nation state, however, I aim to return to how the creation of the Spanish nation state was shaped by politics of imperialism and how, in the process, Kalé women were singled out as enemies of the nation (Filigrana 2020).

Writing on Spain’s colonisation of the Americas and the Caribbean, Aníbal Quijano showed that race as a system of domination is the product of European colonial modernity and capitalist exploitation (Quijano 2000). To justify their accumulation of wealth through colonial expansion, and their exactions on native populations for that purpose, colonisers resorted to racialised hierarchical categories, positioning Spaniards at the very top of the hierarchy and,

conversely, colonised people as “less than human beings” (Lugones 2010, 745). Quijano referred to this value-based classification of people as the “coloniality of power”. María Lugones further argued that gender was integrated into this categorisation and is therefore just as much a colonial construct as race is – a “mark of civilisation” according to colonial modernity (2010, 743). Both Quijano and Lugones were central figures of the Decolonial studies movement, which deconstructs Western categories of knowledge and the injustice they have fostered globally. Their writings are key to understanding the hierarchies established in Spanish legislation on Castilian soil and the colonies and how those led to the “antagonistic figure” of the *gitana* (Filigrana 2020, 219).

Taking a step back to challenge Western/U.S.-Eurocentrism also exposes the imperialist and racist categorisations mobilised in modern feminist argumentation, notably in common analyses of the situation of Kalé women. Rhetorically asking “why gender?”, Oyeronke Oyewumi claims that research on gender is dominated by a Western feminist understanding of the “nuclear family”, made up of a male breadwinner patriarch, a submissive wife, and children, which does not correspond to non-Western societies such as those in Africa (Oyewumi 1997). Since they are not featured in the nuclear family, she argues, other forms of oppression are “occluded” by hegemonic feminist analyses and, subsequently, in gender development policies implemented by neocolonial forms of power (*Ibid.*). It is interesting to highlight, meanwhile, that imperialist feminism has been projecting this patriarchal and gender-binary model of the family produced by modernity, onto racialised minorities that are considered “non-modern”, regardless of who they are or where they are based, to justify institutionalised racialised hierarchies and colonial technologies of power. This ‘role swap’ legitimises paternalistic missions to “civilise” racialised women and elevate them to the emancipated status of white-dominated society. “Civilisational feminism” (Vergès 2021) nowadays works in conjunction with neoliberal policies, as shown by Sara Farris’s analysis of “femonationalism”, which she argues constructs “non-Western” women as victims of “non-Western” men’s patriarchal violence, only to integrate them into the underpaid care labour market (Farris 2017).

This ideological framework similarly persists in contemporary Spain, despite the state’s narrative of rupture with the past. In his analysis of Spain’s “post/neo/colonial” relations to the lands it colonised in the Americas and the Caribbean, LatCrit scholar Francisco Valdés shows

that its colonial legacy lives on through the *Hispanidad* ideology (Valdés 2005). By romanticising the common language and culture that Spain and Latin American countries allegedly share, it enables the Spanish state to continue referring to countries in the region as “extended land” and claim privileged access to economic investments, notably by expanding its tourism industry there (*Ibid.*). By the same token, *Hispanidad* whitens Latinxs and persists in its erasure of indigenous peoples and their cultures. This exclusive connection that Spain claims to have with the region also manifests in the political realm, as the Spanish state poses itself as a model of “progressive” policies since its “transition to democracy” and challenges human rights violations in its ex-colonies, particularly through taking a lead in the prosecution of Pinochet in Chile (*Ibid.*). Valdés highlights the ironic contradiction in this posture and Spain’s obliviousness to the elephant in the room, the fact that political violence is without a doubt a legacy of the Spanish empire. However, in portraying Spanish society as benefitting from the Spanish government’s human rights turn in international governance, as well as its neo-colonial economic relations with Latin America, Valdés unwittingly disregards the internal racial hierarchies the Spanish nation state was built on. I will thus extend his analysis to internal colonialism within Spanish ‘borders’ and further debunk the celebratory narrative of the “Spanish model” of Roma inclusion.

In the following section, I analyse the construction of the Spanish nation state as fundamentally antigypsyist, with emphasis on the gendered and racialised categorisations that emerged out of Spanish imperialism from the 15<sup>th</sup> century on. To acknowledge the various critiques towards Romani studies and CRT that I have just reviewed, I try to avoid further essentialising Kalé women as a category of knowledge and policy by understanding intersectional methodology as applicable to all social actors, and in particular, by shifting the focus towards “the dreamer of the dream” (Morrison 1992, 17 as in Wekker 2016, 3): gadjo society. Moreover, in retracing the genesis of the Spanish gadjo state in a context of colonial expansion and reflecting on its contemporary legacy, I hope to theorise new forms of power shaped by colonial modernity, while still accounting for local specificities. This historical contextualisation therefore relies on whiteness/gadjo-ness, intersectionality, and colonial/political economy as its main analytical tools.

## Religious racialisation under Spanish Imperialism

Whereas little attention is paid to race as a modern category of analysis in Spanish academia, postcolonial studies conversely often locate its emergence in 15<sup>th</sup> century Iberia – including the regimes of Aragon and Castile, which later formed the Spanish nation state –, in the first sparks of European colonisation and attempts to build state sovereignty (Goldberg 2004, 213). It is, therefore, all the more relevant to address the construction of Spanish national identity from a simultaneously postcolonial and CRT prism. As rulers claimed to be enforcing the word of God, it should come as no surprise that “white” national identity and domination of racialised foreign lands and bodies were formulated in religious terms – but perhaps more explicitly so in Spain than elsewhere.

Along with the Kingdom of Portugal, the “Catholic monarchs” Ferdinand II of Aragon and Isabella I of Castile started the European colonisation enterprise under the guise of spreading Catholic faith to newly conquered territories. Spanish imperialism can be traced back to 1492, when Columbus first set foot on the Americas, and is often viewed to have fallen in 1898, at the end of the Spanish-American War, which led to Spain’s “loss” of Cuba, the Philippines and Puerto Rico “to” the United States – territories that dictator Francisco Franco tried to claim back during most of his rule in the 20<sup>th</sup> century. However, although Spain lost its imperial prestige and was considered a secondary actor in 20<sup>th</sup> century European colonial expansion, it still managed to secure the protectorate of Northern and Southern parts of Morocco between 1912 and 1956/58, and Western Sahara remained a Spanish occupied territory up until Franco’s death in 1975. To this day, current Spanish territories in Africa such as the cities of Ceuta and Melilla or the *plazas de soberanía* islands remain contested and one could argue that Spain’s imperial ideology has never truly ended. The cruel violence perpetrated by Spanish *conquistadores* remains overlooked in the Spanish collective imagery which, on the contrary, still glorifies imperial times. Columbus’s alleged “discovery” of the Americas is celebrated throughout the world on October 12, known as Columbus Day, the *Día de la Raza* (“Day of the Race”), or *Día de la Hispanidad* (“Day of Hispanicity”), and is Spain’s main national holiday. 1492-1681 is widely referred to as Spain’s “Golden Age” (*siglo de oro*), while the post-1898 period has been labelled as a phase of “decadence” and “failed nation” (Saz 2016). Nowadays, several streets throughout the country remain named after the Catholic Monarchs. Beyond the everyday marks of this unaddressed colonial nostalgia, I argue that



imperialist ideology gave rise to a religious racialisation of groups of people considered non-white, non-national, and non-Catholic, that was put to work from the 15<sup>th</sup> century on and reinvigorated under Franco's dictatorship, and still structures Spanish state governance to this day.

*The religious quest as whiteness in disguise*

Although colonisation has always been driven by wealth accumulation, Spanish colonisers came up with new racialised forms of categorisation to justify the crimes they committed to achieve their economic interests (Quijano 2000) and portrayed the Spanish colonial enterprise as a divine mission. The greater value they assigned to white Hispanicity to dehumanise non-white, non-Spanish colonised people was tightly connected to their understanding of Christianity and "Christendom". As was manifest in various instances of European colonisation, whether during crusades against the Muslims, *conquistas* in the Americas (Helali 2019), or the Atlantic slave trade (Savage 2019), whiteness has been constructed by colonisers as inherently Christian, and enslaving non-whites considered morally acceptable on the premise that they were heretics (*Ibid.*). This was especially shaped by Spanish imperialist ideology, which notably pursued the enslavement of Blacks whose customs were judged pagan and indecent (Fra Molinero 1995) and disciplined racialised groups through religious persecution and forced conversion, including in the overseas colonies. The racial hierarchisation however went beyond the willingness or not to embrace the Catholic faith, as even recent converts from Judaism and Islam – the *neocristianos* – were subjected to violence and persecution on the ground that they did not have the "clean blood" (*sangre limpia*) of "Old Christians" (Hernández Franco 2011). This was institutionalised in 1478 through the establishment of the Tribunal of the Holy Office of the Inquisition – more commonly known as the Spanish Inquisition – which had authority in Spain as well as in the colonies (Soyer 2015) and reified racialised hierarchies while it strove to build a homogeneous Spanish nation state, as a "very early example of 'Castilianization'" (Monter 2002). Not only were Jews and Muslims ordered to either convert to Catholicism or leave the country, but those who did convert were still suspected of "crypto-Judaism" and "crypto-Islam" (e.g., Kiliç 2016), or "Judaizing" and "Mahometizing" practices (Jiménez Carpio 2015). In contradiction with the Christian emphasis on redemption, heresy was considered an indelible stain in the blood: in

other words, racialised identity and the religious practices associated to it was understood in a biological sense and largely transcended evangelisation purposes.

This is remarkably illustrated by the treatment that Kalé people have been subjected to ever since their arrival on the Iberian Peninsula. Indeed, Roma arrived in Western Europe carrying letters of protection issued by princes of Europe and Pope Martin V and claiming to be Christian descendants of Pagans looking to expiate their sins through penitence and pilgrimage (Heng 2018). Kalé's first appearance on Spanish soil has been traced back to 12 January 1425, in Zaragoza, where they reportedly asked for permission to begin their pilgrimage towards the holy city of Santiago de Compostela (Motos Pérez 2009). Although this narrative initially allowed them to circulate and even to maintain their own justice system within their communities, their nomadism soon shifted from being understood as a "proof of Christian faith" to "dangerous wandering" (*Ibid.*, 66). As Geraldine Heng puts it, despite Romani people's explicit embrace of Christianity, "Western European societies [...] saw dark-skinned, alien-looking foreigners", who were "Christians, and yet not Christian" (Heng 2018, 427). Their declared quest for redemption soon became treated with suspicion and, similarly to other racialised groups, they were constructed as enemies of Christianity and "accused of forging the nails with which Christ was crucified [and of] stealing and even eating [Christian] babies" (Hancock 2002, 57-8; as in Heng 2018, 434). Throughout Europe, over 2,500 laws were adopted against Roma from the 16<sup>th</sup> to the 20<sup>th</sup> century (Motos Pérez 2009). In Castile, antigypsyist persecution first became explicitly enshrined in legislation in 1499, seven years after 1492 – which marked the beginning of colonisation, the expulsion of Jews from the country and the "reconquest" of Granada from the Muslims – and three years before the 1502 decree forcing Muslims to convert to Catholicism (*Ibid.*). The royal decree of 1499, issued by the Catholic Monarchs, stated that Kalé people were setting a bad example for the rest of the population with their "disorderly" lifestyle, and would be banned after 60 days should they fail to become sedentary (*Ibid.*). Failure to comply was punished with whipping, ear-chopping, expulsion, or enslavement (*Ibid.*; Courthiade 2019).

State and religious authorities have thus masked the racist nature of their policies towards the Kalé from remarkably early on – but the attempt at ethnic genocide in 1749 that all this legislation built up to could not more explicitly demonstrate that the regulation of people's faiths and lifestyles was aimed at creating a white, homogeneous nation state. In 1633,

a decree stated that “they do not proceed from any origin or any nation, they are merely lazy people who have adopted this way of life in order to be able to carry out their misdeeds” (Motos Pérez and Caro Maya 2015). Still under the guise of disciplining a lifestyle deemed improper, a census was initiated in 1695, for which Kalé people were required to register as “new Castilians” (*nuevos castellanos*), and later decrees forced them to settle in specific localities so that they could remain under watch (*Ibid.*). This forced registration, along with a Concordat with the Holy See in 1737 that banned them from being granted right of asylum (Courthiade 2019), built the ground for what is now known as the “Great Round-Up” (*la Gran Redada*), or “Dark Wednesday”, *i Kali tetradĩ* in Romani language (*Ibid.*). On the night of 30 July 1749, following a decision of the Council of State, presided by Gaspar José Vázquez Tablada, Bishop of Oviedo, an estimated 12,000 Kalé people who had “agreed” to be registered in the census were arrested (Gómez Alfaro 2010; Courthiade 2019). Boys and men over the age of 7 or 12 (age seems disputed) were condemned to forced labour in various arsenals, while women were sent to houses of correction that depended on the bishopric, so-called *Casas de Misericordia* (Gómez Alfaro 2010; Motos Pérez and Caro Maya 2015). Some detainees, mostly the poorest, were liberated shortly thereafter because of local protests. Yet most were only truly set free in 1783, through a decree issued by King Charles III (*Ibid.*). This dark episode, which was merely the culmination of antigypsyist legislation and attitudes that continued prevailing later, left deep scars among Kalé communities who, on top of practically losing their language for fear of repercussions, also completely lost trust in gadjo society and state authorities (*Ibid.*). Although Charles III put an end to their reclusion, Kalé people remained othered by authorities as sinners with anti-social behaviour. The Campomanes-Valiente report, drafted in 1772 for the King and which eventually led to the 1783 decree, describes *gitanos* as “people who have adopted an erratic and illegal way of life, [...] reject the social contract established between those living under the same government, [...] maintain their anarchy thanks to their robbed jargon and thus constitute a state within the state” (Courthiade 2019, 131). Despite being considered by many historians as the first recognition of *de jure* equality for Kalé people, who from then on were allowed to reside and work where they pleased (*Ibid.*), this law sowed the first seeds of a legislative framework that, while continuing to deny their ethnic difference, considers them as suspicious and “dangerous” *per se*, without their having committed any crime (Motos Pérez and Caro Maya 2015). The year 1783 marked a turn in Spanish legislation

that sealed the abstract construction of *lo gitano*, “Gypsiness” (Motos Pérez 2009) as *inherently* anti-social, sinful – and, albeit only tacitly, non-white.

### *The political economy of nation-building*

The heretics hunt that state and religious authorities hid behind to build Spanish “whiteness” was as driven by economic interests as their overseas colonial enterprise. Helios Garcés argues that, since the Spanish economy at the turn of the 16<sup>th</sup> century had been negatively impacted by the expulsion of Jews and Muslims, Kalé populations were needed as workforce to build up the nation state, while they were used as a substitute for the now gone Jews and Muslims as an “antagonistic” counterexample to white identity (Garcés 2016). The 1499 decree thus declared Kalé “apt for work” in their majority and required them to settle and start exerting “known” forms of labour – most likely agriculture – or else find “masters” willing to bear responsibility for their livelihood (Motos Pérez 2009, 67). King Charles I renewed the decree in 1539 (Garcés 2016), ordering in addition that men aged 20 to 50 be sent for six years to the galley squadrons in the war against the Islamic Empire, to serve the regime’s military needs, and that Kalé caught wandering for the third time be enslaved for life (Heng 2018, 435). The percentage of Kalé men sent to galleys in the 16<sup>th</sup> century was estimated to be about 3 to 10%, which was remarkably high, since they only represented 0.5% of the Spanish population at the time (Martínez Martínez 1995 as in Garcés 2016). Similarly, the forced labour to which male convicts were subjected during the Great Round-Up provided workforce for the mines exploited in Spain following the new methods of silver extraction discovered in the Americas (*Ibid.*). Eventually, Charles III ordered their release among other reasons because, at the local level, the “situation was economically unviable” (Motos Pérez and Caro Maya 2015). Still, Kalé men worked in the Almadén mines in Badajoz up until 1799 (Martínez Martínez 2004 as in Garcés 2016). Furthermore, tightly imbricated with their racial and economic motivations, the various attempts at exterminating, isolating and disciplining Kalé people have always been gendered.

### *The gitana as the ultimate embodiment of sin*

Due to their social reproduction function, but also because their activities were not considered proper for a society profoundly structured by Catholic patriarchal norms (Jiménez

Carpio 2015) which expected women to remain in the private sphere (Caro Maya 2019), Kalé women were especially viewed as a threat to the national body and consequently targeted by state and religious rulers. Although the Tribunal of the Inquisition mostly focused on Jewish and Muslim converts (*conversos y moriscos*) because they were far more numerous at the time, it also accused many Kalé women of superstition, witchcraft, and fortune-telling (Jiménez Carpio 2015). Moreover, ahead of the Great Round-up, the Bishop of Oviedo, in presenting to King Fernando VI his plan to “collect” all Kalé people, targeted Kalé women, who, he claimed, were “the root of all the damage” because, “with their vulgar Gypsies (*gitanerías*), [...] they [facilitated] the freedom of their so-called husbands, [serving] as their spies [and informing them] when they [were] prosecuted by justice” (Gómez Alfaro 2010, 579). He considered them to be “the main cause for the infestation of our Spain with this kind of people [...] who, without fearing God, [lived] with decadent customs” (*Ibid.*). The bishop’s claims were strongly supported by Father Rávago, confessor of the King, who described them as “sorceresses” and “prostitutes, provoking many, both on the streets and within the homes” (*Ibid.*). He also qualified “succeeding in extinguishing this people” as “a great gift that the King would do to God” (*Ibid.*). It is not incidental that their locking up into houses of correction was aimed at “reforming them [into] useful and decent citizens” (Motos Pérez and Caro Maya 2015): Kalé women were destabilising the ideal of womanhood which Catholic rulers had been promoting, and seen as the vessels through which “the Gypsy” was “infesting” the Spanish nation. After vain attempts to restrict women to the domestic sphere through regulations allowing only Kalé men to sell their goods in the markets (Gómez Alfaro 2010), religious leaders resorted to more explicit means of persecution. It is interesting to stress, meanwhile, that the same rulers tended to exoticise Kalé women and summon Kalé female dancers for their entertainment, as King Philipp II did for his wedding festivities in the 16<sup>th</sup> century (Courthiade 2019), while they were legislating to prohibit Kalé people from appearing in performances (Gómez Alfaro 2010). This ambiguity is characteristic of the ways in which the Spanish state has been objectifying and attempting to dominate Kalé women throughout history. It is also representative of a Spanish national identity that has been constructed both *against* and *with* Kalé culture, mostly mobilising the exotic, temptress figure of the *gitana*. Patricia Caro Maya claims that this figure has long been brandished as a “counter-example”, punishable by law, of what “‘well-doing’ Spanish women” should be like (Caro Maya 2019, 76). In other words, the figure of the *gitana*

is needed, as much as she is undesirable, to build the fiction of a white nation and govern the people living within it.

### **National-Catholicism as a continuation of religious racialisation**

The religious racialisation the Spanish state has been relying on to create an impression of national homogeneity largely outlived the legal advancements that the 1783 royal decree (Courthiade 2019) and the 1812 Constitution – which extended the right to citizenship to people with non-permanent forms of abode (Salinas 2003) – reportedly represented for Kalé people. It was particularly given new impetus under the rule of dictator Francisco Franco, from the 1936-1939 civil war to his death in the 1970s. Repression under Franco is usually only thought of in political or gender terms, or with reference to Basque and Catalan independentist movements. To this day, race under Francoism remains a neglected issue. The Franco regime even enjoys some positive reputation with regards to Jews, whom it allegedly saved from Nazi extermination during WW2. It is true that Jews barely set foot in Spain again until the 20<sup>th</sup> century, as previous regimes – including the First Republic of 1868 – continued to prohibit or limit their readmission into the country (Gerber 1992). The Spanish government also did declare in 1949 that, “imbued with its universal Christian spirit of love for all the races on earth, [it had] contributed to the rescue of Jews” (*Ibid.*, 264). However, as Jane Gerber insists, “the records clearly reveal that Spain’s humanitarian words were never matched by deeds” (*Ibid.*, 263): Jews carrying Spanish documents often had to wait for a reluctant state bureaucracy to meet a decision on their fate and were massively filtered at the border. At the end of the day, only 800 were repatriated to Spain (*Ibid.*). Further, Catholicism as the official and exclusive religion of the Spanish state was reiterated even more explicitly under Franco, and state-led nationalism was, contrary to what the government might have claimed, not exempt from antisemitism and other forms of racism. In fact, race played a crucial role in the Francoist ideological apparatus and in its promotion of so-called National-Catholicism, as the direct and explicit heritage of what the Catholic Monarchs initiated 500 years earlier (Navarro 2010). Vicenç Navarro argues that National-Catholicism and what it named the “Spanish race” rested upon two “totalising” ideological pillars: “Hispanic nationalism” and “exclusionary Catholicism” (*Ibid.*). In the words of Antonio Vallejo Nájera, Director of military psychological research under Franco and “leader of the new regime’s ideological rearmament”

(*Ibid.*), the mission of the Franco-led military coup in 1936 was to “save the motherland and the race”. Vallejo Nájera understood the pure “Hispanic race” as a conjunction of masculine strength, nationalist and Catholic values, as opposed to the inferior, “mentally deficient” enemies of the nation, particularly Spanish Marxists – “the red race” – that he defined as “a mixture of Judaism and Freemasonry” (*Ibid.*).

Kalé people were not explicitly listed under the racialised dissident category. Nevertheless, since they were constructed as beggars and fraudsters acting outside of the “organic totality” of the Francoist labour system (García López and Castillo Ortiz 2013, 19), they could not possibly belong to the motherland and were therefore discarded as “anti-Spain” (*Ibid.*). Kalé’s outcast status was for example made particularly blatant when, in the early years of the dictatorship, they were said to propagate typhus alongside “wanderers, beggars and street-traders” and were thus subjected to delousing (Albin 2017). Their being associated with begging and other activities considered unsanitary precedes the Franco regime. Notably, the main legal basis for keeping Kalé people in the margins of society, the so-called Vagrancy law (*Ley de Vagos y Maleantes*), had been adopted in 1933 by the Republican Courts. This law referred to “pre-criminal danger” (*peligrosidad predelictual*), defined as “antisocial, immoral and damaging activity” and “a behaviour pointing towards an inclination for crime” (García López and Castillo Ortiz 2013, 17). In continuation with the 1783 ‘preventive’ turn in legislation that framed Kalé people as dangerous and aimed to contain the crimes they were viewed as likely to commit (Motos Pérez 2009), it was resorted to under Franco to police their behaviours and was eventually replaced, in 1970, with the Danger and Social Rehabilitation law (*Ley de Peligrosidad y Rehabilitación Social*), that listed among its penalties the placement into labour camps for “social rehabilitation through an orderly and hard-working life” (García López and Castillo Ortiz 2013, 20). In addition, the regulations of the Spanish military police (*Guardia Civil*), in force until 1978, required that “*gitanos* be scrupulously monitored”, through the searching and checking of their documentation, “distinguishing features”, clothing and lifestyle, as well as through tracking their “movements and occupations” and the purpose of their travels (art.4). It also stated that “since this kind of people usually do not have fixed residence, and frequently move from one place to another where they are not known, it is important to take all the necessary measures to prevent them from robbing cavalries or other places” (art.5) (*Ibid.*, 18). The state thus continued disguising its racist persecution of the Kalé

as a mere attempt to regulate troubling, potentially criminal activities and maintain order in the country, equating Kalé ethnicity with insecurity and, conversely, gadjo society with moral virtue. Kalé people were, yet again, what immaculate *Hispanidad* – white, gadjo, Catholic. By the same token, labour camps conveniently provided the state with unpaid workforce, the same way the Great Round-up had served its military and economic interests.

The other side of the coin in Francoism's overt embrace of Catholicism was the charity programmes designed to help the Kalé "integrate" into gadjo Catholic society and to "teach them to become gadje" (Manuel Montoya quoted in Salinas n.d.). Propelled by Pope Paul VI and the Vatican II Council, the so-called *Secretariados Gitanos* were set up in 1965 to act "as mediators between ecclesiastical groups and *gitano* communities" (Giménez Adelantado 1998). They answered to the Episcopal Commission on Emigration (Caro Maya and Werner Boada 2018), alluding again to the Kalé minority being classified as non-national. Pope Paul VI, in his address to Spanish Kalé during a pilgrimage in 1965, declared that they were, because of rampant poverty, "in need of assistance, instruction and help" (Fresno 2002). José Manuel Fresno, formerly director of the *Fundación Secretariado Gitano* – the contemporary version of the 1960s *Secretariados Gitanos* –, wrote that the charity efforts carried out in support of the Kalé focused on providing them with documentation so that they could "access public services", and on making them mix with gadjo society to "facilitate mutual acceptance" (*Ibid.*). While some may qualify these two poles in the state and the Catholic Church's policy towards Kalé as "dichotomous" (Manuel Montoya quoted in Salinas n.d.), charity programmes were in fact driven by the same assimilationism as the policing measures featured in the 1933 and 1970 laws and the *Guardia civil* regulations, albeit in a less aggressive form. Kalé communities have historically refused to register with authorities and to declare births and marriages, precisely as a mechanism of self-defence and resistance against a state that has repeatedly used censuses and documentation to persecute them (Motos Pérez 2009). It is also rather telling that they should be encouraged to mix with and "accept" (Fresno 2002) their gadje counterparts, as opposed to being offered reparation for the violence they were put through and nonetheless survived.

Inspired by Pierre Clastres's distinction between ethnocide and genocide in racist policies, Motos stresses that the obligation for Kalé to choose between ethnocide and genocide (Motos Pérez 2009, 67), to either espouse majority society's lifestyle or die, is a biopolitical



technology of power in the Foucauldian sense, an attempt to rule over people's lives as well as their deaths, to make live and let die, but also, as suggested by Achille Mbembe's "necropolitics" (Mbembe 2003), to make die (*faire mourir*), kill the "inferior race", in order to enable the "healthier and purer race" to live (Motos Pérez 2009, 71). The two-sided Francoist policy that, on the one hand, kept the Kalé minority under police watch, prohibited and sanctioned any of its "distinguishing features", and on the other, offered to graciously lift it out of its precariousness through administrative registration and social assimilation, was a logical continuation of the more explicit attempts to eradicate it, literally or figuratively, from society.

### **Post-Franco as post-racial?**

Scholarship usually views 1978 as a major turning point in Spanish contemporary history. Although Franco died in 1975, 1978 marks the year when Spain shifted to a parliamentary monarchy and adopted a new Constitution which provided the legal basis for a "highly decentralized institutional setting" (Muñoz 2009, 619) that "[recognised] the internal diversity of Spain" (*Ibid.*, 620), including Catalan and Basque identities – in contrast with the centralised authoritarian power established under Franco's rule. The "traditionalist national-Catholicism of the [Franco] regime" reportedly gave way to a "new, democratic and inclusive conception of nationhood" (*Ibid.*): post-Franco Spain is viewed to have departed from a state-led nationalism that reduced Spanish identity to its Catholic, "Castilian 'ethnic core'" and to have, instead, aimed to account for national minorities through political pluralism and decentralisation (*Ibid.*, 622). Spain's "transition to democracy", as it is usually labelled, along with its integration into the European Economic Community in 1986, has been described as marking the country's "rush into modernity" (Auzias 2012, 9) and, with respect to the Kalé minority, "a fundamental and definite step in the guarantee of [their] human rights as well as their recognition as full citizens" (Fresno 2002). It is interesting that 'entering modernity' should now be viewed as a break away from state-led nationalism and race-based categorisations, when those are precisely the products of modern ideology (Lugones 2010).

Scepticism towards the narrative of Spain's rupture with the shameful past of Francoism and transformation into a "modern and progressive champion of democracy" (Valdés 2005, 516) has recently been growing, however, and particularly crystallised around the taboos of disappeared bodies; the failure, up until October 2019, to exhume Franco's

remains from the *Valle de los Caídos* monument; and the impunity that Francoist elites have been enjoying to this day (Escalona 2019). The new popularity of neo-Francoist party Vox and its shattering entrance into Parliament in 2019 confirms the need to address the continuities between past state ideologies and the current institutional framework, as well as the mistaken but widespread argument that the post-Franco political arena has been sheltered from far-right politics. Similarly, the 479 years of explicit antigypsyist legislation that ended with the 1978 Constitution cannot “disappear without leaving traces” (Motos Pérez 2009, 66). They shaped the understanding of *lo gitano* in Spanish public discourse (*Ibid.*), constructing Kalé people as naturally prone to adopting problematic conducts deemed contradictory with Spanish values, and continue bearing a profound impact on state governance. Yet, the ‘rupture with the past’ narrative is equally, if not more prevalent with respect to the state’s attitude towards Kalé communities.

Supported by the state and the Catholic Church, the *Secretariados Gitanos* became, in 1982, a “non-profit civil entity” (Fresno 2002). The organisation was later renamed the *Fundación Secretariado Gitano* (FSG) and claims to be independent from the Church (*Ibid.*), although it is still chaired by a Catholic priest (Caro Maya and Werner Boada 2018). Its administration now maintains ambiguity over representation with a name and a website – “www.gitanos.org” – that have been fuelling discontent among Kalé people for leading to believe that the FSG is Kalé-led whereas most of its Kalé employees are constrained to lower-level positions (*Ibid.*). Despite its puzzling history and the hierarchies that still prevail in its organisational structure, the FSG’s legitimacy in acting and speaking on behalf of the Kalé people is rarely ever challenged by international actors. It is the main interlocutor for Spanish Romani civil society at the EU-level and the first and largest recipient of project funding. Its role is so dominant that it was the only national NGO included as a partner, along with large European umbrella organisations, in the “Roma Civil Monitor” project (2017-2020) initiated by the Central European University.<sup>15</sup> Vera Messing and Abel Bereményi for instance justify this symbolic and material monopoly as “[providing] agency to Roma to address structural

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<sup>15</sup> Otherwise known as “Capacity building for Roma civil society and strengthening its involvement in the monitoring of national Roma integration strategies”. More information available at: <https://cps.ceu.edu/roma-civil-monitor> (last accessed 27.8.2021).

inequalities” (Messing and Bereményi 2017, 1634). Whether or not one subscribes to the ‘voice of the voiceless’ strategy of the FSG, it certainly is surprising that some scholars should refer to it as “providing agency”. Likewise, it is worth asking what constitutes “[addressing] structural inequalities”. The FSG’s awareness raising work has historically focused either on encouraging the Kalé youth to study and join the labour force or on educating majority society about the Kalé to debunk prejudices (Melero et al. 2011). By failing to address its history and reducing racism to a matter of better informing “ignorant” gadje, the organisation does exactly what Oprea and Matache dread might occur with the recent institutional attention on antigypsyism (Oprea and Matache 2019). Yet, it is precisely in the hope of dismantling – or in their words, “cutting” – antigypsyism that the *Asociación Gitanas Feministas por la Diversidad* (AGFD), a more recently established collective of Kalé women supportive of Romani feminist and LGBTQ visibility, has been raising a critical voice against the FSG (see figure 2 below).



**Figure 2.** “Cut antigypsyism” (AGFD).

Poster designed by the *Asociación Gitanas Feministas por la Diversidad* (AGFD) and shared on their Facebook page on 8 February 2021. The hand represents the FSG, sarcastically renamed “*Gitana/o* saving foundation” (*Fundación Salvadora de l@s Gitan@s*) to protest their use of the name *gitano* and point at their white saviour stance. The text featured in the scissors reads “cut antigypsyism”. Credit: AGFD.

Usually co-drafted by the FSG, the international monitoring reports that document the positive outcomes of Spanish “Roma inclusion” policies remain loaded with the ideology that characterised past antigypsyist policies. They welcome the “reduction” or “elimination [of] ethnic concentration”, misleadingly conflating the issue of territorial and school segregation,

i.e., state policies forcing minorities into isolated areas, with life in community (e.g., Laparra et al. 2013 [Roma decade report 2012], 10; Roma Civil Monitor project, Spain country fiche 2017, 1-2). They also implicitly rely on the stigma of Kalé communities refusing to integrate, for instance when reporting about Kalé families' "habit of over-protecting children" and "a deeply embedded rejection of *apayamiento* (assimilation)" (Laparra et al. 2013, 11) allegedly preventing Kalé children from accessing formal learning. It is particularly interesting to note the use of the word *apayamiento* – literally "gadjo-isation", yet here translated as assimilation – which recalls race-crits' argument that white people blame so-called reverse racism and denounce community forms of organising to avoid addressing structural racism (Bonilla-Silva 2013).

One of the symbols of the "modernization and democratization" movement that characterised the post-Franco political discourse (Pruijt and Roggeband 2014, 157) is the burgeoning of local *asociaciones de mujeres gitanas*, which has since been praised as a "model for other European nations" (Auzias 2012, 9) as well as "[pioneering for] Romani women's activism in Europe" (Mirga-Kruszelnicka 2018, 209). Set in motion by Dolores Fernández who founded the first one of them and organised several seminars for Kalé women in Granada from 1990 on, these local organisations, with the support of state subsidies, reportedly "[adapted] the 'white feminist' approach to [Romani] values and traditions" (*Ibid.*, 216). Post-dictatorship Spain, especially the 1982-1989 period when the Socialist party (PSOE) was in government, has been described as the "heyday" of the Spanish feminist movement's partnership with the state (Pruijt and Roggeband 2014, 159). After decades of patriarchal authoritarian rule, feminist activists could finally count on allies within the government, as well as a gender equality machinery, the *Instituto de la Mujer* (IM), which has been referred to as one of the most successful cases of institutionalised feminism in Europe (*Ibid.*; Valiente 2007). Feminist activists explicitly embraced the modernisation narrative as a political strategy (Threlfall 1996; Pruijt and Roggeband 2014). Yet, they failed to represent the interests of minority women (Nyhagen Predelli and Halsaa 2012) and Kalé women involved in setting up *asociaciones* pointed at their lack of inclusivity (Mirga-Kruszelnicka 2018).

The irony of post-Franco Spain wiping its slate clean with Kalé women as evidence of its modernisation is that, while Spanish Kalé women played a key role in fostering international attention through their 1994 "Manifesto of Roma/Gypsy women" (*Ibid.*), they were

subsequently side-lined from international capacity-building because West European countries were considered “consolidated democracies” (*Ibid.*, 221) that did not require external support. What is more, the state reconfiguration towards multi-level governance after Spain’s EEC accession – another reported sign of its modernisation – also introduced funding schemes such as the European Union’s Daphne programme,<sup>16</sup> which significantly supported violence against women advocacy, research, and specialised support services, but favoured professionalised NGOs and European lobby groups due to its bureaucratic and limiting requirements (Montoya 2013). In other words, Kalé women’s organisations were celebrated as an unprecedented model, but left out of international projects, training activities, and remain to this day unable to represent themselves in the European arena (*Ibid.*), thus leaving the room clear for the FSG and other women’s rights advocates.

Far beyond questions of material capacity, the *asociaciones* that have been supported – even encouraged – through state subsidies in the wake of the dictatorship are expected to espouse a similar narrative to the FSG’s, maintaining the foundations of the gadjo state. As Kóczé argues (2020), Romani women are targeted by racist state policies because they play a crucial role in maintaining their communities through their social reproduction function. This does not only occur when welfare reforms and social services single them out as undeserving welfare recipients, it also takes the form of paternalistic empowerment programmes (*Ibid.*). In the Spanish context, the organisations working with Kalé women that are celebrated nationally and internationally as “revolutionary”, to the point of being surprisingly conflated with critical minority actors such as the AGFD (Mirga-Kruszelnicka 2018), work in partnership with state and regional authorities as well as, sometimes, with the FSG, to integrate their beneficiaries into the formal labour force. More striking yet, it seems that Kalé women’s position as community guardians is hijacked in workshops and communication that pay tribute to women leading their communities forward and consider mixed marriages an indicator of progress (Caro Maya and Werner Boada 2018).

While the romanticised figure of the *gitana* has ironically become a commodified symbol of “Spanish culture” internationally, the celebratory narrative of post-dictatorship

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<sup>16</sup> The scheme was named Daphne initiative; Daphne programme; Daphne II and Daphne III; and finally merged/diluted into a broader funding scheme in 2013.

Spain having become a haven for Kalé women conceals the deep-rooted gendered antigypsyism that continues thriving in the current institutional landscape. Through the concepts provided by Critical Romani studies, Critical Race Theory, and decolonial studies, I reviewed literature on Spain's antigypsyist history and thus highlighted the continuity between the Spanish state's past and present governance of Kalé women. Unravelling the institutional origins of representations of Kalé women as a threat to dominant society is fundamental to understanding how today's state policy against gender violence harms them. The following chapters will address, one by one, four pillars of the gender violence framework: prosecution, protection, prevention, and participation. I will show that, with Kalé women, each pillar does the opposite of what it is officially intended for – not because of arbitrary implementation, but because of the unaddressed legacy of six centuries of abuse. In chapter 3, I will first discuss the preponderant role given to the prosecution pillar and argue that, because Kalé women are conceptualised as a dangerous group in Spanish society, they face the prospect of criminalisation when experiencing violence in their partnership.

### CHAPTER 3: “PROSECUTION”, OR THE POLICING OF VICTIMS

I couldn't help it: although as a rule, I do not get involved in anyone or anything's business, that scene had disturbed me. I shouted at the gitano, and even threatened, if he mistreated again the defenseless creature, to denounce him to the competent authority that would inflict the appropriate punishment. [...] A month after the Gypsy<sup>17</sup> tribe had left my city, the press reported that on the rough edges of the Sierra de los Castros, some shepherds had discovered the body of a very young woman, whose description unequivocally corresponded to my little gypsy girl (gitanilla). [...] The procedure initiated was unsuccessful because the members of the wandering tribe had agreed among themselves to declare that the gitanilla had fled on her own and that they had not been anywhere near the Sierra de los Castros. The death of the gitanilla was yet another dark mystery that justice would never unravel.

Emilia Pardo Bazán, “La novela de Raimundo”, *Cuentos de amor*, 1898<sup>18</sup>

In May 2021, on the occasion of the centenary of the death of late 19<sup>th</sup> century writer Emilia Pardo Bazán, the City of Madrid, along with various authors, paid tribute to her dedication to women's rights throughout her life. A self-proclaimed “radical feminist” (Amnistía Internacional España 2021), Pardo Bazán was known for addressing gender violence in her writings and was openly critical of the notions of “passion” or “honour” crimes that men put forward to justify murdering their wives (Smith 2009, 697; Smith 2015, 476). At a period when Mérimée's *Carmen* was thriving at the opera through the work of composer Georges Bizet, Pardo Bazán offered, with “Raimundo's tale” (*La novela de Raimundo*), a new reading of the trope of the free-spirited Kalé woman murdered by her jealous spouse. As in *Carmen*, the first-person narrator, a Spanish gadjo man, recollects how his infatuation with a young Kalé woman led him to regularly visit her in her home and “involuntarily” (Pardo Bazán 1898, 3) caused her death. However, whereas Mérimée clears Don José of any responsibility for the feminicide he perpetrated, Pardo Bazán exposes Raimundo's attempts to avoid the blame when he should have protected a woman he put at risk. Raimundo reports witnessing the “tribe chief” violently kicking the woman after she had “mildly” and “not seriously” spanked her child who had bitten her while nursing (*Ibid.*, 4-5). Although he claims to have heroically threatened to

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<sup>17</sup> *Cíngara* in the original.

<sup>18</sup> Own translation.

report the man to the authorities and swears the story's tragic ending – the discovery of the young woman's dead body in the mountains – was none of his doing, one does read, between the lines, Pardo Bazán's denunciation of his role in endangering the woman's life (Smith 2015). As is hinted in his comments about judicial authorities not being able to solve the case, his character embodies a justice system that does not deliver on its promises and fosters impunity. He puts the young woman in a vulnerable position by recklessly visiting her and provoking the man who assaults her, only to leave her on her own afterwards.

In her analysis of race and orientalist representations of Kalé characters in Pardo Bazán's work, literary scholar Jennifer Smith (2015) argues that "Raimundo's tale" is the one piece where the author not only "adds her own feminist twist to the Carmen myth" but also "strongly condemns Spanish society's racism against the Roma" (*Ibid.*, 478). Smith's assertion that the short story is anti-racist is, however, rather puzzling. While it may indeed invite the reader to reflect on gadjo society's responsibility in the murder, it is without the shadow of a doubt marked with antigypsyism. The whole community, referred to as a "tribe", is collectively designated guilty, recalling the antigypsyist representations of "passion crimes" that prevail in today's Spanish media landscape (Cortés 2020b; 2021). The community justice mechanisms that Spanish Kalé resort to are depicted as revenge murders, using an intertextual reference to Cervantes's *La gitana* (Cervantes 1613, 32) – yet another gadjo-authored representation of gender relations among the Kalé – as sole authority source to back up Raimundo's assumptions. The "feminist twist" argument (Smith 2015, 478) is equally dubious if approached from the perspective of Kalé women. Whereas the woman murdered is never named – a strange way to honour a victim –, the story is told from the perspective of a gadjo man, even though it is implicitly criticised. What is more, one might legitimately wonder what would have happened to her had she not been assassinated and had Raimundo reported her assailant. Would she have been arrested for adultery – a crime up until 1978 –, child abuse, fortune telling? Is this text truly a feminist power reversal and if so, in whose favour?

I showed in chapter 2 that despite Kalé people's presence on Castilian soil before the creation of the Spanish nation state (Agüero and Jiménez 2020), Spanish national identity was forged around and against the figure of the *gitana*. In the post-dictatorship period, feminist advocates who, until then, had had to organise clandestinely, seized the opportunities offered by the new government's stated efforts to rebuild an inclusive, democratic, and decentralised



state. Attempts to reshuffle the institutional landscape, similarly to Pardo Bazán's proposed change of narrative, materialised in mobilisations to introduce gender violence into the Criminal Code that, nonetheless, left the legacy of antigypsyism untouched. The punitive state apparatus, historically built on the singling out of certain groups as enemies of the nation, thus became the guardian of women's safety. Yet, when reporting violence within intimacy, Kalé women remain at risk of becoming a target. The autonomy dilemma over which feminist movements have been eternally battling becomes particularly salient as the Spanish Criminal Code now vows to protect all women regardless of their ethnicity: can a criminal justice system that has worked towards the eradication of the Kalé minority for centuries really be trusted to provide Kalé women with support when they need it?

In this chapter, I analyse the prosecution pillar in state response to gender violence in Madrid which, despite the comprehensive approach of the legislation, is given primacy in its implementation. Specifically, I address why Kalé women do not trust criminal justice when faced with a dangerous situation and specialised judicial institutions' failure to address it. I first retrace the process through which gender violence became codified in Spanish criminal law and examine the extent to which the 1/2004 Organic Law on Integrated Protection Measures against Gender Violence (LOVG) responds to radical feminists' early debates on resorting to criminal justice. I then move on to more recent discussions, occurring in North America, on carceral facilities becoming sites of violence against racialised minority women, including or especially against victims/survivors of gender violence. I examine how this relates to the criminalisation of Kalé women experiencing gender violence in Spain and reflect on the persisting failure to address the phenomenon in Spanish scholarly literature. Then, I highlight the stark contrast between the narratives of Kalé women during participant observation and focus groups on the one hand, and the discourses of interviewed gender violence practitioners on the other. Whereas Kalé women repeatedly returned to their negative experiences with law enforcement, practitioners categorically denied the existence of institutional racism. Meanwhile, the community elders' resolution process to which many Kalé women resort to as a first layer of protection against institutional victimisation was portrayed by practitioners as an obstruction to justice. I finally return to North American collectives' initiatives to address the dangers of criminalisation for racialised minority women and reflect on potential parallels with Spanish Kalé communities.

## Gendering the Criminal Code

### *The uneasy quest for legal recognition*

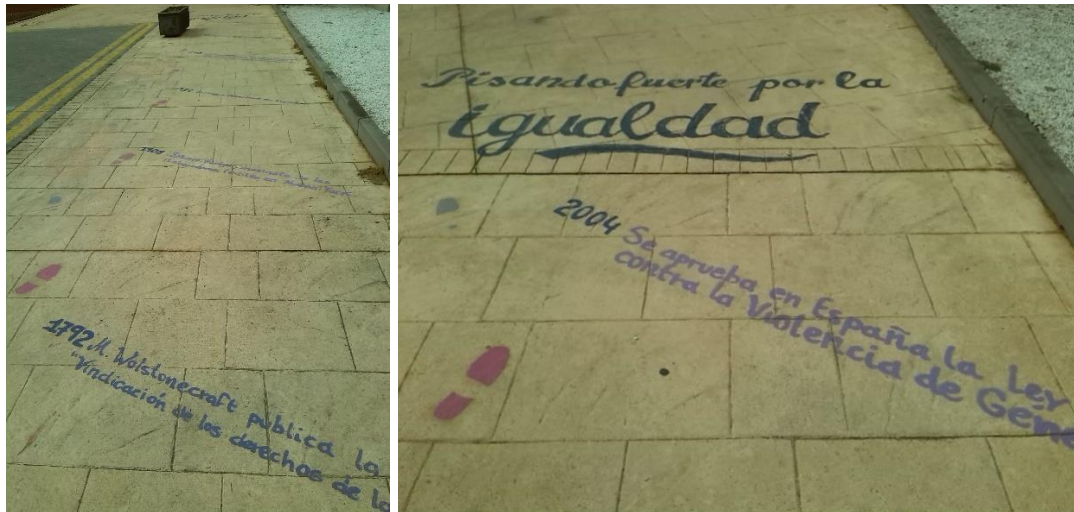
In Spain as elsewhere, the first support services for women experiencing violence within intimate partnership, consisting of legal assistance in marital separation and emergency shelters, were run autonomously. Although some might argue that women had no other choice but to take the matter into their own hands under a deeply patriarchal regime, it is important to note that the Spanish feminist movement emerged not only outside, but also against the state after Franco's death in 1975 (Gil 2011; Valiente 2003), as political parties and legislation, even post-dictatorship, continued to defend a conservative view of marital relations (Casas Vila 2018). Similarly, radical feminist scholarship from that period theorised the use of violence as a form of control over women both within intimacy and in institutional settings. "Radfems" viewed the state as complicit with men's violence for making "battery" a private matter unworthy of legal recognition and criminal sanctions, for failing to intervene when women's lives were at stake, or for enforcing inadequate measures, such as forcing women out of their homes (Hanmer 1977). Yet more profoundly, as the first initiatives to legislate materialised throughout the 1980s and 90s, they expressed concerns over the risks of translating women's diffuse and complex experiences of violence into legal language. Catharine A. MacKinnon, who famously contends that women's sexual availability to men is the basis for gender relations (MacKinnon 1982), claimed that "the law sees and treats women the way men see and treat women [...] embodying and ensuring male control over women's sexuality at every level, occasionally cushioning, qualifying, or de jure prohibiting its excesses when necessary to its normalization" (MacKinnon 1983, 644). Even when the state did endeavour to legislate on sexual violence, it did so by trying to distinguish between sex (understood as heterosexual) and rape, while the boundary between both was doomed to be ambiguous, in a social context where sexuality between men and women (or of men over women) was defined as nonmutual to start with, and women's intimacy with men was shaped by sexual violence (*Ibid.*). To MacKinnon, legislation on sexual violence – including when brought about by feminist mobilisations – tended to treat rape as a deviance rather than as the norm, and to consider the 'ideal' crime to occur outside of intimate partnerships, perpetrated by a stranger, typically a racialised man (*Ibid.*). Not only did it fail to address violence as the principle at the heart of gender relations,

but it also masked it by sanctioning acts of violence as peripheral. Likewise, Liz Kelly (1987) importantly theorised sexual violence as an experience common to all women within heterosexual relationships, in what she referred to as a “continuum of violence” that includes a wide array of manifestations of sexual violence, all of which she claimed are severe. She thus questioned the legitimacy of laws and policies that distinguish between victims and “other women”, and perpetrators and “other men” (*Ibid.*). Legal language, in general, relies on dichotomies such as lawful vs. unlawful, guilty vs. innocent, violation vs. consent, which cannot adequately reflect complex experiences of violence (Radford and Stanko 1996), especially when they are perpetrated by a partner or family member. The requirement to clearly distinguish between violence and non-violence and the failure to comprehend the continuum of coercive behaviour upon which abuse within partnership relies, as opposed to addressing acts of violence in isolation from one another, lead survivors themselves to question the seriousness of what they are experiencing and to claim that “nothing really happened” (Kelly and Radford 1996). In his work on men’s “violences”, Jeff Hearn (1998) further argued that whereas women experience violence within intimacy as plural and, indeed, as a continuum, men conversely tend to view it as isolated occurrences – and since scientific and legal language is dominated by men’s perspectives, translating the complexities of violence within intimacy into law is barely a possibility, as much as it is a paradox.

Yet despite the wariness of resorting to an institutional apparatus that is fundamentally androcentric, legal anthropologist Sally Engle Merry (2009) argued that, in a social economic order where kinship no longer prevails the way it used to, women experiencing violence within partnership may have no alternative but to turn to state authorities for protection. Arguably, the most acclaimed state-enforced measures among victims’ advocates rather focus on preserving women’s safety through emergency restraining orders and shelter places which, in themselves, do not depend on criminal justice intervention or, at the very least, on the perpetrators’ incarceration. However, Engle Merry suggested, restraining orders, and other protective measures centred on women’s safety rather than on punishing men, still stand little chance if not backed up by criminal sanctions in cases of violations (*Ibid.*). In societies that predominantly correct non-normative behaviour through visible punishment, the normative power of criminal law does, in fact, transcend the individual, in that criminal sanctions convey to society as a whole what is not, or no longer, tolerable. Mobilisations in favour of introducing

“battery” (*maltrato*) into the Criminal Code endeavoured to undo a widespread acceptance of violence within society through combating “impunity” – to create a positive norm through the possibility of a negative outcome. To Engle Merry, even though “the law [acts] in different ways according to particular race/class/gender groupings as well as colonial histories and postcolonial presents” (*Ibid.*, 52), and power differentials always subsist between legal professionals and their ‘profane’ clients, it is indeed possible to challenge legal hegemony and create a “new legal consciousness” (*Ibid.*, 51). In an earlier ethnography of family court hearings on cases of intimate partner violence in Hawai’i, she notably showed that, while remaining within the “fundamental categories of the law” (individual right to life, to bodily integrity, but also to private property), victims’ advocates, with the support of a judge ally, successfully reinterpreted legislation to challenge men’s violent behaviour and support women’s safety, thus creating a new legal norm that departed from male-biased court decisions (Engle Merry 1994). The surprising shift in practitioners’ interpretation of the law which she recounted in that specific case further points to the multiple layers and conflicting dynamics within legal practice and state intervention in general.

Without a doubt, the institutional developments that occurred in Spain in past decades account for the establishment of a feminist legal norm on gender violence that comes to challenge, if not substitute, traditional views on gender relations. The gender distinction that was eventually introduced into criminal law with the adoption of the 1/2004 Organic Law on Integrated Protection Measures against Gender Violence (*Ley orgánica 1/2004 de medidas de protección integral contra la violencia de género*, here referred to as LOVG) does convey a clear message against men’s entitlement to harm women within intimacy. Adopted on December 29th 2004 and in force since January 28th 2005, the LOVG was described as a “pioneering law” (Casas Vila 2017) and has benefitted from a large international resonance (e.g. UN Women 2012a; UN Women 2012b; UNODC and UN Women 2014) for legally codifying gender as a system of subordination, as advocated by feminist legal theory. It was, alongside the abortion law, the only piece of legislation in Spain that was initiated by feminist mobilisations (Lombardo 2017), through alliances with high-level political and state actors.



**Figure 3.** Chronology "Stepping up for equality", Punto de violencia, Madrid.

Chronology painted in front of a building hosting specialised support services for victims of gender violence (*Punto de violencia*) in the region of Madrid. The last date featured is the adoption of the LOVG, suggesting that it marks the official recognition of gender equality in Spain. Photographs taken by the author, 20<sup>th</sup> April 2017.

Nevertheless, the road towards recognition was bumpy, to say the least. Indeed, and most likely due to the legacy of Franco's long-lasting conservative dictatorship, Spain, up until the 2000s, remained somewhat of a "laggard" (Roggeband 2012) in comparison with many of its European neighbours. Although the Spanish state in the post-Franco period was determined to self-advertise as a champion of modernity and embraced state feminism in doing so, feminist organisations had trouble getting their demands across with respect to gender violence. The first awareness campaign in 1983 and, in 1984, the first women's shelters (*casas de acogida*), set up in Madrid and Pamplona (Bustelo et al. 2007; Casas Vila 2018), were civil-society-run. Notably the Madrid-based *Comisión de Investigación de Malos Tratos a Mujeres* (often shortened as *Comisión Malos Tratos*), founded in 1977 and established as a legal entity in 1983, provided training for police officers and obtained that they keep records of cases of "battery" (*malos tratos*). The first lobbying for legislation, sparked by the electoral victory of the Socialist Party (PSOE) which had ties to the *Comisión Malos Tratos*, resulted in little else than a gender-neutral introduction of *malos tratos* into the Criminal Code, with the adoption of the Organic Act No. 10 of November 23<sup>rd</sup>, 1989 (Roggeband 2012). Although a Senate-commissioned report issued shortly before the criminal law reform related the phenomenon to "patriarchal attitudes", the *Partido Popular* (PP) fiercely opposed a gendered definition (*Ibid.*,

790). While funding for support services increased in the 1990s, legal response remained weak, and it was not until the end of the decade that legal and policy initiatives truly moved forward. Indicative of the punitive understanding of state intervention inherited from the Francoist period (Brandariz García 2016), what propelled this sudden shift was the public emotion triggered by highly mediatised, graphic crimes throughout the late 1990s. In 1997, the death of Ana Orantes, immolated by her ex-husband after testifying on television about the years of abuse she had endured and reporting the crime to authorities, dramatically sped up the process. Kristin Bumiller argues that the high mediatisation of criminal cases reformulated into “simplistic stories about evil and innocence”, which she labels as “expressive justice”, helps “[disseminate] stereotypical views of both victims and perpetrators” and build mass support for punitive legal reforms (Bumiller 2008, 63). Only a few months after Orantes’s assassination, a National Action Plan (NAP) against Domestic Violence (*Plan de acción contra la violencia doméstica 1998-2000*) was approved, stating that domestic violence had “overcome the private dimension and [...] become a threat to society and an essential attack against democracy” (p.1, quoted and translated in Roggeband 2012, 794), thus embarking on a security narrative justifying more severe criminal sanctions. It was directly followed by the adoption of the Organic Laws of 11/1999 and 14/1999, which included psychological violence, non-cohabiting partners, and new sanctions for perpetrators into the Criminal Code (*Ibid.*). Although the 1998-2000 NAP included protective measures, the new legal and policy developments were criticised by some feminists for their emphasis on criminalisation (Morillas 2002; Roggeband 2012).

### *The Gender Violence law as an experiment of feminist jurisprudence*

In the early 2000s, however, feminist mobilisations, through strategic alliances forged between activists, senior civil servants, and political representatives (Casas Vila 2018, 342), successfully pushed for an explicitly gendered and comprehensive law, as an effort to correct the male bias in state intervention. A first draft, developed by the PSOE in alliance with feminist organisations and voted in 2002, was blocked by the PP in power. However, the PSOE, re-elected in 2004 with a majority of seats in Parliament, made a point of passing the LOVG as the first law under its new government, to attest the importance it attributed to it. In the LOVG, “gender violence” is explicitly formulated as violence perpetrated by men against

women within a former or current partnership, regardless of whether or not they were living together, and as a “manifestation of [...] power relations exerted by men over women” (Art. 1). In that spirit, it reforms the Spanish Criminal Code by introducing more severe sentences for male perpetrators, thus distinguishing “gender violence” from gender-neutral “domestic violence” and effectively offering positive discrimination measures for women to correct their unjust position in society. Although feminist activists regret that it fails to recognise forms of male violence other than those occurring within partnership, the LOVG is an unprecedented move reflecting the scholarly development in the 1990s that called for the legal and institutional recognition and condemnation of violent gendered intimacy.

The distinction between gender-neutral “domestic violence” and “family violence” on the one hand, and explicit references to male violence against women on the other – “men’s violence against women and children”, in Hearn’s words (Hearn 2013, 160) – acknowledges gender asymmetry and the fact that women’s violence within partnership, which does exist, is however far less frequent, and often perpetrated out of self-defence (Hearn 1998; Romito 2008). Violence within intimate partnership is profoundly marked by heteronormative and gendered hierarchies, consists of long-term patterns of control, coercion, isolation, and disempowerment, and is disproportionately perpetrated by men against women. In a well-known typology, Michael P. Johnson (2008) labels this particular type of violence “intimate terrorism” and differentiates it from “violent resistance”, i.e., the use of violence to react against a controlling partner, and “situational couple violence”, i.e., violent conflict in a couple which is however not motivated by the desire to control. He originally named the first type of violence “patriarchal terrorism” to make visible the fact that women’s violence tends to be defensive or conflictual rather than controlling (Johnson 1995) and his typology helped deconstruct the bias of gender-neutral research findings in other studies. Yet, whereas Johnson categorises intimate terrorism as a form of domestic violence, Spanish legislation recognises it beyond the domestic sphere. Its explicit endeavour to codify gender power relations also translates into the term used to refer to the phenomenon – “gender violence”, while it is commonly referred to as “intimate partner violence” (IPV) by feminist scholars and practitioners in English-speaking countries. The LOVG has in fact been criticised as discriminatory by legal practitioners, notably leading to a complaint being filed by judges with the Constitutional Court in 2008, on the grounds that introducing more severe criminal

sanctions for male perpetrators was unconstitutional.<sup>19</sup> Even Council of Europe member states, when negotiating the text of the 2011 Istanbul Convention, explicitly took a few steps back from the approach advocated by the Spanish delegation and, instead, argued that the principle of non-discrimination required that criminal provisions remain gender-neutral (Werner 2013). Nowadays in Spain, a minority, but very vocal men's rights movement continues attacking the LOVG in the media as a "feminazi" law and regularly vandalises the Madrid Courts with the same message (see figure 4 below).



**Figure 4.** "Feminazi court" sign, JVM Courts, Madrid.

Large sign stating "Feminazi court" installed by men's rights activists outside the JVM Courts building in Madrid, pointing towards the building entrance. Photograph taken by the author on 24<sup>th</sup> February 2017.

Nonetheless, regardless of how ground-breaking the definition of "gender violence" may be, its mere incorporation into the Criminal Code, while holding male perpetrators accountable through conviction and incarceration, would still have failed to address the socially embedded power relations at the heart of the "radfem" critique. The LOVG thus innovates and breaks with the individualistic approach of criminal law by putting forward a multi-sectoral and comprehensive framework that simultaneously places individual victims' safety and

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<sup>19</sup> The Court however ruled that since the law was codifying positive discrimination mechanisms to counter *de facto* gender equality, it was therefore in compliance with the principle of non-discrimination as stated in the Spanish Constitution. (El País 2008).



systemic change at the heart of state intervention. It incorporates victim-centred protective measures, which will be examined into further details in chapter 4, as well as long-term prevention, understood as countering primary and secondary unequal gendered socialisation in education or the media. Precisely with the aim to correct the male bias in legislation and state institutions with respect to violence within partnership, Spanish legislation through the 2004 LOVG and further legal reforms that followed, created specialised institutions, notably the so-called Violence against Women Courts (*Juzgados de Violencia sobre la Mujer*, or JVM, see figure 5 below) which, groundbreakingly, have legal competence both for civil and criminal matters. Since 2009, the law requires specialised judges to attend training on gender. It importantly challenges the androcentric perspective requiring separation of policy areas by, on the one hand, connecting family legal matters such as divorce and child custody to criminal law within the JVM Courts and, on the other, ensuring victims avail of adequate administrative and financial means to carry on with their lives after reporting violence.

## Specialised courts

The 1/2004 LOVG provides for the creation of courts that handle all cases of “gender violence” (understood as male violence against women within a current or former partnership) and that are competent for both civil and criminal legal matters. These include Investigating Courts – the *Juzgados de Violencia sobre la Mujer* (JVM) – which determine during emergency hearings (*vistas orales*) whether a crime has been committed by the accused and whether judicial, civil or social measures are required to protect the plaintiff, and Criminal Courts (*juzgados de lo penal*), where emergency and regular trials are held if the case was not closed by the JVM judge (see figure 6).

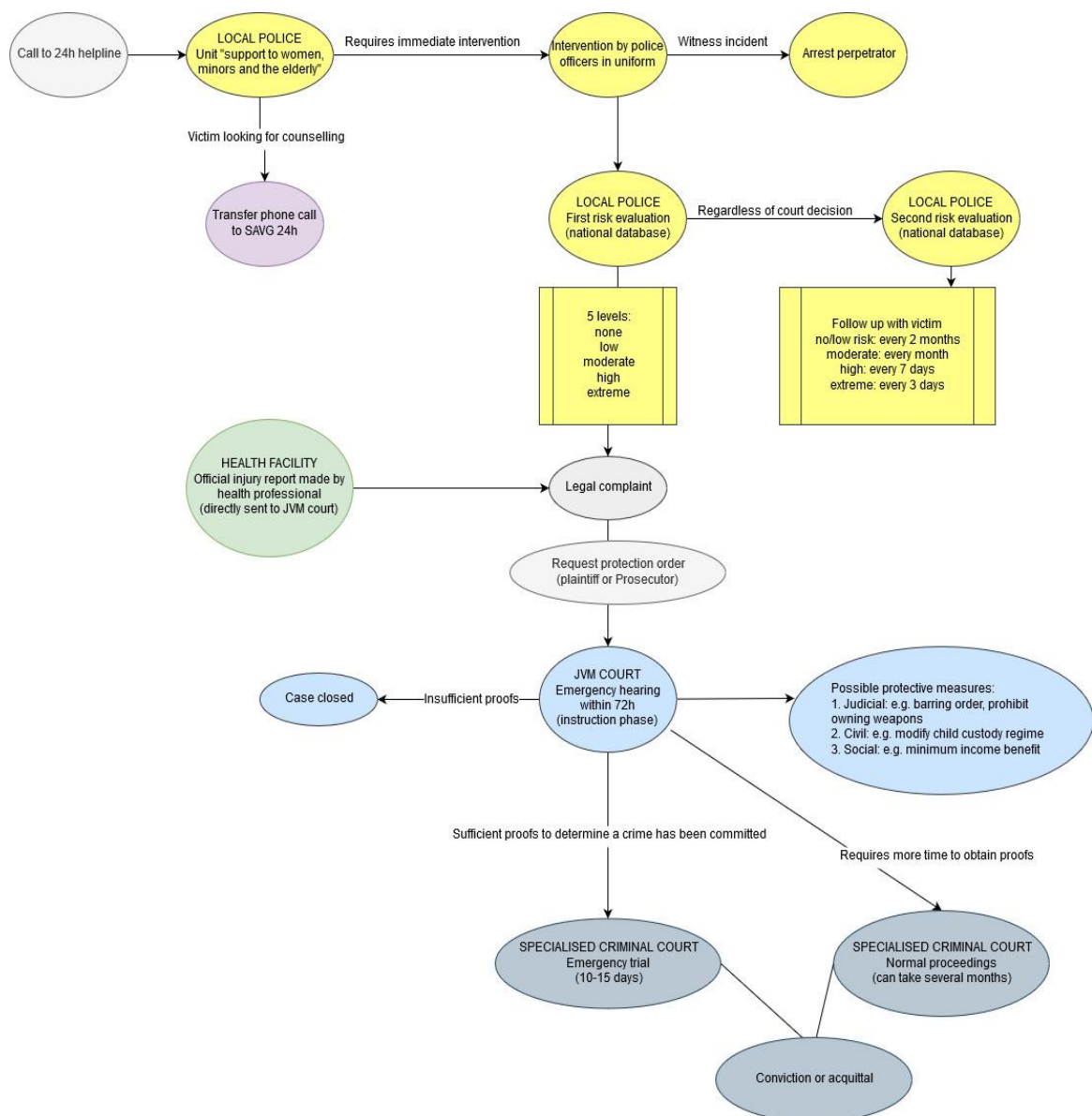
Judges are assisted by teams of psychologists and social workers (usually one psychologist and one social worker per JVM) who, when so required by the judge, interview both parties separately and draft psychosocial reports as forensic evidence. Their role is strictly forensic and they are not present during court hearings. Although the LOVG recognises the right to free psychosocial and legal assistance for all victims, it is not provided by professionals working within the court premises. However, state-appointed lawyers specifically dedicated to gender violence offer free legal counsel to plaintiffs all throughout proceedings.

In Spain’s larger cities, JVMs and specialised Criminal Courts are “exclusive” (*juzgados exclusivos*), which means that they are exclusively in charge of emergency hearings and trials concerning cases of “gender violence”, while in smaller localities, such cases remain handled by “compatible courts” (*juzgados compatibles*). No less than 20 JVMs are located in the *Comunidad de Madrid* region, 11 of which in the City of Madrid – that is at least twice as many as in any other large city in the country. Conversely, there are only 24 Criminal Courts specialised in gender violence across Spain, 5 of which are in the City of Madrid. Whereas the law required that they start operating at the same time as the JVMs – on 29 June 2005 – they were only created in 2009. In the City of Madrid, all JVMs and specialised Criminal Courts are located within the same building. Two JVM judges are simultaneously on duty (*guardia*) for emergency hearings for three consecutive days and then rotate, and each JVM judge is on call every 12-15 days. The 5 specialised Criminal judges handle all cases investigated by the 11 JVM judges.

**Figure 5.** Specialised courts (textbox).

Although a complaint must be filed for the victim to be granted legal protection measures by a JVM judge, the possibility of being delivered a restraining order exists regardless of whether the accused will end up incarcerated. Prosecution, protection, and secondary prevention are viewed as complementary rather than mutually exclusive. Crucial then is the coordination between all policy areas and stakeholders that are relevant to state intervention. So-called Coordinated Community Response (CCR), based on a model of intervention developed in the early 1980s in the City of Duluth (Minnesota, United States), is widely

advocated as a feminist legal standard and has influenced law and policymaking in many countries across the world. This strategy for state response to IPV establishes written protocols for intervention of law enforcement and other professionals involved in the justice system, based on a shared understanding of IPV as “power and control” exerted by men over women (Pence and McMahon 1997). It also importantly gives priority to victims’ safety and autonomy throughout the whole process (Paymar and Barnes 2008). Following this model, successful coordination between all law enforcement entities and JVM courts was established in Spain, through national digital databases, daily communication, and follow-up protocols, including for victims who refuse to file a complaint or whose case does not lead to a conviction (see figure 6 below). In the City of Madrid specifically, the unit in charge of gender violence cases within the local police (“Support to Women, Minors and the Elderly”) and the Service of Attention to Victims of Gender Violence (SAVG 24h) share the 24h helpline for victims and communicate on a daily basis. The head of the local police unit goes so far as describing the two entities as “twin brothers”.



**Figure 6.** Police and judicial intervention for cases of gender violence in Madrid. Designed by the author.

The LOVG not only recognises violence within intimacy as a manifestation of men's power over women: it departs from the exclusive use of criminalisation, adding important protection and prevention layers and, on paper, placing victims' safety at the heart of state intervention. In practice, however, only prosecution can be considered effective, whereas the lack of coordination between judicial institutions and support services is astounding. The institution in charge of centralising and coordinating all specialised support services in the municipality, the SAVG, is a total blank spot: virtually none of the practitioners I interviewed,

including one of its former employees, knew about its current functioning. Judges and JVM court staff had no communication either with the SAVG nor with the shelters it coordinates and, in general, had no idea what happened to victims once judicial proceedings were over. This confirms what activists and professionals regularly denounce concerning the implementation of the LOVG – much greater emphasis is laid on police intervention and incarceration, while the care provided by specialised support services remains inadequate, and barely any budget is allocated to prevention measures and perpetrator intervention programmes – as I will discuss in detail in chapter 4. It also resonates with the concerns expressed by radical feminist scholars in the decades preceding the wave of criminalisation of IPV and sexual violence across the world. At the same time, perpetrator accountability through criminal justice intervention remains central and is even considered to offer an opportunity to challenge hegemonic masculinity.

#### *Criminal justice as an arena for non-violence education*

The feminist activists who turn to state institutions for legal reforms by and large remain aware of the impossible objectivity of the state and its formal justice mechanisms. Resorting to criminal justice to tackle gender violence raises an even more profound question: how could one possibly hope to eradicate harmful masculinity through the criminalisation of some of its expressions, while it is simultaneously socially rewarded, to the point of defining heterosexual intimacy? As MacKinnon powerfully put it (1983, 643):

...applying laws against battery to husbands, although it can mean life itself, has largely failed to address, as part of the strategy for state intervention, the conditions that produce men who systematically express themselves violently toward women, women whose resistance is disabled, and the role of the state in this dynamic. Criminal enforcement in these areas, while suggesting that rape and battery are deviant, punishes men for expressing the images of masculinity that mean their identity, for which they are otherwise trained, elevated, venerated, and paid. These men must be stopped. But how does that change them or reduce the chances that there will be more like them?

With that inherent contradiction in mind, the LOVG still represents a genuine attempt to not only correct, but fundamentally change a society marked by hegemonic masculinity through the criminal justice system. One major measure through which this takes place is the introduction of rehabilitation programmes for perpetrators convicted for gender violence

related crimes. First experimented in the 1970s in the United States, particularly in the city of Duluth through the Domestic Abuse Intervention Programs (DAIP) that were also responsible for developing the CCR model, Spain had to wait three decades before its Penitentiary Administration could carry out similar programmes (Sordi 2017). Spanish feminist organisations expressed strong opposition to such a policy, as they believed it would foster impunity, justify acts of violence, and jeopardise women's safety (*Ibid.*). The LOVG represented a “radical shift” (*Ibid.*, 10) in that matter, by making them obligatory in its Art. 42. Similar provisions, modelled on the Spanish example, were subsequently included in the 2011 Istanbul Convention. First overly unregulated, heterogeneous (*Ibid.*), and rather defending an individualistic, therapeutic understanding of tackling violence in intimacy (Negredo 2020), those provisions were, in the early years of their implementation, still criticised by the better-established victims' advocates organisations, notably for redirecting state funding away from specialised support services for victims (*Ibid.*). However, in the past decade, the programmes have gradually adopted the feminist approach to working with perpetrators, with a focus on challenging gender power relations within intimacy and society as a whole, while still drawing on clinical aspects of non-violence education (Sordi 2017). The *Programa Marco Violencia de Género: Programa de Intervención con Agresores* (PRIA), introduced in 2010, is notably characterised by a compromise between psycho-clinical and gender perspectives, with an explicit focus on gender hierarchies, and has shown significantly positive results, both in programme participants' behaviours and in the lives of their victims (*Ibid.*). The current programme in use, designed in 2015, consists of weekly two-hour sessions for a total duration of ten months, and targets first-time offenders convicted to prison sentences (Negredo 2020).

To return to the different dimensions of addressing gender violence through conventional justice as spelt out by Engle Merry (2009), the criminal justice system does not merely “punish”, but also “protects” and “reforms” – and feminist-oriented programmes for perpetrators indeed endeavour to reform rather than superficially and, one might argue, counter-productively, lock up ‘violent men’. Nonetheless, as a high representative of the Spanish Penitentiary Administration conceded to me during an international conference on feminist work with perpetrators, the programmes in Spain do not pay any attention to cultural minorities, let alone to race (Negredo 2020). And yet, the accused are far from being on an equal footing when faced with incarceration. Over four decades ago already, Michel Foucault

(1975) referred to double standards in criminal justice as the “differential management of illegalisms” – a core component of state governance of illegality that consists of disciplining disadvantaged social groups through a “system of spectacular sanctions” (Fischer and Spire 2009, 9) while sweeping under the carpet the legal transgressions committed by social elites (*Ibid.*). In cases of gender violence, it is well documented that certain groups of men – the white, the wealthy – get away with committing crimes far more than minorities ever will (Engle Merry 2009). What often remains overlooked, however, is how criminal justice and the prison system in particular harms racialised women. I will now demonstrate that, despite the evident commitment to educate convicted perpetrators and wider society against gender violence culture, the failure to address the systemic criminalisation of Kalé women still makes it impossible for them to turn to the criminal justice system when their safety is in jeopardy.

### **From reform to transformation: gender violence and prison abolitionism**

#### *Punitive policies: a form of gender violence?*

A minority within feminist scholarship, predominantly in North America, highlights the paradox of resorting to prison and punitive policies to combat gender violence, when prison itself constitutes or, at least, resembles gender violence. Relying on the writings of prison abolitionists from the U.S. such as Marilyn Buck (Buck and Whitehorn 2001), Gwenola Ricordeau (2019) draws significant parallels between the disciplining mechanisms used against convicts within carceral facilities for women and the ones used by men within abusive intimacy: the daily surveillance of course, but also the intrusive treatment of their bodies and intimacies, and control over their sexuality. The treatment of women convicts is also specific in that prisons for women have historically been presented as an opportunity for women’s empowerment, now taking the form of therapeutic self-esteem programmes under neoliberalism, to conceal the degradation to which they are subjected (Haney 2010). In the Spanish context, Diana Restrepo Rodríguez and Paz Francés Lecumberri (2016) analyse the incarceration of women as a manifestation of “patriarchal power” aimed at controlling women, notably through the use of fear, and exploiting them for economic profit. They claim that prisons for women reproduce the patterns of gender oppression that exist in external society, only in an exacerbated manner, and discipline convicts into becoming patriarchal archetypes of “good women” and “good mothers”, through activities aimed at encouraging docility (*Ibid.*).

Ana Ballesteros Pena (2017; 2020) shows that, although more severe than in the ‘outside world’, this control over women also consists of subtle disciplining. The “Respect Modules” (*Módulos de Respeto*) programme, introduced into Spanish prisons in 2001, requires convicts to sign a “therapeutic contract” and to reform their behaviour accordingly: hygiene, personal appearance, care of the cell, personal interactions within and outside of the facility. While participation in the programme is voluntary and non-remunerated, convicts are incentivised to take part by the prospect of an easier life in prison and being granted prison leaves. Ballesteros Pena importantly shows that although the Respect Modules were originally developed for male convicts, prison facilities disproportionately recruit women convicts as candidates for the programme, particularly non-national women from Latin America and the Caribbean, due to a widespread belief that they are more obedient (*Ibid.*).

This raises the question of whether an institution that maintains gender oppression can truly be trusted to protect women from violence. However, the disciplining that occurs within carceral activities is rather representative of the broader approach to state response to gender violence under neoliberalism. Indeed, as is well documented in the U.S., state intervention is often punitive and controlling of women far beyond the prison system. Bumiller for example argues that neoliberal governance gave rise to a “public health approach” constructing sexual violence as a disease that must be eradicated for the public good – as manifested in the common reference to “violence against women” as a “pandemic” or “scourge” in international texts – and prioritising “risk reduction” over victims’ specific needs and demands, through systematic surveillance practices within state facilities (Bumiller 2008, 97). On the one hand, the radical feminist analysis of violence loses its way into a narrative, predominant in awareness raising communication, that responsabilises women to avoid victimisation or, if not possible, to report it to formal authorities. On the other, a culture of control and measurable outcomes leads professionals, particularly in social services and health facilities, to conduct unwanted lab tests and report cases of abuse even when women are not seeking help and do not wish to file a complaint (*Ibid.*). State agents are understood as experts who know best and have a duty to override victims’ wishes not to proceed with legal action, having at heart the greater interest to rid society of the IPV plague. Kimberly D. Bailey (2011) further argues that such an approach violates women’s privacy in exchange for their ‘protection’: mandatory arrest laws increase their vulnerability, deny them the right to come up with an exit strategy tailored to their needs,



and put them at higher risk of poverty. Similarly, the legal reforms passed in Spain in the 2000s introduced measures positing “victims [as] in need of state protection even against their will” (Roggeband 2012, 799) and laid particular emphasis on criminal sanctions, which, Patricia Lorenzo Capello argues, goes against the feminist ideal of a “less authoritarian society” (Lorenzo Capello 2005, 1).

### *The carceral feminist governance of minorities*

What, then, might justify the feminist reconciliation with criminal justice? As North American feminist prison abolitionists explicitly verbalise, and Spanish scholarship on prisons and gender violence suggests between the lines, the enthusiasm for punitive policies that can be found among some feminist circles, while embracing a falsely universalist narrative, is marked by strong biases in favour of dominant groups. In other words, in the name of protecting all women – and society as a whole – from violence, some will end up suffering further policing, incarceration, and will be further exposed to death (Vergès 2020). In her analysis of the movement for the criminalisation of sex work, in which conservative Christians and some feminists have formed a surprising alliance, Elizabeth Bernstein (2007; 2010) developed the concept of “carceral feminism” to refer to feminists advocating for increased penalty and the use of prison sentences to protect women from violence, while effectively harming minorities. This trend towards criminalisation fails to consider the political economy of punitive policies and the ways in which marginalised groups, and notably racialised minorities, are governed under racial neoliberalism.

I discussed in chapter 2 how, although principles of neoliberalism dismiss race as irrelevant through a misleading emphasis on self-worth (Melamed 2006; Lentin and Titley 2011), they constitute a less explicit but, in some ways, exacerbated continuation of the modern state’s racial governance. In order to avoid providing for “undesired” racialised groups, the neoliberal state redirects them towards prisons or evicts them from the national territory, while attracting public support through a law-and-order discourse (Goldberg 2008; Wacquant 2009). Michelle Alexander (2010) describes the “mass incarceration” of Black people in the U.S. as “the new Jim Crow”: racial segregation is reproduced in prisons, not only through racial profiling and racially biased sentencing, but also through the so-called War on Drugs initiated by the Rockefeller Drug Laws, that criminalise substances more likely to be used, purchased,

or sold by racialised minorities. Frank Rudy Cooper (2011) further suggests substituting the term “mass incarceration” with “hyper-incarceration” to highlight that it is not so much a question of quantity but, rather, of how specific groups – poor Black men – are made economically redundant, forced into certain economic activities, and eventually, redirected towards prisons. In the same vein, Angela J. Hattery and Earl Smith refer to the U.S. prison system as a “modern day extension of the plantation slave economy and Jim Crow segregation” (Hattery and Smith 2010, 389), in that Black men and their resources are similarly extracted from their communities, while providing justification as well as an exploited workforce to the increasingly privatised prison industry (*Ibid.*, 390). The “prison industrial complex” (PIC), as a system of partnerships between governments and private businesses that uses and develops carceral facilities to generate profit and turns convicts, among whom racialised people are overrepresented, into a cheap labour force, has been widely documented as a core component of racial neoliberal governance in the United States – notably drawing on the foundational work of Angela Y. Davis (e.g., Davis and Shaylor 2001; Davis 2003; Harvey 2005; Sudbury 2005; Hattery and Smith 2010; Incite! Women of Color against Violence 2016).

In this context, Black feminist scholars have been challenging the adequacy of the criminal justice system to respond to IPV. In what she refers to as the “myth of the black rapist”, Angela Y. Davis shows that allegations of Black men raping white women have been used throughout U.S. history to justify “waves of violence and terror against the black community” (Davis 1978, 41). In a seminal text on “gender essentialism” in Feminist Legal Theory, CRT scholar Angela P. Harris (1990) similarly remarks that, considering the legacy of slavery and its aftermath on African American communities in the U.S., Black women’s experience and understanding of rape is singularly different to white women’s, both because they were historically made sexually available to white men and were therefore not recognised as victims of sexual violence, and because allegations of sexual violence were used to terrorise and execute the men in their communities. Nowadays in the U.S., Black men remain overrepresented in sexual infraction files (Hoppe 2016; Ricordeau 2019) and the criminal response to IPV has led to a steady increase in incarceration and eviction rates of racialised men, without reducing the numbers of victims (Richie 2000; Meiners 2009; Ricordeau 2019). Given the still prevalent instrumentalisation of sexual violence and violence in intimacy to harm racialised men, Harris (1990) affirms that Black women’s experiences of violence are as

race-based as they are gender-based and that the binary between men perpetrators and women victims ends up too simplistic to adequately capture it. On that note, she also believes, in line with bell hooks (1984), that the tendency to essentialise women as victims, instead of recognising the multi-faceted, resourceful ways in which they show resistance to violence, eventually supports patriarchal ideology. In a more recent text, Harris suggests replacing the term “violence against women” with “gender violence” to “[more comprehensively map] the ways in which heteropatriarchy kills” (Harris 2011, 37) and connect various forms of violence inflicted on various groups of people based on the “destructive masculinity” they all rely on. Without erasing the voices of victims, she proposes to define violence according to a systemic ideology rather than isolate it according to whom it targets. This wider focus helps us connect violence within partnership to the state violence perpetrated in carceral facilities – “private violence and public control”, as Crenshaw (2011) puts it – instead of viewing them as different policy areas or activist agendas with opposite goals.

While prison abolitionism was reinvested in the past two decades in North America, notably by Black feminist scholar-activists, to combat state racism, race is far less addressed in critiques of the prison system and criminalisation of gender violence in Spain. In Western Europe, Sara Farris (2017) shows that migrant racialised men are also targeted “in the name of women’s rights”, as far right and some feminist groups converge into a culturalist reading of gender violence out of an economic incentive to bar migrant men’s entry into the country, while recruiting migrant women as a cheap workforce for the care labour market. In Spain, propelled by European integration imposing stricter controls at the southern borders, prison studies scholars report an alarming tendency towards the overcriminalisation of migrants, including for minor legal transgressions, with significantly worse detention conditions in CIEs (González Sánchez 2021). Judicial statistics also show that non-nationals are also overrepresented among the accused for gender violence related crimes in Spain, with rates that are three to four times higher than for Spanish nationals (CGPJ 2021) (see figure 7 below).

	2005*	2006	2007	2008	2009	2010	2011	2012	2013
<b>Nationals</b>	7.6	15.2	15.1	16.3	16.3	15.1	14.4	14.1	13.8
<b>Foreigners</b>	30.7	59.8	65.4	63.5	58.0	52.1	48.7	45.8	42.4
	2014	2015	2016	2017	2018	2019	2020**	Total	
<b>Nationals</b>	14.1	15.5	16.1	16.2	15.9	16.3	7.0	<b>14.1</b>	
<b>Foreigners</b>	46.3	53.0	57.7	60.6	64.6	64.9	25.4	<b>46.3</b>	

**Figure 7.** Number of accused per 10.000 inhabitants, Spanish nationals (españoles) or foreigners (extranjeros), over 18 years of age, listed in municipal registers.

Adapted from Statistical Information Bulletin (Boletín de información estadística), General Council of the Judiciary Power (CGPJ), January 2021, p.22.

\* Second semester (the LOVG came into force in 2005)

\*\* First semester (the Covid-19 pandemic prevented data collection in the second half of 2020)

Besides discussions on the criminalisation of migrants, however, the important parallel to be drawn between the U.S.-centred myth of the black rapist and the “*gitano* assassin” trope prevailing in Spanish society and mass media remains overlooked. Ignacio González Sánchez (2021) affirms that the Spanish Kalé’s position as an overpoliced and persecuted national minority is more akin to the situation of African Americans than migrants’, but the lack of ethnically disaggregated data as well as scholars’ widespread racial prejudice towards Romani people translates into a reluctance to produce knowledge and data on the matter. Yet, Ismael Cortés (2020; 2021) shows that the representations of Kalé people in Spanish media disproportionately frame them as violent assassins, either as collective “*gitano* clans” killing one another “within the ghetto” or, “outside the ghetto”, as the de-humanised murderers of gadje victims, to foster “social fear” (Cortés 2021, 95) of a “*gitana* threat” (*Ibid.*, 97). In their coverage of crimes perpetrated by a Kalé person against a gadje victim, many of which are labelled as “passion crimes” (*Ibid.*, 97), journalists overly reduce perpetrators to their ethnicity, while conversely sharing personal details about victims and their families (*Ibid.*). Although Cortés’s analysis is not explicitly gendered, what he describes is particularly noteworthy in cases of gender violence, such as the much-mediatised rape attempt and assassination of schoolteacher Laura Luelmo by her neighbour Bernardo Montoya in Huelva, in December 2018. While feminist mobilisations gathered around the hashtag “we are all Laura” to denounce feminicides, the media disproportionately focused on Montoya’s ethnicity, and videos can still be viewed online, in which angry crowds attend his arrest chanting racist slurs. A series of

photographs frequently used by news reports on the murder shows Montoya wearing a “Lucifer” t-shirt, complicitly arm in arm with Kalé women, potentially portraying the man as not only evil, but also supported by women in his community (Moguer 2018; ECD 2018) (see figure 8 below). Not coincidentally, following the moment of silence observed in the Spanish Parliament (*Congreso de los Diputados*) to pay tribute to Ms. Luelmo, the *Partido Popular* spokesperson, Pablo Casado Blanco, used the opportunity to sing the praises of life imprisonment, adopted in 2015 with the support of his party – and the connection to the incarceration of Kalé men was clear, albeit only implicit.



**Figure 8.** Bernardo Montoya on photographs displayed by national and local newspapers. Left: *ABC Andalucía*. Right: *El Confidencial Digital*. Both dated 19 December 2018. The latter’s headline reads: “The satanic shirt of the man detained for the death of Laura Luelmo”.

### *The criminalisation of victims*

However, critiques of mass incarceration as a tool of racist governance still tend to view carceral politics as targeting men only and overlook the criminalisation of racialised women and the intersection with their experiences of violence in intimacy. Indeed, despite European white feminism’s reported eagerness to construct racialised women as victims of violence and in need of rescue (Farris 2017; Emejulu and Bassel 2017), the carceral dimension of criminal justice rather marginalises and persecutes them, as again documented in North American literature (Silliman and Bhattacharjee 2002, Sudbury 2005; Duley 2006 Crenshaw 2011). On the one hand, in addition to the individual impact incarceration has on convicts, it significantly affects their families, notably the women supporting them and raising their children as single mothers, and their wider communities in general (Hattery and Smith 2010). Women are also severely judged for their relatives’ crimes and expected to work towards the latter’s reintegration into society (Ricordeau 2019). Furthermore, many IPV and sexual violence

survivors end up incarcerated, directly or indirectly due to the violence they suffered – leading human rights lawyer Malika Saada Saar to speak of a “sexual-abuse-to-prison-pipeline”, in reference to the “school-to-prison pipeline” expression (Saada Saar et al. 2015 as in Ricordeau 2019, 97). Mother-of-intersectionality Kimberlé Crenshaw herself is critical of the white-dominated victims’ advocates movement’s choice to “ride the tide associated with crime control and local accountability” in the U.S. (Crenshaw 2011, 1452-1453) and claims that the activists who embraced the punitive approach did so ignoring racialised women’s warning that it would likely put them at greater risk of being killed or arrested, notably due to the racist lens through which professionals would assess attempts at self-defence (*Ibid.*). Beth Richie (2012) likewise shows that women and queer people, especially if racialised and poor, when faced with the justice system as victims of IPV, often end up being the ones arrested instead of their perpetrators or, at the very least, are considered as sharing responsibility with them. This must be set in a broader context which she describes in her earlier work on the “gender entrapment” suffered by Black women experiencing violence within intimacy (Richie 1996). Black women, Richie explains, are more often “compelled” to commit crimes both because of their position within society and because of their gendered vulnerability (*Ibid.*). Jessica Dixon Weaver (2011) adds that, when women who are incarcerated have children, grandmothers are often forced to step in to take custody of their grandchildren without adequate support and resources, eventually getting sucked into poverty and the same criminal entrapment as their daughters. Kolleen Duley (2006) also argues that while the violent acts that women perpetrate to defend themselves are increasingly recognised in scholarly literature and, to a lesser extent, in policy circles, the illegal activities that women experiencing IPV may get involved in go far beyond self-defence and are tightly intertwined with new forms of racialised governance. Abusive partners or circumstances of abuse may lead women to commit crimes, typically selling or using drugs, out of coercion, for economic survival, or to self-medicate (*Ibid.*). The incarceration of racialised women has especially skyrocketed in the U.S. following the government’s efforts to criminalise drug trafficking (*Ibid.*). Racialised women are far more likely than white women to be exposed to such situations and to be convicted as a result. They are also more likely to see their children taken away on the grounds that they failed to protect them (*Ibid.*). As Julia Sudbury (2005) shows, the expansion of criminal justice and the toughened criminalisation of drug trafficking and substance abuse that led to a “boom” in mass

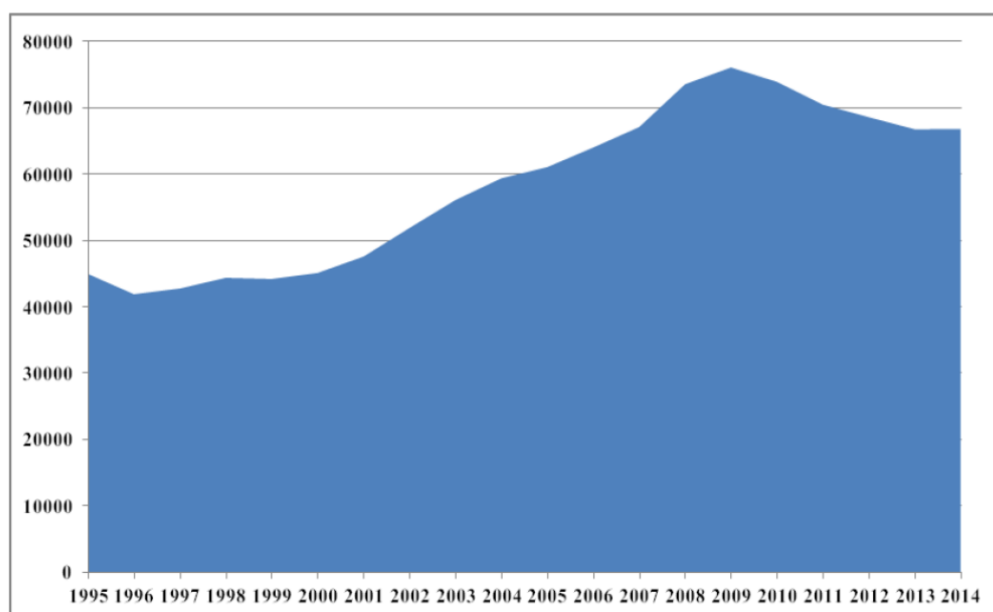
incarceration of racialised women goes beyond the U.S. Prison Industrial Complex and War on Drugs and has been documented across the globe. Although they are usually not involved in planning activities and do not benefit from profits, women are often used as “mules” by male dealers in transnational drug trafficking with the hope that they would be less likely to get caught. Yet racialised women, Sudbury remarks, “are not the recipients of such chivalrous behaviour, since they do not fall under the benevolent patriarchal protection of the white men who judge them” (*Ibid.*, 171).

Although data on the subject is still sorely missing, the situation in Spain points towards similar trends. While official data is not ethnically disaggregated, there is indeed an overrepresentation of gender violence survivors as well as non-nationals in prisons for women (Ballesteros Pena 2020). Further, even though the available data is two decades old and was unfortunately never updated, research indicates that a devastating number of Kalé women in Spain have been incarcerated for petty robbery and small-scale drug trafficking. Indeed, while from a white feminist perspective, it is considered that prison populations are mostly made up of men whereas women are controlled in more informal ways in the private sphere (Martín Palomo 2002), the “Barañí project”, a study carried out in 1999 in twelve prisons across Spain with the support of the European Commission’s Daphne funding, shows that Kalé women are incarcerated at a similar rate to Kalé men (*Ibid.*). The “Barañí team” found that Kalé women’s representation in Spanish prisons was almost twenty times higher than within wider society: they represented 25% of the female convict population, as opposed to 1.4% of the total population (*Ibid.*). The report also shows that although the crimes they were judged for were petty and often perpetrated for the benefit of their husbands or sons, the vast majority had been directly convicted to long prison sentences and were mistreated by legal professionals. Many claimed that they were left without support throughout judicial proceedings and incarceration, and that judges condemned them to longer prison sentences and failed to take extenuating circumstances into consideration. Forty-one per cent reported having been physically mistreated during detention and over 50% were kept under police custody for longer than three days, which is illegal (*Ibid.*). As Barañí research team member Teresa Martín Palomo stresses, the increased policing and criminalisation of drug trafficking and abuse in Spain provides state institutions with greater discretionary practices since the criminalisation of that type of crime usually does not involve victims and the filing of legal complaints (*Ibid.*). This facilitates the

redirection of racialised minorities into carceral facilities instead of granting them decent living conditions and social protection. It also allows stronger disciplining of women who live in the fear of arbitrary arrests – even for deeds that might have been justified considering the precarious and violent environment they are often forced to live in – and reinforces the stigma of Romani criminality within gadjo society. Arthur Vuattoux (2015), who conducted research on the incarceration of migrant Romani teenagers in France, suggests that this stigma cuts across gender and age. He finds that, while there is a clear gender gap in the treatment of young teenagers by criminal justice, migrant Romani girls are not viewed as “girls” and are incarcerated at the same (high) rate as boys. They are systematically categorised as adults, de-infantilised through gendered and racist assumptions that they are sexually active, married, pregnant, or sex workers.

Compared to the rest of Europe, the Spanish criminal justice system is especially punitive, despite a relatively lower criminality rate (Ripollés 2006; Brandariz García 2016). While the state has allegedly moved away from Francoism, not only does the contemporary institutional landscape bear legacy to Franco’s rule, but Spain’s prison system is in fact now more punitive than it was under the dictatorship and has been described as marked by “post-dictatorial penalty” (Brandariz García 2016, 4). Average prison sentences are reportedly twice as long as in other European countries (González Sánchez 2021) and prison population rates are impressively high, peaking right after the 2008 financial crisis (Brandariz García 2015). It is only after the introduction of severe austerity measures in response to the economic recession that cuts into carceral facilities eventually translated into a drop in incarceration (*Ibid.*, see figure 9 below).

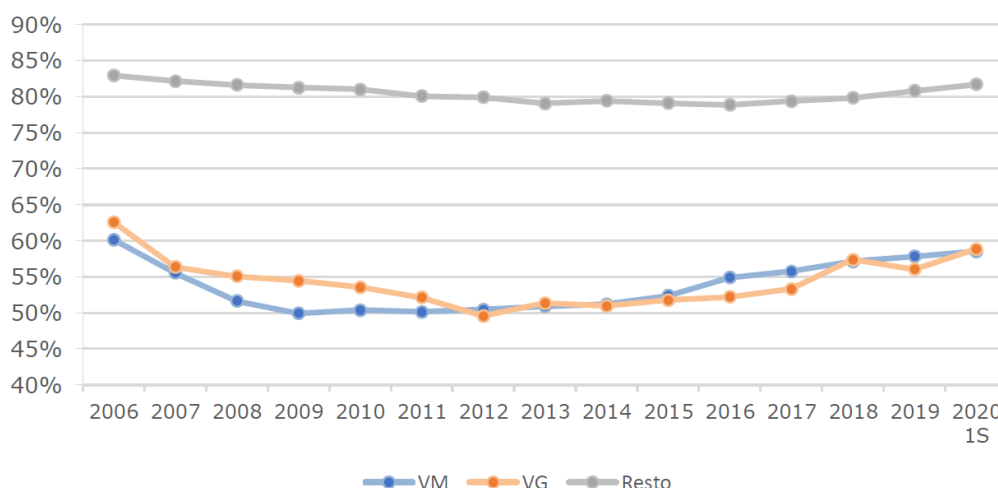




**Figure 9.** Total prison population in Spain between 1995 and 2014.

Sources: Spanish National Institute of Statistics (INE), for 1995-2013, and General Secretary of Penitentiary Institutions (SGIP) for 2014.” Taken and translated from: Brandariz García, José. 2015. ‘La evolución del sistema penitenciario español, 1995-2014: Transformaciones de la penalidad y modificación práctica de la realidad penitenciaria’. *Crítica penal y poder: una publicación del Observatorio del Sistema Penal y los Derechos Humanos*; Núm. 9 (2015), p. 3.

Judicial statistics on gender violence related convictions, collected annually between 2011 and 2020, indicate that they are significantly lower than for other types of crimes (see figure 10 below) – which many feminist advocates interpret as poor implementation of the LOVG and male complicity with perpetrators (*Generando red contra las violencias machistas* 2015).



**Figure 10.** Conviction rates for crimes related to domestic violence and gender violence compared to other crimes.

Domestic violence in blue, gender violence in orange, other crimes in grey.

Source: General Council of the Judiciary Power Bulletin No. 80. ‘Quince años de la Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género en los órganos judiciales’, p.30.

However, the economic recession also led to a dramatic increase of deportations of migrants and the deployment of other forms of penalty against minorities, in and outside prisons (Brandariz García 2016; Ballesteros Pena 2020). The state has also been increasingly investing into armed police presence, notably to clear the streets of undesirable poor, homeless, and migrant populations (González Sánchez 2021). Specifically, besides the victim-blaming strategies deployed by defence lawyers and other practitioners in court, including the filing of “counter-complaints” (*contradenuncias*) and allegations of “parental alienation” leading to withdrawals of child custody, criminalisation supporters among the feminist movement fail to consider the omnipresence of surveillance, policing, and criminalisation in the lives of Kalé women. Marked as internal threats, sexually promiscuous heretics, witches, kidnappers, thieves, and scammers by state and religious authorities throughout the centuries, Kalé women are at a far higher risk of punishment when going through the system. Thus, when practitioners interpret the severe underreporting of gender violence among Kalé women as a lack of awareness of what violence is or of the institutional tools available to them, they neglect the genuine fear that resorting to criminal justice may represent for a historically persecuted minority. The following section illustrates this claim with the data I collected during participant

observation and focus groups with Kalé women, through an analysis of their traumatic experiences with law enforcement.

### **“I wouldn’t know what to tell you”: the impossibility of institutional racism**

#### *Kalé women’s perspective: lives shaped by state surveillance*

As detailed in chapter 1, I conducted eight months of ethnographic work with Kalé women attending so-called empowerment programmes in the southern outskirts of Madrid, and concluded my field work, at the end of May 2017, with four focus groups, each made up of ten interviewees, to discuss my preliminary findings with them. Among the many experiences of institutional racism that Kalé women reported during focus groups as well as during our informal conversations, the most recurrent was the fact that they were constantly suspected of petty criminal activities. This ranged from being systematically followed and accused of stealing in supermarkets – something which they claimed is explicitly gendered, a “reputation” that specifically follows Kalé women – to arbitrary ID and permit controls in the *mercadillo* (the market where they work) and on the street, and searches for drugs when they were traveling by bus. It was reported to me that private security guards and police officers tended to target Kalé women and children more than men, because they were considered physically weak enough to be arrested without fighting back, but also because they, allegedly, had a stronger tendency for stealing, “hiding things under [their] skirts”. Although Kalé women were defiant towards people accusing them of theft in supermarkets and tended to assertively speak up against situations of everyday racism, they knew state actors had power over them and acted as though they held their fate in their hands. Hence, they could not confront them in the same way as shop assistants or passers-by. They recounted the arbitrary behaviour of frontline workers in social services who often turned visits into police interrogations, looking for malevolently hidden information by repeatedly asking the same questions “to confuse [them]”. Yet it was police officers who, in particular, “[took] the liberty of doing anything they [wished]” (*se lo permiten todo*). During a group conversation with an NGO mediator, one older woman for example reported having been dragged out of an overnight bus ride by the military police, along with another brown-skinned man, and left outside in the cold for two hours. The mediator herself alarmingly advised her “not to travel ever again” and, in fact, many of them refused to take public transport for that very reason. They were afraid of “looking *gitana*”,

reflected on who among themselves could possibly pass for white, and those of them who did, sometimes did not mention their ethnicity, so that they could rent a flat or shop in peace without being targeted. When checked or arrested by the police, they insisted that they were Spanish. Aware that, as a white non-national, I would still never experience what they went through, they bitterly and repeatedly remarked: “*you don’t get followed in the supermarket*”, “*you would get that job*”, and “while they are registering us, there is a *paya* who is getting away with stealing”.

Whether harassed by law enforcement, or faced with another dangerous situation, they were painfully aware that there was a high chance no one, and certainly not the police, was going to defend them – “and who is going to help us?”, one shrugged rhetorically. Although several of them told me that they would still call the police “if there [were] nothing else left to do”, others categorically said they did not trust them, “because they are racists”. At the mention of a Kalé man from their neighbourhood who joined the police force, they regretted that he would not help, because “working for the police turns you into a gadjo” (*jambo*). When I asked them how they responded to situations of racism, I was told “you feel bad, you feel humiliated”, but “you have experienced it your entire life, so you get used to it”. Racist targeting and policing are part of their lives as Kalé women, and “it happens *everywhere*”. Working with state institutions, as some of them do, does not spare them microaggressions and increased vulnerability to institutional victimisation. A mediator (#31) for instance reported to me being belittled, while on the job, as “[speaking] well, for a *gitana*”, and being asked “how *gitanas* have sexual intercourse”. The racial abuse once went so far as being told that Spain would be better off under the rule of the Catholic Monarchs, who, as I described in chapter 2, initiated centuries of antigypsyist legislation leading to the mass imprisonment and enslavement of Kalé people:

We were in the hospital, here, at the clinic. [...] I was talking to that colleague about the *gitano* people, the persecution, and all. And it was people working in emergency care. Here there are a lot of people from the *gitano* community. And they had ... super negative stereotypes... And you know what one of them tells me? (Silence.) I’ll tell you! She touches my leg [...] ‘Such a shame that the Catholic Monarchs are no longer alive in Spain!’ (Silence.) And I said to her... And you’re working in emergency care? She says yes. And I say... (claps her hands) well then, I am going to tell you something: you’d better stop working with people, because that mind that you have, is the mind of a Nazi! I’m sorry. (Silence.) You’re telling me that the Catholics Monarchs should be there to govern and kill the *gitanos*? Well, grab your stuff, stop working with people and go and work with... something else, because you are not made for this.

Although in this instance, she was working in a medical facility and was backed up by the security guards when defending herself – the type of allyship that Kalé women would likely not avail of when intervening as service beneficiaries –, this explicit attack shows just how widespread the view that Kalé people deserve punishment remains within Spanish society. Regardless of their position, all the women I spoke to insistently informed me, often in a defensive tone, that “there is *a lot* of racism in Spain”. Precisely because racism is considered an impossibility for gadjo society, they must tirelessly bring it up until the wall they are talking to breaks down. Conversely, gadje practitioners expressed discomfort or feigned ignorance when my questions started hinting towards it. Addressing racism would force institutions to look inward rather than outward and reconsider the reasons why Kalé women do not resort to the criminal justice system.

*Practitioners’ perspective: there is no such thing as institutional racism*

Reinforcing Kalé women’s mistrust towards state authorities, gender violence practitioners discredited their negative experiences with criminal justice as fabricated or justified. Of all the practitioners I interviewed, not a single one, even when they did recognise the existence of mistrust towards state institutions and the criminal justice system, brought up police intervention and the hyper-criminalisation of the Kalé minority as potentially discouraging Kalé women from reporting cases of violence. What is more, only a very small minority of interviewees considered the possibility of institutional factors as potential impediments for reaching out to state authorities. While humbly confessing having little to no knowledge about Kalé people and possibly being misinformed, they reduced their explanations to class-based factors such as the economic hardship caused by “social marginalisation”, or the “bad reputation” of social services (#16). The moment I explicitly suggested possible racial prejudices against Kalé women during police intervention or judicial proceedings – a question I systematically asked during interviews – my remark was met, in most cases, with denial. A blatant illustration of this generalised reluctance to address institutional racism is the following conversation with social workers employed in the JVM courts (#5, #6):

Me: And... from the perspective of the institutions, do you think there are obstacles [...] not only coming from the community, but also from the institutions?

Interviewee 5: Well, I don't know. No. It's that, I don't know. I think that... I think that the limits come from the women's own beliefs rather than from the institutions. I think. (Silence) I wouldn't know what to tell you.

[...]

Me, later in the conversation: Do you think there are some stereotypes against *Gitanos* within courts, that might have affected court decisions?

Interviewee 6: That have affected their decisions, I don't know. And, I don't know, because only judges make the decision. We don't know. When it comes to interactions and communication with persons of *gitana* ethnicity, well I can understand that there are stereotypes. Of course stereotypes arise! In fact, well, there really are situations in which these women are combative! They are very conflictual! The fact is that, it is not a stereotype, it is a reality!

Interviewee 5: That's what I was about to say! That sometimes those are not stereotypes! Sometimes those are realities that you are faced with! That is... err, in majority, it is a... collective with a patriarchal system that is a lot more obvious than in other cultures, that's the way it is!

Interviewee 6: Of course.

Interviewee 5: It doesn't mean that all *gitano* men are sexist and all *gitana* women are submissive! But it is a system where there is a high level of patriarchy. That's how it is.

Admittedly, from experienced social workers, one could have expected a more sociologically oriented analysis of service recipients' motivations not to trust or engage with criminal justice. It is quite clear, however, that these two interviewees, whose work consisted of drafting psychosocial forensic reports to inform judges' decisions on their cases, felt targeted by my question on potential stereotypes affecting court decisions, and teamed up to overturn the power balance in their favour. Referring to the "*gitano* community" as having an exacerbated "patriarchal system" that, presumably, dangerously victimises Kalé women, they still chose to resort to individual victim-blaming strategies, complaining that "these women [...] [were] very conflictual". This double-edged discursive strategy – Kalé women need saving from Kalé men, but they are not 'good plaintiffs' – justified a potentially fatal institutional neglect, which I will further analyse in chapter 4. In addition, it also helped discredit the point I was trying to make about racism, and to spare state agents from any accountability. Interviewee 5's firm conclusion that "that's how it is" further invoked her professional experience as a factual authority to rule out any possible discussion between us. She knew and I did not. Similarly, a police officer (#13), while evoking Kalé women's difficult relationship with law enforcement, discarded the possibility of police responsibility:

Interviewee 13: Whatever happens at the police level feels like an imposition to them.

Me: So, there is mistrust towards the police?

Interviewee 13: Yes, yes, yes. (laughs) [...] They don't consider that we do what we do to help them. They don't. [...] Whatever comes from the police, no, generally... [...] The *gitano* ethnic group, they do not get on excessively well with the police to put it that way, no, because they hate police officers... Well, logically you do your job, and maybe... well maybe that's not what they want (laughs) you know? And then, well, it's true that maybe, if they sell fruit and don't have a permit, well... you're going to take away their fruit and report them... If they do something else and they don't have the corresponding documentation, they don't have a licence, you take away their car, you report them... They see it... well, as a threat.

Though she herself brought up Kalé women's negative feelings towards police intervention, she did so by defending the institution she represented as "logically doing [their] job" and further implied that Kalé people, in engaging in undeclared economic activities, were responsible for the police repression they were faced with in everyday situations. It is also noteworthy that what triggered her comments on "hate [towards] police officers" was my suggestion that police officers attend mediation courses to counter their prejudices against Kalé people: she misunderstood my question as the need for the local police to facilitate courses on gender violence addressed to Kalé people – and argued that attendance would likely be low, due to the institution's unpopularity. In other words, the thought that state representatives might need to be taught something was unconceivable: from her point of view, Kalé communities were the ones that needed to learn – and change. The obstacles were cultural, not institutional: better said, it is them, not us.

What can Kalé women experiencing violence from their partners do, if they fear state authorities just as much as they fear their abusers? If criminal justice practitioners see that Kalé women do not turn to them when their lives are endangered – but still will not see why that is the case? What alternatives do these women avail of?

### **Alternatives to criminalisation**

#### *Within conventional justice: mediation and restorative justice*

There has, in fact, been a trend towards decriminalising gender violence within the Spanish conventional justice system. Almost coinciding with the LOVG's entry into force, Spain's Civil Code was reformed with the adoption of Law 15/2005 of July 8<sup>th</sup>, introducing shared custody and family mediation in cases of marital separation, and even allowing judges,

in its Art. 92, to enforce shared custody without parental consent (Casas Vila 2020a). Glòria Casas Vila argues that rulings favouring shared custody and mediation sharply increased over time, with shared custody decisions notably tripling between 2010 and 2016 (*Ibid.*). In a pioneering provision that was later reflected in the prohibition of “mandatory alternative resolution processes” in Art. 48 of the Istanbul Convention, the LOVG prohibited the use of mediation for cases of gender violence. Nonetheless, since women filing for divorce disproportionately do so because of violent partners (Casas Vila 2020b), family judges have, in practice, been mandating couple mediation and shared custody to victims of gender violence (Casas Vila 2020a). Worse yet, Casas Vila reports a strong tendency among judges and other legal practitioners, based on the scientifically refuted “Parental Alienation Syndrome” (PAS) theory, to withdraw victims’ custody rights altogether on the ground that the latter are manipulating their children into believing that their fathers are violent (*Ibid.*). Reflecting what Marianne Hester conceptualised in the United Kingdom with her “three planets” model (Hester 2011), simultaneous miscommunication and overlaps between the “planets” of gender violence and child protection lead to judicial decisions punishing victims while leaving their children at the mercy of violent fathers (Casas Vila 2020a). Legal practitioners’ attempts to avoid criminalisation can therefore dangerously harm plaintiffs as well as their children. Precisely because gender violence does not occur in isolation from society, practitioners as well as accused and plaintiffs’ direct entourages too often accuse women of false allegations – to the point that victims end up doubting themselves too – leading most feminist advocates to dismiss the option of couple mediation as unsafe for women.

Another alternative to criminalisation, to date not tested in Spain, is Restorative Justice (RJ), whose origins have been attributed to some U.S.-based Christian movements in the 1970s (Lefranc 2006; Fernandez 2010). However, RJ is also modelled on practices developed by other communities across the world, such as autochthonous populations in Canada (Smith 2005). Aimed at reconciliation and education rather than punishment, RJ programmes involve the whole community holding the perpetrator accountable through a “healing contract” (*Ibid.*, 422). Whereas conventional justice views crime as a violation of the state’s interests and isolates both plaintiffs and accused throughout the process, RJ re-centres their agency and wishes, while ensuring their communities take part in the healing process (Morris and Young 2000). It has notably been introduced in Canada in the 1990s, in the hope that it would ensure



fairer proceedings for Native communities by challenging the legal hegemony brought about by colonisation (*Ibid.*) while offering an alternative to a minority overrepresented among convicts. In cases of gender violence, the centrality of making perpetrators aware of the harm they have committed, rather than sanctioning a rule violation, resonates with the transformative endeavour of feminist work with perpetrators in prisons. However, similarly to the concerns raised against non-violence programmes for perpetrators in Spain, there has been widespread reluctance, among victims' advocates, to introduce RJ into gender violence intervention (Strang and Braithwaite 2002). Opponents to the idea notably voiced concerns over the fact that it could foster perpetrator impunity and expose victims to retaliation (Fernandez 2010). At the same time, many advocates welcome the centrality of victims' voices and the possibility for perpetrators to truly take responsibility (*Ibid.*). As a compromise, some authors claim that RJ should be developed as a complement, not an alternative, to criminal prosecution (*Ibid.*). Meanwhile, other view the institutionalisation of RJ as a way for the state to take control over community justice mechanisms (Lefranc 2006). This would be a legitimate concern for Spanish Kalé communities, who have reportedly maintained older forms of community intervention precisely to survive state persecution – even though the Kalé women I interviewed did not seem to find them incompatible with state institutions.

#### *Outside conventional justice: community intervention*

Strongly resembling Restorative Justice is the community elders' conflict resolution process developed by various Romani groups throughout the centuries, including Kalé communities in Spain, to safeguard their culture and protect their community members in a hostile dominant society. The literature on so-called Romani law must be approached with caution, both because of the great diversity of practices in different Romani communities across the world, and because it easily turns into the “folklore” that many gadje anthropologists indulge in (Harris 2001). It is an area of scholarship I only reluctantly engage with, as it tends to essentialise Romani culture as problematically conservative or, conversely, a romantic, non-modern way of life, as do many Gypsylogists (Selling 2018). Nonetheless, some descriptions of Romani customary legal codes deserve scrutiny for their relevance to the use of community intervention among Kalé communities and its perception among judicial professionals. In their analysis of autonomous justice mechanisms within Vlach Romani communities in North

America, legal scholars Walter O. Weyrauch and Maureen A. Bell's (2001) notably argue that "Gypsy law", organised according to a distinction between purity and "pollution" (*marime* in Romanes), was maintained as a survival strategy when host societies persecuted them. Rules are mostly perpetuated through the guardianship of elderly men and women, who are due higher respect (*Ibid.*). Men are the ones chairing and sitting on the councils of elders responsible for conflict resolution – but elderly women play an equally important role, albeit more informal, in matters concerning women and children (*Ibid.*). If informal conflict mediation does not work out, aggrieved parties invoke a tribunal exclusively composed of men – the *Romani kris* – which will hear all affected parties' sides and deliberate on the most adequate response. Of all the possible sanctions inflicted on the guilty party, banishment is considered the most severe – as *marime* not only means impure, but also harmful to the community (*Ibid.*).

Although Weyrauch and Bell claim that the practice of *Romani kris* – which is not widespread among other Romani groups – exists in Spain, what was described to me during interviews and ethnographic work was rather akin to the first layer of informal conflict resolution. In cases of gender violence, it primarily consisted in elderly women's intervention – "women of respect" – before the "men of respect" stepped in. A Kalé mediator (#35) explained to me:

When a woman wants to report her husband for battery, she needs to reach out to the closest women in her family. And if those women cannot solve it among themselves, then they reach out to a council of *gitanos*. And they determine what should be done. Of course, when it's a case of gender violence, in the cases we know, they have always supported the woman. The woman keeps the house, the children, among ourselves we say that the lands are split, which means that he is the one who has to leave. If she complains about a problem she has with him, whether it is alcohol or anything else, we see that it isn't possible to reconcile them, even if she wants to, so we gather through a Council of *Gitanos*. In other words, if the *gitana* woman has this recourse, she will use it before reporting to authorities! And if she wants to, she can! No problem! [...] Elderly women, women of respect, who are older than 50, who have enough experience to know that a 25-year-old girl, who is super in love, he hit her, attacked her, she wants to leave him, perfect! But she is going to get back with him one month later, so these women filter that, they guide this woman... [...] and they help her too, how do you want to organise it, what is going to happen with the children, they advise her in everything. [...] They don't leave her without protection! She is supported by them, all right?

Strikingly, whereas this mediator insisted on women's role in the process and described it as "guidance" and "protection", gender violence practitioners overly frowned upon what they

similarly referred to as “*gitana* law” (*la ley gitana*) and viewed as a form of violence imposed by “patriarchs” (*patriarcas*) upon women trying to escape their oppression. As it audaciously jeopardises the state’s monopoly in matters of justice and does not resort to imprisonment, they condemned it as an attempt to live above the law of the state. A magistrate (#11) working for the Supreme Court – the highest judicial authority in the country – thus severely declared: “they might use the *ley gitana*, they still won’t be exempted from ours”. Others were however less defiant, as a member of the court staff confessed to me that judges were afraid to “confront the *gitanos*”. Whether they claimed that state law would be victorious over customary law, or they continued tolerating it as a subculture they did not particularly wish to interfere with, they converged into classifying it as an integral part of Kalé archaic culture. A JVM court psychologist (#8) for example depicted it as the persisting primitive customs of a community that failed to “integrate” into “normal” society:

The *gitano* collective sometimes uses its own laws, so that [women] avoid reaching out to the justice system, and if they do, or file a complaint, they can be further endangered! That is to say, in the *gitano* collective, there is still... (her colleague nods) one part of the collective actually has advanced, is a lot more normal and... integrated, right? [...] But no, there is still a *gitano* collective that works according to *gitano* laws! [...] And the hypothesis we can formulate is that... relationship problems of ...that type... are resolved within the *gitano* collective! They don’t resort to... gadjo law! (*la ley paya*) [...] So, it’s an offence for the family [...] for its godfather, its patriarch, who in any case imposes orders (Men of respect.) yes, and then, she can offend them [if she] abandons the *gitana* law and resorts to... gadjo law. And I think that those are women who can be very much endangered.

This practitioner thus claimed that “*gitano* laws” prevent women from reaching out to competent authorities when they need to escape a violent partner. Her discourse resonated with the general representation of Kalé customary law that prevails in Spanish gadjo society: without much knowledge on how it actually functions, the collective imaginary tends to portray it as men with a higher status, “the patriarchs” (*los patriarcas*), backed up by families, imposing on the victim that she maintain her relationship with the perpetrator, and preventing her from reaching out to formal justice mechanisms – or punishing her and her children if she has done so. In other words, criminal justice practitioners, like society at large, viewed community conflict resolution as a backward practice that unfortunately persisted despite assimilation attempts and interfered with ‘real’ justice. This must of course be contextualised within the history of the Spanish nation state which, although decentralised since Franco’s death, has

always failed to recognise legal pluralism and minority cultures other than regional ones, and thus still posits itself as the sole grantor of justice.

In radical contrast, the Kalé mediators and social workers I interviewed offered a positive assessment of community intervention and experienced it as an extra layer of protection rather than a substitute or impediment to accessing conventional justice. Eager to deconstruct stereotypes of authoritarian community leaders imposing archaic laws on women, another mediator (#31) insisted that “patriarch” was a misleading term imposed by gadjo society:

They call them patriarchs, but here we don't have patriarchs! I am telling you Sarah! The patriarch has always been King Juan Carlos (laughs) and currently King Felipe, and Franco! (laughs) those are persons that are patriarchal [...]. Patriarchs for us don't exist and I am saying it again. They are persons with respect. Persons who had to gain this respect over their lifetime. Persons who had knowledge and wisdom [...].

Perhaps criminal justice practitioners conflated the respect due to the elderly involved in conflict resolution with arbitrary punishment because they needed a counterexample to the impartial law they believed to represent – or perhaps, because their understanding of justice was itself loaded with arbitrary convictions. Either way, this interviewee (#31) reasserted men and women of respect's legitimacy in providing justice and added that they were “marvellous women and men”, “something [very valuable] in the community”. She interestingly claimed that she had entered her profession following in their footsteps as they were, she praised, “natural mediators”. Her description was, similarly to the other mediator's, likely driven by a desire to debunk the racist representations which prevail in gadjo society. It is however noteworthy that she considered community elders as role models when she started collaborating with the state: she did not view their intervention as a counter-model for impartial justice and service delivery, or as incompatible with the conventional system.

It is important to note that I did not push to observe community conflict resolution, nor did I insist on interviewing Kalé survivors who had gone through it, other than informal group conversations, because I rapidly sensed that this would have been intrusive and forced visibility. Even when Kalé interviewees offered a narrative which might seem to smooth over some power dynamics or romanticise cultural codes, I understood their counter-discourse as a statement that, unlike what practitioners seemed to believe, they did not experience community mechanisms as a “barrier” to justice. Meanwhile, they all insisted on the diversity of paths

taken by women escaping violence and provided important nuances rather than a one-size-fits-all solution. In doing so, they took on a victim/survivor-centred perspective, pointing to similarities with the community accountability and transformative model of justice advocated by some collectives in North America.

### *Community accountability and transformative justice*

It goes without saying that strategies to exit violence differ from one case to another and, as interviewed Kalé professionals insisted, Kalé women experiencing gender violence do not always wish to resort to community intervention. A Kalé NGO worker (#37) reminded me: “maybe you just don’t feel like telling *gitana* women who live across the road that your partner has punched you or raped you, maybe you don’t feel like it!” Contrary to a widespread belief in gadjo society, elders’ conflict resolution does not consist of couple mediation – as I also thought before discussing it with Kalé women – and it does not, as a rule, work towards the subordination of women. However, community pressure may indeed go the wrong way, there as much as elsewhere.

Interviewed mediators suggested that elderly women and men of respect were now becoming less present within communities. It has been argued that younger church leaders are gradually replacing them when intervention is needed (Gay y Blasco 1999; 2002). Paloma Gay y Blasco (2002) contends that the *Iglesia de Filadelfia*, a movement of Kalé Pentecostal converts which forms a branch of Evangelical Christianity and originated with the French *Mouvement Évangélique Tzigane* (MET) in the 1960s, has become so prominent within Spanish Kalé communities that it now transcends family and community circles to foster a growing common identity. To Gay y Blasco, not only does it reconfigure traditional hierarchies within communities, but it reinforces “moral” boundaries with gadjo society (*Ibid.*) – thus challenging state hegemony even more. In an ethnographic work conducted in Madrid in the 1990s, she writes that “Evangelicalism” significantly affects “married life” among Kalé people, challenging norms of masculinity and prohibiting battery, but still expecting women to bear “the occasional slap” and remain below men while acting grateful for having convert husbands (Gay y Blasco 1999). In her analysis of the treatment of gender violence cases within the *Iglesia de Filadelfia*, María Jerusalén Amador López (2017), conversely, refutes Gay y Blasco’s argument and warns against gadje researchers’ tendency to project ready-made assumptions

onto Romani research participants from their position of social privilege. She argues that the Pentecostal movement of the *Iglesia de Filadelfia*, in which women are overrepresented, takes a strong stance against gender violence as both affecting women and the congregation at large. During my stay in Madrid, I regularly attended evening church services at the Kalé Pentecostal church of Orcasitas after being invited by one beneficiary of the NGO, as did a couple of other gadje women who were warmly welcomed by the churchgoers. I experienced church services as a place of community socialisation, in which poverty and racism were regularly addressed – suggesting a social rather than moral demarcation with gadjo-ness – and where women had built their own women-only subspace. However, I did not apprehend them as an object of scientific inquiry and, therefore, did not observe any intervention in gender violence cases.

Critiques of the criminalisation of racialised minority women in North America do warn against the risk of romanticising community-based restorative justice. Resorting to the community for support may indeed be liberating for women, so long as they do hold perpetrators accountable – but what about the cases when they do not? Smith regrets that such models “often promote community silence and denial around issues of sexual/violence without concern for the safety of survivors of gender violence under the rhetoric of community restoration” (*Ibid.*, 425).

Proposed by prison abolitionists such as Ruth Morris, Transformative Justice (TJ) was developed in North America in the early 2000s as a response to such concerns, particularly when experienced by racialised women and LGBTQ survivors of gender violence (Ricordeau 2019). The collective “INCITE! Women of Color against Violence” notably coined the central concept of “community accountability”, which Ricordeau defines as: “(1) support to survivors, their safety and self-determination; (2) perpetrator accountability and commitment to changing behaviour; (3) community changes in favour of non-oppressive and non-violent values and practices; and (4) political and structural changes of the conditions allowing for the harm to happen” (Ricordeau 2019, 190, own translation). Mimi Kim, one of the co-founders of “INCITE!”, set up in 2004, in Oakland, California, Creative Interventions (CI) which, with the Story Telling and Organizing Project (STOP), aims to address IPV and sexual violence from the perspective of community accountability. I showed in chapter 2 that storytelling is the main technique experimented by Critical Race Theory scholars and practitioners to give voice to their legal clients and to provide a context to crimes otherwise understood as isolated incidents

by the criminal justice system. Mimi Kim's work, in that spirit, re-centres victims/survivors' diverse wishes and needs.

As Ricordeau explains, TJ rests upon four main principles: rather than superficially repairing the harm suffered by victims, it is necessary to engage the social and community contexts in which it occurred; victims' self-formulated needs and safety strategies remain the central and primary focus; the structural power relations in which it happened must be considered at all times; and there must be long-term commitment to the resolution process (*Ibid.*). Also a co-founder of "INCITE!", Smith (2005) argues that the TJ model explicitly links IPV to state violence and re-asserts the agency and perspective of those experiencing violence, instead of constructing them as legal clients, or as "the voiceless". This approach is similarly advocated within faith-based communities, which many victims resort to both for spiritual reasons and community support, but where destructive masculinity must equally be addressed, and women must be invited to represent themselves (West 2005).

As well as in Restorative Justice, concerns remain about putting victims at risk of manipulation and secondary victimisation, and TJ experiments in some alternative circles in Europe show that it greatly relies on the unpaid labour of women and LGBTQ people (Fourment 2021, chap. 5). Conversely, one could argue that movements led by women and LGBTQ people are far more likely to be safe spaces and respectful of the agency of gender violence survivors. In much more recent work, Smith (2019) for example argues for a better consideration of the potential for mobilisation and resistance of "Evangelicals centered on People of Colour", particularly through racialised women's theology.

Regardless of which avenue Kalé women choose when their safety is at risk, we are faced with an undeniable fact: they do not turn to the criminal justice system. Echoing Pardo Bazán's "feminist" (Smith 2015, 478) critique of a justice system that leaves Kalé women at risk of community revenge murder, one century later, interviewed practitioners still disproportionately rejected community intervention as an affront against women. Grossly overlooking the threat that turning to criminal justice represents for Kalé women, as well as the diverse coping strategies the latter creatively come up with instead, many practitioners believed that community pressure was the main reason for their underreporting. Yet, as I will now show in chapter 4, the practitioners working in Madrid's gender violence protection network mobilise discursive tactics to question Kalé plaintiffs' victim status, thus leaving them at greater risk of

harm – with sometimes fatal consequences – than before engaging with state authorities. As eager as they are to narrate feminicides perpetrated by the Kalé “collective”, their treatment of Kalé women tangibly exposes them to death.



## CHAPTER 4: “PROTECTION”, OR THE POLITICS OF DEATH EXPOSURE

“‘You will get your man, brown skin’,  
Said the full moon, up in the sky,  
‘But in return, I want  
The firstborn child you give him.  
Because whoever is ready to sacrifice her child  
Not to be alone  
Is not going to love them very much.’ [...]’  
From a cinnamon-skinned father, a child was born  
As white as the back of an ermine.  
His eyes were not olive, but grey  
Albino child of the Moon.  
‘This face be damned!  
This is the child of a gadjo  
And I am not going to accept it!’ [...]’  
The gitano, believing he was dishonoured,  
Went to his wife with a knife in his hand:  
‘Whose child is this?  
You cheated on me!’  
And he wounded her to death.  
He then went up to the mountain,  
With the child in his arms,  
And abandoned him there.”

Mecano, *Hijo de la luna*, 1986<sup>20</sup>

In the 1980s, one of Spain’s most iconic bands from the post-dictatorship period, Mecano, met international success with their song *Hijo de la luna*, that tells the story of a Kalé woman murdered by her husband after giving birth to a white-skinned child. Although the song has, to my knowledge, never received any criticism for its racist portrayal of the Kalé minority, it is striking that it not only capitalises on the trope of violent Kalé masculinity that is omnipresent in Spanish society, but also depicts the woman’s death with shocking indifference. After she is murdered, the woman, dehumanised as “brown skin” and seemingly deserving of her fate for agreeing to abandon her firstborn baby, falls into oblivion as the song returns to the – conversely personified – white Moon, successful in becoming a mother, lovingly turning into a crescent to offer a cradle to the crying child. In what is probably common sensical to most of the song’s listeners, the life of this woman is treated as anecdotal. It should barely come as a

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<sup>20</sup> Own translation.

surprise that the music video shot for the song, entirely centred around the relationship between the child and the Moon, does not even include her.

I have so far argued that the mission of “saving brown women from brown men” (Spivak 1988, 297), which white Europeans put forward throughout history to justify various forms of colonialism, provided grounds for “[locking] up [...] or [locking] out” (Goldberg 2008, 335) the non-white masculinity considered a threat to the white nation and its economy (Farris 2017). Importantly, I also showed that the heavy focus on incarceration in the state response to gender violence negatively impacted the lives of Kalé women, both because they are often the pillars of their families and communities, and because they are themselves policed, controlled, and more frequently incarcerated. Although it usually tokenises racialised women and girls as victims, to the point of only permitting their mobilisation on that basis (Emejulu and Bassel 2017), the dominant culturalist reading of gender-based violence in Europe (Montoya and Rolandsen Agustín 2013) is rarely genuinely benevolent towards women. It stigmatises entire minority groups deemed “non-European” (*Ibid.*) as problematic – particularly through a focus on so-called “harmful traditional practices”. Double standards in the legal response to violence are a legacy of the colonality of power and knowledge that attributed a lesser worth to certain groups of people (Quijano 2000) and go far beyond the border control policies targeting postcolonial migrants. Native Romani communities are equally essentialised as violent in policies addressing Child, early and forced marriage (CEFM) or trafficking in human beings (THB) (e.g., Jovanović 2015). Alexandra Oprea debunks the myth of CEFM being inherent to a monolithic “Romani culture” by pointing at the diversity of practices among and within Romani groups, and further shows that meanwhile, in Romania, centuries of slavery and racist oppression have led authorities to leave Romani girls unprotected, just because they are Romani (Oprea 2005). In Spain, too, public outcries against Kalé men assassinating women remain recurrent, whereas even the most blatant crimes perpetrated against Kalé women and girls are met with nonchalance. As recently as December 2020, a defence lawyer in Jaén argued that the “impact” of repeated rape on an eleven-year-old Romani girl, leading her to terminate a pregnancy, was “not important”, since “the minor [belonged] to the *gitano* ethnic group, where sexual intercourse at a very young age is customary” (EFE 2020).

In line with this trend towards the “culturalization of gender” in the treatment of violent crimes (Razack 1998), although the Spanish state continues to, officially, adopt a colour-blind narrative in its legal response to gender violence and reject a differential reading of cases based on legal clients’ ethnicity, practitioners working within specialised gender violence institutions rather espouse a post-racial culturalist analysis, dismissing the existence of institutional racism as I showed in chapter 3, while singling out Kalé culture as the patriarchal enemy which authorities should focus on combating. My findings further show that, despite their explicitly stated endeavour to provide Kalé women with access to specialised support services and judicial proceedings, practitioners in Madrid, quite on the contrary, deploy discursive strategies to expose them to further violence. Their narratives not only promote Kalé women’s full assimilation into dominant Spanish culture as their only ‘way out’ of violence – they also vilify them as bad mothers and untrustworthy plaintiffs and encourage isolation from their support networks. In other words, whereas, as discussed in chapter 3, little consideration is given for Kalé women’s reluctance to resort to a criminal justice system that subjects them and their families to arbitrary policing and incarceration, even those who do reach out to it and abide by its rules see their lives further endangered. I crucially argue that in cases of gender violence, what is often viewed as superficial racial biases or inadequacy in service provision, such as mandatory reporting, but also the failure to issue or implement a protection order, the refusal to provide a shelter bed, or isolation from support networks, may very well have fatal consequences. Indeed, racially motivated practices push Kalé victims to go through judicial proceedings, despite their reluctance to do so, and to break away from their communities, only to then leave them unprotected and thus exposed to retaliation from their violent partners.

This chapter analyses the discursive tactics mobilised by practitioners within the gender violence protection network to, paradoxically, expose Kalé plaintiffs to harm – and death – throughout and after judicial proceedings. Whereas it is often assumed that Kalé women are omitted from law and policy implementation, I show that practitioners do pay attention to them, but resort to victim-blaming discourses to justify their failure to provide protection. I argue that such discursive strategies draw on the “necropolitics” established by past state policies – and reinforced by Spanish cultural heritage, as in *Hijo de la luna* – attributing a lesser worth to the lives of Kalé people (Mbembe 2003; Motos Pérez 2009). In dissonance with practitioners’ feminist commitment to protect women’s lives from masculine violence, and even with their

sometimes sensationalist tales of physical degradation of women and revenge murders among Kalé communities, I expose their double standards in understanding victimhood and their potential for endangering lives. I review local feminist activists' criticism of the poor implementation of protective measures under neoliberal governance, as well as existing literature on obstacles to justice for Romani women in Spain and Europe, and I point at their failure to consider race as a category of analysis. I then proceed to show that Kalé women in Madrid are denied protection through the following rhetoric: (1) Kalé women experience violence because they refuse to culturally assimilate; (2) Kalé women are never truly innocent; and (3) Kalé families obstruct the course of justice. Finally, I discuss the discrediting of Kalé women's attempts at survival through community justice as an ultimate effort to devalue their lives.

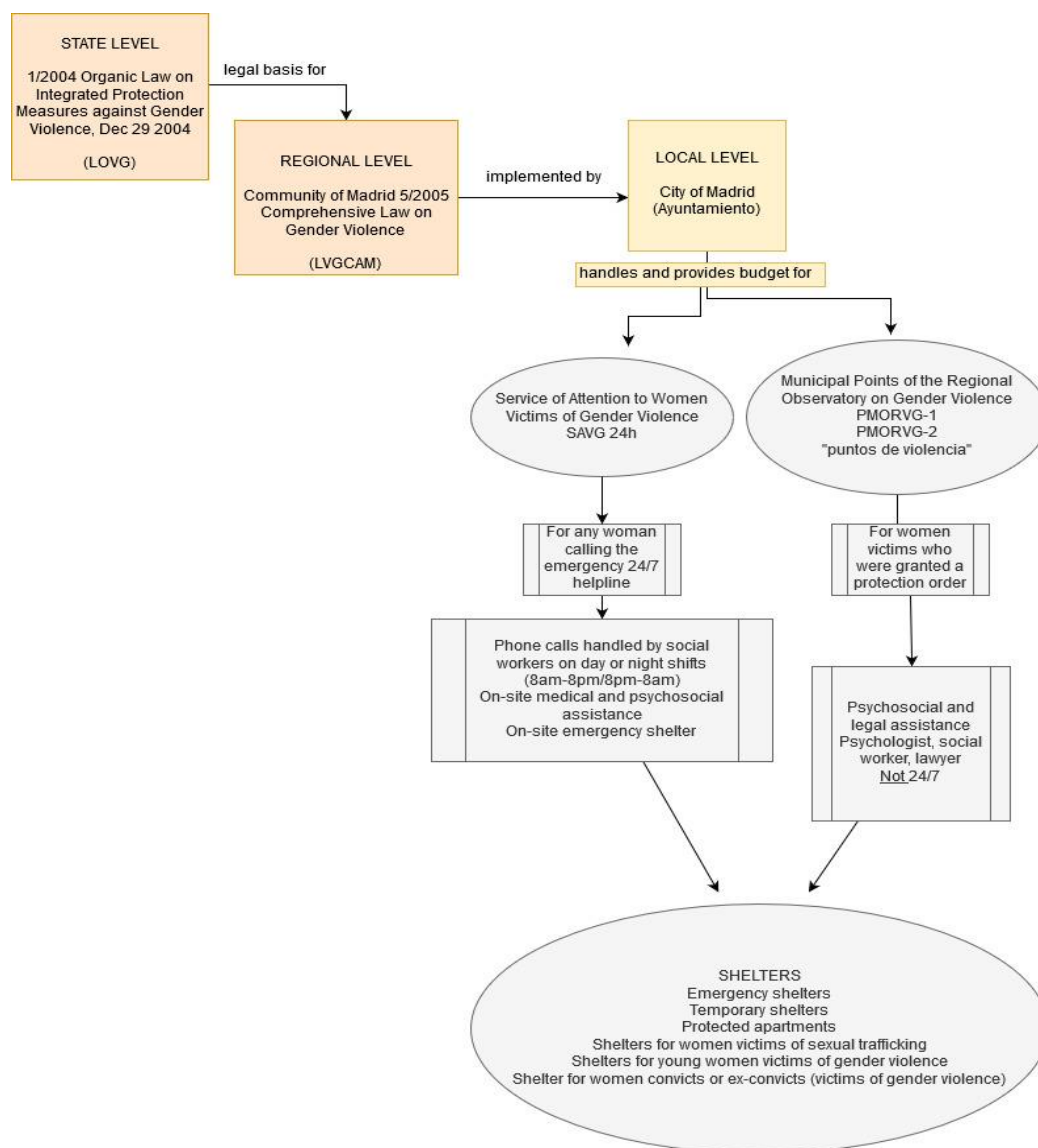
### **The gender violence protection network in Madrid**

“Woman, if you don't fight, nobody will listen... but if you cannot do it, we are here for you.”<sup>21</sup> This slogan is regularly chanted in feminist protests in Madrid – and indeed, as a direct consequence of tireless feminist mobilisations, the legal framework that is currently in force in the city does aim at providing comprehensive protection for all women experiencing violence from a former or current male partner, regardless of their status or situation. In Madrid's so-called *red de atención integral a víctimas de violencia de género*, literally network of comprehensive care for victims of gender violence (thereafter referred to as protection network), practitioners are trained to provide both immediate and long-term, gender-sensitive protection to victims. In contrast to laws that force women out of their homes when experiencing violence, the LOVG provides for the eviction of violent partners from the house, as well as the issuance of emergency and long-term protection orders for victims. Undocumented migrant women, who are typically unable to report violence because of their status, benefit from the free issuance or renewal of temporary residence and work permits. Several amendments were accordingly made to the Spanish immigration law (*Ley de Extranjería*), requiring that no deportation file be opened and that any file already opened be

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<sup>21</sup> “Mujer, si no luchas, nadie te escucha... y si no puedes, aquí nos tienes.” Own translation.

suspended when an undocumented migrant woman reports a case of gender violence. The amendments also made it possible for plaintiffs to apply for a temporary residence permit during judicial proceedings, as well as a permanent one in case of conviction of the perpetrator (PICUM 2012, 95-96). Moreover, women who are held back by economic factors are granted unemployment or social reintegration benefits, work leaves or geographic mobility. The law also guarantees a right to free legal aid, social assistance, and information. Finally, a legal reform in 2015 recognised children as direct victims of gender violence, thus protecting children and representing a major legal victory for mothers who tend to be revictimised through shared child custody. Meanwhile, all Autonomous Communities (regions) have the obligation to fund specialised support services to provide protection and counselling to women regardless of their status or situation, as can be seen in the below flowchart for the City of Madrid (figure 11).



**Figure 11.** Protection network for victims of gender violence in Madrid. Flowchart designed by the author.

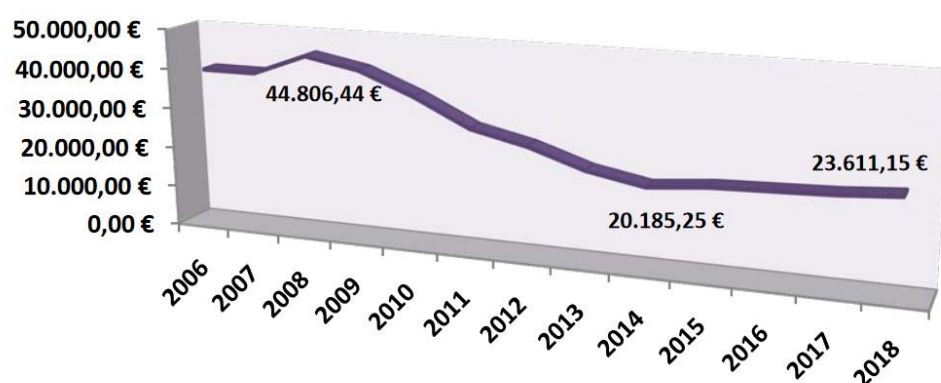
### “A fantastic cost reduction”: The economic investment approach

Yet are these institutions, really, “there for [women]” when they “cannot fight” on their own? Although feminist groups congratulated themselves when the LOVG was passed, many have become critical of the institutionalisation of shelters which, as Silvia Gil claims, “[replaces] politics with administration”, by giving priority to governmental concerns, such as budget, over women’s safety, and substituting critical advocacy with services that only remain

focused on aiding victims from an individualised perspective (Gil 2011, 114). One might argue however that, rather than de-politicising victim support, the institutionalisation of gender violence has shifted political narratives and translated service provision into the language of the neoliberal state. Besides the institutional primacy given to criminalisation and incarceration, this notably occurs through a reframing of gender violence as a matter of economic gain: what is governable must be profitable, and any public expenditure must be justified in terms of larger costs the state would have to face if it failed to legislate and allocate financial means to implementation. Following this logic, many feminist professionals working within NGOs, academia and international organisations have carried out studies “costing” violence against women and/or IPV as a strategy to convince governments to develop a comprehensive state response and dedicate a significant budget to it (e.g., Walby for United Nations 2009; Council of Europe 2012; Duvvury et al. 2013 for the World Bank; EIGE 2014). In 2006, the Spanish feminist NGO *Comisión para la Investigación de Malos Tratos a Mujeres*, along with organisations from France, Denmark, and Hungary, carried out a cross-country study on the costs of IPV with funding from the European Commission’s Daphne II programme. It evaluated direct medical costs, legal costs, social welfare costs and economic production costs in the four countries, compared them to their national budgets and GDPs, and developed a software, “IPV EU\_Cost”, to further assess costs in all European Union member states. The project report made the strong claim that “the economic argument should be added to ethical and legal arguments” and that budget reallocation to the state response to IPV was “economically rational” as much as “ethically necessary” (Psytel 2006, 4). Similarly, the European Institute for Gender Equality’s 2014 report on “Estimating the costs of gender-based violence in the European Union” states that “the measurement of the impact of the [sic] violence as a monetary value” shows that “many policy interventions can be seen as worthwhile in prosaic ‘value-for-money’ terms” (EIGE 2014, 17).

Although the economic argument has indeed been predominant in Spain, contrary to the hopes of researchers conducting cost assessments, it most definitely did not lead to significant budget allocations. Although the 2008 economic recession that severely hit the country, and the austerity measures the government subsequently adopted, were a major impediment to the allocation of substantial means to implement the LOVG and the regional laws and action plans that followed, the state response model established from the start relied

on limiting public expenditure through outsourcing services to private actors. In 2015, an informal network of feminist practitioners working in specialised gender violence institutions in Madrid, *Generando red contra las violencias machistas*, published a shadow report on the implementation of the Community of Madrid's 5/2005 Comprehensive Law on Gender Violence (*Ley 5/2005 de 20 de diciembre Integral de violencia de género de la Comunidad de Madrid*, or LVGCAM). Their report denounces the massive budget cuts that were made following the economic crisis, particularly supported by the *Partido Popular* government, and that not only led to an increase in attrition rates, but also negatively impacted access to crucial services such as psychosocial and legal assistance, welfare benefits and social housing. The drop in budget allocation was later documented in a report issued by the trade union *Comisiones Obreras de Madrid* (CCOO) in 2018 (see figure 12 below).



**Figure 12.** Budget (in millions of €) allocated to gender violence intervention and promotion of equal opportunities in the Community of Madrid.

Source: *Informe Violencia de Género 2018 CCOO de Madrid*, p.39. Figures drawn from *Consejería de Economía, Empleo y Hacienda*, Comunidad de Madrid.

Authors of the 2015 *Generando red* report insist, however, that politics of budget cuts were worsened but not initiated in 2008. Seventy-two per cent of the professionals they interviewed were working for structures that were outsourced to private companies, 11 of which were already privatised when the law was adopted in 2005 (*Generando red* 2015, 34). This was repeatedly confirmed to me by professionals I spoke to during field work: support services for victims of gender violence were managed by private actors, some of which were NGOs, but many of which were companies that had little to do with feminist advocacy,



competing for state, regional, and local funding schemes. If their budget outline turned out to be cheaper than their competitors', they were likely to be granted the project. A social worker (#16) explained to me:

At the end of the day, as great as our projects may be, someone else offers a fantastic reduction of costs, and they get most of the points! So you lose the project. This is what is happening. And it has been the case in Spain for years, hey? I used to work for a group that was doing grant applications, I am talking about twelve years ago, it was already the case. [...] To me, it's immoral, that a building company should handle support services. The ones who are qualified to do social intervention and support women, historically, are the feminists, and they are the ones who should be doing it.

This cost-efficient approach benefits large companies, but also powerful foundations that are connected to the fundamentalist branch of the Catholic Church, the Opus Dei. Although the situation has improved since feminist activists lobbied the government to ensure that certain quality criteria would still be respected when considering projects, the lack of budget allocated to support services negatively impacts professionals' ability to respond to victims' needs, to the point of making them more vulnerable. Several professionals reported to me with emotion that the *Servicio de Atención a Mujeres Víctimas de Violencia de Género 24 horas* (SAVG) itself, which is central to the coordination of services to victims, is inadequately responsive in situations of emergency. Two of my interviewees had repeatedly tried to call on behalf of women at high risk and were either turned down or given an appointment for a month later. Both were alarmed by the staff's indifference and pleaded for the provision of emergency help, in vain. Another professional tested the 24h helpline when it was launched, pretending to be a victim, and was merely redirected to social services. Similarly, while none of the judges I interviewed had any insight into the SAVG's everyday work, one of them did try to obtain information on the follow up support that they offer victims whose cases did not lead to a conviction, with what she emphatically described as "PAINFUL results": the SAVG barely tried to get in touch with victims and failed to ensure they were safe when they received no response, she bitterly regretted. This poor response was mostly due to a high employee rotation and an inexperienced, entry-level staff. Their working contracts are often short-term, part-time, and poorly remunerated: only 16% of the practitioners interviewed for the *Generando red* report had a long-term working contract; 37.5% worked part-time; and those working full-time could earn as little as €13,000 annually (*Generando red.*, 34). The *Generando red* report's demands hence include (*Ibid.*, 32-33):

The elaboration of public selection procedures for the management of support services for women victims of violence and minors where the main criterion for selection is not low economic costs but rather the content of the project, its professionalism and technical expertise. It is urgent to improve specialised support services both in terms of quantity and quality, and to stop the politics of budget cuts and outsourcing of services. In the same way, we demand transparency in the granting of contracts and the publication of who the entities receiving subsidies are in the minutes of the City Council and the Community of Madrid in an accessible way [...].

Besides the lack of transparency that the report highlights, it must be noted that depending on project funding schemes also implies a higher degree of arbitrariness and insecurity. Funding is not only scarce – it is also short-termist, subject to potential further cuts, and sometimes leads to unexpected job losses, as happened to one of my interviewees whose employer had to reduce its staff from one day to the next. Moreover, it encourages service providers to approach beneficiaries as clients and adopt abstract and simplistic representations of victims’ needs in order to fit into project categories, thus risking failing to meet women’s diverse practical needs and neglecting those who do not comply with their rigid criteria (Kendrick 1998). Although women are technically not obliged to file a legal complaint to access shelters, because of bed shortages, shelter staff still give priority to those who did and operate according to certain rules. Indeed, trans\* women, sex workers, women with mental health issues, disabilities or drug addictions are either redirected to other services or simply not accepted. While it is very frequent that women leave their home with their children, teenage boys are not allowed in the shelters as they are considered a threat to other shelter guests. In any case, it may happen that there is not enough room for all children, and women must then either leave them to the custody of their father or a relative, or renounce being granted a bed.

Within judicial institutions also, budget rationalisation turns legal measures that activists have been so vocal on, such as mandatory training on gender dynamics in IPV, into superficial, short courses that do not bear heavy costs, just to check that box on their list. A civil servant working in a JVM court (*Juzgado de Violencia sobre la Mujer*)<sup>22</sup> clarified that “JVMs are centralised, not specialised”: JVM judges are only specialised in so far as they

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<sup>22</sup> A detailed description of the *Juzgados de Violencia sobre la Mujer* (JVM courts) is provided in chapter 3.

exclusively deal with gender violence cases. Indeed, most entered the JVMs before 2009 and were therefore never required to attend gender violence training, while other professionals involved in judicial proceedings – civil servants, prosecutors, lawyers, social workers, psychologists, law enforcement officers – systematically do not receive training unless they specifically ask for it. Several employees reported to me that JVM court staff tended to continue working with conservative gender biases, as well as with insufficient means, including human resources. For example, the psychologists and social workers in the Madrid JVM courts were expected to cover for a vacancy that was never filled after an employee's departure – which had a negative impact on their workload and their capacity to process files. Finally, to reduce expenditure, court cases were held in an old building where the safety measures necessary for victims were not implemented. Psychologists and social workers received them in windowless offices that were simultaneously used for archives, and they did not even have any budget to offer them water or tissues. More alarmingly yet, although the law requires that plaintiffs and accused do not cross paths, victims were forced to await their turn in the same corridor as perpetrators and easily ran into them on their way to the bathroom or in the lift.

In other words, in all areas that are relevant to victims' protection, budget saving is clearly prioritised over safety. It is in fact noteworthy that, when I tried to get in touch with the SAVG via the City Council's Equality Division, I was asked to sign a form committing not to share any information on their institutions with "mainstream media", whereas protecting victims' personal data was never brought up. While much effort was deployed to advertise that the City of Madrid "needs feminism" and aims at becoming "free from violence" (figure 13 below), institutional communication was not matched with adequate material and human resources. In reply, activists have been calling for state authorities to partner up with feminist advocates and transparently allocate significant public resources to women's safety (figure 14 below).



**Figure 13.** (left) City of Madrid campaign poster, 2016.

“Madrid needs feminism: Because I want a city free from sexist violence”.  
*#Madridnecesitafeminismo* campaign, launched by the City of Madrid for the 8<sup>th</sup> of March in 2016.

**Figure 14.** (right) Protest organised by the Movimiento Feminista de Madrid, 2017.

“Without budget nor participation, sexist violence will not be a state issue”. Protest organised by the *Movimiento Feminista de Madrid*, Madrid, 25th May 2017.

### From inclusion to culturalism: The post-racial narrative of “obstacles”

Madrid feminist activists in their majority consider that gender violence legislation is poorly implemented, both because of a lack of political will on the part of conservative members of government and administration, and because of insufficient budget allocations and politics of privatisation. What is missing from their critique, however, is that deep-rooted, yet unaddressed, representations of racialised femininity – a phenomenon Crenshaw labels “representational intersectionality” (Crenshaw 1991, 19) – lead to particular harm inflicted on Kalé plaintiffs and service beneficiaries in their rapport with practitioners from the gender violence protection network. This tendency to overlook race in mainstream feminist endeavours to protect women from violence materialises in an understanding of intersectionality as “including” minority women in a legal framework which, if gender-

sensitive and attentive to language or regional accessibility, should respond to every woman's needs (e.g., Women Against Violence Europe 2018). This understanding of intersectionality however returns to the essentialism in Feminist Legal Theory that Angela Harris unveiled thirty years ago. Racialised minority women, when no longer omitted from the analysis, are included as “intensifier” of white women's experience (Harris 1990, 596): they are considered to experience what white women experience, only “even worse” (*Ibid.*). Though she makes a commendable effort to interpret the international human rights framework on violence against women from an intersectional perspective and to apply it to empirical cases, legal scholar Lorena Sosa, for example, reduces Crenshaw's position to a call for the “inclusion” of marginalised groups into the legal system (Sosa 2017, 21). She defines the understanding of intersectionality she herself offers as a “more comprehensive and inclusive reading of the human rights framework on VAW” (*Ibid.*, 10) and goes so far as referring to minority women as “intersectional groups” (*Ibid.*, 21; 24; 31), with little consideration for mechanisms of oppression historically enshrined in the legal system. This reading of intersectionality recalls the critique formulated by Jasbir Puar of a concept which, developed to reassert racialised women as subjects, seems to drift back towards a white feminist perspective that reifies them as objects of inquiry (Puar 2012).

Coincidentally, one of the empirical applications of intersectionality in the legal response to violence against women that Sosa offers focuses on service providers' prejudices towards Kalé women in Granada (Spain). In European scholarly and policy work, Romani women are starting to turn into the epitome of this essentialised “intersectional group” she refers to. The scarce existing literature addressing Romani women's higher vulnerability to IPV and lack of access to justice connects their situation to their alleged cultural norms (Merhaut 2019), their social marginalisation and unawareness of services (Kozubik et al. 2020), but also practitioners' prejudices based on cultural barriers (Wasileski and Miller 2014; Sosa 2017; Briones-Vozmediano et al. 2019; Rác 2020). In Spain, Erica Briones-Vozmediano, Daniel La Parra-Casado and Carmen Vives-Cases found that health professionals throughout the country adopted a “dominant narrative” that justified institutional neglect, arguing either that Kalé women did not need support from authorities, or that their lack of access to services was due to their patriarchal cultural and family environments (Briones-Vozmediano et al. 2018). Sosa similarly shows that service providers in Granada adopt a culturalist reading of

violence experienced by Kalé women, leading to their inadequate protection (Sosa 2017, 173-204). Those findings themselves indicate it: Kalé women are not forgotten by practitioners; rather, they are considered less, or not at all, worthy of protection. Albeit very valuable, this new research nevertheless continues to address professionals' failure to protect Kalé women as gaps in implementation that are due to individual biases, ignorance, and remain accidental occurrences in a legal system that is otherwise well-designed. Because it focuses on barriers to justice, it fails to establish a connection between the revictimisation of Kalé women and the institutionally embedded gendered form of antigypsyism which, for centuries, has worked on devaluing Kalé women's lives.

It is worth inquiring, as does Andrea Smith, whether criminal justice can be trusted in addressing the violence racialised minority women experience in partnership, "when it is directly implicated in [it]" (Smith 2005, 420). State-funded shelters, too, tend to function according to a similar logic to the prison system, by monitoring service beneficiaries and isolating them from their friends and families (*Ibid.*). Attempts to make state intervention more "inclusive", precisely, "have unwittingly strengthened white supremacy within the anti-violence movement", by "simply [adding] a multicultural component" to the very models that were developed by and for white middle-class women (*Ibid.*, 418). They do not fundamentally reflect on conventional justice and support services' biases against racialised minorities and, quite on the contrary, base themselves on monolithic conceptions of "minority cultures", that minority women professionals are expected to convey in short "cultural sensitivity" or "diversity" training sessions (*Ibid.*).

In February 2019, the City of Madrid's administration announced an initiative to provide intercultural mediation for Kalé beneficiaries within gender violence specialised institutions (EFE 2019) – a service which until then exclusively concerned health and educational facilities and had yet to be introduced within judicial institutions. This might represent a step forward in recognising cultural diversity in gender violence-related service provision: during my field work, interculturality was still not considered a relevant component of legal professionals' training. However, the practitioners I interviewed did overwhelmingly subscribe to the idea of cultural mediation and advocate for the inclusion of minority groups – and yet, that did not prevent them from systematically dismissing discussions on institutional racism when I put them on the table. What might be interpreted as arbitrary implementation by

frontline workers is, I argue, consistent with an approach to state intervention that highlights cultural difference in lieu of racial hierarchies.

Gender violence practitioners had little trouble making mention of cultural differences, but still considered race utterly irrelevant. While legal colour-blindness remains the state's official stance and state institutions may not collect ethnically disaggregated data, the court files and forensic reports I was handed did refer to Kalé ethnicity, typically pointing at the legal implications of marriage by Kalé customary law – such as the granting of child custody or victims losing their constitutional right not to testify against their spouse. Positioning themselves against colour-blindness, interviewed practitioners further contended that belonging to the Kalé minority was an important component of the psychosocial environment of the plaintiff and the accused, that indicated “hypervulnerability” to violence and a lower access to services. My follow-up questions on institutional victimisation were conversely systematically dismissed. As I analysed in chapter 3, court social workers, for example, denied the existence of institutional racism, arguing that “the limits come from the women’s own beliefs rather than the institutions”, and that “[*gitana* women] are very conflictual – [...] it is not a stereotype, it is a reality!” In particular, the focus on interculturality or cultural mediation, even in its endeavour to improve service provision for Kalé women, provided grounds for practitioners to pin responsibility back on Kalé communities. Interviewed professionals in their majority incorporated a feminist reading of gender violence into their practices and understood their approach as inclusive of minorities by differentiating Kalé from gadje victims, despite operating in a colour-blind legal framework. Yet, they did so through a culturalist approach that perpetuated the historically rooted racialisation of Kalé women as an internal enemy. This justified not only neglect – as they would have, had they merely omitted Kalé women from their analysis – but more specifically, a victim-blaming discourse treating them as responsible for any harm they might endure.

### **“They tell you your culture is shit”: The culturalist approach**

Confirming the findings published in new feminist research (Sosa 2017; Briones-Vozmediano et al. 2018), the narrative that prevailed among practitioners was that of cultural obstacles – yet more strikingly, this occurred within a legal framework they understood as feminist and inclusive of minorities. Gender violence practitioners challenged legal colour-

blindness in their implementation of a law that, by gendering the Criminal Code, had already marked a departure from the liberal premise of legal neutrality. However, they discarded race as an obsolete category of analysis and, instead, embraced a culturalist reading of gender violence that left Kalé women at greater risk of harm throughout and after judicial proceedings. Paying attention to the historically rooted representations of racialised femininity in the Spanish institutional apparatus, I situate the views expressed by gender violence practitioners within the centuries-old construction of the *gitana* figure as innately suspicious. I identify three main discursive patterns justifying the institutional neglect of Kalé plaintiffs: (1) Gender violence is a feature of Kalé culture and women may only exit violence through assimilation; (2) Kalé femininity is incompatible with true victimhood; and (3) Kalé women's support networks obstruct the course of justice.

*Argument 1: Gender violence is a feature of Kalé culture*

A first manifestation of gendered antigypsyism among interviewed practitioners was the essentialisation of the Kalé minority as violent towards women, characterised by a double paradox: individual acts of violence were generalised to a whole “collective”, while typical patterns of gender violence were reduced to one particular group. As I reviewed in previous chapters, centuries of explicitly antigypsyist legislation constructed the Kalé as a risk-group for criminal activity, regardless of them truly breaking the law or not (Motos Pérez 2009). This notably translates, nowadays, into fantasies of “*gitano* clans” killing one another in the mass media (Cortés 2020b; 2021). Interviewed practitioners largely bought into this racist imagery: as a court social worker remarked, “you know that if the families confront each other, disasters can happen, as we have seen a lot on TV”. They considered not only perpetrators a threat to plaintiffs' lives, but the so-called Kalé “collective” in general. For instance, a court psychologist (#8) explained Kalé women's widespread reluctance to report violence as due to a fear of being murdered for betraying their families or communities:

Many experience reporting as betrayal, so they feel guilty, they feel they have to justify their partners' behaviour, minimise it, negate it [...] it is very difficult for them to report! And then another thing is, they are very much threatened! Sometimes of being killed... or that something might happen to their own family... [...] So it has a lot to do with the risk they see, the consequences that a separation could lead to! Not only for themselves but also for their own family! Because maybe, he is threatening them, but the *gitana* family also is threatening!



Her argument that Kalé women minimise their partners' violent behaviours and that reporting could lead to fatal consequences surprisingly disregards the well-known fact, among specialised practitioners, that the reluctance to identify one's relationship as abusive or to report it to authorities is widespread among all women experiencing gender violence. Indeed, the fear of being punished for filing a complaint is real and justified, considering the many cases of women in Spain who had done so, even obtained a protection order, and were murdered by their ex-partner as an act of retaliation afterwards. The United Nations CEDAW Committee even condemned the Spanish state in 2014 for due diligence failure, after a woman's ex-husband, against whom she had filed a complaint, killed their daughter (El Plural 2014).<sup>23</sup> This fear also leads many to drop charges or to refuse to testify in cases where the report was made by a third person, as is their constitutional right when the accused is their husband or concubine. Also recalling the sensationalist handling of gender violence cases involving Kalé people in the media, a JVM judge (#3) described one case as a "show" (*un espectáculo*):

Last week [...] we had here, so to speak, a show that could have been very serious, because there was an attempt at shooting, there was a *gitana* woman... I am not in charge of this case [...]. She had filed for a protection order, he had been arrested, she came to testify, and his family was there, down on the street. They attacked her. Someone from the family, apparently took a gun out. And shot her. The shot did not come out because the gun jammed. Anyway. It was such a mess in here, seven police cars came, the military police that are usually here to watch detainees came out, and we were here, working, when suddenly I see, we could hear police sirens. [...] I see some police officers running out, looking for the weapon... Well. A real show [...]. The one with the gun, they didn't manage to catch him. He escaped. [...] She came to testify and, what she said was that the family mediation had not worked out and that [...] she had come here convinced that they were going to end up killing her. (Sighs)

As this judge's anecdote suggests, the cases which are brought to court logically tend to be more extreme and the 'tip of the iceberg' in gender violence, because women are more likely to reach out to authorities when they fear for their lives or their children's, or because cases of extreme physical violence more likely lead to reporting by neighbours and police intervention.

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<sup>23</sup> Case of Ángela González Carreño, represented by the international NGO Women's Link. Her seven-year-old daughter Andrea was murdered in 2003, and the CEDAW Committee's ruling in 2014 led to the 2015 legal reform that recognised children as direct victims of gender violence (ELPLURAL.COM 2014).

Yet, court staff disproportionately assumed that they were representative of overall gender relations among Kalé people.

Only a minority of interviewees deviated from this dominant assessment. One judge, for example, remarked that she had seen too few cases involving Kalé women to venture into assumptions and, instead, insisted that although “it is assumed that [Spanish society] is an aware and advanced society, with specific instruments to combat violence against women”, “concern for gender violence is truly narrow”. Conversely, whereas all her colleagues confirmed that they had seen very few cases of gender violence from Kalé communities in their entire time at the courts – typically two or three in a decade –, they overwhelmingly drew the conclusion that all Kalé women experienced gender violence, but that they were reluctant to testify to competent authorities because of a fear of retaliation from their communities.

Despite their acute awareness of patterns that are common to many situations of gender violence – be it, on the part of victims, low self-esteem, reluctance to talk about their situation, justification for the violence they suffer or fear of retaliation, or, on the part of perpetrators, the use of child custody and complicity of direct entourages to maintain control – a majority of practitioners considered them to be strictly cultural features when referring to Kalé communities. A helpline worker went so far as affirming that “90% of [women of *gitana* ethnicity] experience violence”. Similarly, a court social worker (#5) suggested:

If there already is an important patriarchal system in Spain, in the *gitano* collective ... (sighs) it is a very, very, very, very sexist collective. And with quite an important patriarchal system – in which women’s and men’s roles are very, very clearly defined! And the women’s role is practically being at men’s service.

Practitioners who were critical of Spanish society as oppressive towards women thus still contended that Kalé women belonged to a cultural microcosm in which gender roles were archaic and much more exacerbated. This argument is characteristic of the gender essentialism criticised by Harris (1990) which, as discussed in chapter 3, understands racialised minority women’s experience of violence as a magnified version of white women’s. It also disregards – and reinforces – antigypsyism, by defending a culturalist reading of gender violence within Kalé communities. In addition to essentialising the Kalé as one monolithic group, associating gender violence with Kalé “culture” posits that majority society is more advanced. This narrative predominated among feminist-identifying practitioners who, in line with the

imperialist rescue paradigm (Farris 2017), supported that assimilation would liberate Kalé women from the violence they experience within partnership. The court psychologist (#8), despite her decades of experience working in women's shelters, still supported that “integrating” Kalé women into gadjo society, as she believed had already been done for a handful of them, would liberate them from violent partnerships:

Interviewee 8: Those *gitano* communities are not integrated!

Me: in the sense of...?

Interviewee 8: At the socio-labour level, they are not integrated! Many of them don't work, hey? Because the woman there should not be working!

Me: But they are working in the markets?

Interviewee 8: Yes! Well, they are in a socio-cultural environment that is also damaged, deteriorated! And it is a bit... where the *gitano* collective is, no? So yes, there can be some people within the collective who are much more evolved, advanced, integrated, there is now more equality for women, but there is still a part of the *gitano* collective who are... light years away from this – from equality!

In regretting that the “*gitano* collective [remains] light years away from [...] equality”, she supported the idea that Kalé women suffer violence because they are isolated in a subculture that has either not reached the same level of development as majority society or has “deteriorated” to such an extent that it can no longer be fixed. This narrative reproduces the colonial ideology justifying the enslavement of non-whites on the ground that they abuse their women in an animalistic manner, as recalled by the terminology that several practitioners resorted to: they are not “evolved”, not “advanced” as stated above (#8), but also, “they are not normal and civilised like us” (#11), or “they tell you barbaric stories: they even have to cut [their husbands'] toenails, you know!” (#5).

Abandoning their culture was, therefore, viewed as the only way out. As the social worker claimed, Kalé women who “finally open their eyes” did so thanks to the support they get from state institutions, shelters, and social services – saving them from their dangerous microcosm. As referenced in chapter 2, “assimilate or die” is the ultimatum that Spanish rulers gave the Kalé minority throughout history (Motos Pérez 2009, 67): here, it is implied that Kalé women will face death from their partners, rather than from the state, if they decline state authorities' kind gesture. Nonetheless, it is fair to question whether playing by the rules truly guarantees them protection. As a Kalé feminist activist rhetorically asked me: “If they have

been trying to exterminate us for 600 years... Would you trust them? [...] You are in a shelter with gadje women, who tell you your culture is shit.” And indeed: the very practitioners who emotionally expressed concern over the degradation and danger to which Kalé communities subjected their women, showed reluctance to categorise Kalé plaintiffs going through judicial proceedings as victims.

*Argument 2: Kalé women are never truly innocent*

Yet another contradiction in the rescue endeavour put forward by practitioners was the fact that Kalé women who did go through judicial proceedings – whether they had themselves reached out or not – were then often treated with suspicion. I reported in chapter 2 that Spanish state and religious authorities historically depicted Kalé women as deceitful, sexually promiscuous, and dangerous caretakers, as a “counter-example” (Caro Maya 2019, 76; Agüero and Jiménez 2020, 63), or “antagonistic figure” (Filigrana 2020, 219) for national ideals of femininity. Viewed as a threat to the national body and to women’s chastity, they were banned from selling in the markets, suspected of witchcraft and spying, and were eventually arrested and detained in the bishopric’s houses of correction during the Spanish state’s infamous attempt at genocide of the Kalé people in 1749 (Gómez Alfaro 2010). It should come as no surprise that, so long as the legacy of such representations remains unaddressed, Kalé plaintiffs continue to be denied their victim status.

A couple of practitioners portrayed gadje women who became intimate with Kalé men as “vulnerable”, isolated women, who grew up in a “de-structured environment” with Kalé people, and for that reason fell victim to their “laws” and “culture” which they now had to “submit themselves to” (#5, #7, #8). As a court social worker explained, “they are gadje, but at the end of the day [...] the same is required of them as of the *gitanas*, because they are the woman of a *gitano*” (#7). In contrast, Kalé plaintiffs’ testimonies were frequently doubted or minimised. What was assumed to be false allegations was brought up several times during my observations in court trials. During the emergency trials, a young Kalé woman summoned to court after filing a complaint against her ex-partner, was reluctant but legally obliged to testify, as she no longer was in a relationship with the accused, and they were only married under customary law (*la ley gitana*). She thus pretended that she had drunk alcohol and could not remember the facts. A legal intern, who reported the story to me in a mocking tone, grinned

and told me the young woman's mother, who had tagged along for the trial, "smelled". She further rolled her eyes and said that the victim changing her story at the last minute made everybody "waste their time". Likewise, after reading the file of a court case involving rape charges the plaintiff had eventually dropped,<sup>24</sup> I interrogated the judge in charge (#3) about why he thought she had decided to change her story. He laughed: "well, she had eight children with him, right? It's hard to believe she would be forced to have sex?". Recalling Harris's point that Black women were not considered to suffer rape – only "life" (Harris 1990, 599), this comment is revealing of the representation of Kalé women as hypersexual, over-procreating, and possibly not minding marital rape, that persists in the collective imaginary.

The legacy of the trope of the *gitana* seductress fooling men and infesting society with impure children (Gómez Alfaro 2010; Caro Maya 2019) evidently bears an impact on practitioners' attitudes towards plaintiffs. It is worth noting, however, that dominant representations gradually shifted towards the imagery of the *gitana* stuck in a role of submissive wife and stay-at-home mother, minding alone a multitude of children (Filigrana 2020) – which is in fact rather reminiscent of the expectations the Catholic Francoist regime had of gadje women. Far from showing sympathy, many of the practitioners espousing a narrative of gender emancipation implied that the Kalé women they saw in their offices had brought it upon themselves for refusing to take a stance against outdated gender roles in their intimate lives and their children's education. A police officer (#13) for instance described gender violence within Kalé communities as a generational and "unavoidable" phenomenon:

Interviewee 13: It's just, I don't know! You see these children, very young women, at the age of 14 or 15, and they are already in the same situation as their *mamás*! That's why I say it is cultural, it's cultural! It's true that some of them [...] maybe have other ideas, a little more liberal so to speak (laughs) [...] but with time, they still end up adopting the same behaviour as their mothers. And in addition, they generally live with their parents-in-law, and of course, you witness it every day from them, at the end of the day you experience it too, you trivialise it! Even if it's not OK, you trivialise it! For them, at the end of the day, it's something normal, everybody lives like this, so, nothing should be changed! It's sad but that's the way it is! [...] So it's difficult to get out of that situation, because if they go to their parents' house, they see it, if they go to their cousins' house, too! You know! [...] In the end, sadly, those episodes of violence, I am telling you, there is always a family member who is experiencing it! (silence) Do you understand?

Me: Yes, yes, yes.

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<sup>24</sup> I do not give further details on this case to maintain anonymity.

Interviewee 13: So in the end, [...] well, getting rid of this whole mentality, it needs to be changed, but it won't happen from one day to the next! It takes generations...[...] How do you do it? Tell them 'it's over now!'... but it's their way of life! They don't know any other way! [...] And you cannot avoid it, because (*speaking on their behalf*) I am learning this from childhood! As I don't have any alternative because I've never seen anything else, because they've never shown anything else to me, I understand that it is normal. And that's how it is... one case after another.

Me: It's a cycle?

Interviewee 13: It's a cycle!

As I will further show in chapter 5, the trope of early marriage, pregnancy, and school drop-out for girls is regularly raised by practitioners working with Kalé women. Similarly, several practitioners in the gender violence protection network scorned Kalé mothers for passing on harmful values to their daughters, for not showing concern for their education, and for arranging marriages that ended up in violence. A feminist victims' helpline worker (#21) was especially explicit in her portrayal of Kalé mothers as negative role models for younger girls. Supporting the representation of Kalé women as conservative housewives, she referred to young Kalé mothers as dropping out of school "to dedicate themselves to their children, to their husband, to adopt a submissive attitude", and rapidly ending up "[looking] like old ladies". This did not lead her to categorise them as victims, but rather as responsible for perpetuating intergenerational violence and unwilling to break away from their "culture":

... and in addition, they themselves transmit it to their daughters! Because they also don't fight to get their girls into school, because they don't think these things are important, what they think is important is... that party they have when they turn 15... all those rites they have... and that they learn how to dance! You know, because no one really works with them, they keep transmitting the same values! So (*speaking on their behalf*) I eloped and my daughter in the end also eloped, to be with her boyfriend, although I was against it. And she got pregnant at 15, just like I got pregnant at 15! And three children come, and the priority is not that the children go to school and learn to read and write. The priority is that they learn to dance flamenco.

Although she claimed that Kalé mothers only perpetuate archaic customs "because no one really works with them", instead of using the terminology of victimhood, she constructed them as morally and intellectually inferior, as interested in what she seems to view as primitive concerns such as "[dancing] flamenco", and as negligent of their daughters' future. Beyond her implicit portrayal of Kalé culture as dissociated from the intellect, she suggested that Kalé women were the ones putting their daughters at risk of gender violence. This line of argument

further supports the societal image of Kalé women as unwilling to change and dangerous, not only to themselves but also to the younger generations. While Kalé women went from being perceived as defying traditional gender norms under Catholic rule, to unwilling to break free from them after the so-called transition to democracy (Caro Maya 2019; Filigrana 2020), the commonly held view that they are untrustworthy and dangerous – including to themselves and their offspring – lives on. In the same vein, the trope of the bad caretaker, as signalled by the insulting comments which the legal intern made about the reportedly “smelly” mother who had accompanied her daughter during emergency trials, manifests in a generalised reluctance among practitioners to welcome plaintiffs’ support networks when they are Kalé.

*Argument 3: Kalé families obstruct the course of justice*

The narrative of access to justice understands judicial proceedings as obstacles courses which plaintiffs may only successfully complete if they are adequately familiarised with legal codes and given a fair chance to play by the rules. However, I found that gender violence practitioners were not only reluctant to give credibility to plaintiffs as victims, but also unwelcomed the presence of Kalé support networks, even when the latter were in fact allowed in the court room. Engle Merry argued that trials are akin to theatrical performances or religious rituals, where actors are told where to sit, how to behave, and when and how to speak, in ways that are marked by gender and race power relations (Engle Merry 1994). Based on her own court observations in Hawai’i, she noted that having advocates by their side had been crucial for victims to go through proceedings with a positive outcome (*Ibid.*). Judith Wittner further claims, in her analysis of domestic violence courts in Chicago, that women may overcome race, class, and gender power relations during proceedings in resourceful ways, which sometimes involve dropping charges (Wittner 1998). While lawyers and court workers see dropped cases as a failure and a waste of their time as professionals, these women’s decisions are often well calculated, and choosing not to go forward with judicial proceedings may be motivated by concerns to remain on good terms with their families or not to jeopardise their safety (*Ibid.*). Although both Engle Merry and Wittner rather emphasise the role of feminist advocates in supporting victims throughout judicial proceedings, for Kalé plaintiffs, who not only are in a traumatic situation of abuse within their partnership but are also likely faced with gadjo-biased legal codes and racial prejudice, the presence of a relative can represent a precious form of

resistance. Nonetheless, JVM court staff usually described having a dense family environment as an important source of support for victims who often suffer from isolation, and yet, they felt threatened by the presence of Kalé relatives during judicial proceedings. While plaintiffs may only bring one person with them to JVM courts' "instruction trials" (*juicios de instrucción*), the criminal trials (*juicios penales*) that follow are public, and in the case of Kalé people, reportedly bring in what legal professionals considered to be unpleasant crowds. A criminal judge (#10) suggested to me that, unlike most accused and plaintiffs who come alone or accompanied by one person for the trial, "for affairs that involve persons of *gitana* ethnicity, it is quite frequent that a ton of family relatives show up" and "the atmosphere may exert pressure on the person testifying." Although this may indeed severely intimidate plaintiffs when the audience comes in support of the accused, professionals still failed to consider the fact that Kalé people often bring in relatives, sometimes in larger crowds, to facilities such as courts or hospitals, to support a member of their community and avoid their victimisation by state institutions. However, this community shield was difficult to envisage for state actors, who had trouble discussing the existence of institutional racism in the first place. In fact, the presence of a group of Kalé relatives ready to confront them should racial prejudice arise quite possibly represents a threat to state institutions' biased practices just as much as they do to plaintiffs' safety – as a JVM social worker (#6) seemed to imply, complaining that Kalé families' presence "affects the staff in the courts".

Meanwhile, when I asked this social worker and her colleague (#5, #6) whether they had ever encountered difficulties with Kalé families, they conceded that they had never been threatened by families, and that relatives' "discourse of exonerating the son" was just as common among gadje people. Pointing at uncompliant plaintiffs or unwanted relatives was, for them, yet another strategy to conceal the clear pattern indicating that legal institutions do not provide protection to Kalé women. The premise that Kalé women need only be granted material access to relevant state institutions to find protection from gender violence is therefore deeply flawed – as is the assumption that the state remains their sole source of safety, although their group faced persecution for centuries.



### **The community shield: a strategy for survival**

I showed in chapter 3 that criminal justice practitioners viewed Kalé community intervention as an attempt to challenge the state's legal hegemony, as well as to impose family mediation to victims despite the legal ban in cases of gender violence. Kalé women working as mediators and civil society representatives conversely insisted that the intervention of community elders was an option offered to women as a complement to, rather than a replacement of conventional justice. Some women may not want to involve their communities for a diversity of reasons, or they may feel they require more radical intervention, such as moving to a confidential shelter, being granted a protection or barring order, or their perpetrator's incarceration. Sometimes, perpetrators violate the terms the community elders imposed on them. All situations are different, and contrary to the legal professionals' often linear understanding of justice intervention, help-seeking strategies are incredibly diverse, sometimes versatile. However, rather than a barrier to safety as contended by criminal justice practitioners, interviewed Kalé women described reaching out to their communities as a first layer of protection – “solving before it gets worse!”, as one of the mediators (#31) suggested – and, importantly, a shield against the trauma that the conventional justice system would potentially have put them through.

Although I was repeatedly reminded that Kalé women do not all have the same needs and that some may really find relief and safety in a women's shelter, the Kalé mediators and social workers I interviewed tended to concur in that the shelter system, as it currently works, was likely to revictimise them. Shelter rules can be exclusionary and feel like further disciplining, which is particularly traumatic for women from communities who have always been under state surveillance. A Kalé social worker (#37) regretted that the protection network provided by state administration consisted in “totally paternalistic interventions” that “[told women] what to do and [questioned their] entire life trajectory”. Moreover, while all women are negatively affected by rules or space capacity preventing them from entering a shelter with all their children, isolation from family is even more traumatic for a Kalé woman who relies on her family and community as a survival strategy in a dominant society that is hostile to her and her group. Another Kalé mediator (#35) further emphasised the community isolation that Kalé women suffer in shelters:

To me, I speak with a lot of respect because I see that shelters are fundamental, but... it's a service that isolates *gitana* women. Especially for certain *gitana* women that have a lower social status. And in addition, they have norms...because for *gitana* women, the most important thing is the family. So: it's like getting disconnected! Not only because I suffer battery, not only because of the pain I have been through, I am disconnected from my family! That's really harsh! It's that... I don't know, but I think about it and I think, ugh... I am shaking inside my skin! You know! It must be really harsh!

As this interviewee suggested, shelters “have norms” that may feel like a cultural and social imposition to women from Kalé communities. Even when shelters do not rely on strict entry criteria such as the requirement to have filed a legal complaint, once again, shelter staff's willingness to accommodate them may be, implicitly or not, conditioned on cultural assimilation. This negative experience of shelters reinforces gender violence practitioners' expectation that Kalé plaintiffs and service beneficiaries kill their culture if they want to save their lives. Besides, they still represent a risk of racist victimisation for Kalé women who, from the moment they were born and categorised as *gitana*, were stamped with a ‘danger’ seal by gadjo society. Alone in a confidential shelter, they might have found refuge away from their perpetrator, but it is also possible that they have no ally to count on when racially abused. Hence whereas gadje professionals are puzzled by the existence of help-seeking strategies other than the one they are employed to promote, for Kalé women, looking for an alternative may become unavoidable.

In fact, a Kalé social worker (#37) explained to me that community intervention among Kalé people subsisted throughout the centuries as a survival strategy. Even if Kalé communities had agreed to abandon internal community intervention, they could not possibly have found justice elsewhere, considering that the state treated them as an internal enemy and the formal justice system would likely turn against them if they resorted to it. They therefore further developed their already existing internal system for conflict resolution, as a counter-reaction to formal state laws that persecuted or abandoned them. The social worker further clarified at length, after I, myself, had conflated community intervention with the risks of family mediation:

Public institutions, throughout the centuries, haven't supported us! So you have to trace it back to centuries ago [...]. I don't care, whether it is the kingdoms at the turn of the 17<sup>th</sup> century or the government system of the 20<sup>th</sup> century, whatever – these structures were not taking care of us! What they were doing was discriminate us even more! What they were doing was persecute us! What they were doing was incarcerate us! I am talking about

Spain, but this concerns Europe as a whole. If you see that when you need legal support outside of your group, this structure further attacks you and creates more problems, you're not going to resort to it! So what happens? You have to create your own internal system for defence and conflict resolution. Which already existed because we have always been an independent people. We went from country to country and we had this internal structure responding to our needs, basic needs like food, anything. When it didn't work and you wanted to use another system, you saw it wasn't helping you. So even more so, we have to create internal systems. So they shouldn't complain now because we have our own internal systems, because they're the ones who provoked it! What's going on is these systems have survived, and they are useful for many things! Why do we have to go to a slow, gado justice system that doesn't consider our needs, when we have our own system for conflict resolution? [...] It helps me, and I use it! But I use the means that benefit me. When it doesn't help, you have to go somewhere else. But what happens is, in the 21<sup>st</sup> century, this external structure does not help either, because it doesn't take our system, our values and our needs into consideration.

This powerful quote supports what Weyrauch and Bell, among others, claimed about the development of Romani customary law and courts as a strategy for coping and surviving in a hostile society (Weyrauch and Bell 2001). Still fantasised as a threat to the safety of the nation, Kalé women are not simply met with indifference and left behind: they are always a potential target. As such, it is logical that they should consider resorting to their communities as protection.

As I was often reminded by women in Orcasitas, “there is a bit of everything”. Kalé women are not a monolithic group. Some may benefit from more supportive environments than others. Some may be grateful for the existence of courts and shelters, while others had long-lasting negative experiences. It is important not to fall into the same essentialist discourses as practitioners, and to recognise that individual, state, and community responses to gender violence may greatly vary from one case to another. Nonetheless, the more positive assessment of community intervention by elderly women and men, and to a lesser extent by women's prayer groups and pastors (Amador López 2017) needs to be heard, both as an effort to counter state violence and as a more community-based form of support to shield victims from the isolation they often suffer from. Whereas gender violence practitioners contended that Kalé community intervention impeded victims from resorting to judicial proceedings and punished those of them who regardless choose to file a legal complaint, the Kalé practitioners I spoke to suggested that it had the potential to protect women from secondary victimisation and mend the wounds left by formal justice mechanisms.

In her justification for resorting to criminal justice that I discussed in chapter 3, Engle Merry argued that the withdrawal of kinship in modern society meant that women looking for protection from violence had no other avenue but the state. However, in the case of the Spanish Kalé minority, when state authorities do not provide the protection they should, kinship does still offer a chance for survival. Yet criminal justice actors, while negating Kalé women's credibility as victims and discouraging the presence of support networks during judicial proceedings, dismiss this survival strategy as illegitimate. To my knowledge, state authorities do not seem to physically intervene in the conflict resolution carried out by community elders or church communities: they simply do not consider Kalé customary law in their rulings. Organising outside the state, as many oppressed Romani communities throughout the world do, can be a powerful form of resistance: nonetheless, what about the cases when women are not supported? In discarding community justice as an undesirable form of organising, gender violence specialised institutions overlook situations in which victims would, indeed, need state intervention – at the same time that victims' agency is discredited in the cases where the community's resolution does suit their needs.

### **The “courageous” exception: NGOs as only legitimate community actors**

It is noteworthy that, meanwhile, NGOs working with Kalé women are not frowned upon in the same way as intervention by community elders. Several criminal justice practitioners formulated the need for Kalé women to attend lectures facilitated by civil society to initiate change within the communities, and they praised the programmes that were developed in that regard. They were eager to outsource the responsibility for change to Kalé women working as service providers in local NGOs. One judge (#11) argued that it was the only way awareness raising campaigns could reach them, as they were, reportedly, “uneducated”. Another judge (#10) remarked with relief that “within the *gitano* community too, there are organisations and women who respond, with much courage and knowledge, to face this problem”. The comfort gender violence practitioners found in knowing that women from civil society were doing prevention work with Kalé communities further justified their reluctance to address institutional racism by redirecting responsibility on Kalé women's shoulders. It also provided them with the possibility for an antithesis to those women they constructed as backward: there are ‘good’ and ‘bad’ *gitanas*. In their narrative, while the

majority seems reluctant or incapable of change, a small minority of Kalé women address Kalé patriarchal culture “with much courage”. This community hero narrative legitimises the state’s failure to carry out its duty to protect some of its citizens and to own the prevention programmes that it discreetly offloads to civil society.

In this chapter, I demonstrated that most interviewed practitioners working in the gender violence protection network departed from legal colour-blindness and voiced an explicit endeavour to provide protection to women from Kalé communities, which they described as capable of extreme violence. Besides the fact that it relied on a racist portrayal of Kalé culture and masculinity, their rescue mission was also contradicted by the discursive tactics they mobilised to cast doubt upon Kalé women’s claims to victimhood. They questioned the veracity of plaintiffs’ testimonies, accused them of putting their daughters in jeopardy – supporting between the lines the need for custody removal – and were unwelcoming of Kalé family support. I argued that practitioners’ victim-blaming discourses originated in, but also reinforced, the legacy of state antigypsyism which worked towards devaluing Kalé women’s lives. Indeed, a framework that vilifies plaintiffs and their support networks during proceedings, while discrediting the legitimacy of alternative forms of finding safety, ultimately traps women into a position of higher vulnerability than prior to intervention. Although many interviewees seemed to sincerely want to help Kalé women find safety, their failure to address historically rooted racialised constructions of victimhood in order to shield themselves from accusations of racism participated in the creation of a feminist form of “necropolitics” (Mbembe 2003).

The band Mecano counts as one of the symbols of the *Movida madrileña* cultural movement that emerged in the post-dictatorship period, as a counterreaction to Franco’s ultra conservative rule. Yet, far from marking a rupture with past patterns of governance, their song *Hijo de la luna* perpetuates the antigypsyist myth of Kalé criminality. Even more disturbingly, whereas the woman’s death described in the song is often interpreted as an unavoidable tragedy, the way it was written as well as represented in the music video, with a focus on the Moon’s gentle care for the abandoned child, rather suggests a happy ending. While it gave the Moon the gift of mothering, the Kalé woman’s death is hardly portrayed as a heroic sacrifice: she was murdered as a result of her poor decisions. The Moon steps in in response to Kalé

women's irresponsible caretaking – as does the “nanny state” (Starobin 1998; Wacquant 2009) in partnership with “the courageous exception” of local NGOs.

In the next chapter, dedicated to the third P in state response to gender violence – Prevention – I analyse the so-called empowerment programmes (*talleres de empoderamiento*), implemented by local NGOs and run by regional social services, for Kalé women who receive welfare benefits. Centred on emancipation from harmful gender norms and violence within intimate partnership, they however rely on economic control and infantilisation processes which maintain Kalé women under tutelage of the state and, in many ways, sustain conditions for violence to occur.

## CHAPTER 5: “PREVENTION”, OR KEEPING WOMEN UNDER TUTELAGE

"The wit of a gipsy girl steers by a different compass from that which guides other people. They are always forward for their years. There is no such thing as a stupid gitano, or a silly gitana. Since it is only by being sharp and ready that they can earn a livelihood, they polish their wits at every step, and by no means let the moss grow under their feet. You see these girls, my companions, who are so silent. You may think they are simpletons, but put your fingers in their mouths to see if they have cut their wise teeth; and then you shall see what you shall see. There is not a gipsy girl of twelve who does not know as much as one of another race at five-and-twenty, for they have the devil and much practice for instructors, so that they learn in one hour what would otherwise take them a year."

Miguel de Cervantes, The Little Gipsy Girl (*La gitanilla*), 1613 (translation by Walter K. Kelly, 1881)

Spanish national symbol Miguel de Cervantes's novella *La gitanilla* (1613), infamous among Spanish Kalé communities, tells the story of a 15-year-old Kalé girl, Preciosa, who impresses the crowds with her arts and wits. When her audience in awe questions how a young girl alone could come up with such wisdom, she argues back that *gitanas* have no choice but to learn eloquence and tricks to earn a living from an early age. The girls of the group she was raised in are furthermore described as "[living] chaste" out of "fear and dread" of being killed and tossed in the mountains, after being offered as "wives" or "mistresses" (Cervantes 1613). The fates of the Kalé women protagonists in the popular cultural references evoked thus far in this dissertation (*Carmen*, Mérimée 1845; *La novela de Raimundo*, Pardo Bazán 1898; *Hijo de la luna*, Mecano 1986) bear uncanny resemblance with Cervantes's depiction of gender violence within Kalé communities. In fact, Pardo Bazán's narrator explicitly references Cervantes's canonical novella to support his disapproval of Kalé customs. Yet, as Ismael Cortés (2021) reminds us, Preciosa turns out to be Constanza de Meneses, daughter of a noble family, robbed at birth by an old Kalé woman who claimed to be her grandmother. It is thus no coincidence that she is given such a valuable name – which translates into "precious" or "beautiful" – whereas none of the other Kalé characters, not even her grandmother, are worthy of a name at all. Reminiscent of the devaluing of Kalé women's lives which I analysed in chapter 4, in *La gitanilla*, the reader is only encouraged to feel compassion for pure-hearted Preciosa. Kalé girls, on the contrary, are deprived of their innocence – they have, after all, "the devil [...] for instructor" (*Ibid.*) – while older women in the community, embodied by Preciosa's grandmother, are depicted as illegitimate caretakers.

Four centuries later, gender violence prevention projects were introduced, in Madrid, with Kalé women as their specific target group. Implemented by local NGOs working with Kalé women on welfare benefits, they rely on mechanisms of infantilisation, constructing beneficiaries as incapable of behaving as responsible adults. What might first come across as a departure from the narrative of Kalé girls being “forward for their years” offered by Cervantes’s character Preciosa (*Ibid.*) is, I argue, a strategy to maintain the threatening, free-spirited figure of the *gitana* under close surveillance of the state.

The prevention pillar of the LOVG, committed to promoting gender equality through awareness campaigns, education, and the media, as well as providing specialised training to social and health care professionals, makes no mention of intervention with Kalé communities, other than its emphasis on “community and intercultural work” (LOVG Art. 3). Nonetheless, gender violence prevention projects are increasingly deployed within NGOs working with Kalé women on benefits, to the point of taking over other activities. One of the astonishing specificities of the projects is that they are carried out by non-governmental entities, which self-advertise as being led by Kalé women at the community level, whereas they are mandatory programmes for welfare recipients of which regional social services pull the strings. As the main interface between the state and women from Kalé communities, NGOs are the ideal arena to implement a discreet policy of control over Kalé women.

In this chapter, I take a step back from gender violence specialised institutions to consider the broader institutional framework and its role in exerting systemic violence over Kalé women. Situating the newly established gender violence prevention initiatives aimed at Kalé women within the broader context of neoliberal welfare reforms in Spain, I provide a more complex picture of the multiple layers involved in the racialised governance of Kalé women and highlight the specific shape welfare policies take when targeting them. I thus support the argument that neoliberal welfare reforms are *per se* racialised, and not merely affecting racialised minorities as collateral damage. However, I go further and claim that gender violence prevention aimed at Kalé women was uncoincidentally developed within punitive welfare schemes to keep them under state tutelage and in a position of vulnerability to violence.

Centuries of antigypsyist policies caused the pauperisation of Kalé people, repressing their economic activities and, eventually, making many of them welfare dependents (Gay y



Blasco 1999). Following neoliberal welfare reforms in the 2000s, reception of benefits is now conditioned upon a demonstrated willingness to make oneself suitable for the formal labour market. Within this framework, in the *Comunidad de Madrid* region, participation in social programmes is made mandatory for Kalé welfare recipients, the vast majority of whom are women, since they usually are the ones dealing with social services and receiving benefits to provide for their households. The programmes are semi-privatised (Ayala Rubio 2012) and run by NGOs, but are still set up, funded, and regularly monitored by regional authorities. Kalé women are mandated by social services to register with the NGO responsible for their district and partake in its activities, in return for the so-called *renta mínima*, or minimum income, which currently amounts to 400 euros a month and increases according to the number of people provided for in the household (Art. 62, 9/2018 law of the *Comunidad de Madrid*). The NGO where I volunteered for eight months in 2016-2017 had a limited number of places available and gave priority to women living in the neighbourhood. While attendance rules differed from one entity to another, the beneficiaries signed up with this NGO were split into four groups of ten and required to show up for a one-hour session twice a week, either on Monday and Wednesday, or Tuesday and Thursday. In addition, they were expected to attend monthly public events, which I will analyse in chapter 6. The activities, led by hired social workers and mediators, were explicitly advertised as aspiring to the economic and gendered emancipation of Kalé women, in radical contrast with their unavowed obligatory character and the financial sanctions imposed in case of non-compliance. In addition, the staff received beneficiaries in their office throughout the day to provide administrative assistance, notably because many women were illiterate, and needed help with personal documentation, bills, or emergency situations such as eviction orders.

Resorting to NGOs as service providers makes boundaries between state authorities and welfare recipients – but also between public and private matters – particularly blurry. After an overview of the reshuffling of the “nanny state” under racial neoliberalism, I discuss the use of the NGO form in the governance of Kalé women in Madrid to not only cut public spending, but also avert contestations from welfare recipients. I then proceed to examine the strategies deployed by practitioners to maintain Kalé women in a subaltern position, in contradiction with the stated goal of supporting women’s emancipation in gender violence prevention initiatives.

First, the programmes actively prevent women from becoming economically independent. Even though new welfare policies were initially developed as an incentive for beneficiaries to join the labour market and boost employment rates, programmes for Kalé women foster long-term unemployment. Because women failing to attend lose their rights to benefits, but also because they cannot exert their usual economic activity – street-trading – during the significant time they spend at the NGO premises, they are effectively pushed into a state of financial precarity and dependency on state authorities. Second, rather than treating them as adults attending employment training, the programmes apprehend beneficiaries as school-age children who are unfit for adult life. Through projects focused on social manners and personal empowerment, they suggest that beneficiaries first need to improve their behaviour and, therefore, fail to offer them professional skill training. Finally, the blurring of the public/private divide in the NGO's activities, as well as the reconceptualisation of beneficiaries as children perpetually failing to transition to adulthood, allows practitioners to intrude into the women's deepest intimacies. I thus argue that, by exerting economic control over Kalé women and treating them as eternal minors, this “community and intercultural [prevention] work” in fact creates the conditions for violence and makes it difficult for women to escape it.

### **Reconceptualising welfare under neoliberalism**

The paradigm shift in approaching social services in Spain is best understood when resituated within the broader political economic context that led to present day hegemony of neoliberal logics of governance. It is commonly contended that neoliberal reforms led to a withdrawal of the state from welfare provision, “[reducing the social safety net] to a bare minimum in favour of a system that emphasizes personal responsibility” (Harvey 2005, 75), or a redistribution of state budget from social protection to other areas of governance such as criminal justice (Goldberg 2008; Wacquant 2009; Lentin and Titley 2011). However, I support the argument that welfare was reconceptualised rather than dismantled, in a movement that originated in the United States and was eventually translated into policies with similar patterns in many countries of the European Union, although they took different paths and different shapes according to the institutional landscapes where they were applied (Pierson 2001; Palier 2009).

Joe Soss, Richard Fording and Sanford Schram (2011) indeed claim that the recent strengthening of carceral policies to govern marginalised populations in the United States has been complementing rather than substituting welfare. Welfare policies are driven by what they refer to as “neoliberal paternalism” (*Ibid.*). They are neoliberal in that they increasingly involve decentralised private actors and respond to market needs rather than protect citizens against market risks (*Ibid.*). They also expect frontline workers to operate according to benchmarks and performance monitoring (*Ibid.*). Nevertheless, welfare in and of itself does not disappear, but is rather redefined according to a “new paternalism” ideology which, as first theorised by Lawrence Mead, rests on the premise that recipients “lack basic competence” (Schram 2000, 86) and cannot “act as responsible adults” (*Ibid.*, 91). It assumes that their “welfare dependency” requires a change in behaviour that they alone cannot initiate. Sanford Schram insists, in fact, that welfare becomes “medicalized” rather than individualised, as recipients are considered irresponsible and incapable of improving their life choices on their own (*Ibid.*). Understood as such, state intervention, in partnership with a variety of institutional actors, is in fact strengthened in its social component. Social policies have been redeployed, decentralised, and partly outsourced to non-state institutions, but have indeed remained key to maintaining domination over marginalised communities.

In the European context, particularly in “continental” and “Mediterranean” regimes such as Spain (Esping-Andersen 1990; Ferrera 1996), recalibrating welfare systems according to market logics has been less straightforward. Whereas Anglo-Saxon neoliberal regimes such as the United Kingdom were already looking to reduce welfare costs, increase competitiveness and offer incentives to work for welfare recipients in the 1980s, continental and Mediterranean regimes first maintained their Keynesian approach and instead tried to address the economic crisis by resorting to “labour shedding” through early retirement and disability pensions (Palier 2009; Guillén 2010). With the introduction of the European single market in the 1990s, member states where private companies were paying high social contributions were lobbied by business representatives to rethink their systems due to reportedly unfair competition, and used the 1992 Maastricht convergence criteria, which imposed lower public deficit and lower public debt, to implement reforms more in line with what Thatcher’s UK had been defending (*Ibid.*). Bruno Palier insists that European harmonisation was originally meant to increase social expenditure throughout the European Union, but member states used it instead as a “leverage effect” to

translate the neoliberal political economic paradigm into their institutional frameworks (*Ibid.*). In the case of Spain, which joined the European Community while still recovering from four decades of a conservative Catholic dictatorship that greatly relied on stay-at-home women for care provision, social expenditure did dramatically increase in a first stage thanks to structural and cohesion funds (Guillén 2010). Spain gradually shifted from a heavily state centralised focus on male full employment, relying on professional social contributions and family-provided social care, to decentralised and more universal social policies, notably through the introduction of minimum income benefits at the regional level (*Ibid.*). However, the changing economic conjuncture and the Maastricht criteria in the early 1990s marked a turn towards rationalisation of budget spending and flexibilisation of labour (*Ibid.*), which then paved the way for a later redefinition of welfare rights and obligations.

EU integration thus contributed, in Spain and elsewhere, to the adoption of so-called “activation policies” focused on achieving high employment rates and reducing welfare dependency (Dubois 2007). The main features of the activation paradigm, according to Ámparo Serrano Pascual (2007), are a special emphasis on individual responsibilities, a priority given to integrating beneficiaries into the labour market, as well as the establishment of contract-based relationships between welfare agencies and beneficiaries. In other words, whereas the traditional welfare state as described by Gøsta Esping-Andersen was geared towards “decommodification”, i.e., the state’s responsibility to provide a safety net against market forces (Esping-Andersen 1990), work is now framed as a “civil duty” for all citizens (Serrano Pascual 2007, 19) and it falls upon them to find employment and adapt to market needs, in an effort to “recommodify” welfare (Palier 2009, 14). According to this new understanding of welfare, the state fulfils an “enabling” role (Serrano Pascual 2007, 17), designing personalised employment plans and providing training and employment opportunities to beneficiaries, in exchange for their full availability to work and commitment to abide by the contract rules. To its proponents, the aim is to move away from welfare schemes which trap beneficiaries into dependency and passivity, and instead, to empower them with the kind of support that could enable them to take their situation into their own hands. It is expected that the contracts set up between welfare agencies and welfare recipients would foster reciprocity and offer programmes tailored to individual needs, as opposed to the impersonal bureaucratic hierarchy that prevails in traditional welfare.

Notably propelled by the adoption of the European employment strategy (EES) in 1997 (Dubois 2007; Aragón et al. 2007), Spain reformed its legislation in 2002 and 2003, arguably to improve job-seeking through personalised plans, with a special attention to disadvantaged groups (Aragón et al. 2007). In their analysis of these reforms, Jorge Aragón, Fernando Rocha, Ana Santana, and Jorge Torrents show that while they might be convincing on paper, they are dysfunctional due to discretionary practices. Beneficiaries are reportedly required to sign their employment plan before it is drawn up and follow it afterwards regardless of its contents (*Ibid.*), and in addition, despite the law's emphasis on equal opportunities, social workers continue to treat beneficiaries arbitrarily, notably when it comes to Kalé welfare recipients (Ayala Rubio 2012). Still, this line of argument implies that, albeit poorly implemented, those were necessary legal changes which did open opportunities for welfare beneficiaries.

Important critiques of this paradigm have been put forward. Denouncing a turn towards more punitive measures, many see it as a continuation of the U.S.-born “workfare” ideology which, despite the language of emancipation it uses, aims first and foremost at dismantling welfare redistribution rather than addressing poverty (Peck 2001), and forces welfare recipients into precarious or unpaid labour through a system of economic sanctions (Burnett and Whyte 2017). Rather than achieving greater autonomy, the emphasis on individual responsibilities and moral behaviour serves the purpose of depoliticising by shifting public attention away from the role of institutions and justifies disciplinary measures for those unwilling to take part, or paternalistic programmes aimed at “curing” beneficiaries’ irrational shortcomings (Serrano Pascual 2007, 296-297). Spanish legislation thus requires all recipients of welfare benefits to sign a contract with employment agencies, which commits them to accepting any job offer and partaking in any activity considered necessary for their employment-seeking endeavours. Failing to make oneself available is punishable by a temporary withdrawal of benefits or the total loss of entitlement (Aragón et al. 2007, 187). Although the legal reforms are portrayed as a positive rethinking of social work, whereby beneficiaries would be offered resources in a reciprocal learning environment to make a living on their own terms, they push the poor further into the state of insecurity and precariousness fostered by neoliberal governance (Lorey 2015). Isabell Lorey argues that this insecurity still needs to be contained by a threshold that, if crossed, would trigger disobedience (*Ibid.*). State institutions thus cool down the resistance of

the populations they govern and, to a lesser extent perhaps, the agents they employ, by framing their disciplinary activities as emancipatory and empowering.

One could have expected that welfare reforms were easier to introduce in Spain, considering that the Spanish welfare state had been historically weak in comparison with other European regimes (Aragón et al. 2007), and that EU integration, at least in its early years, enjoyed a positive image in the country in the wake of the Francoist dictatorship. Yet, suspicion towards punitive measures and welfare cutbacks as well as tolerance for fraud are reportedly greater among Spanish people than in the rest of Europe (*Ibid.*; Serrano Pascual 2007). At the same time, as in many other countries, racist stereotypes on Kalé people as welfare burdens, fraudsters, and parasites continue to prevail among state professionals and society in general – so much so that the official dictionary of the Spanish Royal Academy listed “cheater” (*trapacero*) as one of the definitions under *gitano* (EFE 2015). Class-based critics of welfare reconfigurations under neoliberalism undoubtedly disregard the role played by race and institutional whiteness.

#### *Welfare as a tool of racist governance*

I contend that, as innovative as it may seem, this new understanding of welfare in Spain is a direct continuation of the racist ideology that constructed Kalé people as intrinsically inferior and aimed, under various forms throughout history, to keep them under state control. Admittedly, 20<sup>th</sup> century welfare regimes were already referred to as “systems of stratification” (Esping-Andersen 1990) that classified populations in hierarchical categories of beneficiaries and nudged them into certain social statuses, and undoubtedly, their design was always driven by political agendas according to racial, gendered, and classed biases. The use of administrative classifications to keep minorities under watch and redirect them towards occupations and lifestyles deemed more fitting to society is not a novelty, as the history of Spanish governance of Kalé people very clearly demonstrates. Specifically, as I extensively argued in previous chapters, antigypsyist governance has apprehended Kalé women as dangerous citizens and unruly wives and caretakers, who should be kept under state surveillance. Nonetheless, neoliberal logics of governance – or neoliberalised, adjusted to the Spanish institutional landscape – have led to a new understanding of welfare informed by a redefinition of race that reinforces institutional racism at the same time that it makes it more implicit and harder to

pinpoint. Whereas, as I showed in chapter 2, Spanish monarchs and religious authorities used to lock them up in houses of correction, I argue that mandatory welfare programmes now surreptitiously construct Kalé women as children incapable of making rational decisions, to the point of intruding into the intimacy of their lives.

As Jonathan McCombs (2018) notes, the neoliberal restructuring of the economy in the United States and beyond has been extensively portrayed as only indirectly impacting racialised communities because of their overrepresentation among the “underclass” (Wilson 1987 as in McCombs 2018), an argument he refers to as the “class-to-race cascade”. Likewise, McCombs argues, writings on Romani people in Europe tend to describe a poverty-driven subculture, recycling Oscar Lewis’s (1966) theory that marginalised communities develop a “culture of poverty” to survive systemic inequality. To Lewis, this subculture is characterised by an unwillingness to integrate into majority society, including mistrust of the police and other state institutions; family dismantling and the injunction for children to toughen up and marry early; fatalism and difficulty to project oneself into the future; or hypermasculinity (*Ibid.*). This argument, coupled with a general disregard for race in scholarship on inequality, has contributed to right-wing politicians constructing racialised minorities as welfare dependent, petty criminals, and/or simply unable to exit poverty by themselves. While Romani Studies, as Angéla Kóczé (2018) regrets, has been turning a blind eye to race, scholarship on welfare reforms under neoliberalism likewise often just hints at a collateral impact on racialised minorities. In his powerful argument that poverty governance policies in the U.S. and Europe dispossess welfare recipients of their entitlement to benefits and redirect them towards prisons instead, Wacquant (2009) for instance only acknowledges that the targeted populations are disproportionately racialised. Based on their research on welfare agencies in Florida, Soss, Fording and Schram more explicitly claim that disciplinary sanctions and withdrawal of welfare rights, coupled with patterns of tougher surveillance and paternalistic intervention, are “systematically” racially biased (Soss et al. 2011, 259). Vincent Dubois (2010) similarly points to the fact that when welfare professionals are encouraged to cut budget spending and to handle files faster, their racially biased cognitive shortcuts are exacerbated. Soss et al. interestingly suggest that such reforms might represent a less explicitly discriminatory mechanism for governing racialised minorities, notably as it coincides, in the United States, with the post-civil rights period where racial discrimination is in principle banned. Kóczé (2020) makes the

stronger claim that although scholarship on welfare reforms in Central and Eastern Europe entirely omits Romani women, new welfare schemes in the region were specifically developed with Romani women as their “primary target” (*Ibid.*, 131). Indeed, Romani women are simultaneously constructed as the archetypal “unworthy” welfare recipient and mobilised for underpaid forms of labour that are crucial to the neoliberal order (*Ibid.*).

Attention to race is especially illuminating in debates on the withdrawal of the “nanny state” under neoliberal governance, as popularised by Thatcherism. Whether they contend that welfare has been dismantled or revisited, Wacquant (2009) and Soss et al. (2011) seem to converge in that the traditionally feminine, nurturing state has turned into a punitive father figure – what Paul Starobin (1998) referred to as a shift from a “nanny state” to a “daddy state”. However, whereas welfare recipients are indeed exhorted to toughen up, roll up their sleeves and get to work, and face sanctions in case of noncompliance, the fact that they are constructed as infantile or ill in policy implementation suggests the nanny has everything except retired. In infantilising beneficiaries, frontline workers reproduce the binary categorisations introduced by the “coloniality of power” (Quijano 2000) and the “coloniality of gender” (Lugones 2010) which oppose the Western white male subject to those considered not worthy of being human and rational – those who, allegedly, behave like under-age minors and need guidance. In a discourse analysis of child welfare programmes in Sweden, Zlatana Knezevic (2017) for instance draws parallels between the “lesser moral status” assigned to children and modern colonial ideology. Yet I argue that the under-age status extends to adult categories of recipients – specifically, racialised minority women.

Postcolonial scholars have extensively published on the use of the child metaphor to refer to the colonised, as documented in China Mills and Brenda Lefrançois’s transdisciplinary literature review (2018). Ashis Nandy (2007) argues that the Western developmentalist understanding of childhood as a transitional stage towards adulthood during which one is considered as property, in need of tutelage and protection, has been largely mobilised with reference to colonised people to justify the intervention and occupation of colonisers. However, contrary to the white children of colonisers, who eventually reach adulthood, the colonised are constructed as permanent minors incapable of developing into adult rational beings (Barker 2011). They would therefore be in permanent need of oversight, unless they proved to have assimilated by adopting the colonisers’ customs, as Odile Goerg (2012) shows in the case of



African colonies – although such cases are considered outstanding. The child metaphor thus relies on an intrinsically contradictory discourse of change for people considered unchangeable, which legitimises the domination *status quo*. Mills and Lefrançois (2018) show that the metaphor degrades actual children as much as infantilised adults, as illustrated for instance in neocolonial aid programmes targeting children of the Global South. They push the analysis further by linking infantilising colonial discourses to the biologised eugenics language on “the mad” and “the crip” that developed in the 19<sup>th</sup> century, along with new imperialist politics. Colonised people, they argue, are pathologised as dependent and stuck in a state akin to mental illness (*Ibid.*). This medicalised discourse which, once again, sets ‘irrational’ beings as the radical opposite of the rational Western self, justifies the use of violence against them and the “epistemicide” (Santos 2014) that renders their knowledge illegitimate: they cannot know for themselves and must be shown instead. Similarly to Critical Race scholars, Mills and Lefrançois show that this mechanism of domination is enshrined in legislation, using the governance of Indigenous populations in Canada as an example, where “colonial administrators served *in loco parentis* for the adults they were colonizing [...] and then the state served *in parens patriae* for many of the children of those infantilized adults” (Mills and Lefrançois 2018, 518). Indigenous parents are considered as “in need of parenting themselves” and therefore stripped of their parental rights, while the state takes over custody (*Ibid.*).

In contending that marginalised communities deprive their youth of childhood, “culture of poverty” supporters disregard the infantilising process rooted in coloniality which now transpires in welfare policies. Disproving the neoliberal mission to undo “welfare dependency”, and entirely invalidating the widespread argument of an “intergenerational culture of worklessness” (Macdonald et al. 2013), this understanding of welfare actively dissuades the beneficiaries, whom it pushed into precarity, from growing out of their position of minor. Yet perhaps the most surprising feature of this mechanism of governance is that its operation is outsourced to non-state entities employing Kalé women, thus using the labour of other Kalé women to discipline their own, while feeding the illusion that it is self-imposed.

### **NGOs as new service providers: the illusion of self-representation**

January 2017 - After a long winter holiday break, a meeting was organised at the premises of the NGO where I volunteered, with the treasurer of the *Comunidad de Madrid* in

charge of granting funds for the *renta mínima* programme. In the words of one staff member, she was the person the NGO's president "[cried] to" for subsidies. The latter, likely in the hope of improving or maintaining the funding arrangement, had invited her over to "see things for herself". Although the new "term" had not started yet, the beneficiaries present that day – about 15 or 20 of them – had received a phone call ahead of the visit requesting them to show up at the facilities in their personal time. There was quite a bit of animation when I got there. The president, a middle-aged Kalé woman who worked full-time at a public institution, held her position on a voluntary basis and was therefore rarely present at the premises. She frantically barged into the office without responding to the staff's complimentary greetings. One of the mediators, waiting in the larger classroom with the group of beneficiaries, gestured nervously to me from afar. No one really knew when "that woman from the *Comunidad*" was going to arrive, or what she was going to talk about. Someone suggested we move the meeting to the library across the road, as the premises were in poor conditions and electricity was currently dysfunctional – to which the president answered: "no, let's keep it here, so she sees why we need the money." This set the power dynamic as the *Comunidad* civil servant finally arrived. Whereas the president apologised for the cold because of current heating and electricity issues, the civil servant defensively responded that she was in fact feeling warm and proceeded to take off her coat. In my experience, however, even in normal times, the facilities had always been poorly heated. Programme attendees had exceptionally taken off their coats to look presentable for their important visitor.

Sitting as head of the table, the civil servant introduced herself evasively and presented her visit as a kind gesture for which she had to take a working day off. She visibly enjoyed the spotlight, engaging in a long monologue punctuated by many personal anecdotes. She explained that while she had volunteered for an NGO "for Africa" in the past, had "Black friends", and did "[see] *gitanos* at Burger King" in her neighbourhood, she wanted to come to "see another world", to find out "how the *gitanos* [lived]". In contrast with the benevolent portrait which she drew of herself, she only brought up the *renta mínima* to suggest they should not expect more money in their pockets. She argued that the *Comunidad* rarely availed of enough money to provide funding to NGOs and, directly addressing the beneficiaries, that they should get to work and ensure their children attend school so they, unlike their mothers, "[could] get a future". Besides, "I don't care whether someone is black, white, green, yellow",

she said, if welfare recipients did not have access to benefits, it was because they failed to comply with the rules – not because of their skin colour, as they often “pretended”. Past this short digression to dismiss an anticipated request for better public support, and despite the framework within which she worked and intervened, the conversation barely addressed economic precarity, and certainly did not offer NGO beneficiaries any space to share “how [they lived]”. In fact, even as the president invited them to a round of introductions, the women were immediately interrupted and asked how many children they had and how old they were when they had them. They did not get a chance to formulate an opinion, confront the treasurer’s clichéd portrayal of their lives to who they really were, let alone say their names. Entirely dehumanised, they were reduced to their overflowing *gitano* womb. The only Kalé woman given time and legitimacy was the mediator present in the room, tokenised as the face of the NGO and the success story of a woman who had broken free from the traditional customs that were holding her back.

The president then invited her guest for coffee in the neighbourhood’s cafeteria and, as we stayed behind in the office, I finally burst out after holding my breath throughout the meeting and shared with the rest of the staff my outrage at this painfully racist tirade. To my surprise, the social worker in charge (#29) responded that no matter how uncomfortable that made me feel, “that woman [had spoken] the truth”: beneficiaries really did live off benefits, she said, and she knew what she was talking about, as she, unlike me, had been working there for three years. Her colleagues nodded along, while one of the mediators remained carefully quiet. I, too, was eventually left speechless.

Even though the *Comunidad* representative evidently had no intention to share the stage, the NGO also had to put on a show to convince her they “[needed] the money”. In the hopes of an increase in funding, they exploited the racialised representation of Kalé women needing guidance in their parenting and suggested that their organisation was the best fit to provide it. In the end, however, the *Comunidad* is the one winning the battle. In outsourcing service provision to an underfunded NGO, it successfully reduces public spending on poverty alleviation, forces civil society actors to bow down to keep their activities running and, in an effort to discredit claims of institutional racism, feeds the illusion that it has withdrawn, while hiding behind tokenised, indirectly state employed Kalé women.

For decades now, neoliberal advocates have been arguing that state-centred social policies were too costly and bureaucratic, and calling for a transfer of power to non-state political and economic actors (Gideon 1998). Among various private contractors standing in competition with each other in the “aid market” (*Ibid.*, 317), the NGO form especially has been promoted as a more cost-efficient alternative service provider, since it is expected to rely on short-term project funding through international social funds, instead of committing national governments to providing a large level of public spending over longer periods (*Ibid.*). Rather than mere “band aids” and “palliatives” “stepping up” to provide what is no longer provided by the state (Hemment 1998, 140), NGOs acting as service providers have become an intrinsic part of state governance in the age of neoliberalism. Because of their ambiguous rapport with state institutions, non-governmental entities are “key to neoliberal projects of privatisation and state withdrawal” (Bernal and Grewal 2014, 8), while still “[mimicking] bureaucratic state forms” which are “easily embraced by donors and states” (*Ibid.*, 10).

As Spain was under an authoritarian rule for forty years and economically isolated up until the 1960s, state-centralised governance used to be especially met with distrust. It was partly dismantled following the “transition to democracy”, with a significant relocation of power to the regional level, as well as a progressive transfer to the supranational level following the 1986 European accession. In parallel to downward and upward “vertical reconfigurations of the state” (Banaszak et al. 2003, 4), the newly democratic state mostly took on service provision by formally “offloading” it (*Ibid.*, 5) to civil society actors that had already been filling the gap of failing social policies under Franco’s rule. The socialist majority governments elected after the “transition” and in power until the mid-1990s created state subsidies that geared civil society activities further towards project proposal and service delivery in partnership with state and regional institutions (Valiente 2003). This has been the case with gender violence policies (*Ibid.*), and all the more so in the implementation of Roma inclusion policies, which is almost entirely delegated to NGOs (Magazzini and Piemontese 2016; Messing and Bereményi 2017).

### *The birth of “gitana women associations” and their service provision focus*

The *Fundación Secretariado Gitano* (FSG) is by far the largest NGO implementing social projects targeted at Kalé people and the main recipient of European Structural and

Investment Funds dedicated to Roma inclusion in Spain. It sparked the development of the current “pro-*gitano*” institutional framework, which is perhaps why most institutionalised programmes related to Roma inclusion involve it as a primary actor. Whereas civil society initiatives aiding women under Franco’s dictatorship had to organise against the state along with leftist resistance movements and trade unions (Valiente 2003), the charity programmes developed by the *Secretariado Gitano* were out in the open, run by the Catholic Church with the Government’s approbation. In the 1990s, however, many newly emerged NGOs started orienting their activities towards gender, following the transnational mobilisations around UN conferences on women (Bernal and Grewal 2014) that led state and international donors to give priority to gender-related activities (Hemment 1998) – and so, too, did the blooming *asociacionismo pro-gitano* in Spain. “*Gitana* women associations” started to show up across the country in the early 1990s. Kalé women who were involved in setting up these organisations in Madrid were trained by the FSG or charities with similar purposes. A Kalé mediator (#35), who later became president of the mediator network, recalled how it all started:

Interviewee 35: We attended a mediation course with the *Fundación Secretariado Gitano* that changed most of our lives. [...] It was truly a nice time. [...] We took this mediation course, all of us, and then, right away, the *Secretariado* hired one, two, three of us... the others went to work for the *asociación de mujeres gitanas*. They hired me too, so, I was working for the *Secretariado* for quite some time, well, for years!

Me: As a mediator?

Interviewee 35: Actually, they hired me as a mediator, but since they were working on promoting [*gitana* women], there were no *gitana* women, but you see, that was thirty years ago! There was not a single *gitana* woman who could even speak in public! So they took two of us, they trained us, and we got into a training for trainers project. We were going across almost all of Spain, facilitating training to professionals. That’s the first thing I did with the *Secretariado*. Then I got something in one *asociación*. Then in another one. And I am delighted (laughs).

Most of the activities for Kalé women at the time focused on literacy classes. This is what the president and founder of the NGO I volunteered for (#28) was doing, in a locally based NGO called “*gitana* integration”, when she was encouraged to set up an NGO for women:

Interviewee 28: I went to various seminars with that NGO in Madrid, “*gitana* integration”, and I went to several events organised by the first *asociación de mujeres gitanas* in Granada, “Romi”. And that’s when they told me, well, it would be interesting if you could set up an NGO in Madrid. [...]

Me: OK, and did you have to comply with certain conditions to create it? As far as I know, the state provided subsidies?

Interviewee 28: Yes, yes yes yes. Of course, but well we first had two years without any funding, because that is what they require you know? Two years of activity.

Me: I had no idea.

Interviewee 28: We first launched our programmes without receiving subsidies, and after two years, they gave us the first one, to fund the headquarters. So that's when we could get premises, a secretary who could pick up the phone, hire all those people, that's how we got started. That first subsidy was in '94.

As the social worker who ran the NGO's daily activities (#29) put it, "this is work that should be carried out by social services, [but] the *Comunidad de Madrid* outsources it. [...] They tell us what we have to do – activate employment, new technologies, social abilities...". The NGO thus functions as an external service provider and develops its activities according to the rules imposed on them through grant proposals, the oldest and largest programme being the *renta mínima*. The president (#28) further explained:

Interviewee 28: The projects are part of a public call for proposals, they publish the conditions, and we are granted the subsidies according to the project we are applying with. Then, afterwards, there is an evaluation committee, to see whether we are complying with the rules, the objectives, the activities, [...] see whether our project really is what we had applied for, but well, usually we just apply with projects that we had already been working on.

Me: So that basically gives you legitimacy?

Interviewee 28: Exactly. It gives us credibility and helps us get the subsidies.

Me: Hm. And what usually are the conditions? They tell you what type of activities you are supposed to have?

Interviewee 28: Of course, it depends on the call, some calls for example focus on personal development. The call specifies what you are expected to do, how many beneficiaries must be in each programme, what objectives you are supposed to reach. And what activities you must have to comply with those objectives.

As this interview excerpt indicates, funding guidelines not only orient NGO's activities, but they favour projects that had already been running in the past, hence discouraging agendas that might disrupt the institutional *status quo* and its ideological focus on "integrating" Kalé women into "majority society". Although this shows a relative commitment to long-term programmes and represents an opportunity for civil society to aid groups of population historically left out by the state, it more importantly ties them to state administrations and other donors, while the state can carry on its social policies at a lower cost and with less, or no transparency (Ayala Rubio 2012). The network of NGOs working with Kalé women in

Spain, which has been triggering admiration from abroad as community activism, was in fact encouraged by state authorities, and remains under their control, through a system of financial rewards (Caro Maya and Werner Boada 2018). Meanwhile, civil society initiatives that do not fit the Spanish state's discourse on "integration" are "passively punished", left without any material and institutional support, as Patricia Caro Maya and I have argued elsewhere (*Ibid.*, 236).

*Either with me or against me: Partnering with civil society to control dissent*

Indeed, the outsourcing of service provision to non-governmental entities is driven by far more than merely reducing public spending: it also averts dissent from civil society and, by the same token, service recipients. Although the NGO where I volunteered was never a grassroots social movement that underwent professionalisation as many feminist groups did, it is perceived and represented as such in the Spanish political arena and beyond (*Ibid.*). This, again, is part of the pacifying technology of governance developed by the neoliberal state to offload cost and accountability for public service delivery. As Jasmine Gideon shows in a cross-country study of NGOs in Latin America, neoliberal policymakers have been portraying the outsourcing of service provision as a chance to decentralise an overly bureaucratic state apparatus, but also to get closer to service recipients through resorting to local NGOs presented as grassroots and representative of communities (Gideon 1998). Because "NGO programmes are targeted at politically sensitive groups", they are "a means for averting civil unrest and maintaining clientelist relationships with sectors of the population" (*Ibid.*, 318). Superficial short-term poverty alleviation programmes and an impression of representation cool down potential protests. As an independent activist (#41) told me: "Communities cannot take a stand [against this clientelist relationship], because then they would lose the budget. [...] But whereas *gitana* associations are considered representative of the whole *gitana* population, the state [actually] created the associative movement from above." To continue receiving subsidies – although they are granted a minor part of the available funding, while most of it remains allocated to the FSG – NGOs working with Kalé women are expected to develop activities according to institutional rules, even if this means ignoring the needs that beneficiaries formulate for themselves. Based on research conducted in the UK and France, Akwugo Emejulu and Leah Bassel show that under neoliberalism, minority women's

activism is only considered acceptable by authorities and donors if constructed in terms of entrepreneurship or victimhood (Emejulu and Bassel 2015). This assigns responsibility for social marginalisation to the women's lack of will to move forward or to their reportedly patriarchal communities instead of holding states accountable for deep-rooted institutional violence. It also distracts civil society from transformational agendas, as professionalised NGOs become oriented towards careerism and short-term “niche projects” for which they are expected to compete, as Andrea Smith argues in her critique of the “Non-Profit Industrial Complex (NPIC)” (INCITE! Women of Color against Violence 2007). The NPIC in all its philanthropic endeavour “functions as an alibi” (*Ibid.*) to prevent dissent: people cannot direct their grievances at the state, if the state has been funding, with the support of European Structural and Investment Funds as well as, more marginally, international donors, “beautiful projects” – in the words of an interviewee working for the FSG – to help them out of their misery. Meanwhile, because the use of non-state actors for service provision shields state authorities from budget transparency, the entities tasked with project implementation are for the most part underfunded, making it all the more complicated for service recipients to demand better support. They also offer poor remuneration and working conditions to their hired personnel, disproportionately entry-level female staff who, because of the current economic conjuncture, fear material repercussions in case of dissent.

#### *The precarious working conditions of NGO employees*

Despite their position of power in the NGO premises, employees are tied by the precarious contract they signed and regional authorities' willingness to continue funding their position – and are thus disciplined into enforcing unfair rules. Contrary to the widespread assumption that *asociaciones de mujeres gitanas* are run by Kalé activists (e.g., Mirga-Kruszelnicka 2018), the staff running the NGO's daily operations were explicitly hired to perform a job – not a political action – and drew the line as much as they could between employment and activism. At the time of my field work, the team was made up of a social worker, a treasurer, both of whom were gadje; and three Kalé women employed as mediators for schools and health facilities. All were women. NGO social workers were managed as they would have been in state institutions: they were selected from a list of qualified social workers (*bolsa*) and expected to report to regional authorities through reports, invoices, and



administrative meetings, which they referred to as “inspections”. The staff was expected to keep track of beneficiaries’ attendance of each activity by the hour, both because it was a requirement for welfare recipients and because of project monitoring: as the social worker (#29) clarified, “in reality, the control is not on our part, in reality it is because of them!” This caused them a great deal of stress, as they were aware that it likely would have an incidence on the NGO’s budget, their salary, and beneficiaries’ benefits, and were afraid of reporting incorrectly, especially since digitalisation was introduced.

Working for a non-governmental external service provider further implied that the staff did not benefit from the same job stability as civil servants. Most employees – social workers, administrative staff, and mediators alike – all tended to stay for no longer than a couple of years, because the job was too precarious. In fact, all staff members but one quit shortly after I finished field work, because the pay was too low for them to make a sustainable living. While I was never given the details of their salary slips, social workers working for small non-governmental entities likely belong to the lowest-paid group in the social worker salary scale, earning €15,110.38 annually if working full-time.<sup>25</sup> Many of them are employed part-time and do unpaid extra work. Since their workplace is portrayed as a community activist organisation and the mandatory welfare scheme within which they operate is never made explicit in institutional communication, it is assumed that they are there out of political and social commitment. They do not avail of any trade union representation and have little recourse to defend their rights, as labour rights have been significantly dismantled through legal reforms in the past decade. They were especially economically vulnerable in the year that I volunteered with them because a political crisis had left the country without a government for months, suspending all subsidies and delaying the transfer of their salary for what they claimed to be a year. When the social worker announced she would leave the organisation at the start of the summer, one of the mediators explained to me that it was because they had only been paid a portion of their salary every month, therefore earning as little as €400 every month for the past year, perhaps longer. Although labour conditions are dire in many workplaces in Spain, the NGO form which traditionally relies on unpaid,

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<sup>25</sup> According to the State collective convention for the sector of social action and intervention, 2018-2021. Available at: [https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2019-1327](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2019-1327) (last accessed 19 October 2021).

unconditional volunteering makes it especially complicated for employees to claim their rights and be recognised as workers, not volunteers or activists. The burn out that many of them were led to was, however, emotional as well as material.

*“You get back home with all their problems”: the toll of emotional labour*

The service the NGO staff aimed to offer, in a punitive framework that positioned them as outsourced state agents monitoring and reporting incompliance to regional social services, was marked by strong inner tensions and affected them emotionally. The unclearly defined role of NGOs delivering services as well as their position on the frontline as “street-level bureaucrats” (Lipsky 1980) trapped them in a “double bind [between] the powerful forces dominating them and the disenfranchised communities they intend to serve” (Bernal and Grewal 2014, 5), between rigid productivity logics introduced under New Public Management and their genuine attachment to beneficiaries and endeavour to support their basic needs (Dubois 1999). Even as hired personnel and despite their constant efforts to remain professional and keep an emotional boundary with beneficiaries, their work was far from exempt from ambiguity and anxiety.

As keen as they were to remind beneficiaries that this was a job and, as the social worker insisted, “they may not call them at 10pm in the evening!”, the staff had difficulty maintaining the professional boundary. Despite the symbolic authority she was granted over everyone else in the NGO’s daily activities as the person in charge of most administrative work, the social worker (#29) for instance knew beneficiaries remarkably well – where they lived, with whom, the names of their children, where they went to school. She was even invited for an engagement ceremony, which was an important mark of trust on the part of the women attending the programme. At the same time, she found this dual role hard to navigate, it left her “shattered” and unwilling to engage in any further activities in her “free time”. While she used to volunteer for international humanitarian activities, she explained to me that she then dropped it all to “disconnect”:

The truth is, when you take holidays... maybe it is selfish but [...] the only month I have left free, in reality, is there to disconnect, because this job is really emotionally overwhelming, because at the end of the day you get back home with... all their problems! You take them home with you! [...] puff... it’s complicated, it’s complicated.

The taxing emotional labour and lack of professional boundaries she described are characteristic of the feminised, poorly remunerated third sector jobs on which neoliberal state governance relies to deliver services at a lower cost, as highlighted above. On the other hand, the discretionary power and relative autonomy from which street-level professionals benefit at the lowest and direct level of policy implementation (Lipsky 1980) is greater for NGO workers who, even though they are hired through state channels and answer to regional authorities, are not civil servants. This gave them some room for manoeuvre and enabled them to trick the system, albeit to a very limited extent, when they found it too unfair. While I found the framework in which the NGO's activities took place particularly constraining and the general attitude quite complacent, I also noticed some occasional non-compliance with rules to lessen the institutional violence inflicted on beneficiaries. One morning, the social worker told me that she had discovered “the most horrifying thing” in the new data spreadsheets she was expected to fill in and send back to the *Comunidad*. A new column on beneficiaries’ “housing situation” had been added, requiring the staff to indicate whether they lived in illegal housing (*okupas*), which was the case for many, and house evictions regularly took place in the neighbourhood. Torn for some time about what she should do, she remarked: “then I don’t know what is going to happen to them because of me!” After discussing it with one of the mediators, she eventually decided to write “unknown”, but asked the rest of the staff for their back up: “if they fire me because of this, promise you will all defend me!” She informed the beneficiaries about the situation and told them that she did not want “to jeopardise them”, but that, concerned she might lose her job, if social services became suspicious and insisted, she would have to “tell the truth”. This statement remarkably summarises the ambivalent allegiance of NGO staff members, as well as their own dependence on regional authorities: as guilt-ridden as they might have been doing so, at the end of the day they had to comply with the rules to keep their income.

#### *Kalé mediators as “second-rank employees”*

While most employees walked out the door because of untenable working conditions, outsourced service delivery especially relies on the unpaid or underpaid labour of women from racialised minority groups. The focus on representativeness constructs racialised minority women’s cheap labour as empowering grassroots work (Gideon 1998) or providing a familiar

face to welfare recipients (Lewis 2000). Kóczé (2019) is notably critical of the Romani mediator figure promoted by ROMED, a joint intercultural mediation programme created by the Council of Europe and the European Commission. She remarks that the programme, while offering a happy image of building bridges between communities and state institutions, places the burden of “Roma inclusion” on the shoulders of underpaid Romani women instead of holding the state accountable for institutional violence (*Ibid.*). She also criticises it for further segregating them into “neoliberal racialized institutions” with “second-rank employee” status (*Ibid.*, 202), as they benefit from neither the same salary nor the same working conditions as civil servants.

In the same vein, Kalé mediators, though regularly celebrated in local media and institutional communication, find themselves at the bottom of the organisational hierarchy. Mediation programmes in Spain predate European initiatives like ROMED, but they certainly are financially encouraged by European governance. In Madrid, the *Aracné* project developed in 2006 by the *Artemisa* network, made up of several NGOs working with Kalé women and the FSG, hires Kalé women as mediators for each one of its member organisations, where they promote health, school attendance (*promoción educativa*), gender empowerment (*promoción de género*), integration into the labour market (*inclusión sociolaboral*), as well as peaceful neighbour relations (*convivencia vecinal*). Only one mediator per organisation is employed by *Artemisa*. At the NGO, the *Artemisa* mediator was tasked with taking women to health centres, with an emphasis on promoting family planning methods, and was seldom in the premises. The other two mediators were directly hired as staff members, formally to mediate in schools but, in practice, they were mobilised for all other activities.

Referring to her meagre salary, one of them (#31) told me once that she was not working “for pleasure” (*por amor al arte*) and often thought of quitting – but because the NGO was a member organisation of the mediator network, she felt she had to stick around, for job security. Institutional communication indeed laid an eager emphasis on the mediator figure: the chair of *Artemisa* told me that Kalé women mediators played a “fundamental role” with beneficiaries as they offered them “more attachment, more complicity, more understanding”. However, for mediators, this special role implied working in areas other than what they were hired for, without any additional pay. What is more, in the name of representativeness and ensuring a community bond with beneficiaries, they were the ones put forward whenever a conflict or a

situation of violence arose. In fact, this went beyond the mediator position and concerned all Kalé women working as frontline social workers. The FSG especially prides itself on employing many Kalé women, but several current and former Kalé employees informed me that most of them were working “on the ground”, in the lower or lowest positions. The FSG employees in charge of the European-funded *Cali* programme confirmed, for example, that across the country, the staff on the ground carried out “most of the work”. Even though they were put on a pedestal to, in the words of the chair of *Artemisa*, “promote the figure of the *gitana* woman, whatever the project”, in their everyday work, they enjoyed far less recognition for their important yet underpaid labour. At the NGO where I volunteered, the racialised hierarchy also translated into a lower income and a lower rank conferred to Kalé mediators than to the social worker, but also the treasurer of the organisation – who, I was informed, was granted the authority of a social worker although she was never trained as one.

In a structure permeated by state power, but where boundaries between the state and civil society are remarkably blurry, power dynamics over and between employees are more difficult to address. Yet, as precarious as the staff may have been, beneficiaries were undoubtedly left most vulnerable. While the scheme the NGO was expected to implement advocated for the integration of welfare recipients into the labour market, it gradually turned into a mandatory gender violence prevention programme for which the staff performed a dual, typically feminised care role. On the one hand, they intervened as teachers, guiding Kalé women in their transition to adulthood – with the underlying assumption that gadjo society had much to teach them in terms of gender emancipation. On the other hand, they also acted as nannies, minding infantilised women whom they considered incapable of ever growing up. Hence, their intervention against gender violence oscillated between developmentalist (‘be like us’) and static (‘you will never be like us’) discourses which, instead of preventing it, fostered and justified abuse.

## **Teaching emancipation**

### *The return to school benches*

Despite welfare reforms’ stated goal to “activate employment” and discourage dependency on welfare benefits, the projects implemented by the NGO, as required by the *Comunidad*’s funding schemes, had little to do with professional skill training and, instead,

focused on improving beneficiaries' social behaviour and self-esteem. In lieu of the reciprocal contracts between adults promoted by the reforms, the programmes targeting Kalé women were developed as mandatory schooling for underage groups. On the official premise that beneficiaries first needed to learn to behave appropriately in society before truly starting their job search, the projects fell under the categories of "employability", "social abilities", and "gender empowerment". In practice, they routinely focused on gender empowerment, aside from occasional talks on starting a social media account, debunking social prejudice, or Kalé professionals occupying jobs considered worthier than the beneficiaries' usual economic activity (so-called *referentes gitanos*).

It was not until I started socialising with beneficiaries outside the NGO premises, in my first month of field work, that I found out, not without surprise, about the mandatory attendance and the financial sanctions they faced in case of non-compliance. One woman put it this way: "for us, it's like going to work: we go in return for our money". Programme attendees resigned themselves to attend whatever it was they had to attend, so they could pay the bills at the end of the month. In contrast, the staff viewed themselves as teachers with an emancipatory mission, offering a future to women who, after dropping out of school at a young age, prematurely interrupted their personal development. One of the mediators (#33) thus defined the purpose of the NGO:

Interviewee 33: Well first and foremost, changing the image of the *gitana* woman. [We want] the *gitana* woman to progress, puff... you know, to gain more abilities, other purposes – especially professionally. That she doesn't stagnate and, in particular, [...] we try and convince them that it doesn't bring any good to get their daughters out of school and marry them off.

Me: So, what you want to change is inside the community, rather than their outside image?

Interviewee 33: Exactly yes, yes yes yes. Because if we change them from within, [...] if here, we teach them to study and everything, then on the outside people will also view them from a different perspective.

Me: And concretely, employment activities, what do they focus on? Literacy?

Interviewee 33: [The staff] in charge offer them training, [...] but first and foremost, we are handicapped by the fact that most of them have children and cannot go to adult study centres every day, that's the problem we have with them. So we take care of it, they are sent here to be taught.

The reference to professional training was not entirely lost. The mediator did claim they hoped to offer "the *gitana* woman" – presuming that all Kalé women were equally affected –

more professional “abilities” and “purposes”. However, she immediately referred to early marriage and family as an impediment to “progress”, leading them to “stagnate”. Her words were indeed indicative of the general tone adopted within the premises: programme attendees, regardless of their age and life experiences, were spoken to as teenagers in need of a push – or more – for their transition to adulthood. Rather than professional training on offer for consenting adults, the NGO’s activities functioned like mandatory schooling. This was interestingly reflected in the terminology the programmes attendees had come up with: they had renamed the programme “the course” (*el cursillo*), while the staff were “the teachers” (*las profes*), the daily workshops were “classes” (*las clases*), and they themselves were “the pupils” (*las alumnas*). Meanwhile, the staff required them to sign attendance sheets at every “class” and to provide documents (e.g., medical notes) to justify absences. In addition to keeping an attendance register, they used an admonishing tone addressed to all in attendance – despite many women’s protest that they were the ones showing up and that the staff should have directed their anger at the ones “missing class” – and regularly scolded those showing up late. “Mid-term”, they received an alarmed phone call from the president reproving “many absences” and asking them to set the records straight. This led to a series of awkward group interventions, in which the staff called beneficiaries “irresponsible” and threatened to report them to social services if they continued behaving as such. While not all staff members enjoyed taking up that role, they were expected to perform as authority figures when receiving the order to do so. It was particularly striking to see older women, who are normally due special respect within Kalé communities, being intimidated like children in this setting.

It is noteworthy that although the official role of two of the three Kalé mediators was to intervene at secondary schools to prevent school drop-out among Kalé children and youth, in practice, they were only sent to visit schools twice a week, while most of their schedule consisted of giving “classes” to adult women in the NGO premises. The “classes” attended by the NGO beneficiaries were, in a sense, the direct continuation of the social work carried out with their children at school, and there was hardly any difference of treatment between the two: mothers or not, they were positioned as minors. Their integration into the formal labour market was therefore constructed as a rite of passage into adulthood, regardless of their age and lived experiences.

*The formal labour market as a rite of passage into adulthood*

Most NGO employees I interviewed described their job as a mission to accompany beneficiaries towards a promising future. Concretely, the narrative of growth translated into a portrayal of the beneficiaries' main economic activity – street-trading – as an irresponsible occupation, teenage mischief or, at best, a lazy way to postpone seriously entering the labour market. The treasurer (#30) advanced the following, in a scolding tone:

You cannot remain seated and wait to get paid, tut-tut-tut-tut, no. Tut-tut-tut. No one gets anything for free, there is always a purpose. And this purpose is to keep people silenced and entertained. So I get a little euro (*un eurito*) every month without doing anything, just staying home, or working in the hidden economy, selling whatever. This is not how a people is going to rise up! Tut-tut-tut-tut. This is how they get silenced.

The reference to “rising up” against mechanisms that keep Kalé women “silenced” and “entertained” is especially telling of the staff's conviction that their work was emancipatory. The metaphor is strangely coupled with an infantilising language one would expect of an old-fashioned teacher castigating a teenager who, in her own words, “[gets] a little euro [...] staying home or [...] selling whatever”. Such discourse is naturally reinforced by the fact that informal street-trading is sanctioned by the state through regular police raids, and that welfare agencies do not recognise it as work, thus categorising working women as unemployed.

The prospects on offer were, however, not really promising. Whereas activation policies introduced in the early 2000s in Spain were designed to offer welfare recipients reciprocal and individualised consultations with employment plans tailored to their skills and career endeavours, professionals offering training to Kalé women seemed to consider the latter incapable both of formulating their needs and of developing new professional skills. At first sight, what workfare seemed to entail within those programmes, as denounced elsewhere (Burnett and Whyte 2017), was pushing them into precarious labour, thus supporting neo-colonial global divisions of labour that rely on racialised women for performing underpaid, under-skilled and undervalued, but much-needed tasks considered ‘dirty work’ – care and cleaning work among others (e.g., Farris 2017; Vergès 2019). In the same way that school staff categorise children and youth along gender, class, and racial lines during school orientation and career fairs, social workers in charge of Kalé women's training decided on their behalf what was good for them but, above all, what they were good for. Usually convinced they acted benevolently – to the point sometimes of convincing me during interviews – the staff insisted



that Kalé women attending their programmes should be encouraged to perform “community work” or, better yet, offered manual jobs in cleaning companies or supermarkets. The treasurer (#30), visibly a supporter of workfare, further suggested:

Let's see. The state wants employability for the *gitano* people. But if you want employability, then don't increase the *renta mínima*! If beforehand, you were giving them 500, and now you give them 600, you're going to make them comfortable, and they are not likely to look for a job [...]. Maybe what we should do is, OK, we'll give you these benefits, but you'll have to work for society. Cleaning streets [...] you know, there are thousands of things they could do. Or cleaning building facades, whatever it is, do some work for society! I don't think anyone should get paid for doing nothing. OK, I totally agree that a father who loses his job at 50 needs financial support, but nobody should get paid for life. Getting paid without contributing, from the age of 18 until you turn 65, it doesn't seem fair to me! For the rest of humanity!

[...]

*Gitana* women get scared because they have no training. But [...] maybe they could work in Carrefour or Primark, or cleaning [...]. We could definitely send them there!

By regretting that Kalé women “get paid without contributing from the age of 18 until [they] turn 65”, she continued comparing them to unemployed youths who had never left the parental nest and lived off pocket money. She favoured a tough intervention that would throw them into adult life by “[sending] them” to underpaid manual jobs – and implicitly touched upon a colonial narrative by portraying this intervention as restoring fairness “for the rest of humanity”.

Many NGO workers offering activities within this welfare scheme thus seemed to believe that they were contributing to the emancipation of Kalé women and that, because the latter allegedly made the wrong choices for themselves, someone more enlightened needed to initiate it on their behalf. Another NGO that I visited, interestingly labelled “Labour”, organised professional training for Kalé women and migrant women, including two weeks of unpaid internships, in industrial cleaning or as kitchen assistants. While during our interview, the social worker running the NGO (#34) convinced me that the training activities on offer were positive opportunities for Kalé women, I later became aware of my class and race biases and that, truthfully, I would have felt humiliated in their position, notwithstanding the two weeks of unpaid labour included in the training. She confirmed to me indeed that the training courses had been ongoing for years and designed in a top-down manner, conceded – in a

roundabout way – that the beneficiaries were not consulted about the type of activities on offer, and proceeded to imply that street-trading was an unsuitable economic activity:

Some of [the training participants] are *gitanas* but who have a slightly higher cultural level, although within their culture they continue with their... well this, that they don't work with ordinary job offers, they dedicate their time to selling and other things, but yes, they do have a little bit more interest in following the courses. However, in the group of *gitana* women, they are very disconnected from ordinary job offers. Completely disconnected. For now, they don't have this idea that... they could attend a training course where they could learn a profession or have some kind of job to settle down.

Never mind that cleaning offices or washing dishes would likely expose Kalé women to more precarious lifestyles and, unlike self-employed street-trading, to exploitation by profit-driven employers: NGO workers firmly supported that it would elevate them to a “higher cultural level”, integrate them into proper society, uplift them into adulthood. Meanwhile, whereas the NGO employing social worker #34 reportedly did deliver professional training, the entity where I volunteered conversely implemented projects focused on behavioural change and regularly came up with excuses not to let beneficiaries develop the concrete skills necessary for job searches and economic emancipation in general. This suggests that their narrative of integrating Kalé women into the formal labour market might not be truly aimed at creating job opportunities and is rather mobilised to support claims of backwardness and stagnation.

Less belittling, but similarly motivated, were the meetings with “*gitano* role models” (*referentes gitanos*) held within the premises of the NGO as well as in schools attended by Kalé youth. Kalé professionals whose careers were perceived to be “successful” were invited over for a lecture, in the hope that they would dismantle stereotypes on Kalé people's educational and professional prospects and encourage NGO beneficiaries to follow their lead. While only one of such meetings took place, with a police officer, during my field work, I was informed that at least two others had been organised in the past, with a lawyer and a psychologist. Although the aim of the initiative was to promote a positive image of the Kalé people, what it promoted first and foremost in calling its guests “role models” was change, a move away from the economic activities with which the beneficiaries had been making a living, some of whom for decades. “Role model” is typically mobilised for children and youth in need of an example for their future endeavours, in disregard of the fact that many of these women were experienced

self-employed business owners, albeit unrecognised as such, who ran a household and provided for their families. The police officer's visit not unexpectedly spurred tensions. In a clever power reversal, the women, summoned over for a lecture, questioned both his authority in the room and the legitimacy of the institution he represented. Endorsing a scolding motherly role with him, they regretted that "such a handsome man" would accept to work with the "thieves" who seized all their belongings during raids at the *mercadillo* (the market where they sell).

Openly or not, beneficiaries resisted the motivational speeches offered to them at the NGO. Many willingly continued street-trading, remained indifferent to the narrative of personal growth, and interpreted their own needs quite differently. They often told me they would rather continue with their daily routine, sell their goods without them being taken away by the police. What they did ask from the NGO was to be taught to develop their "hard" skills so they could apply them to their self-employed activities, and learn to read, write, and count, as this would be helpful with administrations as well as at the *mercadillo*. Eventually, many of them would have liked to learn to drive but, as one rhetorically asked me, "how can you learn how to drive if you cannot even read?". These recurring demands debunked the figure of the stubborn adolescent that the staff implicitly put forward in their rapport with the beneficiaries, and the NGO's failure to seriously address them only highlighted what was truly at stake: the programme attendees were expected to permanently remain in a position of dependency.

*"They don't really want to learn": growth made impossible*

Indeed, another surprising fact that was eventually uncovered to me during my time as a volunteer was that, in dissonance with official discourses, the reason for the beneficiaries' "stagnation" was not a lack of motivation among women, but the NGO's reluctance to deliver proper training. This effectively maintained women in a situation of economic precariousness and dependency, against all promises of emancipation. In fact, only a small amount of funding awarded to the NGO was reportedly dedicated to practical training. Once a year, an external teacher offered a course, usually on manicure or sewing which, disproving once again the argument that beneficiaries were not trying to find jobs, were in fact very popular. During my stay with the NGO, the training on offer was designed to help beneficiaries start a manicure business. It consisted of nine four-hour-long sessions, three times a week, for three weeks. Due to very high demand, attendees were randomly selected among the youngest. I tagged along

for one of the sessions, which was probably the time I saw beneficiaries have the most fun at the NGO. However, although several of them asked for a training certificate and received an evasive response from the staff, none of those courses ever led to real professional training. Moreover, they made up for a couple of weeks in the year, and only concerned about an eighth of the women registered at the NGO. Likewise, after much demand on the part of the beneficiaries, a free driving licence course was put on offer, with just two spots available: one for a mediator and one for a beneficiary. Most women signed up for it and one was randomly selected to take it. She cried and screamed out of joy, while others congratulated her, though one sadly confided to me: “I can’t be happy for her, I really wanted this too.”

Literacy classes, which many NGOs were originally set up for, were largely abandoned due to a lack of funding, and under the argument that beneficiaries were not taking it seriously. The social worker (#29) justified it as such:

Many of them fear that if they learn to read and write, tomorrow they will get a job offer and will lose their minimum income benefit. So, you cannot spend your life learning to read and write! They needed a change. OK? So literacy classes... well yes, we had them on offer for a while, they had homework, we would correct them and yes, yes we did give those classes, but the truth is, since September we no longer have any literacy group.

The justification put forward is puzzling: she claimed that beneficiaries showed reluctance to learn, as this would have meant becoming available for the job market, and yet reported that those partaking in literacy classes did do homework in the evening – which, one might concede, is not an effortless task, especially for mothers with caring responsibilities. She further advanced that one “cannot spend [one’s] life learning to read and write”, and thus implicitly conceded that the women were not expected to leave the place trained and ready for a job hire any time soon. Because their attendance was understood as long-term or, even worse permanent, they occasionally “[needed] a change”, to remain entertained. Quite on the contrary, when asking beneficiaries what they would like to do in class, I found out that most of them were desperate to become literate and were either still waiting or had simply given up hope of ever being offered serious lessons, after several years of attendance. One of them, embarrassingly admitting she had been coming for eight years, told me sadly: “they’re just not paying attention to me” (*es que no me hacen caso*).

My first attempt to set up a literacy class as a response met with unexpected resistance. I offered to set up a parallel class in a different room for those who manifested their interest,

while others would continue attending the usual activities should they prefer to do so. I insisted that the NGO had nothing to lose, since I was there on a voluntary basis, and expected approval. However, the social worker was rather unwelcoming of the idea, arguing that separating classes “would mess with the group dynamics”. Meanwhile, the mediator (#32) in whose classes I was usually assisting, and to whom I had first pitched the idea, still supported the endeavour, and together we decided to gear her class activities towards literacy, triggering enthusiasm on the part of some beneficiaries: “really, you’re going to teach me?”, I was asked with emotion. Disappointingly, however, every morning as I showed up, I would find that another activity had been planned for the day – usually gender empowerment themed, either focusing on personal development or preparing for a public event – and that I was not allowed to change the schedule. I asked the mediator, who simply responded that she was giving homework to the women interested in learning, and I quickly realised that she was forced to return to the initial projects for which they had received funding. She and another mediator, who led the group of older women, used whatever margin of manoeuvre they had to try and provide classes and homework in an *ad hoc* manner, discreetly diverging from project guidelines. When I returned to the NGO for a visit a few months later, the beneficiary who was frustrated with not being “paid attention to” told me happily when she saw me: “I can read now!”.

Whether demands were going to be met depended on the staff’s discretionary willingness to do so and, during my field work, Kalé mediators certainly were the most accommodating. Besides such informal arrangements, however, beneficiaries’ very concrete demands – attending literacy and calculus classes, sewing and manicure workshops, driving lessons – were largely met with deaf ears. In fact, even those looking for employment other than street-trading hardly found any support in their endeavour. One day as I bumped into one of the programme attendees near the metro station and we engaged in an informal chat, she complained to me at length that she was looking for help to get a job, “anything, a cleaning job, or something in the shopping centre would do”, but instead, they were “making her” sit in class and listen to “nonsense” (*bobadas*). The staff dragged their feet when I offered to help her write her CV as a solution. From the beneficiaries’ perspective, the situation was particularly grotesque. As a precondition for continuing to receive state support, they were formally required to spend several hours a week attending “classes” designed to help them find a job, but which most of the time did not entail any concrete training. Meanwhile, they were

prevented – through police repression, but also because of the hours they spent at the NGO – from continuing their actual economic activity. In addition, they were shamed for living off welfare benefits. While the occasional “employability” activities, such as learning to navigate the internet or setting up a Facebook account, were geared to push beneficiaries to consider work positions viewed more suitable to the neoliberal market than street-trading, not even that option was truly made available to them when they showed interest.

The absurdity of this vicious circle suggests that, rather than offering Kalé women the tools to financially emancipate (regardless of whether they truly needed it or not), the programme contributed to further trapping them in a vulnerable economic position while pathologising them as unable to move forward. The *referentes gitanos* were celebrated as a source of pride, because they were not viewed as representative of Kalé communities, but rather, as one of the staff members put it during our interview, as “rare”, exceptional. They were the outstanding cases among Kalé people who were considered worth inviting like honorary guests and listening to as adults, because their work occupation was seen as closer to the gadjo lifestyle. Returning to Odile Goerg’s (2012) argument that Western colonisers in Africa constructed the colonised as more or less child-like according to their degree of blackness, here the closer to “gadjo-ness” (Matache 2016), the closer to adulthood. Meanwhile, programme attendees were faced with a deaf ear when making suggestions closer to their life realities.

Activities focused on improving behaviour taking over hard skills training is, according to Schram (2000), a key component of the “medicalization” of welfare under neoliberalism. Despite the discursive emphasis on job-readiness in activation policies, welfare recipients are taught to look and act respectable in front of a potential employer, rather than how to perform specific tasks – implying by the same token that their failure to find employment is due to their own “[inability] to behaviorally and psychologically integrate themselves into the workplace” (Schram 2000, 88). The NGO staff supported a similar discourse when repeatedly referring to the beneficiaries as “stagnating” (*se estancan*) in a “chronic” situation (*se cronifican*). Nonetheless, Schram insists that the “medicalized” approach he describes is strictly restricted to making recipients appropriate and available for the labour market and is not meant to provide support for any issue other than those related to employment (*Ibid.*). That is where it significantly differs from the workshops facilitated by the NGO which, through their ever-

growing focus on women's emancipation and gender violence prevention, were first and foremost aimed at the private realm. Despite the implicit promise of change in such activities, the staff were persuaded that the women attending were incapable of any improvement, and thus shifted from a teaching role towards that of a nanny, minding, nurturing, and entertaining beneficiaries.

## **From school benches to the home**

### *The ambiguity of the nanny role*

In a surprising departure from the adult training programmes within which their activities were implemented, NGO staff went further than merely constructing beneficiaries as infantile adults returning to school to complete their personal development. It soon became clear that, despite the omnipresent narrative of self-improvement, their goal was not to foster change, but to simply mind them in their private lives. The NGO staff were straightforward with me about one thing the first day we met: although the stated goal of their organisation was to work towards “employability”, in practice, they focused on “[looking] after” women “in a more transversal way”. “What we are doing is comprehensive care for women”, they explained. Admittedly, the staff did, truly, care for the women they saw every day at their facilities. Without a doubt, they saw their role as protective and regularly showed emotional support, sometimes in crucial moments. When necessary, they spent *aparte* time with women faced with serious issues at home, including violent husbands. They were in discrete contact with a shelter in a nearby neighbourhood and occasionally informed the president about a difficult situation, so that she could intervene and mediate. In such moments, the relationship with the beneficiaries affected by those situations became more reciprocal, less objectifying, and they were careful not to involve me, although they might have informed me later, provided I promised not to share the information with anyone. As Kalé women, the mediators especially were expected to intervene in private situations and to be further involved on the frontline, exposed to emotional labour, and put at risk in cases of gender violence.

This malleable position, however, also allowed the staff to cross beneficiaries' personal boundaries even when uninvited. Even though it clearly fell outside the scope of employment activation policies, their interference with private matters was permitted by their stated endeavour to first and foremost promote women's personal emancipation. They

claimed that programme attendees could not possibly acquire the skills needed to enter the formal labour market, even as basic as reading, writing, and counting, if they continued being held back by their family obligations and whatever was happening in their homes. However, unlike occasional one-on-one interventions in cases of conflict or violence, the official discourses supported within the NGO did not respect beneficiaries' adult agency and were thus rather disempowering. After coming to the NGO for a gender violence prevention event she had co-organised with the local health centre, I heard the president pride herself on the fact that "the women [attending the NGO's activities] had come a long way", and that "they used to come in wearing pyjamas and slippers". Although she did not work in the organisation's premises, she mobilised the same narrative of personal growth and infantilising tone as the hired staff, satisfyingly claiming that the women eventually changed their dressing habits as she reportedly told them: "tut-tut-tut-tut, that is not happening!". In daily interactions, too, I often heard staff members scold beneficiaries for coming in their home wear and require that they dress properly as suited the premises. Besides the questionable legitimacy in thinking that programme attendees need to self-reform, one might genuinely wonder: can a woman accepting to dress more formally be referred to as "[having] come a long way"? The president's remark is especially perplexing as a behind-the-scenes reflection on an event aimed at preventing gender violence within communities, as though emancipation from traditional gender norms required nothing but a change of clothes. If anything, the injunction for women to improve their appearance as a prerequisite for improving their quality of life rather reinforces gender norms. Bringing this up in relation to gender violence prevention is not merely a superficial approach to change: it conveys the message that women's looks are responsible for the way they are treated at home and in society, as is elsewhere promoted by conservative faith-based organisations working with victims/survivors (Beecheno 2019).

What may seem like a trivial remark is rather representative of the understanding of gender empowerment that was, consciously or not, promoted within the organisation. Although I had originally agreed to facilitate workshops on gender violence when I entered the organisation as a volunteer, as I realised that women were there out of obligation, I accepted to do nothing else than what beneficiaries wanted and was kept out of the regular gender empowerment classes facilitated by the treasurer. Nonetheless, gender violence prevention had



become so prevalent in the organisation that it transpired across almost all its activities, particularly materialising in series of workshops organised around the International Day for the Elimination of Violence against Women and International Women's Day, in November and March. Understood as lifting women up and bringing about self-confidence, the activities were, quite on the contrary, the ones in which the denial of women's agency manifested most explicitly. During my first month of volunteering, beneficiaries were for instance handed pink drawing paper and felt pens to put together signs for a march against gender violence. I soon discovered that under the welfare scheme agreement, in return for their benefits, they were obliged to take part in the march, which would take place in the streets of their neighbourhood. The activity carried on for a couple of weeks, with women asking what they should write on the signs and those who could not write painfully trying to copy letters or asking me to write something for them. An action as powerful as women willingly coming together on the streets to protest violence thus turned into adult women forced to parade in their neighbourhood in exchange for the money to which they should be rightfully entitled. Not to mention that, for those who did experience abuse within their partnership, being seen near their house taking part in a feminist protest, albeit staged, potentially put them at risk. Likewise, on the occasion of the 8<sup>th</sup> of March, women were signed up for a "body and movement" workshop in which they were asked to dance in groups. Whereas I usually observed the dynamics of beneficiaries being forced into activities from my comfortable researcher position, I experienced it first-hand this time, as the social worker, who normally adopted a respectful tone with me, slipped out and informed me with authority that I was required to participate in the workshop. Although failing to participate would not have led to any sanction in my case, I was intimidated by her attitude and felt I had no choice but to do as I was told. Pushed to dance around for an hour while I had no interest in doing so, I emotionally confronted her at the end. She sincerely apologised and claimed she had not been aware of my reluctance to take part. While I eventually could restore my adult status and the power balance between us, I was visibly upset by the infantile position she had spontaneously put me in and faced with the fact that beneficiaries, contrary to me, did not have the luxury of receiving an apology or withdrawing from activities whenever they pleased.

Arguably, resorting to yoga mats and crayons may not have been best suited for gender violence prevention with adult women. Yet, in and of itself, the programme that the staff and

their institutional partners put together to promote empowerment and gender violence prevention could have been defended, and they might sincerely have provided those ideas in the hope of helping women. What made it so disempowering, and which they too often forgot, was the fact that it took place as compulsory training in exchange for welfare benefits. The denial of agency and violation of personal boundaries was at its most blatant in the group therapy sessions that some women were regularly required to attend. Asked to practice deep breathing and share personal feelings, beneficiaries sometimes did find solace in the activity. However, by and large, I heard them begging for it to be replaced with other activities, trying to make up excuses not to attend, and awkwardly giggling: “if I have to come for this sort of thing, I am simply not coming!”. Far from supporting emancipation, imposing therapy to beneficiaries is akin to the treatment that prison convicts, committed mental hospital patients, or indeed, children, are given. For the sake – and, perhaps, genuine hope – of making women stronger, they stripped them off their agency in the most intrusive way.

As the programme forced beneficiaries into this age regression, it paradoxically intruded into the most adult topic of all: sexuality. Women were taken to their local health centre by the *Artemisa* mediator to have an IUD installed by a gynaecologist as part of the welfare programme, recalling the antinatalist policies introduced by neoliberal welfare reforms in the United States that aimed to decrease births among poor and racialised single mothers (Thomas 1998). Albeit voluntary, the long-term birth control for racialised minority women that is promoted *en masse* through financial incentives is, according to Susan Thomas (*Ibid.*), a new manifestation of earlier white supremacist eugenic measures, such as the forced sterilisation measures targeting Romani women in various European countries until very recently. Furthermore, while they were regularly scolded for their alleged role in promoting early marriage and early pregnancy, Kalé women were apprehended as lacking a positive sex life and unacquainted with female pleasure. A sexuality workshop was thus facilitated in partnership with the Spanish Federation of Family Planning, with images of vulvas as visual support, to teach women about sex. Besides the discomfort shown by most women who had voiced neither the need nor the desire for such a private discussion, the staff present in the room engaged in comments encouraging them to follow the lead of gadje women and consider divorce. Discourses which, again, did draw from feminist emancipatory endeavours, however, contributed to constructing programme attendees as backwards and contrast with their lived

realities. Even though several rejected the thought of marital separation for the sake of their children, many of them were, in fact, separated from their husbands, and they insisted that “battery (*maltrato*) [was] a different story” – in other words, that they would not consciously remain in an abusive relationship.

The NGO’s intrusion into beneficiaries’ intimacies was also driven by representations which did not match with their lived realities. When, in other instances, I heard them telling their own stories of everyday sexism and violence, sexual objectification by their male peers, or marital rape, the general tone was supportive and never discrediting. More importantly, despite the power relation they had to respect within the NGO, I repeatedly witnessed them behaving differently from the way they were represented in workshops and “class discussions”: among themselves, they openly talked about menstruation, hormones, sex, to the point of making it unsettling for me. One morning in the absence of staff members, the group of older women teased one of them for “eating *porras* [thick, phallic-shaped doughnuts] for breakfast”, laughing to tears. One turned to me sympathetically and said: “they’re so bad! Do you understand what they mean?” I pretended not to, too embarrassed to admit we were in the middle of a discussion about blowjobs with women who were all grandmothers. It is meanwhile baffling that Kalé women should be encouraged to embrace a free sexuality, when the Catholic Church throughout history conveyed the stereotype of “the *gitana* woman” as hypersexual, wrecking gadje men’s marriages and posing a threat to the Spanish ideal of the proper housewife (Caro Maya 2019). The fact that NGO activities went entirely off-track to discuss sexuality and other intimate matters instead of promoting suitability for work attests that the end goal in state governance of Kalé women remains the same as it was in the past: controlling Kalé women’s sexuality and discouraging them from becoming mothers.

#### *Parental authority under threat*

Another striking manifestation of state surveillance permeating the NGO, despite the latter’s claims to provide care for women, was the implicit threat posed to Kalé women’s authority as mothers. The antigypsyist myth of Romani groups stealing and hurting children has been prevailing in Europe since the Middle Ages (Hancock 2002, 57-58; Mladenova 2019). Literary classics, as attested by *La gitanilla* with which I opened this chapter, perpetuated the trope of Kalé women robbing white babies at birth and exposing children to unsuitable or even

dangerous lifestyles. The Othering of Kalé women is specific in that, belonging to a group which was neither colonised nor a religious minority, they were constructed as the ultimate embodiment of sin, sexually tempting gadje men, setting the wrong example for gadje women, seizing and depraving gadje children. This specificity is also manifest in the mothering of their own children, even though I showed that the trope of irresponsible parenthood to justify separating colonised and indigenous families from their children had been documented elsewhere. Indeed, Kalé women are not solely viewed as neglectful as a result of their alleged immaturity: they are understood as actively promoting dangerous values and hurting their children.

Welfare reconfigurations under neoliberalism in the United States have largely been justified by the argument that a group of welfare recipients, popularised by Ronald Reagan as the “Welfare Queen”, “[became] pregnant solely for the purpose of obtaining or supplementing an existing welfare check” (Thomas 1998, 421). Ideals of motherhood defined by class and race markers were flagged around as unattainable for racialised minority women (Parker West 2016), while the “Welfare Queen” category relied on the implicitly racial stereotype of Black women’s alleged uncontrollable sexuality leading them to become irresponsible mothers and pathologically dependent on welfare benefits (Cammatt 2016). The parallel between Black women in the U.S. and Romani women in Europe has already been drawn by Kóczé (2020), who argues that welfare reforms in post-socialist countries reinforced stigma around Romani mothers being pathologically dependent on welfare benefits. Interviewed practitioners in my research similarly constructed Kalé mothers as parasitic welfare recipients. Yet in a surprising turn of events, while they, likewise, endured the reputation of being aggressively sexual for centuries, they were now positioned on the opposite end, viewed as unable to leave their husbands and tied by conservative sexual taboos.

In addition to the obligation to attend NGO activities, children’s school attendance is explicitly listed as a requirement for eligibility to the *renta mínima* benefits. Not considering the structural reasons why some Kalé children may end up missing school, this rule puts Kalé women who receive benefits for the whole family in a vulnerable position. Not only do they run the risk of losing their entitlement to benefits should their children fail to attend or repeatedly show up late, but if social services find out that children have not been behaving as expected, rumour has it that the penalty might go as far as losing custody. Mediators were

asked to intervene in such circumstances, notably because they were usually familiar with the women's children due to their mediation activities in the schools of nearby neighbourhoods. Hence one day, one of the mediators started her class informing beneficiaries that 12-14 years old teenagers had been reported to be misbehaving every evening around the library building, throwing fire extinguishers among other things. The library staff asked her to "talk to the mothers", she explained, as they were reluctant to call the police. She read out a list of names, asked the group who the mothers were, and said they should come speak to her "after class". One of them looked particularly ashamed. The mediator warned that if they did not act, they might lose custody. This blew my mind – could their children really be taken away for such trivial teenage mischiefs? I once asked the social worker in charge what would happen if beneficiaries did not have any document to justify their absences. She answered, in a whisper: "Puff, no, in reality, nothing happens." It may well be that, in most cases at least, threats remain just threats. However, it is indeed the threat itself, the prospect of something as tragic as losing one's children that maintains discipline. It also supports, at the same time that it is fuelled by, racialised representations of poor mothering skills that justify social control and stigma. Kalé women are further encouraged to keep an inferior position in societal power dynamics as they themselves internalise such representations – such as the feeling of shame displayed by one of the mothers as she found out that her teenage son was part of the group in question.

Beneficiaries regularly heard during workshops that they had to ensure their daughters would not lead the same life as they did and, instead, attend school and university, marry later, or perhaps not marry at all. The intention to protect young girls from early pregnancy, school drop-out, and violence, is commendable and likely sincere. Nevertheless, from an institutional point of view, one should not fool oneself into thinking that such welfare rules were designed with the best interest of the child at heart. Comparably to the mother-shaming narrative supported by practitioners working in gender violence specialised institutions, the discourse calling for mothers to improve their daughters' future holds them responsible for phenomena which are socially far more complex.

*"They disappoint you": the endless loop of gender violence prevention*

The urge for a generational change was driven by the hammering home – heard in the NGO premises as well as in other organisations – that gadje women's grandmothers used to

live in similar conditions to Kalé women's, but successfully fought for their emancipation. In implicit reference to the dire patriarchal rules imposed on women under Franco's rule, one of the mediators (#31) often repeated that "*gitana* women [were] thirty years late" compared to the rest of society. As I discussed in chapter 4, the notion, widely shared in Spanish society, that Kalé women were stuck in Francoism and missed the emancipation train, disregards both the very distinct ways in which Kalé women autonomously provided for themselves and their families throughout history (Caro Maya 2019) and the great heterogeneity of lifestyles and opinions that exist among them. As someone who was well respected and rooted into her community, the mediator knew this, and defended far more critical views in private, when not held accountable by her employer. She herself supported the argument, regularly put forward by NGO beneficiaries, that gender violence is in no way specific to Kalé communities and that, quite possibly, some forms of violence, such as child sexual abuse or femicides, may be more prevalent in gadjo society, where informal protection networks are weaker.

Rather than representing a genuine attempt to foster change, however, the view that Kalé women were voluntarily lagging behind gadje women and disengaged from the emancipatory revolution initiated by post-Franco feminist movements ironically justified the welfare scheme's permanency and, specifically, the renewal of gender empowerment projects that achieved close to nothing. Whereas beneficiaries did care about gender violence, and occasionally discussed, with much emotion, the tragic fate of women whose murders were reported in the news, I was struck by the bitterness they expressed with respect to the gender violence prevention carried out at the NGO premises. One day, as I explicitly asked about it, one of them cried out: "we know what violence is, and we are sick of hearing about it again and again!" Indeed, she put her finger on it: they did hear about it time and again – but what exactly did this prevention work consist of, other than bringing up the topic and ticking boxes on project funding reports? When programme attendees were summoned to attend public workshops or marches, they were not made aware of what would be discussed – and perhaps even the staff did not truly know either. Women showed their faces not only out of financial obligation, but also because it had become a routine. On various occasions, ahead of a gender violence prevention activity, they responded, in a compliant and rehearsed tone, that "[they had] to go", because "27 women were killed", or because "[they didn't] want to disappoint". One of the beneficiaries, despite being one of the most outspoken of her group, thus kindly told

me, while in group but in the absence of the staff, that she was reluctant to communicate her uneasiness with the gender violence prevention activities, as this would “hurt [the staff’s] feelings”.

In dissonance with the sympathy expressed by beneficiaries, the treasurer (#30) told me in a resentful tone, after I had implied that she was not giving them enough benefit of the doubt: “They disappoint you.” After all the hard work the staff put in, she explained, the women did not even try to change. A sense that their situation was hopeless and unavoidable lingered throughout the years. The injunction to focus on their daughters was not truly driven by transformative endeavours and, instead, merely justified the view – which, regardless of their age, the beneficiaries had ended up internalising – that it was too late for them. Whereas literature on gender violence, race, and coloniality criticises the construction of racialised cultures as patriarchal and harmful towards women to justify military and other forms of violent intervention (e.g., Nader 1989; Narayan 1997; Farris 2017), the programme implemented by this NGO – aside from occasional but arguably crucial informal interventions into specific situations of abuse – conversely supported inaction. As exposed in chapter 4, gender violence practitioners drifted away from the rescue paradigm of “saving brown women from brown men” (Spivak 1988, 297) to vilify Kalé women as unworthy of a victim status and support network. At the NGO, gender violence prevention was paradoxically supported by a narrative of stagnation, a firm belief that there was no point in even trying.

This certainly does not mean that state authorities leave them be. When I asked NGO beneficiaries, in focus groups, where they felt the safest, they unanimously responded that home was, besides church, their only safe spot, and several fantasised about never leaving, keeping their children with them, locking the door and “throwing out the key”. While many were frequently threatened with house eviction for illegal tenancy, there might be a deeper reason why they feared home intrusions and why going outdoors felt so threatening. On the one hand, the “culture of poverty” argument that supporters of neoliberal welfare reforms took on board reduces hypermasculine behaviour (*machismo*) and fatalism as the product of a microcosmic minority culture (Lewis 1966). In the same vein, the framework within which service providers operate neglects the centuries of governance that caused Kalé women’s current marginalised position – despite many beneficiaries’ protestations that gender violence “[came] from the gadje” – and understands the “community and intercultural work”

encouraged in the LOVG's prevention pillar as placing all responsibility on Kalé women. On the other hand, at play is a more subtle power mechanism than a mere mistranslation of state feminist policies from systemic to culturalist analyses of gender violence. After all, in a state that remains heavily influenced by a powerful conservative branch of the Catholic Church, access to reproductive rights has been restricted for gadje women for decades, while Kalé women, whose offspring are considered undesirable, have been offered long-term contraception. Cataloguing Kalé customs, as safeguarded by Kalé women and families, as problematic, continues to provide a counter-image for exemplary Spanish society, as suggested by Caro Maya (2019). It does more and worse: it traps Kalé women into a loop of financial precariousness and discursive disempowerment, that puts them at serious risk should they be faced with abuse.

I showed in this chapter that the broader institutional framework, overlooked in the scarce literature on Kalé women's rapport with gender violence institutions, pushes Kalé women in a situation of precarity and dependency. While this follows centuries of antigypsyist governance constructing them as a threatening group who had to remain under watch, the mechanism now materialises in social policies expected to foster their economic and gendered emancipation. Taking a step back to consider non-specialised institutions was crucial to understand that the state, even in its social component, keeps a tight grip around Kalé women and, through them, on their communities.

Several paradoxes stand out in my analysis. First, whereas the policies are implemented by NGOs advertised as Kalé women's own community spaces, the women attending activities are only present out of welfare obligation. Second, whereas welfare recipients are expected to attend adult training to boost their participation in the formal labour market, the women are in practice prevented from exerting an economic activity or developing new professional skills. Finally – and this is perhaps the greatest irony of all – it is within this punitive framework, keeping women in a position of financial precarity, that a policy of prevention of gender violence within Kalé communities is implemented. Although this could be interpreted as nothing else but an unfortunate choice of venue, I exposed the rhetoric of infantilisation, which constructed Kalé women as incapable of ever growing up or surviving without the tutelage of institutional actors. In other words, it could be argued that it was never the intention to support



Kalé women's emancipation. Gender violence prevention is mobilised to keep them eternally dependent, both materially and discursively.

The most outstanding feature of this disciplinary framework, compared to other institutional landscapes throughout Europe, is the new narrative introduced in the past decades – through the outsourcing of service provision to non-governmental entities, but also the tokenisation of Kalé professionals – that it is an initiative led by Kalé women, and therefore self-imposed. It feeds the illusion of a timely rupture with Spain's antigypsyist past, while the figure of the *gitana* deserving of her fate, omnipresent in cultural productions, lives on. As I will further analyse in chapter 6, this clever strategy to avert Kalé women's resistance is exhibited in highly mediatised celebrations of their emancipation.

## CHAPTER 6: “PARTICIPATION”, OR THE IMPOSSIBILITY OF SELF-DEFENCE

“Spain is without a doubt – and how proud I am to be Spanish! – the most advanced country in the world with respect to Romani recognition.”

Juan de Dios Ramírez Heredia, 8<sup>th</sup> April River Ceremony, Madrid, 2017

“What if ‘the good’ – good feeling, good practice, positive stories – is what keeps our attention away from what is bad, from what hurts, from what gets under the skin, that big scream that you never quite manage to make. In order to avoid people feeling bad, we have to make them feel good, by speaking about diversity. Our hurt and rage is blanketed under the warmth of diversity.”

Sara Ahmed. 2009. ‘Embodying diversity: problems and paradoxes for Black feminists’. *Race Ethnicity and Education*, 12:1, p.48

At midday on a Saturday, under the hot blazing sun, a large crowd gathered at a usually deserted spot of Madrid, on the banks of the Manzanares river. The shiny suits and hordes of cameras, the microphone stand and official flags carefully installed on a large stage, contrasted with the relative shabbiness of this muddy part of the river side. One of the flags was the red wheel, blue sky and green grass that the International Romani Union chose as its emblem in 1971, and the six persons taking their turns to speak on the microphone were high-level state, regional, and local representatives, along with representatives of the State Council for the *Gitano* People, the Spanish Romani Union, and the Institute of *Gitana* Culture. This surprising set up has become a routine for institutional actors in Madrid: every 8<sup>th</sup> April since 2010, to mark International Roma Day, they gather to cast flowers into the river in commemoration of the Romani victims of the World War II genocide, a ritual commonly dubbed as the “river ceremony” (*ceremonia del río*). Among the clicking sounds of the cameras and the flutters of the fans, Ana Buñuel, on behalf of the Equality body of the Madrid City Council, enthusiastically proclaimed: “the city of Madrid feels very *gitana*”. In the capital city of a historical empire that for centuries coerced the Kalé minority into assimilation, this certainly was a hard-hitting political statement. Joining Buñuel in her celebration of Madrid’s *gitanidad*, all speakers addressed the crowd with greetings in Romanes – *Toven Bakhtale* (“good luck to you”), *Lacho Dives* (“happy day”) – as a symbolic gesture to rehabilitate a language practically extinct on the peninsula following a long history of state persecution.

Two young hosts in their early 20s, dressed up in smart black and orange outfits – the colours of the *Fundación Secretariado Gitano* (FSG) – walked around the audience carrying

baskets, handing rose petals to women and candles to men. The crowd was invited to join in the main actors of the event and throw the petals and candles into the river, to symbolise the exodus of the Romani people and pay tribute to the genocide victims. Photographers rushed around the high-level representatives to capture the moment. Finally, Juan de Dios Ramírez Heredia, an eminent Spanish Kalé politician, former Member of the European Parliament and President of the Romani Union, took the stage to deliver his closing speech. Laying further emphasis on the importance of cultural recognition for the Romani people and celebrating its European diasporic identity, he more importantly declared his immense pride of being Spanish – for Spain was, he claimed, “without a doubt, the most advanced country in the world with respect to Romani recognition”. The ceremony ended with the traditional group picture, in which prominent actors held the Romani flag, while attendees and photographers immortalised them with their smartphones and professional cameras.



**Figure 15.** River Ceremony, Madrid, April 8<sup>th</sup>, 2017. Opening speeches (left) and group photograph at the end of the ceremony (right). Photographs taken by the author.

Barely two months earlier, I co-organised, along with one of the mediators working for the NGO where I volunteered, several screenings of a documentary on the WW2 genocide, directed by the Barcelona-based NGO Veus Gitanes. “Samudaripen: the forgotten Romani Holocaust” (*Samudaripen, el Holocausto Gitano olvidado*) (2015) is also a tribute to genocide victims and relies on the same terminology as the International Romani Union to refer to it: *Samudaripen*, literally “mass killing” in Romanes (Fings n.d.). Far from sponsored by official authorities, however, it was initiated by young Kalé women who had attended *Dikh he na Bister* (“Look and don’t forget”), an international event organised by Roma youth network ternYpe

in Auschwitz, at the occasion of the 70th anniversary of the Holocaust. Determined to relate the massacre to contemporary manifestations of antigypsyism, they had financed their project with a crowdfunding campaign. On the first day of screening, NGO beneficiaries, who had been asked to make an appearance without truly knowing what they were going to attend, engaged in a passionate discussion on their own everyday experiences of racism after watching the film. As I returned to the office the next day, I was alarmingly informed by the social worker and treasurer – who had sat the screening out – that, after attending the screening, a couple of beneficiaries had reportedly knocked on their door and claimed: “after everything you *payos* have put us through, you should give each and every one of us €2000!” Appalled to have been singled out as a *paya* (gadji), the social worker in charge asked in shock: “and they are saying that, to *us*?”. She described what she understood as an ungrateful effort to secure extra money from an organisation already working hard to help them back on their feet, notably through financial support, as “shameful”. “Even *she* was ashamed to hear this”, she added, pointing at the mediator to rally a Kalé woman to her side. She noteworthyly brought this up after I had reported that my partner, whom she herself had invited as a guest speaker, hoped to initiate a discussion on antigypsyism in Spain and across Europe with the beneficiaries. While she had insisted, for several months, to have him speak at the NGO upon finding out that he worked for an organisation that supported Romani plaintiffs in court cases, she awkwardly backpedalled at the sound of the topic he wanted to address. “It isn’t a good idea to bring up these topics”, she argued, “in this organisation, we don’t want to encourage victimisation. They need to stop referring to themselves as victims. We prefer that they learn to *act* instead.” The NGO staff’s strong aversion towards discussions on antigypsyism went as far as forbidding the use of the word *payo/a* within its premises: as she subsequently explained, “non-Roma” (*no gitano/a*) was preferred, so as to avoid divisions. If there is no such thing as “gadjo-ness” (Matache 2016), surely the violence must be made up, too.

The parallel antithesis between the two scenes could hardly have been any more blatant. The same employees who, two months later, would pose behind the Romani flag while admitting that the river ceremony was “too political” for their liking, quite explicitly discredited Kalé women’s rhetorical demands for reparation for the violence they and their ancestors had endured. Yet this attempt to convince women they are not truly victims also transpires in official institutional communication, as authorities in Madrid begin to openly embrace Romani

cultural recognition and Kalé women's participation in policy work. New politics of advertisement around Kalé women rising from the ashes of past state policies materialise in the form of high-level institutional events which, similarly to abusive partners' strategies of deceit, work towards keeping women quiet and unable to fight back. "Gaslighting" – manipulating victims into doubting their experiences of violence (Sweet 2019; Johnson et al. 2021) – occurs in the staging of ceremonials that require NGO beneficiaries to display a happy face, while turning their traditional forms of resistance into entertainment shows for the gadjo spectator. The injunction for Kalé women to *act* instead of portraying themselves as victims, as stated by the NGO staff during the heated discussion that followed the *Samudaripen* screening, translates into a theatrical *act* staged to please the oppressor, rather than collective *act-ion* to defy it. The LOVG explicitly pays tribute to "the effort of women's organisations in their struggle against all forms of gender violence" (LOVG, *Disposiciones generales*, I) and lists the "collaboration and participation of entities, associations, and organisations that act against gender violence within civil society" as one of its goals (LOVG Art. 2(i)). I argue, however, that state authorities' new promotion of Kalé women's participation works as a smokescreen that counters resistance and, in effect, maintains gender violence.

I begin this chapter by providing the context of recent policy initiatives and political communication that promote Kalé women's institutional participation in the City of Madrid. I position this change of posture at the political level within the CRT literature that critically examines multiculturalism. I then illustrate this scholarly debate with data I collected through participant observation during the mediatised institutional events which NGO beneficiaries were expected to attend. I analyse the data from three different angles: (1) the performances in which beneficiaries are coerced to partake; (2) the forms of resistance Kalé women deploy; and (3) the defensive reactions those trigger within the gadjo institutional landscape.

### **The spectacle of diversity: context and theoretical framework**

Interestingly labelled "excursions" (*salidas*) as though it were recreational leisure, participation in institutional events was, as any other activity, obligatory for all NGO beneficiaries if they wanted to continue receiving their welfare benefits. Events were usually held once a month, although more public activities tended to concentrate around March 8<sup>th</sup> and November 25<sup>th</sup> – International Women's Day and the International Day for the Elimination of

Violence against Women. While attendance at the River Ceremony was exceptionally not made compulsory for the beneficiaries of the NGO, the rituals and language used were remarkably representative of all the other “excursions” that I could observe. Largely influenced by the International Romani Union’s register, most events relied on the following format: the Romani flag was proudly displayed, the *Jelem Jelem* anthem was solemnly sung; authority representatives and NGOs engaged in an expert discussion, disproportionately highlighting the importance of Kalé women finally representing themselves; and the NGOs’ beneficiaries were eventually called in for an entertainment act – poetry reading, singing, dancing – that focused on freedom and emancipation.

During my volunteering time, there were at least nine formal events organised, with the support of local, regional, or national authorities. These included an exhibition of Romani painters; two events on gender violence within the Kalé community; a presentation of the latest local plan of action for the “social inclusion” of Kalé people; a celebration of the Polish-Romani poetess Papusza for International Women’s Day; the II Congress of “*Gitana Culture*”; the 8<sup>th</sup> April River Ceremony; a presentation on an initiative to have more streets named after women in the neighbourhood; and a festival for social inclusion. I attended about two thirds and partook in the preparations for all those that required some sort of performance. Even though I was volunteering with staff members, my involvement in event management and organisation was kept to a bare minimum and I mostly experienced the “excursions” through the lens of the beneficiaries. I was informed about an event at the same time that they were, tagged along for rehearsals, sat with them all along. We discussed what we were attending, sometimes shared interrogations or disbelief, but I also had the opportunity to observe backstage and more fully understand their motivations as performers as well as broader power dynamics.

Examining what she calls the “politics of documentation” in higher education diversity policies, Sara Ahmed (2007; 2012) argues that the language of diversity and multiculturalism in policy documents serves the sole purpose of promoting “happy” images of post-racial institutions while replacing the language of anti-racism, thus effectively making it unspeakable. She draws from John Austin’s concept of “performative discourse” in linguistics and defines these documents as “non-performative”, in that they are focused on their very existence and their “happy” content rather than on carrying out what they are stating. However, although

Ahmed describes it as “non-performative”, the language of diversity performs *otherwise*: as she herself argues, the “implicit injunction not to speak about racism” in its celebratory tone “[protects] whiteness from being hurt” (Ahmed 2012, 147). It performs as a subtle act of self-defence when the dominant group feels threatened.

Likewise, civil society and political actors in Spain recently shifted towards a discourse embracing Romani recognition and Kalé women’s claims to self-representation, while leaving antigypsyism unaddressed. The NGO where I volunteered, for example, used Kaló and Romani language for its name and project titles, and featured the Romani flag in all its communication material. One of its niche-projects, “*gitana* culture and heritage”, aimed at teaching NGO beneficiaries and their children at school about the history of the Romani people and Romani language. The project activities, albeit relatively unfrequent, were led by Kalé mediators and dealt with quite respectfully in comparison with other projects. Meanwhile, every attempt at naming antigypsyism was policed – even when it was at my own initiative, despite my privileged position as a gadji woman and a researcher who was not bound by financial obligations. Whether or not this was always a conscious strategy, the language of cultural recognition certainly was deployed in order to block discussions on institutional racism. More importantly, during institutional events, this pacifying discourse turned into a performance in the literal sense, as beneficiaries became actors in a spectacle written and staged by NGO staff in partnership with official authorities. As Spain’s past of gendered antigypsyism and its use of theatrical performance to tighten the grip around oppressed groups under coloniality remains unchallenged, Kalé women’s organised resistance turns into an act of entertainment when finally reaching the political agenda.

#### *Kalé women’s participation in institutional response to gender violence*

Research shows that autonomous feminist movements’ mobilisations and opportunities for alliances with political actors play a major role in not only politicising, but also implementing policies in favour of gender equality and against gender violence (McBride and Mazur 2010; Htun and Weldon 2012). In that spirit, the LOVG makes repeated reference to the actions of “women’s organisations” (e.g., *Exposición de motivos*, I) that contributed to raising awareness against gender violence as well as to the importance of collaborating with “associations whose sole objective is the defence of women’s interests” (Art. 12). Strikingly,

the text not only makes no mention of minority women, but it also emphasises that the organisations listed as potential partners should solely focus on women's rights. This was likely driven by a concern that conservative Catholic organisations, particularly those linked to the Opus Dei, would attempt to collaborate with official authorities to promote patriarchal values. However, the underlying call for forming a unitary front and for avoiding to dilute women's struggles in other causes once again relies on a "gender essentialism" (Harris 1990) that dismisses the diversity of experiences, needs, and demands of survivors belonging to minority groups (Crenshaw 1991). In their analysis of the institutionalisation of intersectionality in South Western Europe, Emanuela Lombardo and María Bustelo (2012) show that gender inequality has been hegemonic in Spanish inequality policies and that race was only incorporated in the mid-2000s<sup>26</sup> to comply with the EU Racial Equality Directive (Directive 2000/43/EC), notably the obligation for all EU Member States to establish an institution to monitor cases of discrimination on the grounds of race and ethnicity. While the institutionalisation of gender equality was an endogenous development initiated in the post-dictatorship "transition to democracy" period, the Spanish state needed a stronger push from the EU to start tackling racial inequalities (*Ibid.*). Lombardo and Bustelo further argue that race remains addressed through an individual anti-discrimination approach – by offering legal aid to victims of discrimination – and that consultation with civil society actors remains marginal at the national level (*Ibid.*). Needless to say, the introduction of measures aimed at combating racial inequality, while an important legal development, by no means implies that inequalities are now addressed from an intersectional perspective.

Another way supranational and transnational initiatives have the potential to help bring Kalé women's demands to the agenda is through capacity-building funding. As I reported in chapter 2, Spanish Kalé women have mostly been left out from training projects funded by institutional organisations and donors due to the focus on the Central and Eastern European region in Roma-related projects (Mirga- Kruszelnicka 2018). This, in turn, has often prevented them from developing the skills required to access European project funding (*Ibid.*). The only

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<sup>26</sup> The Council for the Elimination of Discrimination on the Grounds of Race or Ethnicity (*Consejo para la Eliminación de la Discriminación Racial o Étnica*) was, according to Lombardo and Bustelo, announced in Law 62/2003, but not formally created before 2007, and has only been effective since 2009.



Spanish-led project on gender violence within Kalé communities funded by the European Union's Daphne programme, for example, was developed by the Barcelona-based SURT Foundation (*Fundació SURT*), with the support of the FSG. The project "Empowering Women Against Intimate partnership violence in Roma communities" (Empow-air 2012) developed a set of recommendations for practitioners that insist on the fact that Kalé women are a heterogeneous group with diverse needs and complex situations, and that culturalism should be avoided in intervention with Kalé communities. I saw no evidence of those recommendations being circulated or taken into consideration among gender violence practitioners beyond Barcelona.

More recently in Madrid, propelled by the leftist alliance *Ahora Madrid* which was in office for four years under the leadership of Mayor Manuela Carmena (2015-2019), local authorities expressed more explicit commitment to intersectionality. The 2018-2020 Strategic Plan for Gender Equality in the City of Madrid (*Plan Estratégico para la Igualdad de Género en la Ciudad de Madrid 2018-2020*) hence states as its main goal to develop feminist public policies and build a city free from gender violence from an intersectional approach, with particular attention to elderly, migrant, disabled, and homeless women (*Ibid.*, 29). The City of Madrid *Gitana* Women's Committee for Equality (*Mesa de Mujeres Gitanas por la Igualdad de la Ciudad de Madrid*) responded to the adoption of the local plan with a document calling for an explicit incorporation of a Romani feminist perspective on gender violence, recognising the invisibility of Kalé women's experiences of violence and the need for developing alternative approaches to intervention as well as better representation of Kalé women within institutions (*Recomendaciones de la Mesa de Mujeres Gitanas por la Igualdad de la Ciudad de Madrid contra la violencia machista*, 2018). The more radical statements in the Committee's document may have been prompted by the presence of the AGFD among its members and the possibility of allyship with an explicitly feminist municipality after 20 years of conservative mayors. Yet, it also coincided with a drastic shift from colour-blindness towards cultural recognition of the Kalé people at the political level, manifested in the official recognition of the Romani flag and anthem, *Jelem Jelem*, as well as the declaration of April 8<sup>th</sup> as "Day of the *Gitano* People" (*Día del Pueblo Gitano*) by the Council of Ministers in April 2018. While this might represent a genuine concern for representation, many Kalé professionals reported feeling tokenised – "they use us as stickers", complained a former FSG employee – and fear these

announcements are little else than lip service. Kalé women's participation therefore remains little else than symbolic, despite the new efforts to include their voices in the local policies that affect them.



**Figure 16.** “Super Carmena” graffiti, Lavapiés neighbourhood, Madrid, 2017. Photograph taken by the author.

### *Multiculturalism and its discontents*

Critical scholarship on multiculturalism shows that although multiculturalism emerged as a challenge to the “reductive imperatives of monocultural assimilation” (Goldberg 1994, 7), it can take many forms and is indeed often institutionalised “without any critical content” (Chicago Cultural Studies Group 1994, 115). Peter McLaren offers a typology of the various positions adopted in the debate over multiculturalism, covering a wide political spectrum. On the right end is “conservative multiculturalism”, which he argues uses diversity merely “to cover up the ideology of assimilation”, and treats minority ethnic groups as “add-ons” to the dominant white culture, who, like anyone else, “can reap the economic benefits of neocolonialist ideologies and corresponding social and economic practices” and, if unsuccessful, are “[charged] with having ‘culturally deprived backgrounds’ and a ‘lack of strong family-oriented values’” (McLaren 1994, 49). To McLaren, this environmentalist position – akin to conservative interpretations of Oscar Lewis’s “culture of poverty” (Lewis 1966) – is the unconfessed legacy of Christian imperialism and white supremacist doctrines that “[likened] Africans [...] to savage beasts or merry-hearted singing and dancing children” (McLaren 1994, 47). Conversely, “liberal multiculturalism” relies on the premise that all ethnic groups are naturally equal, but not provided with the same opportunities in order to “compete equally in the capitalist marketplace” (*Ibid.*, 51). This position is, however, still based on a tacit

white cultural norm, and fails to problematise whiteness as ethnicity. On the other end of the spectrum, “left-liberal multiculturalism” “tends to exoticize ‘otherness’ in a nativistic retreat that locates difference in a primeval past of cultural authenticity” (*Ibid.*). Examining what he refers to as “white multiculturalism” in the Australian context, Ghassan Hage equally argues that ‘well-intended’ multicultural models of governance still frame minority groups as objects of policy without reconfiguring the racial power balance (Hage 2000). The ‘good’ discourses on tolerance, upon which liberal multiculturalism is based, defends the same “white nation fantasy” as ‘bad’ racist discourses, as their concept of nation remains constructed around white culture, and ‘non-whites’ are “merely national objects to be moved or removed according to a White national will” (*Ibid.*, 18).

A trend towards “corporate multiculturalism”, labelled by the Chicago Cultural Studies Group as “the Benetton effect” (Chicago Cultural Studies Group 1994, 115), has especially been criticised as a use of diversity management to contain resistance and avoid complaints of discrimination within companies (Goldberg 1994, 8). Angela Y. Davis, among others, analyses the “strategies of containment and co-optation” deployed within institutions such as workplaces or prisons (Davis 1996, 40). To Davis, diversity management is a political tool driven by economic interests, mobilised to “[manage or control] a racially, ethnically, and culturally heterogeneous workforce [...] in ways that contain and suppress conflict” and to keep control over inmate populations within correctional facilities (*Ibid.*, 41). She points at the irony of a policy that strives to “understand” difference so that minorities can still perform “‘as if’[they] were middle-class, straight white males” (*Ibid.*, 46).

McLaren deplores that these manifestations of multiculturalism all rely on essentialist accounts of identity – whether as sameness or as difference – and, instead, advocates for a social justice agenda that problematises hierarchies and counters hegemonic forms of knowledge. He refers to this as “critical and resistance multiculturalism”: “Multiculturalism without a transformative political agenda can be just another form of accommodation to the larger social order. [...] Resistance multiculturalism does not see diversity itself as a goal, but rather argues that diversity must be affirmed within a politics of cultural criticism and commitment to social justice” (McLaren 1994, 53). Particularly, he insists on the importance to reflect on whiteness, which he claims “does not exist outside of culture”, but “arrogates itself the right to represent all other ethnic groups [...] [with] the power to colonize the definition of

the normal” (*Ibid.*, 60-61). To return to the Spanish example, although the apparent shift towards multicultural policies is without a doubt serving a pacifying purpose, it does not mean that it is in itself a negative political outcome for Kalé communities. Some may argue that the establishment of this institutional framework, regardless of its motivations, may hold potential for change or, at the very least, provide some tools for (new) dissent and (re-) subversion.

A significant step towards re-politicising multiculturalist policies is, as emphasised by McLaren, deconstructing the white-centric perspective and interests that lie behind them. Davis importantly stresses the spectacular dimension of multiculturalism that is there both for the entertainment and the solace of white people. She recalls “the televisual presence of black people” singing in a gospel choir at the occasion of Bill Clinton’s electoral win, “to create an illusion of victory over racism” (Davis 1996, 40). She describes existing multicultural policies such as the one in place in Canada, that activists have been re-labelling “multiculturalism”, as the display of other cultures “for the Wasps to gaze upon, for the vultures to devour” (Faith Nolan as in Davis 1996, 45). Bonnie McElhinny (2016) also connects Canadian policies with political economic interests, as they strive to adjust to businesses’ politics of advertisement as diverse and embracing different cultures. More specifically, she shows that public apologies for the state’s past wrong-doings to minorities are equally aimed at shifting attention away from structural racism, by focusing on “extraordinary times” of the past (*Ibid.*, 60). Even apparent acknowledgements of state racism are staged in an effort to dismiss it – and polish the image of white righteousness. “Multiculturalism”, Davis says, “has acquired a quality akin to spectacle. [In the United States,] the metaphor that has displaced the melting pot is the salad. A salad consisting of many ingredients is colorful and beautiful, and it is consumed by someone. Who consumes multiculturalism is the question begging to be asked” (Davis 1996, 45).

## **Performing for the gadjo master**

### *Coerced performances and silencing acts*

Indeed, for whose consumption, what audience, are the ceremonials in Madrid really intended? “We need you, don’t leave us alone, we cannot move forward if you don’t help us. [...] We cannot make it on our own!”, exclaimed emphatically a representative of the Institute of *Gitana* Culture during the 8<sup>th</sup> of April celebration, in an appeal to gadjo society. What does

such a statement do other than “protect whiteness from being hurt”? Examining the multitude of racial stereotypes featured in U.S. popular culture and media discourse in what he calls the “spectacle of the ‘Other’”, Stuart Hall (1997) analyses the trope of “happy natives”, which depicts some Black people as deprived of brain capacities but naturally prone for light entertainment and humorous performances (*Ibid.*, 245). Drawing from George M. Fredrickson (1987), Hall suggests that racialised representations portraying slaves as happier under the ownership of white masters multiplied as a response to slave insurrections (Hall 1997). Beyond visual representations, the physical coercion of enslaved and otherwise oppressed racialised groups into partaking in performances has been documented in various instances, notably during the Atlantic slave trade. Enslaved Black people were forced to dance on slave ships to keep in shape during difficult journeys (Prest 2019), a violence that turned them into “vehicles for white enjoyment”, in the words of Saidiya Hartman (Hartman 2007, 22-23 as in Wekker 2016, 165). The violence of this performance was carefully concealed to the white audience. Wekker thus analyses the figure of Zwarte Piet in the Netherlands, as a happy, entertaining figure that was invented during imperial times to comfort whites into thinking that Black slaves could not suffer to the same extent as them and were, therefore, “wonderfully suited to their roles of the enslaved” (*Ibid.*, 165).

As counter-intuitive as this may seem, I argue that the institutional events that celebrate Kalé women retrieving their own voice do so reproducing the “happy native” image and reappropriating Kalé women’s symbols of resistance to safeguard the racial order in place. Indeed, NGO beneficiaries were financially pressured to not only attend mediatised institutional events, but also partake in performances that were written on their behalf. I showed in chapter 5 that NGO beneficiaries risked losing their entitlement to welfare benefits if they failed to attend weekly activities, which were understood as “classes”. Participation in institutional events likewise fell under beneficiaries’ obligations. Mandatory attendance was not always made explicit, but when it was not, they were still encouraged to show up through bargaining: they were for example told that if they agreed to come, they could miss two days of classes; or that they could pick between two events, depending on the day or time that suited them best. The very fact that it was referred to as “excursions” – a term normally used for recreational trips for school-age children – only exacerbated the infantilising dynamics at play. Yet, the events that I observed rarely felt recreational for the beneficiaries with whom I

interacted. At best, they would be clueless about the theme of the event, but many would display an explicit lack of enthusiasm and bitterly ask “how long [they would] have to stay”. The pressure to tag along for events that lasted several hours yet again dragged them away from adult life – they often protested that they needed to be back home to prepare lunch for their children and sometimes successfully negotiated to leave earlier.

Although the NGO staff depicted monthly events as a breather from the beneficiaries’ difficult routines, a chance to get away from their neighbourhoods – and participants did occasionally enjoy eating out together when the option was available –, one might still wonder whom the “excursion” really was meant to distract. Ahead of the events, beneficiaries were asked to “dress proper” and advised, in a lighthearted tone, to “come looking pretty” (*¡Ponte guapa!*). The venues were filled with public figures, NGO workers, and journalists. Even when beneficiaries were only summoned to sit in the audience or did not step onto the stage for a show, they were never truly the audience. The spectator, at the end of the day, remained gadjo society, embodied by state, regional, or local representatives, as well as the media, in charge of communicating a joyful image to the larger public. The NGO staff acted as stage directors by bringing women to the venues and controlling their image. As I could observe during preparations at the NGO premises, the staff were handed ready-made scripts which they would present to NGO beneficiaries a couple of weeks ahead of the performance. Although beneficiaries occupied centre stage for entertainment purposes and opening speeches always paid tribute to their emancipation and self-representation efforts, their participation was restricted to the performed act. They were never invited to the speaker table, which only featured public figures, official authorities representatives, or NGO leaders. Aside from Kalé NGO leaders, Kalé women were kept away from the ‘grown up’ sphere of politics and expert discussions.

In Madrid, the International Day for the Elimination of Violence against Women, shortened to “25N” within activist circles, is widely celebrated, every year, throughout the whole month of November. In 2016 during my field work, the City Council of Madrid and several NGOs working with Kalé women co-organised a large-scale institutional event entitled “*Gitana* women: Reflecting together to combat violence” to mark the 25N international commemoration, in an auditorium-like public venue in the city centre. Although I had attended “excursions” before, it was the first time I could closely observe how ceremonials and

performances were deployed to promote the image of the emancipated *gitana*. Beneficiaries found out a couple of weeks ahead of the 25N, through phone calls or during “classes” at the NGO premises, that they were required to attend either this, or a public march against gender violence in their neighbourhood. Among those who had picked the event, a handful were selected to sing on stage. We gathered, on the day, at the neighbourhood’s metro station to head to the venue together. A large group of us boarded the train, under the puzzled eyes of other passengers. The selected performers touched up their make up and joked over the flamboyant outfits and hairstyles some of them had chosen to wear for the occasion.

The local representatives, in office for barely a year and half, belonged to the first leftist feminist party in power in Madrid. The event was intended as part of a broader awareness raising campaign against gender violence in the city (see figure 13 in chapter 4). The Vice-Mayor, Marta Higuera, greeted all NGO beneficiaries attending the event with a handshake, while we were all handed colourful bracelets sporting the hashtag “#Madridneedsfeminism” and badges calling out against street harassment. We took our seats among an audience largely made up of beneficiaries of various NGOs, disproportionately women, as well as social workers, civil servants, and journalists. Despite Higuera’s respectful gesture at our arrival and the feminist branding of the event, the many NGO beneficiaries present in the auditorium were barely solicited to intervene in the roundtable discussions that proceeded. Nuria Varela, a gadji public figure known for her writings on feminism, was first given the floor as a keynote for the event and put forward as the leading expert on gender violence on the podium that day. She used a didactic tone, striving to explain gender violence to the women in the room. Sitting at her table were Kalé women representatives of NGOs, who thanked her for her pedagogy. Beneficiaries, in contrast, remained silent in their seats. Some attentively listened, but others quickly lost interest, and the future performers led a group expedition to the bathroom to finish putting on their make up. After the coffee break, during which journalists moved around the crowd hunting for NGO leaders they could interview, a different kind of show started, as beneficiaries from various NGOs were finally invited to present their acts.

While I did not observe the planning and rehearsal that took place within other organisations, and each of them is marked with different power dynamics, I was struck by the symbolics of the very first act. It was a video featuring Kalé women dancing and singing in lip-

sync on a pop song celebrating women's personal emancipation – *Ella* (2004) by Spanish singer Bebe. It sang:

Today you're going to discover that the world is there only for you  
That no one can hurt you, no one can hurt you  
Today you're going to understand that fear can be broken with just one door slam  
Today you're going to make people laugh because your eyes are tired of crying  
Today you're going to manage to even laugh at yourself and see that you've made it

Indeed, I was not present when the song was picked nor when the women shot the video. Perhaps they did choose it themselves and enjoyed performing it. Nonetheless, in this very context, the lyrics and form of performance took a whole new meaning. Not only were NGO beneficiaries obliged, through financial bargaining introduced by punitive welfare programmes, to sing and dance – live or recorded – in front of a large audience: the song lyrics, in that case, sounded like an injunction, through the “today, you are going to...” anaphora, to quit crying and show a laughing face instead. The choice of a lip-sync performance – silently moving their mouths to match someone else's voice and words – was ironically representative of the situation. Reminiscent of the *gitana* trope in popular culture that I confronted to the current institutional landscape throughout the dissertation, Kalé women were celebrated, admired as entertainers, but never genuinely considered as first-person narrators.

In dissonance with this persistent objectification, the City Council reported on social media that “the *gitana* woman's voice [was] being heard” and that Madrid joined what was implied to be a movement led by Kalé women, to “chant “No fear of freedom” for the Day of the Elimination of Sexist Violence” (Ayuntamiento de Madrid 2016). The reference to “No fear of freedom” alludes to *Sin miedo a la libertad*, a song originally written by the band La Trova for the Institute of *Gitana* Culture at the occasion of the Third World Congress of Romani Women in October 2011, that the selected beneficiaries of the NGO for which I was volunteering interpreted on stage for the final act. Now frequently dubbed “the *gitana* woman's anthem” (*el himno de la mujer gitana*), the song was regularly performed by the NGO and evokes Kalé women proudly and fearlessly “crossing bridges” towards freedom, without losing their identity. Resorting to such a song for the final act, while choosing as its interpreters women who went on stage to maintain their rights to welfare benefits on which the survival of



their families depended, adequately captured the surreptitious mechanism of oppression that developed in the post-dictatorship era to safeguard power structures.

*From cultural to political expropriation*

Literature on performance under colonial rule has traditionally focused on colonised people's mimicry of colonisers, which Frantz Fanon (1961) depicted as “alienating” and “disempowering” for the colonised (Roque 2015, 202), while Homi Bhabha describes it as a threat to colonisers who see their culture reproduced in an altered form (Bhabha 1967) and Keith Basso viewed it as “a creative way of coping with the white man's invasive presence” (Basso 1979 as in Roque 2015, 203). More recent scholarship focuses on colonisers' imitations of colonised peoples' cultures, such as Julia Prest's research, that shows the ways in which French colonisers in Haiti, then Saint Domingue, reappropriated slave dances to make them less threatening (Prest 2019). Oppressors attempt to take over the irrational and uncontrollable expressions of the racialised body to reassert their power over it.

In the same vein, Kalé people, especially women, have been objectified and imitated for entertainment purposes for centuries in Spain. This trend reached its peak in the second half of the 18<sup>th</sup> century with the *gitanismo* movement, literally “Gypsyism”, that consisted in performing “in a Gypsy way” (Ángel Vargas 2019), and soon enough turned into the recurrent use of stereotypical “Gypsy” characters in theatre, dance, and opera performances, portraying them as “only interested in love affairs, robbery, and parties” (*Ibid.*). Flamenco art emerged around the same period as a form of resistance inherited from Black slaves' dances that Kalé people had encountered in Seville (Meira Goldberg 2014): the *bulerías*, K. Meira Goldberg notably argues, developed as an “explicitly entertaining yet implicitly derisive mockery of the master” (*Ibid.*, 108). Gadjo society saw flamenco, particularly when performed by women, as mesmerising and yet disturbing, sexual, and indecent – recalling past Catholic leaders' argument that Kalé women were sinful temptresses. To contain the threat it represented, Spanish gadjo society also reappropriated flamenco, to the point of brandishing it as a symbol of Spanish national identity and being consequently further orientalist by the rest of Europe (*Ibid.*).

Wearing purple scarves around their necks to match the feminist-themed event, the women who were picked to perform *Sin miedo a la libertad* for the final act of the 25N event

played the song to the beat of the *palmas* (handclapping) and the *cajón* (percussion instrument), while the staff recorded the act on their phones to later share it on social media. As manifest that day, the performances staged during events celebrating cultural recognition and Kalé women's emancipation use elements of flamenco in a polished form, as a clever subversion of its emancipatory roots, to safeguard the institutional order. Extending the Spanish music industry's erasure of Kalé people from the history of flamenco – which Rafael Buhigas (2018) describes as “cultural expropriation” – to political communication, symbols of Kalé cultural production can now be seen as part of the post-racial discursive strategy mobilised to cool down dissent. As I showed here, the reappropriation of Kalé codes of resistance and staging of a “happy” image of Kalé women finding their voices through state-sponsored programmes help maintain the racial *status quo*.

### **Performing against the gadjo master**

*“Let's go sing for the jambas!”: resistance from within*

However, the women were never fooled by the set-up. During a trip back to Madrid to visit some of the beneficiaries with whom I had kept in touch, one of them invited me to a Christmas show held in the Cultural Centre of their neighbourhood, for which they were hired to sing traditional Kalé Christmas carols, *villancicos*. This was, to my knowledge, the only time they were paid for a performance: about €20 per person – still quite a small remuneration for a one to two-hour-long performance. On our way to the centre, before opening the door, she complicitely turned to the group and joked: “All right, let's go sing for the *jambas!*”.<sup>27</sup> They always knew what they were in for. Again, as I explained in chapter 5, “for [them], it's like going to work”. Although many did come to the “excursions” dragging their feet and feel poorly informed about what it was they were about to attend, beneficiaries kept control over their act and made strategic use of it. The staff still had to negotiate to convince them to participate – through the possibility to miss a class or two, a free lunch or, at the occasion of the *villancicos* Christmas show, some pocket money for the singers. The beneficiaries never forgot their own bargaining power and were often abundantly clear about their intentions. The

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<sup>27</sup> Gadje women.

day they were asked to attend the presentation of the new Social inclusion action plan of the City of Madrid, for example, a group of them gathered and, showing how little they felt represented by the policy, grinned: “there wasn’t even any free food, we came for nothing!”

The performances in themselves were a lot more complex than mere acts scheduled and directed by NGO staff. Beneficiaries did not merely read the script that was handed to them – they often revisited and reappropriated it. I frequently witnessed them going off script, singing their own songs, dancing out of the blue and, sometimes, engaging in subtle mockery and derision. For example, towards the end of my volunteering period, one of the mediators took us to an event for which she had received an invitation. Unsure about it, she explained that “it [had] something to do with gender”. We ended up facing two women working for the City Council’s Equality programme who were planning to give a presentation on renaming streets after women in districts of Madrid. Despite their endeavour to engage with women from the neighbourhood, the disconnect was blatant: after taking a significant amount of time listing all the women featured on Madrid street signs, they argued for tributes to “important women in Spanish history”, all of whom might have been, arguably, important figures, but did not resonate with the Kalé community. The whole group was distracted and chatted while the presenters talked. Other women in the room, mostly representatives of the City district’s Equality body, frowned, shushed, and scolded them. In response to the infantilising reprimands, two women of the group engaged in a mockery game. They frantically nodded at everything, exclaiming “ah! How interesting!” and, comically, asked for a notebook and a pen, although neither of them could write. While they pretended to be taking notes, the presenters and organisers, visibly deceived, became all the more enthusiastic about their presentation. Most of the beneficiaries present in the room, who were sitting behind the two and could enjoy a full view of the fake lines on their notebook pages, were laughing to tears. The mediator discretely laughed along, too. After the event, a couple of them came to see her and joked, light-heartedly: “We are going to lynch you! What did you take us to!”. Although the NGO beneficiaries’ reactions might have been considered rude, one could hardly expect enthusiasm after being faced again and again with feminist projects that neither included nor represented them. Yet, among the laughter and derision, several of them still intervened to point out that they would have liked Kalé women to get recognition in their neighbourhoods – mentioning the artist Carmen Amaya, but also a “woman of respect” they all knew, who had recently passed away.

This event was peculiar in the sense that it only involved a group led by a mediator alone, and that neither the social workers, nor the NGO's president were present. It was also far too low-profile to involve any media. The women therefore had more freedom in the way they could behave, notably because they enjoyed a relationship of trust with the mediator, who they knew would not reprove their behaviour to the same extent. Nevertheless, it was noteworthy in that it showed that women did not lose their agency and could subtly reverse the power balance, while still fooling their 'audience'.

The subversion strategies sometimes took larger proportions. Some Kalé women activists attempted to use the institutional tools in place to advocate for a radically different agenda. This could represent an opportunity to be heard by NGO beneficiaries and enjoy the already acquired mediatisation of the events that are regularly organised through state-NGO partnerships. However, offering an alternative to the dominant narrative *within* the space that created it is difficult and sometimes left activists in a vulnerable position. Among the main civil society actors who try to promote a counter-narrative to the "Spanish model" fantasy, the *Asociación Gitanas Feministas por la Diversidad* (AGFD) was the most vocal at the time of my field work. Formed in 2013 as a social movement in opposition to the dominant pro-*gitano* institutional framework, they adopted an explicitly anti-racist discourse that was especially critical towards the FSG, which they referred to as clientelist and colonial. They operated for the most part outside the funding schemes made available by the state and had long relied on fundraising through flamenco concerts, claiming back flamenco art as a tool for resistance and alternative mobilisation. From their early days on, they had been controversial among pro-*gitano* institutions, for touching upon issues considered taboo – Romani LGBTQ representation, gender violence, but also state racism.

On the day of the event organised for the 25N, María José "Guru" Jiménez, then president of AGFD, was invited to join the expert roundtable. Using the occasion to break down with the usual patterns, she attempted to transgress the event setting, by getting off the stage and speaking standing from the audience, directly addressing the NGO beneficiaries who were normally excluded from roundtables. In dissonance with the rest of the event's narrative, that celebrated Kalé women 'finally' understanding mechanisms of gender violence and resisting the men from their communities, her intervention very explicitly stressed the racial power relations that were at stake both in the event's set-up and within society in general. She

explained that as much as she admired Nuria Varela and the books she had written, she was not interested in holding her as a role model. As a Kalí, she carried on, her role model would always be her mother, who woke up every morning at 5am to go to work. She did not want to have gadje feminists imposed on her as examples to follow. She spoke at length of the everyday racism Kalé women experienced, that gadje women would never be able to fully understand. At this stage, several Kalé women in the audience applauded her and shouted “true!” – but by and large, her intervention was mostly dismissed and met with the outrage of the NGO representatives in the room. The NGO’s social worker and treasurer, sitting right behind me, sarcastically interjected: “Because we gadje women are stupid!”. A beneficiary sitting on my left turned to me and said, perhaps in an attempt to appease me: “She is saying stupidities. Gadje women help us out a lot”. Interventions that followed expressed their disapproval with Guru’s statements, which they treated as verbal attacks. Varela regretted that Guru could not “embrace difference” and that her intervention had distracted the conversation away from combating inequality. She defensively added, as though she had been individually singled out as racist: “I happen to have adopted a beautiful Nepali child, who is not *quite* white!” A large part of the audience cheered enthusiastically, while Guru kept silent, with a vanquished look on her face.

At the coffee break that followed, puzzled by the hostility that Guru’s anti-racist discourse had met, I interrogated the social worker who had called her out during her intervention. She shook her head and explained to me how she had felt discriminated by Guru and her organisation for being a gadji during a preparatory meeting for a conference on Romani feminism – an event which, I later found out, the AGFD had been trying to organise for long, with the tools and funding schemes available in the City of Madrid. She told me that the way Guru used the word *paya* (gadji) was “insulting”, and went so far as claiming, with emotion, that “she criminalised gadje people”. Some beneficiaries also seemed to have internalised this ban on addressing race. When I asked two of them how they felt about her intervention, they shrugged: “She got off topic. This event is about gender violence, not about racism.” Their response pointed at a failure to enact and process intersectionality, despite recent attempts to institutionalise it.

Many of the event participants still held a grudge against her and her organisation months later, and the social worker and treasurer seemed to resent me for having agreed with

her that day. In particular, as I criticised the *Comunidad de Madrid* treasurer for her racist tirade at the NGO premises (as described in chapter 5), the treasurer choked: “so you have a problem with her, but you agree with Guru?!” I even occasionally overheard them dismissively calling AGFD “the lesbians”. They seemed to view AGFD members as traitors, who had started out working with the institutions in place, only to attempt to challenge them from within and to then attack their gadje colleagues when they expected it the least. Needless to say, Guru’s intervention, that day, was not much of a success, even with the beneficiaries of the NGO, who seemed torn between discourses on racism they related with, and their allegiance towards social workers who routinely helped them obtain their welfare benefits as well as with other administrative operations. All the same, I showed that beneficiaries also engaged in individual acts of resistance when participating in the events. Moreover, the confusion and hostility Guru’s words caused indicate that she did light a spark for collective forms of resistance, which I will now address.

### *Collective counter-mobilisations*

AGFD’s counter-narrative has been gaining some positive attention, to the point of seeing their discourses reappropriated and washed out by organisations like the FSG. For over three years, they attempted to organise a “Romani feminism congress”, first with the help of other NGOs, and then on their own. After much controversy over representativeness, better established NGOs, such as the one I volunteered for, ousted them from the organisation of the event, on the ground that their claims over representation were too radical. It was finally with the financial and institutional support of the Open Society Foundation, the Fundamental Rights Agency of the European Union (FRA), and the City of Madrid, that their congress took place in November 2017, a year and half later than the originally intended date. In parallel, two events with surprisingly similar titles and programmes were set up a month earlier in Alicante and Madrid, in both cases at the initiative of the FSG and other NGOs (figures 17-19 below).



**Figure 17.** I Congreso de Feminismo Romani Europeo (AGFD), November 2017 (left).

**Figure 18.** Jornadas Valencianas sobre Feminismo Romani (FSG; Universidad de Alicante), October 2017 (middle).

**Figure 19.** Primeras Jornadas de Feminismo en la Cultura Gitana (Red Artemisa), October 2017 (right).

The AGFD did not take long in reacting to condemn the phenomenon. In a statement they released on their website (2017a), they referred to the conference in Alicante as a “great theft” and denounced the plagiarism of which they were victim. Yet they also reasserted their critical potential, claiming: “if gadje foundations and university centres are so afraid of us, it must be because we are doing and addressing things right” (*Ibid.*). Despite the similarity in language, the programmes of the latter events still failed to address the structural racism inherent in the pro-*gitano* institutional landscape, whereas race and coloniality were core components of the AGFD congress’s agenda. In her opening speech, Ana Giménez Adelantado, a Kalé anthropology professor and currently co-chair of AGFD, defined the event’s endeavour as a “struggle against racists, colonialists, who try to manipulate the image of *gitana* women; but we are not going to allow it.” She directly called out the institutional landscape and the oppressive acts staged during mediatised events, claiming that “[Kalé women were] not puppets manipulated by administration.” More explicitly yet, Guru intervened later in the day to encourage Kalé women to desert the gender empowerment programmes working in partnership with welfare services: “We have to turn over this stinky sock. [...] Let us not go to those miserable literacy and manicure classes. [...] This is not feminism.”

In other words, AGFD resorted to the funding, venues, and other material support that the institutional framework could offer them, only to turn the dominant narrative on its head and call for resisting, even boycotting, the system as it was. The parallel between this event and the ones I was used to attending was striking. The congress took place at the *Casa del Reloj*, a cultural venue owned by the municipality where many institutional events were held, a week ahead of the 25N, exactly a year after Guru's intervention, which had given her such bad press. Representatives of the international organisations and local authorities which had provided funding and other forms of support to the organisers – including the very same City Council division that had co-organised the 25N event exactly a year earlier! – delivered routine speeches in the opening. More importantly, the cultural symbols that were recurrently used in the high-level events to which the NGO took its beneficiaries were also present: the Romani flag, the use of Romanes, musical interludes, including *Jelem Jelem* and *Sin miedo a la libertad*. However, they were mobilised in a subversive, or re-politicised manner. Whereas the interpretation of *Sin miedo a la libertad* was usually staged for the entertainment of a predominantly gadjo audience, here the whole crowd, among which we gadje were a minority, sang along with raised fists. The musicians who came up on stage were mostly event participants, and/or members of AGFD, and their flamenco acts were critically mocking racist institutions and re-asserting self-representation. Several AGFD members were artists, including musicians and *bailaoras* (dancers). Whether in their early stages of fundraising or during this more mediatised and institutionally-supported event, they re-claimed flamenco and Kalé musical culture in an explicitly critical form.





**Figure 20.** Conference organisers and performers at the AGFD 1st Romani feminism congress, Madrid, 17-18 November 2017. Photographs taken by the author.

While the format remained similar, the programme content and the attendees differed significantly from what I would normally see. Groundbreakingly for an event funded by official authorities and international donors, panel discussions connected Romani feminism to other groups of racially minoritised women and located the violence they experienced within a wider system of oppression rooted in the coloniality of power (see figure 21 below). In a radically opposite discourse from other events and workshops on feminism within the Kalé community, which framed it as a new and much awaited phenomenon that followed the footsteps of gadje women, speakers massively rejected the objectification of Kalé women featured in the institutional events organised by official authorities and gadje practitioners and activists. “*Paya* feminists tell us: Ooh, you are so cute – here are 10 million euros, go and organise me some conference!”, mocked Guru, alluding to the tokenisation of Kalé NGO leaders more than to the staged performances of NGO beneficiaries. In reference to the narrative and teacher-student power dynamic imposed during the gender empowerment workshops that I analysed in chapter 5, several speakers made the statement that Romani feminism was neither new, nor the monopoly of the educated class. Writer and activist Silvia Agüero Fernández for example offered a detailed inventory of Romani feminist figures throughout history, to support that feminism was not a gadjo concept (figure 22 below). The disrupted narrative also manifested in their rejection of the neatly managed, pre-arranged settings that were common to other institutional events. Agüero, who self-identifies as a lactivist, attachment parenting advocate, and challenges adultcentrism in her writings, openly breastfed her toddler during her panel and

let her play around on the podium. “Are we or are we not feminists?”, she laughed pointing at her daughter. In asking this, she reasserted feminism as a Kalé praxis. The official representatives who likely would have found her child’s comings and goings disruptive in the carefully staged settings of regular institutional events did not resonate with Kalé women’s usual forms of socialising.



**Figure 21.** Group hug between representatives of anti-racist collectives. AGFD Congress 17-18 Nov 2017.

**Figure 22.** Panel on Romani feminist legacy in cultural and knowledge production. AGFD Congress 17-18 Nov 2017. Photographs taken by the author.

Another significant drift away from other institutional events was the fact that the congress ended in a protest on the busiest square of Madrid, the *Puerta del Sol* – a symbolic location often chosen for protests, which had hosted the revolutionary 15M assembly (or *Indignadxs* movement) six years earlier, in 2011. Before taking all participants to the city centre on a rented bus, the organisers insisted that showing up at events would not suffice – they needed to apply what they were discussing and demonstrate it in public. On the bus, one of them, cheered by all passengers, read out the manifesto they had written down for the occasion (see figure 23 below). Part of it read as follows:

“We raise our voices as citizens against the institutions, administrations, and organisations that perpetuate a racist and colonialist model of subordination and colonisation over our bodies and identities.

We reveal and denounce the clientelist networks that protect, sustain, and perpetuate systems of domination and oppression to take advantage of the poverty and misery of our people.

[...] They can manipulate the most vulnerable and dependent *gitano* women and men. They can come up with new strategies for counter-revolution from their position of power,

but they will not be able to silence the powerful, strong, and clear voices that will never stop denouncing the institutional racism of these practices.

Now and as always, we will resist. OPRE ROMNIA!”

The manifesto (AGFD 2017b) explicitly referred to the existing pro-*gitano* institutional framework’s activities as “strategies” for pacifying Kalé resistance – a discourse that was, at the time, already widespread among Kalé communities, but non-existent or, as they pointed out, “silenced” within such institutions. It reasserted Romani pride as combative and historically rooted, as opposed to the settling gratitude that was for instance put forward during the River Ceremony – which, coincidentally, had taken place right next-door half a year earlier. Even when it resorted to Romani language – once again similarly to state institutions’ ceremonials, and although it is barely spoken among Spanish Kalé – the phrase that was chosen, *Opre Romnia!* (“rise up, Romani women!”), marked defiance and posed Kalé women as subjects of resistance rather than objects of “empowerment workshops” or spectacles to please authorities.



**Figure 23.** A member of the AGFD reading out their manifesto on the bus taking participants to the protest on the Puerta del Sol. Photograph taken by the author. Madrid, 18<sup>th</sup> November 2017.

Once at the Puerta del Sol, a large group gathered in plain sight of all tourists, shoppers, street vendors and performers, holding a gigantic Romani flag sewn by the organisers (figure

24 below). Accompanied by *palmas*, the protest chants included the following sarcastic lines: “What’s happened? What’s happened? The little *gitanos* have rebelled!” (*¿Qué es lo que ha pasa’o? ¿Qué es lo que ha pasa’o? ¡Que los gitanicos ya se han rebela’o!*). A couple of the participants started dancing over the flag. Some of the street vendors selling lottery tickets, who were Kalé, clapped along or watched the show amused. A Romani migrant woman on the square joined our crowd for an instant too.



**Figure 24.** Concentration at the Puerta del Sol with the participants of the AGFD congress. Madrid, 18 November 2017. Photograph taken by the author.

Yet, despite the impressive immediate effect of this performance and display of solidarity, most women from Kalé communities were not informed that the event was happening, because NGOs chose not to communicate it to their beneficiaries, as I later found out talking to some of the them. Even the protest performance, although it probably reached out to more people than a conference held behind closed doors, did not take place in neighbourhoods of Madrid where a larger number of Kalé women would have encountered it. Moreover, the fact that the event was attended by a different crowd did not merely reflect its success in being subversive. Challenging the supremacy of certain organisations, and particularly the FSG, also jeopardised their ability to reach out to more people. During a coffee break, one of the AGFD members tried to gather event participants so they could record individual videos. As she added “...if you don’t work for the *Secretariado!*”, people around

her awkwardly laughed and asked what she meant, to which she responded: “Well, otherwise they will fire you!” Not only did some of the most established organisations hijack the event by setting up their own in parallel just a month before the AGFD’s, but also, the AGFD organisers invited all NGOs, and yet received no response. “We got tired of inviting them!”, they complained. Their reaction to this boycott movement was to shrug and let them be – as Guru suggested: “let these people keep their seats, they can continue making money, [...] but let us just leave them alone. [...] What do we lose [...] if we already have nothing?”. However, despite the media coverage they managed to get from the event, and the blow they were dealing to the current institutional framework, they were without a doubt affected by other organisations’ unwillingness to cooperate. The barrier erected and safely guarded by NGO gatekeepers was not really broken through. In the following section, I will analyse the sabotage strategies mobilised by institutional representatives and what they represent for Kalé women working for racial justice at a more structural level.

### **The master’s barricade**

#### *Sabotage strategy 1: blame shifting*

Although Kalé people have publicly shown resistance to the policies that target them both within activism and academia, and new critical collectives and initiatives emerged in the recent years, AGFD were the only ones who visibly attempted to subvert the existing institutional framework *from within* during my field observations. The various challenges they encountered in doing so not only evoked that “the master’s tools will never dismantle the master’s house”, as Audre Lorde famously declared (Lorde 1984), but further, that the master seized the tools that the subaltern had forged for their own emancipation, and built a barricade to prevent any attempt to retrieve them. This barricade is material, as when dissenting voices are denied funding, excluded from institutional partnerships for having “criminalised gadje”, boycotted, not advertised among targeted audiences, and even “robbed” (in the words of the AGFD) from their ideas and subversive concepts. It is, however, also symbolic and greatly marked by affect: the gadjo counter-response was indeed as emotional as it was strategic, through public displays of anger – “because we gadje women are stupid!” –, or mockery – “the lesbians!”.



Robin DiAngelo (2016) refers to the negative emotional reactions among white people triggered by discussions on race as “white fragility”. She explains them as “the result of the reduced psycho-social stamina that racial insulation inculcates” (*Ibid.*, 247). White people become defensive when extracted from the familiarity of their racial bubble – but in a white supremacist order that relies on “tolerance” and categorises racism as morally wrong, whites are especially reluctant to acknowledge complicity (*Ibid.*). Richard Delgado and Jean Stefancic more explicitly analyse hostility towards change and self-reflection among the white majority as a “narrative of imposition”, which they argue shows up when the reforms that minority groups have been working towards become threatening and start causing unease to those who hold privileged positions in society (Delgado and Stefancic 1997). This defensive narrative, they contend, is usually resorted to when change has gone ‘too far’ and majority society feels attacked by it, thus swapping roles of aggressors and victims. It relies on a wide range of arguments, including that groups demanding change do so for hidden motives, are asking for special treatment, acting ungrateful or unfairly accusing the innocent (*Ibid.*). As I discussed in chapter 2, Wekker also shows that European nations’ failure to take responsibility for their colonial legacy results in a blame shift onto racialised minorities, a defence mechanism aimed at protecting whiteness, which she has labeled “white innocence” (Wekker 2016). To return to my argument, the general aversion to discuss antigypsyism and name race in doing so functions as a sabotage strategy that may lead Kalé women to question their own experiences of racism and, even, to feel responsible for making gadje people upset or for “discriminating” them – as suggested by some of the responses triggered by Guru’s intervention during the 25N institutional event. This mechanism is otherwise known as “gaslighting” in the context of intimate relationships (Sweet 2019) and has also been linked to microaggressions against racialised people speaking up against their experiences of racism (Johnson et al. 2021).

### *Sabotage strategy 2: exhausting opposition*

Those who publicly demand justice are all the more charged with various types of accusations to discredit their arguments and proposals for moving ahead. When I first met with AGFD members in 2015, they explained to me that Kalé women taking the streets to protest, as they were doing, was unprecedented in the Spanish civil society landscape. Anyone “trying to challenge the institutional *status quo*” would quickly be pushed out of the spotlight, they

said. When leading alternative mobilisations from their early years on, they were kindly asked, through discrete phone calls, to call off their protests, and were eventually forced to self-finance. This was not only limiting their chances for collective action: it was also immensely taxing physically and emotionally, as they had full-time jobs, sometimes even working as frontline social workers for the FSG. “And then, it burns you, it burns you so much!”, they despaired.

The fact that Kalé women end up in financially unsustainable situations, but also risk their physical and mental health when fighting back, is another form of violence exerted against them. It is also gendered as women are systemically the ones resorted to for cheap labour and entertainment purposes. As I analysed in chapter 5, Kalé women working on the frontline as mediators or FSG employees work with a significant emotional workload in return for meagre remunerations. A former FSG employee hence regretted: “You have Kalé women working for free to provide the work for which others are earning money at the European level.” The strain on Kalé women’s budget and health caused by the conditions in which they perform their community work and political mobilisations resembles the “activist burn out” that racialised minority people have been described to suffer from in anti-racist social movements (Gorski and Erakat 2019). Whether they want it or not, Kalé activists operate within an institutional framework designed for the gadjo majority to which they are, tacitly, expected to owe allegiance. Even within a civil society landscape that aims to act as their ally, they see their negative experiences minimised and are expected to show gratitude. Whether they are employed by the structures implementing gender empowerment programmes or lead explicit counter-mobilisations, they become exhausted literally as much as figuratively. The burn-out they are pushed in eventually contributes to dismantling their capacity for self-defence. As AGFD activists denounced when I interviewed them, this works as a “structural, institutional strategy to get rid of the *gitano* people”, “because [the Spanish state] hasn’t managed to do it otherwise.”

### **Unveiling the “hurt and rage”**

It might well be that political events which are traditionally seen as showrooms for gadje people are not the best arena for critical dialogues among Kalé women. Whereas the negative portrayal of the Kalé as a separatist minority persists within gadjo society, Kalé

women's many efforts to share their perspectives outside of their communities often backfired and left them exposed to further harm. On the other hand, the fact that political actors increasingly try and institutionalise their cause, albeit sometimes in a depoliticised form and with a view to containing criticism, still contributes towards making it visible. It may also make new sources of funding and venues available for Kalé activists that until now had been denied access to participating in the public sphere. The latest policy developments in favour of recognising and legally codifying antigypsyism, through the creation of the Kalé-led parliamentary subcommittee for a National Action Plan against Antigypsyism, suggests that their work has not remained in vain. If carefully monitored to ensure its institutionalisation does not obscure race again – as anticipated by Oprea and Matache at the supranational level (2019) – the recognition of antigypsyism has the potential to finally open the discussion on gadjo complicity and mark a real rupture with centuries of fantasised objectification of Kalé women. Letting the pain out – the “hurt and rage”, in Sara Ahmed's powerful words (2009, 48) – and taking responsibility for it is the only way forward.



## CONCLUSION

Over the course of my research, I more than once heard myself promise interviewees that I hoped to open a dialogue between practitioners and Kalé women, bridge the existing gap. One day, as I uttered those words talking to a Kalé NGO worker, I noticed a politely concealed frown on her face. She kindly kept them to herself, but I could hear her thoughts loud and clear – bridge the what, now? That fleeting moment of awkwardness led me to a timely epiphany. Besides the obvious fact that I was showing signs of white saviourism, it struck me that, even after I had reconsidered my initial research question to reflect on antigypsyism, I would still, off the record, wander into the gap narrative. Although it currently prevails in policy documents, that narrative is dangerous. Suppose we were not talking about the state, but about an individual perpetrator. Would we tell a woman experiencing abuse that she should just give the offender the benefit of the doubt, clear out the misunderstandings, and move back in? Or would we respect her expressions of caution, her efforts to find safety in her own terms, perhaps her wish to separate?

I initiated my doctoral project pondering what obstacles might still prevent Spanish Kalé women from knocking on the door of state authorities when faced with a dangerous situation. An inclusive legal and policy framework had been around for a decade, access to services seemed rather comprehensive in Madrid, so what was it? In the meantime, scientific and policy initiatives were developed across Europe to tackle the unaddressed question of access to justice for Romani women (e.g., the joint EU/CoE project JUSTROM initiated in 2016), often suggesting their communities' customs or social marginalisation increased their vulnerability to gender violence. Conversely, I was determined to challenge the premise of state neutrality and, more specifically, the widespread assumption that Romani groups could not access services because of their own culture or lifestyle. However, rather than pointing me in the direction of the golden missing piece, my interactions with research participants took the puzzle apart entirely.

From the perspective of Kalé women, the narrative of benevolent authorities offering them protection from an abusive partner is hard to swallow. Their relationship with the Spanish state is a rather traumatic one. Their ancestors' trust was violated after agreeing to register with public authorities, only to be massively arrested, separated from their children, and physically

harmed. Should anyone argue back that those dark days belong to the past – things have changed! – I would remind them that Kalé women to this day are still put through daily policing, belittling, economic control, and neglect. Perhaps a likelier counterargument, then, is that state governance is made up of many layers, conflicting views, and power dynamics, and that the pro-*gitano* and gender violence institutional frameworks were designed to protect Kalé women against harmful institutional practices – not enforce them. Admittedly, many actors working within pro-*gitano* NGOs and gender violence specialised institutions do care and provide necessary immediate assistance. Yet, however well-intentioned practitioners and NGO workers may be – as well as emotionally engaged and, often, professionally exploited –, the broader structures within which they operate and the quasi-systematic dismissal of discussions on antigypsyism prevent Kalé women from healing from the abuse they and their ancestors have endured. Meanwhile, by asking what material or discursive barriers stand in the way of Kalé women reaching out to state authorities, we disregard women’s agency and the fact that, when considering their options to find safety, they may be making the informed choice of turning elsewhere for support. Using the tools developed by Critical Race and Critical Romani scholars to conceptualise the stories of research participants, I made the racial foundations of the legal system my object of inquiry. I explored the ways in which the Spanish history of antigypsyist governance and specific targeting of Kalé women manifests in the current gender violence framework, as well as how it is concealed in professionals’ everyday practices.

The comprehensive approach to tackling gender violence, as codified in the 1/2004 LOVG, justified a research design that went beyond the judiciary and included a wide array of institutions, including non-state actors. I found that practitioners across all institutions and policy areas had little trouble moving past the colour-blind ban on ethnically disaggregated data and naming Kalé ethnicity – but only to support a culturalist reading of gender violence which put the lives of Kalé women at risk. Although new feminist research conducted in Spain backs up this first finding, I questioned the widely accepted diagnosis that secondary victimisation occurs due to arbitrary practices, “aberrations” in the system (Wing 2000, 4). Relying on archival work on Spain’s history of antigypsyism – carried out predominantly by Kalé scholars such as Isaac Motos Pérez, Patricia Caro Maya, or Ismael Cortés – which I thoroughly reviewed in chapter 2, I made the claim that gender violence practitioners’ negative

representations of not only Kalé culture, but Kalé women specifically, was rooted in a long history of targeting the figure of the *gitana* as enemy of the nation.

Revisiting the four main pillars of state intervention, also known as the 4 Ps, I challenged the endeavour to repair the cracks of an otherwise solid system, and argued that, notwithstanding the individual assistance which practitioners occasionally provide in emergency situations, the gender violence framework acts as a site of production of violence against Kalé women.

The assistance provided by specialised judicial institutions and support services falls under the first two pillars of state intervention: prosecuting the perpetrator and protecting the victim. Nonetheless, in logical continuity with centuries of policymaking and knowledge production categorising Kalé women as a threat to the integrity and purity of the Spanish nation, Kalé victims going through proceedings remain potential targets. I showed in chapter 3 that the gender violence framework heavily relies on incarceration in its implementation, in disregard for Kalé women's traumatic experiences with law enforcement and carceral facilities and their tangible risk of becoming criminalised despite coming in as plaintiffs. Confirming their fear, I demonstrated in chapter 4 that gender violence protection network practitioners did not merely stigmatise Kalé culture, or Kalé masculinities, as violent towards women, but specifically blamed Kalé women as fully responsible for the violence occurring within their families or communities. Consequently, they also rejected the presence of Kalé support networks. I thus exposed practitioners' strategies to avoid fitting Kalé women into the victim category as mechanisms of abuse: targeting, threat of physical punishment, isolation from their peers. Importantly, I argued that those mechanisms were not only likely to cause distress to plaintiffs, but also to put them at greater risk of harm from their current or former partner.

Meanwhile, the broader institutional framework, remarkably unaddressed by existing literature, fosters an environment which makes it significantly harder for Kalé women to escape and fight abuse. As their main interface with state authorities, NGOs working with Kalé women do provide limited material and emotional support, albeit not to the extent suggested by scholars who cheer them as a model for other European states. Nevertheless, they operate within a punitive scheme which maintains women in a dangerous position of vulnerability. It has been documented that, as large proportions of Kalé women rely on welfare support to provide for their households, regional social services condition their rights to benefits on their

weekly participation in so-called gender empowerment programmes (Ayala Rubio 2012). Exploring the contribution of such programmes to the prevention pillar, I showed in chapter 5 that the shift towards gender empowerment did not occur simply because beneficiaries happened to be disproportionately women (*Ibid.*), but as a surreptitious strategy to carry on what religious authorities attempted in the past, to keep Kalé women, considered unruly, under tutelage. The programmes outsourced to NGOs, first designed to “activate employment” for women, discarded Kalé women’s main economic activities as no proper employment and yet failed to support them in job search and training. In other words, I found that they worked to maintain long-term economic control over women. What is more, in total dissonance with their stated purpose to empower women to prevent gender violence within their communities, the financially binding activities were facilitated in a way that forced beneficiaries into an infantile position. The paradox took even larger proportions, as I demonstrated in chapter 6, in my analysis of local authorities’ commitment to the participation of Kalé women. The outsourced welfare providers publicly self-advertised as Kalé women’s community initiatives and coerced beneficiaries into mediatised performances using Kalé cultural codes of resistance to showcase alleged self-representation. Yet again, several centuries of state abuse persist in a subtle game of manipulation which fosters dependency, convinces wider society – even outside Spain – of only bearing good intentions, and gaslights Kalé women when they try to protest.

The research sub-question that followed – the strategies deployed by institutional actors to conceal race – directly relates to the happy face on display during public ceremonies. It is, indeed, rather telling that the recently published literature on secondary victimisation of Kalé women within the gender violence framework highlights culturalist narratives without addressing race. The 1978 Constitution adopted in the wake of Francisco Franco’s dictatorship is often signalled as a turning point in Spanish political history, the beginning of a new pluralistic era, marking the first step towards “[the recognition of Kalé people] as full citizens” (Fresno 2002). Its article 14 recognised that all Spanish citizens were equal before the law without any form of discrimination, including race, while discriminatory measures targeting Kalé people were wiped off from Civil Guard regulations half a year earlier. In the Spanish imaginary, racial governance is dismissed as belonging to a dark and remote past, when it is at all acknowledged that the Spanish state persecuted racialised minorities. The shift away from colour-blindness towards post-racialism, however, materialises far more explicitly in the recent

move towards official cultural recognition of the Kalé people. The ceremonies which Kalé women receiving benefits were financially obliged to attend showed off their gendered emancipation in explicit connection to a celebration of their culture. Public officials would pay tribute to Kalé women leading their communities and cheer that “Madrid [felt] very *gitana*”, whereas backstage, discussions on antigypsyism were carefully filtered. Meanwhile, as another strategy to conceal antigypsyism, the welfare programmes, as well as the staging of the events, fed the illusion that they were Kalé women’s community initiatives. If the narrative we hear is theirs, how could it possibly be antigypsyism?

Despite the popularity of the “Spanish model” in scientific knowledge production on the governance of Romani people in Europe, the critique that several Kalé scholars and activists have been voicing over the pro-*gitano* framework and its relation to Spain’s deep-rooted history of antigypsyism remains curiously overlooked. Have the concealing strategies really been so efficient, or is it simply more comforting to continue holding on to a positive story? Returning to the unjust expectations we – practitioners, scholars, activists – have of Kalé women, now is probably the right moment to ask what we should do instead. As I suggested in chapter 2, antigypsyism operates a timely shift away from the (problematically formulated) “Roma question”, towards the “gadjo question”. Rather than ask what is wrong with the victim, should we not ask how the perpetrator can self-reform? Following the feminist agenda to transform society and reinvent relationships without hierarchies, should we not, as a society, engage in non-violence work?

An important first step is to truly share space with Kalé women and let them express their grievances on the spotlight – not just dance in gratitude for what the pro-*gitano* framework has done for them. Besides the wider claims for better institutional representation and criticism towards the *Fundación Secretariado Gitano*’s monopoly among Kalé communities, some activists, such as the *Asociación Gitanas Feministas por la Diversidad*, have been demanding an end to the financial blackmailing occurring within so-called empowerment programmes. More profoundly, the concerns which Kalé women in Orcasitas expressed during our conversations centred on keeping their homes and families safe. As I reported in chapter 5, several interviewees in focus groups dreamed of staying home with their children, locking the door, and throwing out the key. Eviction orders do come on a regular basis in their neighbourhood: they did even during the pandemic lockdowns. Tightly connected to this is the

arbitrary threat of custody loss, which in my research stood out as an explicitly racialised and gendered phenomenon. The stigma around Kalé femininity which I exposed is imbricated with normative motherhood and the trope of the Kalé bad mother. When gender violence practitioners pointed their fingers at Kalé women, they constructed them as irresponsible mothers, the bearers of patriarchal norms, incapable of breaking with intergenerational trauma. Even in NGO settings, where the staff shared friendlier ties with beneficiaries and knew their background stories and their families, I witnessed the threat of custody loss being flagged around for surprisingly trivial reasons. For a state apparatus built on the singling out of Kalé women as bearers of impure blood and cultural traditions, the birth and mothering of Kalé children means the survival of an unwanted minority and becomes a threat to the white nation. Separating mothers from their children is a well-established means of reasserting supremacy. It is also increasingly common in cases of gender violence, as men's rights groups, who are closely connected to white supremacists, have been gaining power in Spain. Only in the case of Kalé mothers, anecdotal evidence suggests their children are disproportionately withdrawn from their families and placed into residential care. This is an area of research that deserves investigation from the perspective of antigypsyism, which I hope to contribute to in the future.

At the political level, much has happened in the few years that followed the Brussels Romani feminist declaration of December 2015. While the activists who authored it demanded visibility for the specific violence experienced by Romani women, in Spain, the issue of violence against Kalé women became hypervisible in the practices and communication of the gender violence framework. As I showed, however, this occurred through a complete denial of Kalé women's agency and of the role of the state in exerting and perpetuating that violence. Still, the 2019 general election results proved both frightening and promising for the Kalé minority. On the one hand, neo-Francoist party Vox and its far-right ideology achieved an unprecedented breakthrough. On the last 12<sup>th</sup> of October – Spain's infamously imperialist national holiday –, Vox party leader Santiago Abascal expressed his pride in the colonisation of the Americas initiated by his ancestors, celebrating it as the “great work of *Hispanidad*”, in an unsubtle reference to Francoist ideology (Guerrero Alfaro 2021). On the other hand, the left coalition government formed after the elections, through the relentless work of some Kalé activists and political actors, finally brought antigypsyism to the political agenda. A parliamentary subcommittee was created to draft a National Action Plan in May 2021 and the

1749 *Gran Redada* was commemorated for the first time in Madrid in July 2021. The introduction of antigypsyism into the Criminal Code is also currently under consideration. While both developments openly challenge the post-racial narrative until then brandished by the Spanish state, the legal recognition of antigypsyism might be the sign that part of the political landscape is willing to take responsibility – a necessary first step towards transformation. It remains to be seen whether it will truly bring about change and lead practitioners to reflect on their everyday discourses and practices.

## APPENDIX: LIST OF INTERVIEWEES

Institution	Position	#
<b>Judicial</b>		
Observatory for Gender Violence of the General Council of Judicial Power	Coordinator	1
JVM specialised court	Judge	2
JVM specialised court	Judge	3
JVM specialised court	Judge	4
JVM specialised court	Social worker	5
JVM specialised court	Social worker	6
JVM specialised court	Social worker	7
JVM specialised court	Psychologist	8
JVM specialised court	Judicial secretary	9
Specialised criminal court	Judge	10
Superior Tribunal of Justice	Magistrate	11
Local police special unit for women, youth, and elderly	Police officer	12
Local police special unit for women, youth, and elderly	Police officer	13
Local police special unit for women, youth, and elderly	Police officer	14
<b>Support services</b>		
SAVG 24 horas: Local helpline and counselling, coordinating municipality-run support services (point of entry)	Social worker (former staff member)	15
Shelter	Social worker (former staff member)	16
Shelter	Social worker	17
Shelter	Social worker	18
Puntos de atención: Local one-stop-shop support services (regional authorities)	Psychologist	19
Puntos de atención: Local one-stop-shop support services (regional authorities)	Social worker	20
NGO specialised support service, running helpline and counselling for victims	Social worker	21
<b>Health professionals</b>		
Madrid Health Services (SERMAS), run by regional authorities	Assistant Nurse Director, Coordinator for gender violence in Primary Attention, Director of southern district health centres	22
Madrid Health Centre (CMS), run by City Council	Social worker, Usera district	23
Madrid Health Centre (CMS), run by City Council	Social worker, Usera district	24
<b>Social services</b>		
Equality centre district <i>centro</i>	Equality agent	25
Equality centre district Villaverde alto	Social worker	26
<b>Civil society</b>		



NGO for Kalé women #1 (welfare programme)	President	27
NGO for Kalé women #2 (welfare programme)	President	28
NGO for Kalé women #2 (welfare programme)	Social worker	29
NGO for Kalé women #2 (welfare programme)	Treasurer	30
NGO for Kalé women #2 (welfare programme)	Mediator	31
NGO for Kalé women #2 (welfare programme)	Mediator	32
NGO for Kalé women #2 (welfare programme)	Mediator	33
NGO for Kalé women #3 (welfare programme)	Social worker	34
NGO for Kalé women #4 (welfare programme)	Mediator	35
Pro- <i>gitano</i> NGO	Coordinator/lawyer	36
Pro- <i>gitano</i> NGO	Coordinator/social worker	37
Kalé feminist collective	Activist	38
Kalé feminist collective	Activist	39
Kalé feminist collective	Activist	40
Independent	Activist	41
<b>Focus groups</b>		
NGO for Kalé women #3 (welfare programme)	3 NGO beneficiaries	42-44
NGO for Kalé women #2 (welfare programme)	10 NGO beneficiaries	45-54
NGO for Kalé women #2 (welfare programme)	10 NGO beneficiaries	55-64
NGO for Kalé women #2 (welfare programme)	10 NGO beneficiaries	65-74
NGO for Kalé women #2 (welfare programme)	10 NGO beneficiaries	75-84

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