

## BOOK REVIEW

### *THE FRINGES OF CITIZENSHIP: ROMANI MINORITIES IN EUROPE AND CIVIC MARGINALISATION* BY JULIJA SARDELIĆ (MANCHESTER UNIVERSITY PRESS 2021). 216 PAGES. PRICE £85.00. ISBN 9781526143143

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Julija Sardelić's book, *The Fringes of Citizenship: Romani Minorities in Europe and Civic Marginalisation*, offers a 'socio-legal enquiry into the civic marginalisation of Romani minorities' in Europe.<sup>1</sup> Citing David Owens, she explains that civic marginalisation refers 'to the phenomenon of being (or becoming) marginal relative to the abstract norm of equal membership in the democratic state as that norm is concretely instantiated in the figure of the national citizen'.<sup>2</sup> The book is the result of Sardelić's research over recent years, including her Marie Skłodowska-Curie Fellowship project, 'Invisible Edges of Citizenship: Re-addressing the position of Romani Minorities in Europe'.<sup>3</sup>

While Sardelić's book was first published in 2021, the urgency of her critique and concerns resonates through the persistent violations of the rights of Romani minorities across Europe today.<sup>4</sup> Such disrespect and exclusion may even transcend death as the 2023 case of 20 year old Memet Kamber shockingly demonstrated.<sup>5</sup> Memet died of diabetes-related ketoacidosis due to his inability to access timely healthcare without a personal ID. Despite working and having a home, his inability to prove his residence and to obtain an ID meant that he could not be buried. A complaint brought by the European Roma Rights Centre<sup>6</sup> resulted in the Commission for Prevention and Protection Against Discrimination issuing

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<sup>1</sup> Julija Sardelić, *The Fringes of Citizenship: Romani Minorities in Europe and Civic Marginalisation* (Manchester University Press 2021) 21. Sardelić uses the term 'Romani minorities' in order to 'emphasise the heterogeneity and hybridity of this particular minority identity. The notion of Romani minorities also includes individuals who do not identify as Roma (such as Sinti, Ashkali, Egyptians, Manoush, Gitano and Travellers, among others), but are externally categorised either as Roma or derogatively as Gypsies.' She uses the term 'Roma' 'when referring to the politically engaged term used by either Romani activists or different state institutions and international organisations'.

<sup>2</sup> David Owen 'Citizenship and the Marginalities of Migrants' (2013) 16(3) *Critical Review of International Social and Political Philosophy* 326, 328–9.

<sup>3</sup> Sardelić (n 1) x.

<sup>4</sup> See, for example, the research findings of the Fundamental Rights Agency of the European Union, which 'present a bleak but familiar picture of exclusion, deprivation, discrimination and racism': European Union Agency for Fundamental Rights, *Roma in 10 European Countries* (Survey Report, 2022) 80.

<sup>5</sup> European Roma Rights Centre, 'North Macedonian Equality Body Finds Discrimination Against Roma Who Cannot Access ID Following Death of Young Romani Man' (Press Release, 18 September 2023) <<http://www.errc.org/press-releases/north-macedonian-parliament-ordered-to-change-law-following-death-of-romani-man-in-hospital-who-lacked-id>>, archived at <[perma.cc/PWM7-ZGFG](https://perma.cc/PWM7-ZGFG)>.

<sup>6</sup> *ibid.*

an opinion<sup>7</sup> recommending that the Ministry of Interior of North Macedonia amend the law that prevents Roma living in segregated, informal communities from obtaining identity cards in North Macedonia. The Commission found that the Ministry indirectly discriminated against Roma living in informal or unlawful homes through the *Law on Registration of Domicile and Residence*.<sup>8</sup> Sardelić illustrates numerous examples of such discrimination in her book, depicting the civic marginalisation of Romani minorities across Europe.

In order to examine and raise awareness<sup>9</sup> of the kinds of institutional mechanisms that continue to reinforce the civic marginalisation of Roma and other minorities around the world, Sardelić explores four concepts in her book: *the invisible edges of citizenship*, *the fringes of citizenship*, *the total infringement of citizenship* and *citizenship sabotage*.

By analysing the position of Romani minorities in Europe from a ‘global citizenship studies perspective’, Sardelić takes a comparative and historical approach to illustrate and analyse the kinds of laws, policies and practices used to place Romani minorities on the margins of society.<sup>10</sup> She argues that the mechanisms that place minorities on the *fringes of citizenship* are not unique.<sup>11</sup> Laws and policies on citizenship status and rights both produce and maintain the civic marginalisation of Romani minorities.<sup>12</sup> She claims that structural inequalities are ‘a product of the current liberal democratic states and their citizenship regimes rather than the alleged underdevelopment of Roma or the lack of critical civil society’.<sup>13</sup>

Among her aims, Sardelić seeks to investigate why having equal citizenship has meant Romani minorities in Europe have not enjoyed equal protection of their rights.<sup>14</sup> She asserts that, while governments and international organisations have designed and implemented benevolent policies and laws to promote integration and inclusion, such measures have often failed to address the structural causes of discrimination and marginalisation.<sup>15</sup> Sardelić’s work encourages us to consider why this is the case and what the position of Romani minorities tells us about our societies.

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<sup>7</sup> *Opinion in Case No 08-401* (Commission for Prevention and Protection Against Discrimination, North Macedonia, 29 August 2023) <[https://www.errc.org/uploads/upload\\_en/file/5522\\_file2\\_errc-МИСЛЕНЕ-08-401.pdf](https://www.errc.org/uploads/upload_en/file/5522_file2_errc-МИСЛЕНЕ-08-401.pdf)>, archived at <[perma.cc/9SXX-Y864](https://perma.cc/9SXX-Y864)> .

<sup>8</sup> *Law on Registration of Domicile and Residence*, Official Gazette of the Republic of Macedonia No 236/1992 (8 June 1992), as amended by Laws Nos 12/1993, 43/2000, 66/2007, 51/2011, 152/2015, 55/2016 and 302/2020.

<sup>9</sup> In the Conclusion, Sardelić states that part of the intention of the book was ‘to attempt to make state authorities and international organisations aware of the invisible edges of citizenship they engage and the fringes of citizenship they create’: Sardelić (n 1) 155.

<sup>10</sup> *ibid* 15.

<sup>11</sup> *ibid* 24, 28, 150.

<sup>12</sup> *ibid* 5.

<sup>13</sup> *ibid* 44.

<sup>14</sup> Referring to studies that have shown that citizens can be unequal in terms of rights even if they all possess the same citizenship status: *ibid* 2, 112. See, eg, Enrica Rigo, ‘Citizenship at Europe’s Borders: Some Reactions on the Post-colonial Condition of Europe in the Context of EU Enlargement’ (2005) 9(1) *Citizenship Studies* 3; Elizabeth Cohen, *Semi-Citizenship in Democratic Politics* (Cambridge University Press 2009); Kate Hepworth, ‘Topologies of Citizenship’ in Engin F Isin and Peter Nyers (eds), *Routledge Handbook of Global Citizenship Studies* (Routledge 2014) 110, 112–8; Peter Nyers, *Irregular Citizenship, Immigration, and Deportation* (Routledge 2019).

<sup>15</sup> Sardelić (n 1) 5.

After explaining her methodological approaches and outlining her chapters in the Introduction, Sardelić provides an overview in Chapter 1 of the approaches taken towards Romani minorities by different international organisations and national governments across Europe. She explains how, despite adopting and implementing ‘multicultural laws and policies for the integration of Romani minorities, the very same states have continued to violate their basic rights’.<sup>16</sup> Sardelić also critiques the European Union *Framework for National Roma Inclusion Strategies*<sup>17</sup> because it failed to tackle *antigypsyism*<sup>18</sup> and did not address and deconstruct the structures that have led to inequalities.<sup>19</sup> She concludes that the *Framework* ‘expected assimilation rather than integration’.<sup>20</sup>

In Chapter 2, Sardelić addresses how the mobility of Romani minorities within Europe has been problematised, despite the fact that most Roma do not choose to migrate abroad.<sup>21</sup> She draws upon research that shows how states have justified the restriction of Roma access to movement rights by problematising and criminalising their mobility practices.<sup>22</sup> Sardelić argues that ‘the *invisible edges of citizenship* reinforce the perception of Romani individuals as migrants rather than citizens and position them at the *fringes of citizenship*’.<sup>23</sup> She raises concern about the contradictory approaches that some governments have taken, moving in the direction of ethical territoriality<sup>24</sup> extending ‘certain citizenship rights to (some) foreigners’ on the one hand, while denying rights and even ‘irregularising the status’ of some citizens on the other.<sup>25</sup>

Chapter 3 shines a spotlight on the crucial role that educational policy and the education system can play in (re)producing the *invisible edges of citizenship*, which place marginalised minorities on the *fringes of citizenship*. Sardelić analyses four cases<sup>26</sup> brought before the European Court of Human Rights (‘ECtHR’) and examines state actors’ reasoning and justifications for their

<sup>16</sup> *ibid* 37, 151.

<sup>17</sup> Alliance Against Antigypsyism, *Antigypsyism: A Reference Paper* (EU Framework Reference Paper, 2017) <<https://antigypsyism.eu/reference-paper-on-antigypsyism>>, archived at <[perma.cc/N5KY-3TJN](https://perma.cc/N5KY-3TJN)>.

<sup>18</sup> *ibid*; Sardelić (n 1) 5. This critique draws on the definition presented by the Alliance Against Antigypsyism, according to which antigypsyism is

the specific racism towards Roma, Sinti, Travellers and others who are stigmatised as ‘gypsies’ in the public imagination. Although the term is finding increasing institutional recognition, there is as yet no common understanding of its nature and implications. Antigypsyism is often used in a narrow sense to indicate anti-Roma attitudes or the expression of negative stereotypes in the public sphere or hate speech. However, antigypsyism gives rise to a much wider spectrum of discriminatory expressions and practices, including many implicit or hidden manifestations. Antigypsyism is not only about what is being said, but also about what is being done and what is not being done. To recognize its full impact, a more precise understanding is crucial.

<sup>19</sup> Sardelić (n 1) 42.

<sup>20</sup> *ibid* 41. Sardelić refers to and agrees with Morag Goodwin and Roosmarijn Buijs, ‘Making Good European Citizens of the Roma: A Closer Look at the EU Framework for National Roma Integration Strategies’ (2013) 14(10) *German Law Journal* 2041.

<sup>21</sup> Sardelić (n 1) 11.

<sup>22</sup> *ibid* 58.

<sup>23</sup> *ibid* 65 (emphasis added).

<sup>24</sup> *ibid* 52. Sardelić here draws on Linda Bosniak, ‘Being Here: Ethical Territoriality and the Rights of Immigrants’ (2007) 8(2) *Theoretical Inquiries in Law* 389.

<sup>25</sup> Sardelić (n 1) 70.

<sup>26</sup> *DH v The Czech Republic* (European Court of Human Rights (‘ECtHR’) Grand Chamber, Application No 57325/00, 13 November 2007); *Sampanis v Greece* (ECtHR, Committee of Ministers, Application No 32526/05, 5 June 2008); *Oršuš v Croatia* (ECtHR, Grand Chamber, Application No 15766/03, 16 March 2010); *Sampani v Greece* (ECtHR, First Section, Application No 59608/09, 11 December 2012).

segregation policies. Instead of fostering equality of opportunity, Sardelić shows how discriminatory educational policies and practices perpetuate segregation and exclusion. Her investigation into official state discourses explains how the governments' arguments have been used to legitimise segregation and bolster the *invisible edges of citizenship*.<sup>27</sup> In the face of such treatment, some minorities have responded to being placed on the *fringes of citizenship* by attempting to claim their rights through *performative citizenship*,<sup>28</sup> including through strategic litigation. Notably, this chapter illustrates the potential impact of strategic litigation and the role of courts to offer redress and to advance necessary reforms. In the cases she analyses, the ECtHR decided there had been ethnic discrimination in the education system. This underlines the importance of international human rights law and a functioning justice system to ensure that all citizens have equal rights.

In the next chapter, Sardelić goes even further in exposing rights violations against marginalised minorities. In Chapter 4, she introduces the concept of the *total infringement of citizenship*, which she describes as '(usually unrecognised) statelessness status coupled with the loss of human rights'.<sup>29</sup> Sardelić opens the chapter by addressing some of the main ambiguities around statelessness, including definitional issues and unreliable statistics. She argues that statelessness is often the result of state intervention and, in particular, *racialised citizenship regimes*<sup>30</sup> which deprive minorities of citizenship and associated rights. She then considers a variety of cases in which state policies and actions have rendered minorities stateless.<sup>31</sup> In particular, she delves into the complexities of postcolonial and post-socialist realities in which territorial borders were often redrawn and new nationality laws effectively stripped minorities of their citizenship.<sup>32</sup> This would sometimes leave minorities with an irregular status and deprive them of their human rights.

In Chapter 5, Sardelić recognises and explains that the content and value of citizenship is not the same for those who find themselves on the *fringes of citizenship*. For those on the *fringes of citizenship*, their situation remains precarious and they may even be at risk of irregularity due to being undocumented and without a regular residence status.<sup>33</sup> Even for those Romani minorities who are recognised as citizens, citizenship does not necessarily bring equal rights or

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<sup>27</sup> Sardelić (n 1) 73–4.

<sup>28</sup> Sardelić (n 1) 147. Sardelić draws on the concept of performative citizenship as developed most prominently by Engin Isin, 'Performative Citizenship' in Ayelet Shachar et al (eds), *The Oxford Handbook of Citizenship* (Oxford University Press 2017) 500.

<sup>29</sup> Sardelić (n 1) 113.

<sup>30</sup> Sardelić (n 1) 110. Sardelić cites David FitzGerald, explaining how the racialisation of citizenship emerges 'through rules of birthright acquisition, naturalization and denationalization'. See also David FitzGerald, 'History of Racialized Citizenship' in Ayelet Shachar et al (eds), *The Oxford Handbook of Citizenship* (Oxford University Press 2017) 129.

<sup>31</sup> The case studies include the treatment of Romani minorities in the former Czech Republic and in the former Yugoslavia, ethnic minorities/Russian speakers in the Baltic States of the former Soviet Union, Haitians in the Dominican Republic, Rohingya in Myanmar and the 'Windrush Generation' in the United Kingdom.

<sup>32</sup> In particular, 'it is the minorities who are caught in the circle of marginalisation': Lindsey N Kingston, 'Worthy of Rights: Statelessness as a Cause and Symptom of Marginalisation' in Tendayi Bloom, Katherine Tonkiss and Phillip Cole (eds), *Understanding Statelessness* (Routledge 2017) 17, cited in Sardelić (n 1) 106. These minorities are 'reconfigured from traditional minorities to foreigners': Eve Hayes de Kalaf 'Making Foreign: Legal Identity, Social Policy and the Contours of Belonging in the Contemporary Dominican Republic' (Unpublished PhD Thesis, University of Aberdeen, 2019), cited in Sardelić (n 1) 106.

<sup>33</sup> Sardelić (n 1) 129–30.

the possibility to improve their situation.<sup>34</sup> Therefore, citizenship is ‘often devalued or even value-less’<sup>35</sup> from the perspective of those on the *fringes of citizenship*. Sardelić seeks to understand and explore how individual non-activist Romani respond to this predicament. In this regard, she argues that ‘small individual acts, even those arising from despair, can have broader political consequences’<sup>36</sup> because they have the ‘potential to create ruptures within citizenship’.<sup>37</sup> She defines *citizenship sabotage* as ‘an act of citizenship that creates a rupture latently’.<sup>38</sup> The *invisible edges of citizenship* result in minorities being placed on the *fringes of citizenship*, where they are not able to fully exercise their rights. They may therefore choose to engage in *citizenship sabotage* to attempt to reclaim their rights from the *fringes*, which in turn may subvert the system.<sup>39</sup> These acts are likely invisible acts, which may have the potential to ‘subvert and reconstruct the core understanding of citizenship’.<sup>40</sup>

Through individual examples, Sardelić makes the point that, while exclusion and marginalisation mean that Romani minorities often find themselves on the *fringes of citizenship*, this does not strip them of their humanity or their agency.<sup>41</sup> As Sardelić underlines, *citizenship sabotage* is about (re)claiming rights.<sup>42</sup> This happens at the *fringes of citizenship*, which ‘are not merely a location — that is, they are not simply ‘out there’ — but can be understood as a dynamic relationship, almost a power struggle, between states’ authorities enacting legislation on one side and those who have this legislation enacted upon them on the other’.<sup>43</sup>

Arguably, such circumstances often compel one to assert their ingenuity in order to claim their rights or to protest against the devaluation of their rights.<sup>44</sup> For example, Sardelić suggests that the act of seeking asylum could be interpreted as ‘a protest against inaccessible rights’,<sup>45</sup> which may create a rupture in the discriminatory citizenship regime when it endangers the mobility rights of other citizens.

Throughout her book, Sardelić points to avenues for future research: the ‘structural mechanisms leading to marginalisation’; ‘the dichotomy between outstanding and invisible acts of citizenship’;<sup>46</sup> and the way that individual non-activists ‘respond politically to unequal citizenship statuses’.<sup>47</sup> These aspects ‘remain under-addressed in contemporary citizenship studies’.<sup>48</sup>

<sup>34</sup> Sardelić argues that ‘citizenship status does not necessarily give rights, and having rights does not necessarily lead to life improvements for marginalised minorities’: *ibid* 130.

<sup>35</sup> See also Christian Joppke, ‘Transformation of Citizenship: Status, Rights, Identity’ (2007) 11(1) *Citizenship Studies* 37.

<sup>36</sup> Sardelić (n 1) 155.

<sup>37</sup> Sardelić (n 1) 130. See, eg, ruptures within citizenship in Engin Isin, ‘Citizenship in Flux: The Figure of the Activist Citizen’ (2009) 29(1) *Subjectivity* 367, 379.

<sup>38</sup> Sardelić (n 1) 136.

<sup>39</sup> *ibid* 138.

<sup>40</sup> *ibid* 19.

<sup>41</sup> *ibid* 147.

<sup>42</sup> *ibid* 136.

<sup>43</sup> *ibid* 149.

<sup>44</sup> *ibid* 142. Sardelić’s statement is an interesting example in that regard: ‘[I]f being an active citizen does not improve your position, selling votes could be understood also as citizenship sabotage as a protest against devalued rights.’

<sup>45</sup> *ibid* 140.

<sup>46</sup> Regarding the theory of performative citizenship, see also Isin, ‘Performative Citizenship’ (n 28) 519–20.

<sup>47</sup> Sardelić (n 1) 19, 132, 135.

<sup>48</sup> *ibid* 132.

Sardelić's book is a call for equality, accountability, human rights protection and recognition of the value of inclusive citizenship of Romani minorities in Europe. Her analysis is based on an important distinction between lack of citizenship and lack of rights.<sup>49</sup> In contrast to Hannah Arendt's conceptualisation of statelessness, Sardelić is clear that 'the right to have rights precedes citizenship and starts with any form of legal status, even that of a stateless person'.<sup>50</sup> Through her research and analysis she documents: how Romani minorities, who are citizens, are often denied equal rights; how some Romani minorities have been deprived of their nationality, even in the country where they were born; and how Romani minorities are not treated equally as European Union citizens.<sup>51</sup> Her case studies seem to paint a fictional dystopia where citizens become unwanted migrants in their own home country. However, the case studies from around the world presented in her book are not made-up stories. Rather, they are real testimonies of discrimination and racism, of our common history and the current reality of our societies. Sardelić is therefore right to advocate that we should question why such measures, including *racialised citizenship regimes*, still persist.

The concept of the *invisible edges of citizenship* is useful for reflection and consideration of the mechanisms that propagate the 'civic marginalisation' of Romani minorities as well as other minority groups around the globe.<sup>52</sup> Taken to an extreme, such measures may result in a *total infringement of citizenship*, an often unrecognised form of statelessness through which individuals are deprived of their fundamental rights.

This book should reach a wide range of audiences, both in academia and beyond. Sardelić's analysis and concepts will be useful for those in citizenship studies as well as for others interested in interdisciplinary approaches to understanding and combating civic marginalisation. For stakeholders involved in promoting inclusion and integration, this book provides a lens through which to reconsider why these goals have not yet been reached. It is also intriguing and hopeful to look, as Sardelić does, for the seeds of change within the *fringes of citizenship*. Even where a *total infringement of citizenship* exists, there is still the possibility for *citizenship sabotage* when some marginalised individuals are able to find creative ways to claim their rights and slowly subvert the system.

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<sup>49</sup> See also Brad Blitz, 'The State and Stateless: The Legacy of Hannah Arendt Reconsidered' in Tendayi Bloom, Katherine Tonkiss and Phillip Cole (eds), *Understanding Statelessness* (Routledge 2017) 70; Katja Swider 'Why End Statelessness?' in Tendayi Bloom, Katherine Tonkiss and Phillip Cole (eds), *Understanding Statelessness* (Routledge 2017) 191.

<sup>50</sup> Sardelić (n 1) 119. The concept of the 'right to have rights' has also been critiqued by Swider (n 49); Blitz (n 49); Jacqueline Stevens, 'The Alien Who is a Citizen' in Benjamin N Lawrence and Jacqueline Stevens (eds), *Citizenship in Question: Evidentiary Birthright and Statelessness* (Duke University Press 2017) 217. The main criticism is that statelessness does not 'necessarily lead to a loss of rights', nor does it 'necessarily arise from a totalitarian state': Sardelić (n 1) 113.

<sup>51</sup> Sardelić (n 1) 25, 38, 106, 134.

<sup>52</sup> *ibid* 155.