MIGRATION
LETTERS

"Old" vs. "new" minorities – an identity-based approach to the distinction between autochthonous and immigrant minorities

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Abstract

The present paper argues that the distinction between "old" and "new" minorities cannot only be rights-based, but also has a strong identity and "national narrative" component: Even though autochthonous minorities are still subject to discrimination, in most countries with effective protection schemes they have become part of the larger concept of an "in-group" with the rest of the citizens, and been accepted into the daily identity of the country, while immigrants are regarded as an "out-group". This picture of "them" is strengthened further by a primarily security-based outlook on migration, as will be illustrated through the case of the Roma.

Keywords: minorities; migration; identity; national narrative

Introduction

In a larger research project (Crepaz, 2016), I investigated the impact of Europeanization processes on minority communities in "old" and "new" EU-member states, and comparatively evaluated the different minorities' situations, their legal status and their possibilities for inclusion and participation. The member-states who joined in the 2004 enlargement round had to implement certain benchmarks set by the EU and provide a minimum standard for minority protection, while the "old" member-states had not been under EU scrutiny regarding minorities when they joined. By looking at the presence or absence of minority protection measures in "old" and "new" member-states, I discovered an interesting parallel: member-states that recognize minorities on their territory are very specific in outlining who the protected minorities are, in which aspects they differ from the majority population, and what prerequisites must be met for a special minority status to be achieved.

These specifics in the legal provisions can be detected in "old" (e.g. Italy) as well as new (e.g. Poland) EU member-states. Usually, the duration of residence of a minority group on the country's territory is an important factor in distinguishing between an autochthonous, or "old" and an immigrant, or "new", minority. By including a minority in the country's legal framework it is

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not only granted protection measures, but also recognition as an integral part of the population – an especially important and symbolic act for minorities, who often feel discriminated against and detached from the majority population of the state they live in.

The distinction between "old" and "new" minorities is therefore not only rights-based, but also identity-based; in most EU member-states, autochthonous minorities have been officially recognized and, despite a sometimes difficult past (e.g. in the case of the German minority in Poland) are now consensually viewed as part of the nation's cultural fabric. Ideally, cultural diversity is even celebrated and viewed as an asset instead of as a danger to the state's unity and sovereignty. Through past struggles, autochthonous or national minorities have largely become accepted as parts of European nation-states, and their official recognition and naming in legal documents or constitutions underlines this fact. Immigrant minorities, on the other hand, lack many of the rights that autochthonous minorities possess – they are protected by the general principle of non-discrimination, but do not dispose of specific group rights, e.g. regarding minority language education. Additionally, while "old" minorities have become accepted into the "national narrative" of their countries of residence, this has not happened for "new" minorities.

Even though multiculturalism and tolerance are often quoted as the core values of the EU, being a destination for immigration is still a relatively new development for many member states (e.g. Italy, who had been "exporting" migrants for centuries, but only over the last decades, also faces large-scale immigration). Immigrants are thus still regarded as an "out-group", and a further integrative effort of adaptation to the *Leitkultur* is required of them by the majority population.

My paper therefore aims to present a closer look using an identity-based approach to the distinction between autochthonous and immigrant minorities, looking at how minorities become part of the national narrative as a slow process. I will argue that negative framing of immigrants as a security issue is an important problem, as it further enhances the dichotomy between "us" as the in-group and "them" as the out-group. The refugee crisis and the EU's inability to find a common approach to the problem additionally strengthens this development. To support my argument, I will be drawing on interview data with 20 minority representatives, conducted between January and July 2014, as well as on a presentation of the Roma[1] as an autochthonous and an immigrant minority, whose public perception is largely shaped by the negative framing of the immigrant group.

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[1] I am using the term Roma as defined by the European Commission (2012:5): "The term "Roma" is used here, as well as by a number of international organisations and representatives of Roma groups in Europe, to refer to a number of different groups (such as Roma, Sinti, Kale, Gypsies, Romanichels, Boyash, Ashkali, Egyptians, Yenish, Dom, Lom) and also includes Travellers, without denying the specificities and varieties of lifestyles and situations of these groups".

I will begin my analysis by giving examples of the distinction made between "old" and "new" minorities from different EU member states, and then proceed to outline the case of Roma as a minority outside the "national narrative" in Italy and France. Finally, I will argue that while many "old" minorities have found their way into their country of residence's perception of cultural heritage, and would therefore be viewed as part of "us", "new" minorities have not been accepted into the national identity, and are seen as "them". An identity-based concept therefore needs to be added to the rights-based distinction between "old" and "new" minorities.

Distinctions between "old" and "new" minorities – examples from EU member-states

In Italy, linguistic minorities are protected by Article 6 of the Constitution, as well as by the Law 482 of 15 December 1999 on the safeguarding of historic linguistic minorities. The Law of 1999 also explicitly mentions the minorities and languages to be protected, namely the "language and culture of the Albanian, Catalan, Germanic, Greek, Slovenian and Croatian populations and of those speaking French, Franco-Provencal, Friulian, Occitan, Ladin and Sardinian" (Article 2, author's translation). The focus on autochthonous and not on immigrant minorities is already evident in the title of the Law, speaking about "historic linguistic minorities", and therefore distinguishing between "old" and "new" minorities. The provisions for the safeguarding of Albanian, e.g., are therefore limited to the small autochthonous minority group, and cannot be used by the much larger immigrant minority group.

The autochthonous minority, as Italian citizens and as a group that has resided in the same territory for centuries, is part of the "national narrative", and thus of the history and own perception of identity in the country. The immigrant minority, on the other hand, is identified as an influx of outsiders, who do not possess the same rights and are still not regarded as part of the Italian "nation", even though they might have acquired citizenship in the meantime. The preservation of language and culture is also perceived as a positive development and as a value added when looking at the autochthonous minority, while similar attempts from immigrant minorities trigger resistance and accusations of refusing to integrate into the host society. The concept of diversity is therefore treated with very different lenses, depending on the presence or absence of a "national narrative" context, which also implies concepts of belonging and non-belonging.

For immigrant minorities, maintaining their own cultural heritage and integrating into their new homeland are seen as mutually exclusive, or at least partially incompatible, aims. In the case of autochthonous minorities, multiple identities or allegiances are not perceived as a problem, and the preservation of language and culture is desirable and not an obstacle – within the in-group, further acceptance for diversity is possible, as it does not enhance the "us" vs. "them" paradigm. My structured interviews with minority representatives from

the German-speaking minority in South Tyrol confirm that most minority members view themselves as part of the Italian national community while also strongly underlining their minority identity, and that belonging to the nation-state and maintaining distinctive features are not regarded as incompatible. The Italian nation-state is also trying to frame itself as a country open to multiculturalism; however, everyday racism against immigrants and the re-strengthening of xenophobic parties such as the Lega Nord and Casa Pound in the 2015 municipal elections indicate otherwise.[2] In Italy, the underlying tension between in-group and out-group is additionally fuelled by the recent refugee crisis, as the country is one of the main destinations of arrival. Even though refugees are victims of war fleeing their homelands, they are also the subject of negative framing, again underlining the "us" vs. "them" lens of viewing the issue. Recent developments, such as small South Tyrolean communities organizing protests against refugees being accommodated in their immediate surroundings indicate the extent of this division. The citizens' outrage is echoed and amplified by right-wing parties; in the case of the village of Wiesen/Prati both Freiheitliche and Lega Nord got involved in the protests (Der Erker, 28.05.15). Reasons for migration are only evaluated superficially if at all, and do not constitute a criterion for different categorization or views on immigrants.

Poland follows a similar history-based approach to the distinction between "old" and "new" minorities: the Polish "Regional Language, National and Ethnic Minorities Act" of 2005 outlines the minorities present on the territory and setting certain requirements for recognition. The Act provides a detailed definition of minority, by naming the following criteria:

"A national minority is a group of Polish citizens that fulfills all of the following conditions: 1) It is smaller in number than the rest of the population of the Republic of Poland; 2) It is essentially distinguished from the rest of the citizens by its own language, culture or tradition; 3) It is guided by the will to safeguard its language, culture or tradition; it is conscious of its individual historical ethnic community and is interested in its expression and protection; 4) Its ancestors have resided within the present territory of the Republic of Poland for at least a hundred years; 6) It identifies itself with a nation organized in its own country" (Article 2).

The national minorities listed are Belarusian, Czech, Lithuanian, German, Armenian, Russian, Slovak, Ukrainian, and Jewish. Ethnic minorities are subject to the same prerequisites, except they do not identify with a nation organized in its own country (and are therefore stateless nations). The ethnic minorities in Poland are Karaites, Lemkos, Roma and Tartars. A distinction from the majority population in language, culture and tradition is a necessary prerequisite for the recognition as a minority; however, again the timeframe of how long a group has been present on Polish territory is also important. The Act speaks of

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[2] For a thorough investigation on the rise of right-wing and xenophobic parties and discourses, see e.g. Schain, Zolberg & Hossay (2002), Mudde (1999), Caiani & Della Porta (2011).

an "individual historical ethnic community", highlighting the temporal dimension, and outlining that minority recognition is dependent on a presence on Polish territory for at least a hundred years. It is especially interesting that the Act gives a very clear definition of who constitutes a minority; the criteria for recognition are usually not outlined in such an open way. My interviewees from the German minority in Silesia[3] come from a particularly difficult minority situation, as they are still often regarded as the German occupiers' offspring, and negative stereotyping is very common. However, the heads of the German minority organization note a changing societal climate, especially in the younger generation, who are more open to multiple identities and often define themselves as Europeans. In the 2011 census, there was a significant rise in people who declared themselves to be Silesian; regional identity is therefore growing, and with it its multilingual connotation. Ethnic Poles are also starting to see the benefits of bilingual education, and make use of the provisions outlined in the minority Act as well. Despite a very difficult past, the German minority is slowly becoming more integrated into the fabric of Polish society, and seen as culturally enriching instead of as a threat to state sovereignty.

Finally, I want to present the case of France, as it constitutes a deviant variety from the minority protection schemes outlined so far. Unlike Italy or Poland, France does not provide any legal recognition for minorities at all; instead, it follows a very rigid principle of equality, denoting that all French citizens are equal, and that recognizing specific groups would constitute a violation of this principle. This means that there can also be no distinction between autochthonous and immigrant minorities, as the time frame of residency of a specific group is not important – the only criterion that matters is whether someone is a French citizen or not.

Ethnicity as a distinguishing factor is not looked at, and data collection regarding these issues is very difficult, as ethnicity-based questions are outlawed. Recently, progress has been made regarding the safeguarding of regional and minority languages, and the path towards ratification of the Council of Europe's *European Charter for Regional or Minority Languages* seems to be open, but is proceeding only very slowly, despite efforts by the president and members of parliament. However, the National Assembly specifically notes that this does not bring a recognition of group rights, but only the implementation of measures to protect regional or minority languages. While it could be argued that a radical approach to equality is a valid concept, its practical consequences include the marginalization of minorities and the inability to act upon problems with measures of e.g. positive discrimination. In France, neither autochthonous nor immigrant minorities are part of the "national narrative", which is strongly rooted in the notion of one indivisible French people of equal citizens as outlined in the French Revolution, and does not allow for multiple identities or allegiances.

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[3] Five interviewees, all minority representatives, interviewed in Opole in February 2015.

The Roma – an "old" and a "new" minority

The Roma constitute a very interesting case for research on the distinctions made between "old" and "new" minorities, as they are often present as a both an autochthonous and an immigrant minority in the same country context. They are specifically mentioned as a transnational and thus "European" minority in documents by the European Parliament (2005) and other EU institutions, which could also be considered detrimental: "[...] while other citizens belong to the nation states, the Roma belong to Europe, thus latching onto the alleged 'Europeanness' of the Roma (and their alleged lack of national belonging) in order to exclude them symbolically from their own national space and frame them not only as 'Europeans' without any attachment to any particular nation state, but also as ethnic outsiders and cultural deviants" (Vermeersch 2012: 1197). The Roma are traditionally positioned outside of the "national narrative" of their countries even if they constitute an autochthonous minority; further framing as "European" could therefore be detrimental to the acceptance at the national level. However, the problems that Roma face across many EU member-states are very similar, and need to be addressed through a common framework. Describing the Roma as "European" is necessary, but it might be seen as the opposite of "national", causing further internal marginalization in the respective member-state. The EU Framework for National Roma Integration Strategies Up to 2020[4] represents the first instance of an EU effort towards transnational minority protection, and is therefore a highly interesting concept. The European Commission underlines that the member states are mainly responsible for the implementation of the Framework, but also mentions the EU-level's coordinating function.

In the case of the Roma, the so-called "securitization" of migration (Huysmans 2000), in which immigrants are mainly regarded as a security issue, is particularly visible. This development also affects the autochthonous Roma population, as there is no public differentiation between autochthonous minority (who, by common European standards, could be protected by specific measures and rights) and immigrant population (for whom no specific measures or rights are usually set). The negative image of the immigrants therefore also "spills over" to the autochthonous Romani population, further enhancing their marginalized position in society. The public opinion does not distinguish between Italian citizens and immigrant Roma, they are all seen as one common and potentially dangerous ethnic group. Italy and France have both had issues with Roma expulsions in the past (in 2008 and 2010 respectively), and especially in the French case the EU reacted quite strongly initially, and even threatened a Treaty infringement procedure against France. The Republican ideals of

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[4] The Framework for National Roma Integration Up to 2020 demands that all EU member states, with the exception of Malta (no Roma population) draft National Integration Strategies to enforce Roma Inclusion and implement specific policy measures in the four key areas housing, education, healthcare and employment. The Commission evaluates the Strategies.

France do not allow discrimination, neither positive nor negative; the expulsions were thus justified by "presenting the Roma as an existential threat" (Parker, 2012: 478). Again, immigrants were framed mainly as a security issue, proposing such a risk to French society that expelling EU citizens became a viable option.

In its Roma Integration Strategy, France underlines its stance on minority recognition: "The term Roma refers to a concept of ethnicity, which cannot be used under French law to construct public policies. The French republican tradition, which involves a strict interpretation of the principle of equality, does not allow measures to be specifically targeted at a particular ethnic group" (French Government, 2012: 1). In the light of the expulsions in 2010, which were targeted at Romani EU-citizens, the refusal to acknowledge the concept of ethnicity does not appear to be a credible commitment. Ethnicity becomes a criterion to be used for the development of public policy only under the frame of security concerns, where migration is "securitized" and seen as a threat to the French public. When making steps in the other direction, targeting autochthonous Roma and *Gens Du Voyage* with specific minority measures, ethnicity is banned from being a marker for a marginalized group in society. The connotation of minority and ethnic identity in the French context is particularly interesting: unlike the Polish case, where willingness to preserve one's own cultural identity is a defining prerequisite for being a minority, this is regarded as a negative development in France: "Meeting the challenge of diversity by resorting to ethnic or religious criteria would run the risk of setting rival communities against each other and, ultimately, of trapping each of them within their identity" (French Government, 2012: 1). Minority identity is seen as a trap, as something that must be shed in order to allow integration into French society – the concept of multiple identities, which has become very important for minorities especially in European countries and border regions, is not seen as a possible solution. The measures outlined in the strategy are therefore entitled "priorities for all marginalized populations, including Roma" (French Government, 2012: 1).

Similar to France, Roma in Italy have also been framed primarily as a security issue. In 2008, an emergency decree was issued ("Emergenza Rom"), as a result of acts of violence in which Roma (mainly Romanian immigrants) were suspects. The measures included a type of "census" in Roma camps, where residents would be fingerprinted; a plan that also caused outrage at the European level. The measures of the emergency decree were aimed at the growing influx of (especially Romanian) Roma after the country's EU accession in 2007, but they also ended up targeting Italian autochthonous Roma and Sinti groups, as no distinction was made regarding citizenship when implementing the measures. The public framing as a problem for national security affected all Roma, and not just the immigrant minority. According to Costi (2010: 110-111), the Roma were framed as outsiders by the Italian political authorities, as a non-constitutive element of the Italian nation. McGarry (2011: 289)

underlines that the Roma are still regarded publicly as people not-belonging in Italy, even if their families have lived here for centuries and they are Italian citizens. The negative framing of immigrant Roma as a security threat also affected autochthonous communities, as the public eye (and even the political authorities) did not clearly distinguish among groups. The politics of identity become evident yet again, as Roma are set outside the "national narrative" – even if they fulfill the criteria often laid out for autochthonous minorities (long presence on the territory, willingness to preserve language and culture, etc.) they are still regarded as outsiders, much like the immigrant Romani minority. There was a proposal to include Roma and Sinti among the minorities protected by the above-mentioned Law 482/99, but the legislators decided to focus on territorially concentrated minorities (Federazione Romani 2011). The reference to Roma in the European Charter for Regional and Minority Languages and the demand for provisions that could come with it is also one of the reasons why Italy has not yet ratified the Charter.

In Italy's 2012 Roma Integration Strategy, the change in government (from center-right to center-left) is reflected in the outlook on Roma as well: the document underlines the cultural diversity of the Roma groups, and notes the character of the Italian Roma as an autochthonous minority. About half of the 120,000 – 180,000 Roma living on Italian territory are Italian citizens, the rest of the population are EU-citizens or third-country-nationals: "The first group consists of approximately 70,000 people (Italian citizens) whose earliest records date back to the fourteenth century and who are distributed throughout the country; the second group consists of about 90,000 Roma people from the Balkan region (Non-EU citizens) who arrived in Italy in the 1990's, especially after the disintegration of the former Yugoslavia. This group is mainly settled in Northern Italy; the third – and most recent – group of migration is made up of Roma people with Romanian and Bulgarian nationality (EU citizens), who mainly live in large cities (Milan, Turin, Rome, Naples, Bologna, Bari, Genoa)" (National Office on Anti-Racial Discriminations, 2012: 12). In addition to naming the different groups of Roma, the Italian Strategy also mentions that an emergency approach, focused on security issues, is no longer regarded as fruitful, and that it should be replaced by an approach focusing on social inclusion. In its evaluation, the European Commission positively comments on Italy's plans to grant official recognition as a minority to Roma and Sinti; however, these plans have so far not been implemented on the national level, and are unlikely to be furthered soon, especially because of the strict austerity regime set to combat the financial crisis.

Conclusions – "old" and "new" minorities and the "national narrative"

In Europe, wars and resulting frequent border shifts were the norm for centuries – it is only since the end of World War II and the strengthening of the EU also as a peace project (underlined by its being awarded the Nobel Peace

Prize in 2012) that the political landscape of the continent is relatively stable. Shifts in power and borders, as well as frequent interaction and cross-country trade, created minority communities living in countries different to their ethnic "homeland". The nationalist concepts of the nineteenth century saw this as a flaw, and tried to create a homogenous population; it was often not until the late twentieth century that these opinions changed, and that cultural diversity was regarded as an asset instead of as a threat to national unity. In many Western European and subsequently also in Central and Eastern European Countries, minority protection legislation was implemented, and autochthonous or national minorities gained the right to preserve their language and culture. An open approach to identity, where more than only one kind of identification is possible, enables minority members to identify as both minority members and citizens of their respective nation-state, often combined with a regional or a European dimension to this identity (as seen e.g. in the case of young German minority members in Poland, who also increasingly identify as Silesian and European). At the other end of the center-periphery cleavage, nation-states are becoming increasingly aware of their minority populations, and are making progress in including them in the "national narrative"; documents of such inclusion are references in the Constitution, minority legislation, special provisions for the safeguarding of cultural and linguistic heritage, etc. This broadened concept of identity leaves room for a more heterogeneous type of population which can represent the EU's motto of "unity in diversity" and also enhance European cross-border and transnational collaboration. Where effective protection schemes are present, autochthonous minorities have become part of the "in-group" along with the majority population, and are likely to be categorized as "us" and no longer as "them" by most of the majority population as well.

Immigrant minorities are in a different situation; they are seen as outsiders, and would be regarded as "them" in the above presented dichotomy. As they are not regarded as a constitutive part of the nation, further efforts to integrate, adapt and to a certain extent even assimilate are required of them. The distinction between "old" and "new" minorities is therefore not only rights-based, but also identity-based: autochthonous minorities receive group rights as they are citizens and part of the self-identification of the nation, while immigrants remain excluded from these processes, even after they have acquired their country-of-residence's citizenship. Granting group rights is justified through an identity-based concept; in order to understand the distinction made between "old" and "new" minorities, an identity-based approach is a highly necessary component. The Roma constitute an especially interesting case in this minority dichotomy, as they are often present as both an "old" and a "new" minority in the same country context. Especially Romani immigrants are often primarily framed as a threat to security; a negative public perception that also impacts autochthonous Roma and Sinti groups, as the public eye does not distinguish between "old" and "new" Romani minorities.

The negative framing and frequent stereotyping against the immigrant group thus affects the autochthonous minority as well, and they are framed as outsiders, even if they fulfill the criteria for the recognition of autochthonous minorities (e.g. temporal duration of residence of the group and its ancestors, citizenship). A rights-based approach is therefore not enough to portray the different positions of minorities, but an identity-based layer needs to be added: this identity-based view should look at both perceptions of minorities by the in-group, as well as self-perceptions of minorities and overlapping, multiple concepts of identity. As long as immigration is mainly seen as a threat to our societies' prosperity and security, the distinction between "us" and "them" is likely to persist, and inclusion of immigrants into national self-identification is very difficult. A more positive connotation of immigration as a socially and demographically necessary phenomenon could help to overcome this dichotomy, and bring acceptance to a more-broadly-defined defined vision of multiculturalism than the one already in place for autochthonous minorities.

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