

Free to Move but Nowhere to Go: The Renovation of Freedom of Movement as a Human Right for the Roma

Alessandra Beasley Von Burg
Wake Forest University

Abstract:

This paper proposes a renovation of European Union (EU) citizenship as a more inclusive model that equates the Roma population and other marginalized or non-citizens with EU citizens, based on what they already do and are associated with: freedom of movement.

I address the differences between freedom of movement as EU right and the concept of being free to move and freedom as human rights. Both freedom of movement as a EU right and freedom as a human right address the problem of the Roma population in the EU because this renovation of EU citizenship as more inclusive reconnects the basic human rights and the specific EU right to a population that already lives as travelers in nomadic, semi-permanent ways. This renovation returns to the historic roots of their plight and forced marginalization not to stereotype or isolate them further, but to renew their freedom to be and do what they want and to move, live, work and travel as members of the EU community.

The renovation of EU citizenship as more inclusive captures the goals of the EU and all their initiatives (like the Decade of Roma inclusion) to connect them with what the Roma already practice, so that a new mode of citizenship based on common practices and similar habits emerges. Following Giambattista Vico's theory of *ingenium*, this new vision of citizenship does not erase differences, rather citizens are connected to others based on what they have in common as human rights and the innovative rights of a transnational body like the EU, so that freedom of movement is not just a right for some, but an accepted practice in a transforming world that reflects about the reasons why some have been moving for centuries and the lessons we can learn from the Roma as adaptable, creative citizens beyond nations.

The Freedom, Security and Justice website explains that, European Union (EU) citizenship “supplements national citizenship without replacing it,” as a “wide set of rights and responsibilities” additional to those of national citizenship. EU citizenship “confers, notably, on every European citizen a fundamental and personal right to move and reside freely without reference to an economic activity.” The rights that all nationals of EU member states can enjoy include freedom of movement,¹ *inter alia*, the right to non-discrimination on grounds of nationality; the protection and guarantee of fundamental rights as declared in the European Convention on Human Rights and the Charter of Fundamental Rights of the EU; and the

protection from discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” ([European Commission](#)). EU citizens are free to move and reside in any member state, even with restrictions still in place for some of the newest members and logistical difficulties often limiting this freedom. Their rights, however, are particularly relevant when and if they leave their original member state to live in another one and when outside of the EU, specifically if they need diplomatic and consular protection from an EU country other than their own.

Jacobson and Kilic (2003, 32) argue that EU citizenship’s “foundation is the freedom of movement” of EU citizens, essentially economic in its roots. The right to move is tied to the debates over the significance of an EU passport and the fine line between no freedom of movement, since one needs an EU passport or a permit to travel (Wiener 1998) and too much freedom of movement, like the Roma and other nomadic populations who often have no passport and no home, as perpetual migrants.

Ever since the European Coal and Steel Community, the eventual European Economic Community and the current European Union, freedom of movement has been both a founding principle to encourage workers to migrate to find employment, and a fundamental right granted to citizens to imagine themselves as united in a European community beyond their nation. The Roma population, however, has benefited neither from the European principles and rights nor from a vision of a mobile, flexible EU citizenry. I have argued before that the Roma are potentially the best example of EU citizens because of their long tradition of uprooting themselves and living beyond nations ([Beasley Von Burg 2009](#)). However, they are not embraced as an EU model and are often discriminated against and marginalized because of their perceived inability to set permanent roots, even as the EU celebrates freedom of movement as a

right for all EU citizens. What complicates the difference between the Roma and everyone else is the fact that the Roma are sometimes EU citizens, often nationals of an EU member states and always residents somewhere, but their status and practices do not guarantee them access to the same rights as other EU citizens.

I address this inconsistency between EU citizens and the Roma with a rhetorical *renovation* of EU citizenship to include minorities such as the Roma and other non-citizens based on the principle of freedom of movement. Following Vico's philosophy and his theory of *ingenium*, I argue for a more inclusive vision of citizenship that equates Roma with others, based on what they already do and are associated with: freedom of movement. This is a renovation of citizenship because it proposes a new understanding of the meaning and the practices of both national and EU citizenship, based on the rhetorical canons of invention, to create something new, and memory, to remember what citizenship is and re-connect it to what we do as citizens. A rhetorical renovation of citizenship connects invention and memory for a new mode of citizenship that potentially brings meaning to the Roma and persuades others to accept them for who they are and what they already do.

For scholars of rhetoric, as well as political science, sociology, anthropology and economics, the example of the Roma is striking for the historical differences between the Roma and EU citizens and for the practices of exclusion and discrimination that make the Roma an object of 'otherness.' This otherness, I argue, has the possibility to be breached using the language of freedom of movement, an already established discourse in EU contexts. This essay is a contribution to the debate over the Roma population in Europe (and possibly other marginalized groups) because it connects already existing language and already familiar practices of freedom of movement with the habits and reality, whether by choice or by force, of

the traveling population of the Roma. This juxtaposition of a stable and uncontroversial right of most EU citizens with the much controversial and fleeting situation of the Roma is intentionally provoking. As the EU and other organizations who promote and claim to protect human rights look for innovative solutions to tackle the tensions caused by the Roma, I suggest the rhetorical power of the already accepted and familiar right of freedom of movement to understand and even celebrate the Roma heritage and their historical importance at the heart of Europe. Vermeersch reports that numerous Roma activists argue that “the Roma are a ‘European nation’” thus “the international and European level should carry responsibility for ‘solving the Roma problem’” (Vermeersch 2002, 97). Rhetorically, the Roma undoubtedly pose a threat to the very principles behind the EU, particularly EU citizenship, and an opportunity to understand how their situation, what Bitzer (1968) calls an exigence, can be addressed with already accepted EU, post-national language, rather than national terms that too often lead to more exclusionary and divisive discourses.

This language already exists with the principles, laws, regulations associated with freedom of movement not only in the EU but also when referring to freedom of movement as a human right. The 1948 United Nations Declaration of Human Rights, Article 13, states that “Everyone has the right to freedom of movement and residence within the borders of each state” and “everyone has the right to leave any country, including his own, and to return to his country” ([United Nations](#)). However, while accepted as a basic right for EU citizens, it is hardly embraced as a right for the Roma and, even less, as a practice actually ‘invented’ by the Roma. The move to claim, restore and renovate freedom of movement for the Roma happens rhetorically.ⁱⁱ Freedom of movement is a human right and the assumption that multiple people, including the Roma, in the EU ought to benefit from the same principles, highlights the differences between

freedom of movement as an EU right and the concept of being free to move as human right, the former associated with EU citizens and the latter negatively attached to the Roma, but also as the accepted principle and need that ought to be available to all. As a human right, freedom could be available to all (EU and non EU citizens, Roma and non-Roma and citizens and migrants) and connects all for what they have, or should have, in common. Once freedom of movement as human right is connected to freedom of movement as EU right, a renovation of EU citizenship as a more inclusive mode of engagement based on human rights is possible, as a connection is made with the larger, already accepted principle of freedom as a basic necessity to live a happy and productive life for all, as opposed, for example, to a life constrained by incarceration, political oppression and other restrictions on one's real and perceived freedom, and the specific potential of freedom of movement as an already accepted and existing EU right. Both freedom as a human right and freedom of movement as an EU right address the exigence of the Roma population in the EU because this renovation re-connects the basic human rights and the specific EU right to a population that (whether they are EU or non-EU citizens) already lives as travelers and nomadic. This renovation returns to the historic roots of their plight and forced marginalization not to stereotype them or isolate them further, but to renew their freedom to be and do what they want (as human right) and to move, live, work and travel as members of the EU community (as EU right). Like others, Roma have the right to be free, but unlike others, they freedom to move is either limited legally (particularly as non-EU citizens, third country nationals), or limited logistically, as their options may be limited from the slums of a city in Italy to those of a village in Romania.

The renovation of freedom of movement captures the goals of the EU and all the initiatives the institutions have promoted (we are in the middle of the [Decade of Roma Inclusion](#))

and unites them with what the Roma already practice, so that a new mode of citizenship based on common practices and similar habits emerges. In this new vision of citizenship, differences are not erased, rather citizens are connected to others who are alike and different based on the traditions of human rights, including freedom, and the innovative rights of a transnational body like the EU, so that freedom of movement is not just a right for some, but an accepted practice in a transforming world that reflects about the reasons why some have been moving for centuries and the lessons we can learn from the Roma as adaptable, creative people.

This last point is the richest rhetorically because it captures that difference between the two groups, the chasm between a legally and formally accepted right and the illegal and casually practiced habit, and it explains the imaginative potential, and huge challenge, of connecting the two so that the Roma can be accepted as legal, formal and legitimate citizens, regardless of status but respected in practice. Theoretically, this is a rhetorical renovation not only of citizenship, but also of human rights, connecting invention as a new understanding to memory as remembrance of what those rights already are, what legal venues are already in place and, most importantly, the humanity of the Roma people. Invention centers on the imaginative and creative powers of rhetors, agents and thinkers who need to generate a copious amount of ideas that have the potential to become persuasive and well-crafted arguments (Cicero 1982). Memory is not just a remembrance of what we have crafted and prepared for a specific rhetorical situation, but is the ability to draw from our own reservoir of knowledge, an epistemological well from whence we can pull the right idea at the opportune moment. For a rhetorical renovation of EU citizenship and human rights, memory is essential to remember our humanity, so we can connect to others like and unlike ourselves and add to what we already know with the invention of new arguments to address old problems.

The connection of invention and memory for a renovation is even more salient when what we remember hinders our efforts to move forward. When thinking of Roma, the memory of their image as nomads, criminals, baby-snatching, fortune-telling vagabonds, does not create an image of them as humans. Past memories add to the often accepted stereotypes and justify prejudice and discrimination, so a rhetorical renovation attempts to make new memories, create new meanings and shape new images that eventually replace the existing ones. Invention is key to the ability to imagine the Roma as new citizens, new humans who are still the same without shedding their distinctive culture, but are renovated into humans and connected to those who remember them, know them as ‘different’ for their similarities.

This rhetorical renovation of EU citizenship and human rights needs imagination because the leap we take from what we already know as Roma (or ‘others’) to the vision of them as humans (like everyone else), with commonalities with other humans (their rights, but also their duties and abilities, willingness to be contributing members of society) happens through the ability to return to our humanity to invent new possibilities for the inclusion and acceptance of what we associate with ‘otherness.’ This task is easily imagined, as the principles of equality, respect for human rights and acceptance of difference are powerful commonplaces, *topoi* (Aristotle 1991). But this return to what we know may be right (Kant 1994), is often more difficult when policies and laws that put those principles in practice have the potential outcome of actualizing a vision of ‘sameness.’ Imagination remains associated with the creative, innovative and ‘child-like’ ability to believe in an idealistic future, but is seldom taken seriously in political and social contexts where those visions are tested and brought to life (Nussbaum 1995). Bringing imagination to the adults’ table is a rhetorical risk, but also a necessity for a rhetorical renovation of citizenship and human rights, one that dares to imagine Roma as non-others and finds a ‘real’

way to bring about that change. Freedom of movement is both EU principle and right and the potential means to renovate human rights and bring them to those who need EU protection when already practicing it in various member states.

Aristotle writes that imagination (*phantasia*) is “what a person remembers or hopes” and is “likely to remain in his memory and hopes” (Aristotle 1991, 93). Vico’s theory of imagination tells us that we need images, metaphors, stories, heroes and Gods to believe that what we do, we think, we feel and fear is not a unique experience, is not the first occurrence of either a miracle or a nightmare, but there were others before us and there will be others after us who believe, act, move and live like us. In his often overlooked and massive volume on *Universal Right*, published before his *New Science*, Vico aims to “demonstrate the divine beginning of all divine and human erudition,” which he explains is from God (Vico 2000, 23). He pairs his arguments with images and the first one depicts man’s creation, almost as reminder of our universal, common origins. Vico argues that the “idea of an eternal order is the idea of an infinite mind” who “unites all human beings and all minds” (Vico 2000, 23).

Vico’s own acrobatics into divinity, morality and jurisprudence (as well as metaphysics, ethics, aesthetics...), reveal his theory of *ingenium* as the ability to think, understand, imagine, and create based on what humans already know and already are able to accomplish. For him, *ingenium* is a form of expression closely related to the faculty of imagination, but also developed through eloquence. A skillful orator, for Vico (1990, 41), “cultivates his mind with an ingenious method” that masters the ability to study various topics and learn both sides of controversial issues. Most importantly, for Vico, an orator “omits things that are well known,” and when presenting his audience with “secondary truth, he tacitly reminds them of the primal points he

has left out,” so that they believe “they are completing it (the argument) themselves” (Vico 1990, 25).

The rhetorical tool of *ingenium* is the “original and natural faculty” all humans share as “a productive and creative form of knowledge.” Through *ingenium*, humans create and learn to know the world around them with “the proper faculty of knowledge” (Palmer in Vico 1988, 13) that for Vico comes before rationality. So a renovation of EU citizenship as a human right connects what we already know and remember (memory) with our ability to invent (invention), two abilities central to Vico’s *ingenium* for the ability to inspire, to imagine, to ‘visit’ ideas that seem impossible, like the usually negative vision of the Roma as a nomadic, home-less people, and recognize them as the people who embody and practice freedom of movement as the EU right that has come to represent EU citizenship. A renovation of EU citizenship connects the Roma to EU citizenship and promotes more inclusive, tolerant practices toward them as we extend our imagination to recognize that what they have been doing is what we are promoting as a post-national habit that supposedly unites all EU citizens. Even as the EU right to move freely remains a practice for some, renovating EU citizenship allows us to remember freedom of movement as a human right for all, so we can imagine the Roma as humans and treat them as such.

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ⁱ Other rights include the right to vote and stand as a candidate at municipal and European Parliament elections in the state where they reside; “access to diplomatic and consular protection of any Member States when outside the EU”; the right to petition the EP and complain to the Ombudsman; the right to contact any EU institution and receive a response in their language; the right to access most institutions’ documents, even if with restrictions.

ⁱⁱ In a larger and more in depth project, I trace the history of freedom of movement and its connection to the traits associated with the spirit of freedom, innovation, creativity, risk-taking that describe the Roma.