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## Political Representation and Empowerment of Roma in Slovenia: A Case for National Reserved Representation

Some democratic societies use reserved representation mechanisms to address the under-representation of marginalised minority groups. We analyse the case of Slovenian Roma – a marginalised minority group afforded limited representational rights by the state. Drawing on the theoretical framework of reserved representation and minority rights, we argue that extending reserved representational rights for Roma to the national level would correct a fundamental institutional design oversight. It would constitute a significant step towards recognising Roma as a minority and an equal political actor in Slovenia and create an opportunity for political empowerment of the community and allow Roma to begin to address their socio-economic marginalisation.

**Keywords:** Roma, reserved political representation, Slovenian National Assembly, marginalisation, minority.

### Politično predstavništvo in opolnomočenje Romov v Sloveniji: primer rezerviranega predstavništva na nacionalni ravni

*Nekatere demokratične družbe uporabljajo mehanizme rezerviranega predstavništva pri reševanju podzastopanosti marginaliziranih manjšinskih skupnosti. Analiziramo primer slovenskih Romov – marginalizirane manjšinske skupnosti, ki ji država zagotavlja omejeno pravico predstavništva. Izhajajoč iz teoretičnega okvira rezerviranega predstavništva in manjšinskih pravic dokazujemo, da bi razširitev rezerviranih pravic za slovenske Rome na nacionalni ravni popravila obstoječe temeljne institucionalne pomanjkljivosti. Predstavljala bi pomemben korak k prepoznavi Romov kot manjšine in enakopravnega političnega akterja v slovenski politiki. Poleg tega bi ponudila priložnost za politično opolnomočenje skupnosti in sredstvo, s pomočjo katerega bi Romi lahko reševali svojo socioekonomsko marginalizacijo.*

**Ključne besede:** Romi, rezervirano politično predstavništvo, slovenski parlament, marginalizacija, manjšina.

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## 1. Introduction

The Council of Europe famously referred to Roma in 1993 as “a true European minority, but one that does not fit into the definitions of national or linguistic minorities” drawing on the presence of Roma communities across all European states and the minority’s lack of a mother state (Council of Europe 1993, Recommendation 1203). This characterisation of Roma as a minority came after long-standing debates in European institutions throughout the 1990s that revolved around Roma’s marginalised status and socio-economic hardship – observed in every state in which they reside. The outcome of these debates was to accept that Roma need to be recognised as political agents in the states in which they live. While there is no prescriptive blueprint detailing how Roma are to participate in political life, states with Roma populations agreed to make progressive steps towards improved inclusion of Roma in the decision-making process at least at the local level (OSCE 2000). Slovenia was no exception here. After acknowledging the existence of the Roma community in the constitution in 1990, Slovenia passed laws to institute the mechanism of reserved representation at the local level in 2002 and in 2007 passed a law defining the instruments of the Roma community’s relationship with the state.

This paper makes a case for reserved political representation at the national level for Roma explicitly due to their presence in Slovenia as a marginalised minority group. We demonstrate how reserved political representation in the form of a reserved seat in the National Assembly creates an opportunity for political empowerment of the Roma community. This is particularly significant due to community’s status as a marginalised minority. By marginalisation we understand the socio-economic and/or political exclusion of individuals or a group compared to the majority population or other minorities. Marginalisation may find expression in, or be measured by, signifiers of deprivation and dislocation of living conditions (unemployment rates, levels of poverty or reduced economic power, relatively poor provision of housing and other services), social stigma or experience of direct and indirect discrimination at the hands of authority (incarceration rates, length of sentence for criminal activities, perceptions of state violence against the group, prejudice and/or racism against the group or isolation in terms of participation and involvement in the functioning of the polity), cases of racism, xenophobia and the experience of other degrading treatment deriving from the majority’s perception of the group’s race, ethnicity, religion and/or life-style. Marginalisation can be further reflected in anti-social behaviour of some members of the group, which can manifest itself in an increased propensity to protest, take political action, use violence against the majority or other minority groups or resort to what is commonly perceived as criminal behaviour and social unrest (Brezovšek 1995, 200). Thus a marginal group is a group whose members lack access to resources such as political and

social capital, or are incapable even barred from full participation in dominant institutions (Cohen 1999, 37).

In particular, this paper assesses how reserved political representation can represent an institutional solution to improve the visibility of this particular minority group. Literature on the empowerment of marginalised minority groups (Cohen 1999; Dawson 2011; Dickie-Clark 1966) often turn to the mechanisms of reserved representation as a political instrument that can help overcome marginalisation. Such mechanisms, as discussed in the following section, include reserved seats in different political institutions on either national or local levels or other provisions, such as quotas which can favour political representation of a group. Our chosen focus and case study is the Slovenian Roma as a particular problem of the democratic invisibility of a sizeable minority community and as a general exemplar of the difficulty to setting up an adequate representation for diverse marginalised minority groups.

According to the 2002 Slovenian Census (Statistical Office of the Republic of Slovenia 2002) there were 3,246 individuals identifying as Roma in Slovenia. In the same year 6,243 people identified themselves as members of Hungarian minority and 2,258 as Italian minority from a population of 1,964,036 (Razpotnik 2019). The Republic's constitution (Constitution of the Republic of Slovenia 1991) identifies these three groups as groups with special rights. Italian and Hungarian minorities are understood as national communities (Art. 64), whereas Roma only as a community (Art. 65). These figures, however, are unlikely to represent an accurate picture of Slovenia's ethnic populations as the question about the ethnicity was dropped after the 2002 census, and there is understandable doubt about the accuracy of official numbers of groups with historic tendencies to under-report economic and social activities. Indeed, there is no precise information about the ethnic makeup of the population and the size of minorities today but we can reasonably infer that Roma are a considerable presence in Slovenian society. Nevertheless it should be acknowledged that size is not the key criteria here. The rights of Hungarian and Italian Slovenians are guaranteed in the constitution regardless of the size of the minority communities (CCQ 2001, 712–715). We merely note the relative size of the three groups for comparison and to acknowledge the scale of the issue with ignoring one of the three groups singled out for attention by the relevant law.

We are chiefly concerned with one critical research question, which directly engages with the discourse of equality. We note the practice of reserved representation for certain minority and marginalised minority groups in many democratic nations. These practices are designed to improve political presence of identified groups in the democratic decision-making process. Andrew Reynolds (2005, 2008), the leading proponent of democratic institutional design, showed how reserved representation can be achieved through a number of different means, while Karen Bird (2014) notes that nation-states have often designed

their own bespoke mechanisms for reserved representation for particular groups within civil society. Thus states develop provisions for reserved representation for its minorities or marginalised groups, but there is no blueprint for the arrangement. Bačlija and Haček (2012), for example, explicitly show that for the Slovenian Roma reserved political representation at the local level is a driver of positive change. Reserved political representation can improve group's stake in political decision-making, and by increasing the visibility of the group can improve the social standing of that community. The model of reserved representation in particular could allow Roma "to articulate their voice, make demands and control dominant images of themselves" (McGarry 2014, 757).

While different forms of reserved representation constitute an important tool through which marginalised minority communities receive their stake in politics (the so-called seat at the table), a separate question remains whether reserved representation in political institutions can improve the everyday experience of marginalised minority groups. While the aim of reserved representation is primarily not to resolve marginalisation of a particular minority group, such political mechanism can help to address marginalisation as it gives a marginalised minority community added symbolic power.

The case of Slovenia is particularly interesting because the blueprint for political participation of minority groups is already in use. However, there are two unique conditions in the existing arrangements. Firstly, Slovenia only gives reserved representation in the National Assembly to two of the three officially recognised autochthonous groups identified in the constitution; Italian and Hungarian national communities. They are represented in the National Assembly by their own elected MP (Art. 64). Secondly, electors who qualify as eligible to vote for reserved representatives get two votes for the national parliament, one is the standard vote alongside all other members of the electorate the other for the reserved representative of their community (Art. 64; Bešter et al. 2017).

Roma fall outside of these provisions of political participation on the national level but are granted some on the local level. It is however important to observe that the idea of reserved representation for Roma community that is equal to that of Italian and Hungarian national communities was discussed by the Commission for Constitutional Questions (CCQ) which was tasked in 1990 to draft a constitution for the new independent Republic (CCQ 2001, 712–723). However, it was decided that the Roma community were somehow different from the other two national communities. While Roma were recognised as autochthonous (like Italian and Hungarian Slovenians), the community were seen as lacking self-organisation. For that reason it has been decided that Roma community should not be made equal to the two national communities. Instead of the constitutional protection the rights of Slovenian Roma are determined by a special law on the Roma community (CCQ 2001, 720–722).

The paper makes a case for extending reserved representation at a national level to the Slovenian Roma community. It opens with a discussion of the guiding principles of reserved representation for marginalised minority groups internationally. The purpose of this section is to outline a framework within which reserved political representation of Roma in Slovenia can be considered. The second section looks at the political environment of the Roma community in Slovenia more specifically. Firstly, we outline legal status of the Roma community, this is followed by a discussion of the remit of the Roma representation and constraints that reserved representation might bring. In the final part, we explore the implications that reserved representation for Roma might have and consider the extent to which Roma reserved representation can lead to the empowerment of the Roma community. We argue that the extension of reserved representation rights would give Roma direct access to mechanisms of national political representation and strengthen the process of democratic empowerment of the Slovenian Roma community. This could provide Roma with greater opportunities to address problems of continued political and social marginalisation.

## 2. Reserved Political Representation for Minority Groups

Minority and ethnic groups enjoy different political and social rights in countries in which they reside. Some protect their cultural specificities in the form of special political, cultural or social rights, whereas others treat them as equal to all other citizens without any special protection. In *Multicultural Citizenship* Kymlicka (1995, 82–85) makes a case for special rights and protection of minority and ethnic groups. Though he emphasises that minorities and ethnic groups are different and should not enjoy identical protective rights (Kymlicka 1995, 34–42). The right of self-government should only apply to minorities (Kymlicka 1995, 132–150). The practice of reserved representation is most commonly used to give a voice in the political decision-making process to groups who are different from the majority population in terms of ethnicity, religion, gender or race. In democratic societies the rationale for reserved representation rests on the desire for the parliamentary institution to reflect the shape of society. Whether or not parliamentary institutions need to be a microcosm of society, the symbolism of an unrepresentative parliament is detrimental to the legitimacy of the democratic state. At the extreme a parliament or institution without adequate minority representation loses authority and legitimacy.

The absence of individuals from a certain group or community reduces the ability of an institution to properly represent citizens from that group. As Reynolds (2005, 302) notes: “The lack of descriptive representation indicates the exclusion of important minority interests from government”. This argument may

be most familiar in the contemporary context with regard to the representation of women but can be applied equally to ethnic-linguistic groups (Htun 2004). Reserved representation aims to address a misrepresentation of a particular political institution, it creates space for groups who lack representation or whose interest might not be properly acknowledged. The mechanism creates an official way through which these groups can voice their interest directly to the governing institution without having to compete for attention of interest groups, political parties and other policy decision-makers who feed into governmental policies. The seat at the table metaphor is commonly used to describe such an arrangement. While indeed one voice rarely impacts policy outcomes, the symbolism of reserved representation is nonetheless important. It indicates that a group with a reserved representation is recognised by the state as an equal stakeholder capable of legitimate participation in politics.

There are numerous different ways in which the mechanisms of reserved representation are employed. These depend on the outcomes that states aim to achieve and the type of minority groups that exists in a particular state. Since minority groups are not all of the same kind, there is no blueprint for which mechanism of minority protection should pertain to any particular minority. Some states altered electoral system design to make it easier for parties that stand for particular minorities to take seats in national parliaments, for example lowering quota thresholds for parties or communities with regionally concentrated support (Saggar 2000). Legislatures in Denmark, Germany and Poland reduce the threshold for minority parties representing particular ethnic groups (Htun 2004). An alternative mechanism of reserved representation for minority/marginalised groups is quotas for MPs or on party lists. Taking their lead from Mansbridge (1999), a particular sub-field of political representation has been dominated by scholars looking at the effect women's representation has had on the quality of lawmaking and protection of women's rights throughout the world (e.g. Childs 2004; Celis et al. 2008; Phillips 1995). In particular the case has been made that the widespread adoption of women's quotas has enriched the quality of representation in many democracies (Krook 2006, 2010). We note that gender-balanced party lists are a pre-requisite for representation in Slovenia. The literature on quotas for ethnic groups is much smaller but the normative building blocks for both cases are similar. In order to adequately represents a section of a society, parliamentary institutions need to accommodate people from those sections of society.

Other nations, such as Italy, Bosnia and Croatia have (like Slovenia) reserved seats in parliament for MPs to officially represent minorities who would otherwise struggle to find a presence in parliament (Reynolds 2005). As reserved seats are the chosen solution to minority representation in Slovenian political system, the paper develops Roma representation in the context of this mechanism.

Reynolds (2008, 120) notes that:

The recognition of language and national identity is predominantly a Central and Eastern European phenomenon, notably at work in Croatia, Romania, Slovenia, Poland, Kosovo, Bosnia, Macedonia, and the Ukraine. But, apart from those in Croatia and Kosovo, such reserved seats are little more than lone voices in large majority parliaments.

57

This lone-voice assertion can be contested in the case of Slovenia as the relatively large number of effective parties and the relatively small number of Slovenian MPs (90) combine to greatly increase the potential leverage/brokerage power of the MPs elected to represent Italian or Hungarian minorities. While it is in the interest of minorities to co-operate with the Government (it is customary that minority MPs vote with the Government) the symbolic and bargaining potential is nonetheless significant. Slovenian governments in mid 1990s did rely on minority MPs support for governing. In Sartorian terms these MPs may enjoy considerable blackmail potential when it comes to influencing national policy or even government formation (Sartori 1982, 291–292).

Several countries also use this practice of reserved representation for ethnic groups (Zuber 2015). According to Bird (2014) there are at least 28 countries that guarantee a minimum number of political representatives from particular ethnic groups (although curiously the autochthonous groups in Slovenia do not feature in her list). Roma are given reserved representation in the National parliaments of Romania and Kosovo while Croatia has one reserved seat for Roma and other. These are just some of the examples of the countries that have reserved representation for ethnic minorities including a Roma minority. Given the extent to which Roma minorities are beneficiaries of some form of reserved representation in Romania, Kosovo and partially in Croatia their continued exclusion from the National Assembly in Slovenia appears to be a significant oversight from the designers of democracy (CCQ 2001, 712–723).

In considering reserved representation of minority groups, we did not explicitly draw a distinction between minority and marginalised groups. Reserved representation acknowledges the presence of a particular minority group in the polity and protects its rights. Reserved representation of marginalised minority groups does the same, however it also grants political visibility to a group that would – due to its marginal status – remain excluded from the existing dominant political structures and socially and economically struggles at the fringes of the society. Sometimes the minority and marginalised status overlap, but not always. For example in the context of Slovenia, Hungarians and Italians are a minority but according to the introduced Cohen's definition of marginalisation (socio-economic deprivation and exclusion from dominant political structures) it is much harder to characterise them as a marginalised group, whereas Roma are a minority (a special community) and marginalised.

With an outline of how reserved representation is practiced in the context of minority and marginalised minority groups we lay the foundations on which reserved representation for Roma in Slovenia could be built. The establishment of a Roma MP in Slovenia would address the key democratic premise that parliaments cannot act in isolation without proper consultation with Roma on Roma matters. This is the 'nothing about us without us' axiom of representation (Charlton 1998; Werner 1998) which stands as the cornerstone of symbolic and substantive representation in many contemporary and historical struggles for minority rights.

### 3. An Outline of Political and Legal Framework of Representation for the Roma Community

The Slovenian Constitution acknowledges special rights for three groups: Italian and Hungarian minorities are recognised as national communities whereas Roma are characterised as a special community. Article 64 of the Slovenian Constitution grants special rights and privileges enjoyed by Hungarian and Italian national communities. Those include the right to reserved political participation, the use of national symbols, the use of their mother tongue in public office and in education, support for economic, scientific and cultural development. Whereas Article 65 acknowledges special rights for the Roma Community but does not specify the nature or the extent of those rights. It simply states that the Roma Community Act further defines these rights. The law regulating special rights of the Roma community in Slovenia was only passed in 2007 (more than 15 years after the expression of constitutional obligation to protect the rights of Roma) and is currently under review. In addition, the 2002 Law on Local Government (Act Amending the Local Self-Government Act) established the role of special representatives of Roma in local councils. These Roma councillors are elected in 20 municipalities with a significant long term and more or less permanent settlement of Roma populations such as the regions of Prekmurje and Dolenjska. There are however problematic omissions – the relatively large Roma communities of Škocjan and Ribnica for example are not on the list of 20.

Thus with the law dating back to 2002 the Roma community has gained similar political rights to the other two autochthonous minority groups at the municipal level (Bešter et al. 2017). Locally, for example, this includes a dual voting right, whereby members of Roma community in a region with a Roma councillor can exercise their electoral right twice – in a vote for a representative of their community and in elections of local councillors. However unlike Hungarian and Italian Slovenian councillors, where reserved Roma councillors are permitted they lack the power of Iris Marion Young Veto. That is a right of a



veto over policies that might be affecting their community (Young 1989). The scope and the remit of Roma councillors' political mandates remain unclear, as councillors need to manoeuvre between the wishes of their electorate and those of general population (Komac 2007a). Some Roma councillors feel this acutely, Darko Rudaš, the president of the Forum of Roma Councillors, claimed that regardless of the efficacy of a Roma councillor, business in the Chamber still oscillates between democratic debate and xenophobic remarks (Interview with Darko Rudaš, 2017). Thus the success of a Roma councillor and the advancement of the local Roma community too often depend on the largesse of local mayors willingness to listen to Roma issues and support their cause. Such local representation has not solved many of issues of marginalisation, it has, however, began to address the living conditions of the Roma communities. Attempts have been made to legalise the land where communities live (more) permanently and to ensure that living essentials (such as water, electricity or sewage) is more commonly available to these communities. There are however significant differences in the level and the standard of these provisions between the different settlements.

The legitimacy of Roma councillors elected is often questioned (Komac 2007a). They are apparently regularly exposed to the abuse and mistrust from the constituency they represent (Interview with Darko Rudaš, 2017). Different settlements in one municipality might have disagreements that can translate into local Roma politics. They can refuse to engage with their councillors and accuse them of working only for their own benefit. That said, the institution of reserved local representation for Roma communities has been a significant development.

On the national level, Roma do not enjoy the same privileges of political participation as the two national minorities. They do not have a representative in the National Assembly. Their only political body that has the capacity to act politically on a national level is the Council of Roma Community, which was founded in 2007 with an Act on Roma Community. Seven out of twenty-one members of the Council are local Roma councillors. The Council can report to the National Parliament, the National Council of the Republic of Slovenia, the government, other state bodies, the bearer of powers conferred by public law and the bodies of self-governing local communities. Nevertheless, the Council's powers are limited – it may only offer opinions, or initiate specific matters that pertain to the status of the Roma (Bešter et al. 2017; Roma Community Act 2007, Art. 12). Without the presence of a dedicated Roma MP in the national parliament the interests of Roma are harder to articulate and represent than those of the Italian and Hungarian Slovenian communities.

Despite the large number of national parliaments that reserve representation for ethnic, cultural, linguistic and religious groups, one of the few pieces of analytical research on the subject asserts that "there are virtually no two implementations of special group representation mechanisms that completely

alike” (Vukelić 2012, 40). In other words, states can, and do, make their own bespoke arrangements in order to best represent minority communities and marginalised groups. Slovenian case perfectly corroborates this observation. It is not that Slovenian political arrangement does not recognise special rights, on the contrary. The law defining special rights in the context of minority protection is rather well developed. It is the made distinction within the special rights provisions that separates the two national minorities from a special community that is worthy of attention.

Vermeersch (2000, 2003a) in his research interrogates a question of differentiation between minority groups, giving attention to implicit and explicit prejudice against particular minority groups and the appropriateness of special rights for the ‘protection’ of Roma as opposed to other groups (Vermeersch 2003b, 2005). He suggests that ‘rights claiming’ arising from the special rights or different identity of the Roma community might not be the best or most productive way ahead as it runs a danger of only reproducing identity stereotypes (Vermeersch 2003b). Further, the purpose of special rights can be legitimately question. Are these rights designed to protect the different cultural or national specificities of these groups or are they supposed to help in overcoming hardship or inequalities that stem from ethnic difference (and prejudice)? While minority rights provisions focus on securing representation, a seat at the table is necessary for a minority to begin addressing inequalities and marginalisation.

Political rights are a tool for achieving advancement of a particular community and a change for its escape from marginalised status. In this context, the right to politically organise, participate and exert political pressure is central. At the time when Slovenian constitution was drafted the political establishment acted as if the Roma community was incapable of enjoying the same political rights as the other two autochthonous minorities (Komac 2007b). Scholars coined a phrase “political adolescence” describing the perceived inability of the Roma community to actively participate in national politics (Bešter et al. 2017, 90; Komac 2007b). With the laws of 2002 and 2007 and the on-going developing and strengthening participation of Roma on the local level, the argument of adolescence can hardly be sustained.

The Slovenian constitution already essentialness Roma by naming them as a special group and a minority in need of protection by the law. Further, legal documents split the Slovenian Roma into three different groups – the autochthonous Roma, the new Roma and Sinti. The autochthonous Roma living in the 20 municipalities with reserved local representation are the recipients of rights pertaining to political representation, whereas the new Roma or Sinti (unless they reside in the above mentioned 20 municipalities with reserved representation) do not enjoy special political rights. The architects of the constitutional framework gradated special political rights (CCQ 2001, 712–723). Italian and Hungarian minorities receive most political rights, autochthonous

Roma some of those rights mostly on the local level, whereas other Roma none. In doing so they created an almost irreparable split in the Rome community, in particular as there are no clear criteria determining the autochthoneity of Roma.

Once separated out for special treatment it is extremely difficult to justify why the special treatment allocated to each of the identified minorities is not equitable or at least proportional. One can argue that the Italian and Hungarian minorities had special rights preserved already in the 1974 Constitution of the Socialist Republic of Slovenia (Art. 250 and 251), and that the Independence constitution simply honoured existing special statuses. However the architects of the new constitution recognised the existence of another minority group on Slovenian territory and while the acknowledgement of the community in the constitution is a progressive move, the constitutional design (2/3 majority required for the change in the constitution) also made any improvement in Roma representation nationally virtually impossible (CCQ 2001, 712–723).

The next section explores the pitfalls that reserved political representation for Roma but also how it could influence the opening or the closing down of the existing political space. In doing so we draw on minority rights, which is what most literature on Roma political participation in Slovenia focuses on (Komac 2007b; Žagar 2017), and arguments of equality for political inclusion of Roma.

#### 4. Opportunities and Limits of Reserved Representation for Roma

Arguments about the rights of Roma in Slovenia – including reserved political representation – on local and national levels are primarily argued for within the framework of minority protection laws and provisions. While all three minorities are recognised as autochthonous minority communities, the Italian and the Hungarian minorities are national communities, whereas Roma are only categorised as a special community (Government Office for National Minorities). In addition to the three autochthonous minority communities, there are also new minorities for whom key legal documents do not ascribe special political rights. These include for example communities of Germans, Jews and individuals from former Yugoslav Republics. These groups can form societies and receive funding for their cultural activities, but remain without special political rights (Constitution of the Republic of Slovenia 1991, Art. 61 and 62). Arguments about extending reserved political representation for Roma on a national level or recognising special political rights of new Roma are often denied on the premise that this would prompt other new minorities to demand the same status (STA 2018). This scenario was foreseen by the Constitutional Commission in 1991 who explicitly decided against mentioning the existence of other minorities in the Constitution and in doing so aimed at preventing any

further extension of special political rights (CCQ 2001, 723). It however should be acknowledged that the Commission did not see a problem if Roma were to receive equal treatment to Italian and Hungarian minorities in the future. Only that the basis for the equal treatment had to be derived from the special law mentioned in Article 65 and not the constitution itself (CCQ 2001, 712–713).

Komac (2007b) shows how the existing legal documents can be used in constructing a Roma ethnic group as a national minority with a right to reserved political participation. He particularly emphasises that the Slovenian state needs to alter its standpoint with the Roma community from one that perceives Roma as a marginalised group to one that sees them as a national minority. This argument of reserved political representation for Roma on the local level is then taken further through a careful analysis of the constitutional amendments, the changes in the local self-governing act and the Roma Community Act where the authors outline advantages and short-comings of the existing political arrangement (Bešter et al. 2017). Such an approach explicitly highlights the presence of Roma in key legal documents pertaining to the democratic institutional design of the state. Further, it outlines that provisions for the protection of minorities in Slovenia exist but that despite acknowledging Roma Community they refuse to grant protective special rights to this marginalised minority community. It is thus important to speak about Roma in the context of minority rights and in doing so persist on the path that could see recognition of the Roma community as equal to the Italian and Hungarian national minority communities. However, Roma are also different.

While autochthonous Roma communities have a long history of presence in particular regions in Slovenia, which makes them comparable to Italian and Hungarian communities, the relatively low socio-economic status of Roma communities requires consideration. While official statistics are scarce, the extent of marginalisation of Roma across socio-economic indicators such as for example education, health, life-expectancy and unemployment in Slovenia is clear (Bešter et al. 2016; Government of the Republic of Slovenia 2010; Peace Institute 2004). There are numerous social programmes initiated by the state or NGOs which aim to aid Roma performance in school, improve employment skills and help with employment strategies. There are social services providing support for struggling Roma families and there is a national platform for Roma that each year focuses on different aspects of Roma marginalisation or political empowerment (Government Office for National Minorities). However, the strategies of de-marginalisation and political empowerment are disjointed. Internationally we observe that strategies of empowerment need to address political disenfranchisement as well as socio-economic marginalisation (Patnaik 2013; Kymlicka 1995). This is particularly pertinent when groups in question are also subject to racist and xenophobia attacks and other acts of hate crime. Reserved political representation can thus be considered as a tool which can re-

balance the existing disequilibrium in political space and begin to empower the marginalised community by giving them a voice in a decision-making process (Severs & Dovi 2018; Vermeersch 2005). This approach goes hand in hand with democratic principles, which aim to overcome injustices by guaranteeing that every group is visible in the democratic architecture of a nation and has a viable political voice (Kymlicka 1995, 152–153).

There are of course downsides to reserved representation for marginalised minority groups. It can be said that it essentialises and can even ossify existing societal splits (Vermeersch 2003b). The reserved representatives are likely to stay in the minority and could be seen as mere tokens of democracy. While the essentialised group far from being better integrated into society, may become even more isolated from the mainstream if the majority population (and their representatives) decide that they no longer need to concern themselves with minority matters. As the Inter-Parliamentary Union, the global organisation of national parliaments, declared there is a danger of isolating minority interests further through reserved representation. The solution they suggest is that:

Holders of reserved seats must be able to address all issues before parliament, not only minority and indigenous issues. Minority and indigenous issues should be mainstreamed into parliamentary work. (Inter Parliamentary Conference 2010)

In other words the establishment of reserved representation for the Slovenian Roma is part of the process of encouraging more effective political participation of the community and improving quality of representation, but not the end in itself. It is a necessary but insufficient condition in the process of improving Roma representation and its visibility in the public sphere. Further it legitimises the presence of the group on a national public sphere, while internally it gives a group impetus to engage with state institutions and build trust towards them. Research that groups similar to Roma (such as Maori, Native American or African-American) have shown that these groups lack trust in state institutions because of the violence, bias and institutional racism they experienced (Peace Institute 2004).

A further danger of reserved representation is that minority political elite could possibly raise expectations in a way that might be hard to satisfy (Severs & De Jong 2018). A serious amount of expectation management would be required from the start in order to temper the demands from the newly represented community. Finally the creation of reserved representation might be seen as an end in itself, a panacea for the representation of marginalised minority communities such as Roma, rather than what it ought to be seen as the beginning of a democratic process of representation and integration of the community into the political mainstream.

Nevertheless, the extension of reserved political representation to Roma in the National Assembly would serve an argument about political recognition and agency. In the case of Slovenian Roma where institutional architecture for special rights on reserved representation already exists Roma – if given this right – would have the opportunity to become political agents rather than observers to decision-making process that directly concerns them.

## 5. Reserved Representation: A Pathway to Roma Political Empowerment?

It is easy to claim that reserved political representation for Roma community that is similar or identical to that enjoyed by the Italian and Hungarian national minorities would automatically mobilise the community. However, a mechanism of reserved representation has a symbolic and an institutional significance. If the institutional significance concerns the seat at the table when issues concerning community are discussed, then symbolic significance improves the visibility of the Roma in a public sphere. Before discussing symbolic significance in more detail, a case for institutional significance will be further contextualised. Slovenia is a particular case in the institutional design for reserved representation of Roma. It has a well-developed practice of reserved representation at a local level, which despite its shortcomings, ensures political visibility of Roma in the communities in which they reside. This is an important advantage when considering reserved representation at the national level. Firstly, it suggests that Roma communities are versed in electoral requirements and socialised in democratic principles. Secondly, it testifies of an existing Roma civil society and somewhat effective political organisation that could translate interest from local to national level. An active civil society is an important precondition for effective political participation because it ensures, as Norris (2002) writes, a transmission of political interest from the local/community level to the level of national political representatives. These two observations are important for the success of reserved representation at the national level.

No other country with a Roma population currently reserves space for local councillors for Roma. Hungary, for example, had a similar function but terminated it in 2005 (NDI 2006). Since then Hungarian Roma are politically organised around the so-called self-governing localities or regions, which are separate from mainstream politics. This is a less desirable solution because it creates two-tier governance with no to little communication between the Roma political structures and national politics (NDI 2006). In Slovakia, for example, Roma participate in majoritarian politics either by engaging with the existing political parties or through minority parties. Roma get elected into the parliament, municipal councils or become mayors, but they run on majority

lists or as majority candidates (Vermeersch 2003a). In other words there is no reserved representation for the minority. In Austria Roma Ethnic Group Advisory Council is an advisory institution that Austrian Government has to consult on any issue or activity concerning Roma (such as education, language, TV and broadcast and financial aid for minorities) (Fink 2011, 54). Again this is only an advisory and consultation body and not a representative body. Whereas in countries such as Croatia with a reserved MP for Roma and other on a national level, local political institutions which could organise Roma community and build common interest are lacking. The existing political arrangement for the Slovenian Roma thus offers a unique opportunity to mobilise the community on a local and national level and in doing so open a possibility for a bottom up rather than a top down approach to Roma questions.

The symbolic significance of reserved representation can address prejudice and stereotypes about the Roma population. A reflection of some of those stereotypes can already be observed in the drafting of the constitution (CCQ 2001, 712–723). Prejudice can be tackled by making the minority more visible in everyday life, in political space or in the discourse of the majority (Bačlija et al. 2008). In Slovenian regions where Roma communities have been historically present, the majority population tends to interact with Roma communities in a less conflictual way, though we note there are significant differences between the settlements. The difference in the attitude of the majority towards the minority commonly depends on how disruptive the minority appears to the majority or how well it is assimilated into its majoritarian environment (Verkuyten 2005). In the region of Prekmurje, for example, the relationship between the Roma community and a majority is on the whole less confrontational, as Roma appear most integrated in the life-style of the majority. They have also been present in that space for longer than in other regions (Bačlija et al. 2008). The relationship between the minority and the majority is, however, much more antagonistic in some other parts of the country. In the region of Dolenjska the relationship is among the most strained with hostilities, violent threats and hate crime coming from both directions (Bačlija et al. 2008).

Antagonism to Roma from members of the majority community is frequently framed with reference to the experience of fear or direct danger posed to them by the Roma community and their anti-social life-style, as McGarry's research on the attitude towards Roma in Europe also shows (McGarry 2017). The open hostility between the two groups transgresses personal or group relationships in Slovenia also. In the municipality of Grosuplje – a municipality with a statutory Roma Councillor – local officials repeatedly declined to organise elections for the Roma representative. The scope for effective representation for Roma in such circumstances is extremely constrained not only because of the aforementioned difficulties faced by the Roma councillors but also because of the hostile environment in which they all too often need to operate (Bešter et

al. 2017; Interview with Darko Rudaš, 2017). In the case of the Slovenian Roma the local representation guaranteed by the law can be effectively circumnavigated and the councillors themselves isolated and ineffective (Bačlija & Haček 2012). To avoid local grievances, disputes and prejudice it could be useful to allow Roma politics to bypass the municipal level and target national politics directly. Broadening political conflict helps to alleviate local biases that marginalised minority group might experience. Schattschneider's foundational political idea of the mobilisation of bias describes this phenomenon well when he states that national level can protect marginalised minority group interest from local prejudice (Schattschneider 1960).

Research on the visible political roles also suggests that gaining an important political function can build legitimacy of national institutions in the eyes of the marginalised minority community (Boulding 2010, 457–458). In the context of Slovenian Roma a reserved Roma MP would symbolically acknowledge Roma's presence and stake in the Slovenian social and political space. Equally it would recognise the community as equal and deserving of a democratic voice. Shilliam's work on deserving poor states that negative stereotypes translate into politics making groups that are more like a majority deserving of political rights whereas others remain undeserving (Shilliam 2018, 5–8). As reports show Roma are overwhelmingly spoken about in negative terms (McGarry 2017). A position could also improve legitimacy of the community, normalise their (historical) presence on the Slovenian territory and formally acknowledge Roma as equal and valued citizens.

A seat in the National Assembly also bears responsibilities. An increased responsibility and a greater stake in a society could encourage Roma community to adapt current disruptive practices. Disruptive or anti-social behaviour is in line with marginalisation as shown earlier (Brezovšek 1995, 200). Thus increasing their stake in public life could lead to some change in behaviour and support for the dominant political institutions.

Moreover, unlike the case of Italian and Hungarian minorities, reserved representation for Roma could, we argue, have an even greater symbolic significance. While representatives of Italian and Hungarian minority represent a national community as a coherent singular unit, the Roma community is much more diverse and lacks singular interests. While the role of the Roma representative would be the same as the roles of Italian and Hungarian representatives, political stakes could be higher. A reserved seat for Roma in the Slovenian National Assembly could help unify hostile divisions within the community. Further the role could open questions about the constituency, which the reserved MP is to represent. The Constitutional arrangement acknowledges the existence of autochthonous Roma only, thus could a reserved representative recognise Roma communities currently excluded from special political rights? Opening up reserved representation to all Roma communities on the Slovenian



territory would increase the voting capacity of the community, which could again lead to greater political mobilisation and political organisation of the Roma communities.

Reserved representation can address more long-standing issues of electoral disengagement of marginalised Roma communities. A constitutional change would provide a platform for more radical challenges to the political status-quo on behalf of hard-to-reach individuals and groups which could translate not only onto the Roma community as a whole, but also to the so-called new minorities who are currently locked out of the mechanisms of political representation. In fact the Government often refuses to engage in discussions about extending reserved representation for Roma on a national level (or recognition of all Roma communities) on grounds that this could lead to a domino effect, with other new minorities demanding the same right (Fajfar 2014; STA 2018).

As a result of the new institutional settlement, the Roma community could politically mobilise and contribute more fully to the Slovenian political arena. There is ample evidence to suggest that communities that feel more integrated and recognised are also more likely to vote (Norris 2002). In the last local elections the Electoral Office research shows that in areas where the relationship between the Roma community and the majority is non-conflictual the turnout is relatively high. A turnout in Pušča for example was above 60 per cent, which was well above the national average of 51 per cent (State Election Commission 2018).

Thus a Roma representative in the National Assembly could have a broader impact on Roma's political behaviour and the overall quality of democracy in Slovenia.

## 6. Conclusion

The Slovenian constitution recognises three minority groups: Italian and Hungarian national communities and the Roma community. The two national minorities are granted reserved political representation on a national level whereas Roma do not have that right. This is an advocacy paper which makes an argument for extending reserved political representation of the Roma community (understood as a marginalised minority) to the national level as well and thus at a stroke equalising the official status of the three minority groups. In doing so it makes the case for the extension of this right as well as analysing its potential political impact. Our argument relies on the theoretical framework of reserved representation of minority groups and the provisions of minority rights that already exist in Slovenia. The extended recognition of this political right would be significant for the Roma community, in particular because it would provide an opportunity for the political empowerment of the group and a means through which Roma could begin to address their socio-economic marginalisation.

Extending reserved representation is significant institutionally and symbolically. Symbolically it would give Roma political agency and an opportunity to engage with national politics directly, whereas institutionally it would repair the existing asymmetry in minority rights provision. The existence of reserved representation for Roma at the local level makes Slovenia a unique case. The existence of this local mechanism creates solid foundations for an effective representation at the national level, because Roma communities have already been socialised in the principles of democratic representation. A combination of local and national reserved representation would thus permit a bottom up approach allowing the Roma community and their representatives to drive questions about Roma in Slovenia. This would create a progressive model of minority protection and politically empower the community.

Roma communities in Slovenia are internally fractured – some fissures come from tensions and disputes between communities, other from a formal division instituted in the Constitution and Roma Community Act. Nevertheless a reserved seat in the National Assembly could create an opportunity to unite autochthonous Roma (with special rights), and new Roma and Sinti with no special political rights. This arrangement would open an opportunity to re-think reserved representation for minority groups in Slovenia more broadly. However, it should be stressed that reserved representation cannot be seen as an end in itself but a first step in a process in which Roma could resist marginalisation and move towards becoming equal political players.

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