Romania:
The Fear of Shame as a Deterrent for Deviant Behavior in the Kalderash Community

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Abstract: Roma people, regardless of clan or desire for acceptance, may be perceived as exotic by the majority, eliciting varied responses. This study contributes to understanding conflict management in Kalderash Roma communities. Using legal anthropology principles, the researcher gathered qualitative data to elucidate how Kalderash Roma conceptualize and implement conflict management strategies. Findings indicate they adhere to a stringent moral code centered on shame. Through interviews and observation, it was determined that Kalderash Roma use shaming as an effective conflict management measure, believing deviant behavior engenders shame and misfortune for the transgressor. This study examines the unique conflict management practices within Kalderash Roma communities, emphasizing shame's pivotal role in their moral framework. The research investigates how shame functions as a deterrent against deviant behavior and a mechanism for maintaining social order and resolving disputes. The findings suggest that the Kalderash Roma's approach to conflict management is intertwined with their cultural beliefs and values, particularly the notion that wrongdoing incurs shame and misfortune upon the perpetrator. This interconnection between moral transgression and negative consequences provides a strong incentive for community members to adhere to social norms and resolve conflicts amicably.

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Introduction

Individuals have consistently sought efficacious methods for conflict resolution at various levels. This pursuit has generated numerous conflict management strategies and techniques, as well as actions considered

deviant in diverse contexts. In contemporary society, formal justice takes precedence, followed by negotiation, arbitration, and mediation techniques, which have been institutionalized alongside traditional justice administered by state institutions. However, the complexity of modern conflicts has rendered these methods insufficient, necessitating the exploration of alternative approaches, including hybrid practices such as private trial, ombudsman, med-arb procedure, or simulated court. Throughout this evolution, one element has remained constant—shame as the foundation for any conflict resolution mechanism. Irrespective of the chosen method, shame is inevitable—shame associated with court appearances, convictions, being perceived as deviant by family or community, making public apologies, being labeled, or becoming the subject of gossip.

In 2014, together with other researchers from the Conflict Studies Center (part of the Babeș-Bolyai University, Romania), we started working on an international project to revitalize interest in the traditional methods of conflict resolution. Our goal was to document them and show that they are often more effective than modern justice. In this way, we have documented traditional methods of conflict resolution used in the Philippines, Kazakhstan, Crete, Albania, Nigeria, Cameroon and Ethiopia (Chereji & Wratto, 2013; Chereji & Sandu, 2018, 2021; Ragandang, 2017, 2018; Ragandang & Ponce, 2019; Amaechi, 2017; Awoh & Nkwi, Sandu, 2018, 2020; Mengistu, 2019; Yimer, 2021). The common thing all this studies have in commin is that they concentrate on traditional communities with a strong moral code, a high group cohesion and a desire to preserve and use their traditional justice system instead of using the modern and formal justice system. Even if we talk about communities from three distinct continents, all of them define the effectiveness of their own traditional justice system in terms of quickness, preserving the group cohesion afther the punishment of the wrongdower, the reintegration of the wrongdower back to his community and, most importantly, the fact that the whole community is part of the justice act. At the end of the project, we realized that something was missing from this list and that we focused on communities on three continents while we had at home, in Romania, a community that uses its own methods of conflict resolution—the traditional Roma people, a community that can be met in North America, Asia and Europe. Based on our previous work (Chereji & Sandu, 2018; Sandu, 2018, 2020) we can see that the traditional justice system of the Kalderash Roma is almost symilar with the ones from other parts of the globe—it is based on a moral code, it uses the principles of reintegrative and dezintegrative shaming, it is done with the participation of the whole community and it is based on the notion of *making peace* rather than just to find who is right and who is wrong, all of this being analyzed in the following pages. Of course, there are also some differences due to the specific of the Kalderash Roma branch, their moral code and values, the biggest one being the fact that, due to their harsh history (being for centuries slaves) and the nomadic way of life, they don't have a lot of time to spend on resolving community conflicts. More exactly, if Adat (Kazachstan), Gacca courts (Nigeria), sasmos (Crete) are more inclined to facilitate a resolution, Kris (Roma court) is a proper med-arb procedure (very resemblent with the one institutionalized in the Western countries).

The results of our previous research showed that shame was the foundation for every moral code we have met and that the members of the community fear shaming more than a legal punishment for a deviant action. This conclusion can be also addopted for the three Kalderash Roma communities based on their moral code—Romanipen—whith its four pillars based around the notion of shame (each of this pillars will be presented and analysed in the following pages in order to explain the peculiarity of this groups but also the resemblance with other studies communities).

Methodology

Using active observation for a period of more than one year and semi-structured interviews with the members of the Kalderash branch of the Roma community, I was guided by the specific objectives of this branch of anthropology: identifying normative control systems, identifying how society and its members use the concept of justice to resolve conflicts and their interaction with other social control systems (Donovan, 2008).

For this study, three Kalderash Roma communities were selected: one from Valcea County (Boisoara) and two from Gorj county (Târgu Cărbunești and Scoarta). The Kalderash group was chosen based on the researcher's interest in their lifestyle and traditions, and their reputation for adhering to Roma traditions, including traditional conflict resolution methods (Partida Romilor, nd, Grigore & Sarau, 2006). These specific communities were selected due to the researcher's prior interactions and established connections with krisinitori (Roma judges) who facilitated the study logistics.

The research involved interviews with 31 Roma individuals (17 women and 14 men), all self-identifying as "real Roma" from the Kalderash group. Most interviews were conducted at participants' residences, with some in camps during fairs. Additionally, key individuals working with Roma communities were engaged to obtain otherwise inaccessible information and gain their perspectives. Six interviews were conducted with krisinitori (supreme Roma judges), law enforcement representatives, and local authorities.

Indigenous Community Justice

As a component of legal anthropology, the seminal study in indigenous community justice is Malinowski's (Crime and Custom in Savage Society, 1926). This work is considered the foundational text of the emerging legal anthropology discipline. The study examines crime and punishment among the Trobriand Islanders of the Western Pacific. Malinowski posits that primitive societies possess distinct justice systems predicated on their cultural norms and values. A significant finding, pertinent to this study, is that in primitive societies, the concept of crime is not based on a universal notion of right and wrong, but rather on the society's specific cultural values. Furthermore, punishment for crime is not necessarily intended to reform the offender, but to restore social harmony and equilibrium.

Malinowski's work was subsequently expanded upon by Schapera's study of the laws and customs of present-day Botswana. Within legal anthropology, Schapera's study is significant because it delineates both the traditional laws and customs of the indigenous tribes and the modern legislation of the English settlers, as well as their interaction (Donovan, 2008; Moore, 2005).

Another foundational study in legal anthropology is Conflict and Custom in Africa (Gluckman, 1955). A central theme is the concept of "customary law", which Gluckman defines as the informal system of social control and regulation in traditional African societies. He contends that customary law was an adaptive system, responsive to changing circumstances in African societies, and was not necessarily predicated on immutable traditions or cultural norms. In 1955, Claude Levi-Strauss, founder of structural anthropology, published a seminal work combining personal memoir, cultural critique, and scientific inquiry (Tristes Tropiques, 1955). Levi-Strauss reflects on his Amazonian rainforest and Brazilian Highlands experiences, examining indigenous people's cultural and social systems. He posits that all cultures share common structures in mythology, social organization, and material practices, regardless of technological advancement. Another relevant work is The Savage Mind (1962), where Levi-Strauss contends that shame and punishment significantly influence the Nambikwara people's social organization. He argues that Nambikwara society is based on "reciprocal obligations" enforced through shame and punishment threats. Levi-Strauss observes that the Nambikwara's developed sense of shame maintains social order and enforces behavioral norms. Shame and punishment deter deviant behavior like breaking obligations, theft, or violence. These sanctions are enforced through informal social mechanisms and public shame threats rather than formal institutions like the state or legal system.

Pfohl (1981) and Raybeck (1988) consider that the subject of this type of community justice is much more complex than has been presented in previous studies. In this regard, Pfohl (1981) states that tribal or indigenous societies have adopted specific customs that have enabled these communities to prevent deviation from the rules, while ensuring a strong sense of belonging to the same cultural identity. Raybeck (1988) goes on to say that these habits and internal conflict resolution mechanisms allow the community to forgive the wrongdoer. Being small communities, the strength of the group lies in the quality of its members, but also in numbers. For this reason, in order not to lose important members for the survival of the group, these communities have developed mechanisms for reintegrating the culprit into the community to the detriment of more severe punishments that could result in the death of the culprit or ostracization.

Regarding the Roma, Caffery and Mundy (1997) state that "judgment is basically a meeting between group members in which a specific conflict related to inter-group relations, especially between families, is discussed and an agreement is reached certain solution of it" (p. 254). Moreover, according to the studies carried out by Acton *et al*. (1997), Weyrauch (2001), Wryrauch and Bell (2001), Marushiakova (1998), Marushiakova & Popov (2007), Lee (2001) or Sorescu-Marinković (2013), this form of justice involves the whole

community in determining the verdict, so that the responsibility for any sanction belongs to the whole group. Also, Acton (2003) and Marushiakova and Popov (2007) also discusses the fact that the judgment is the attribute of the oldest members of the community because the authority they have in front of others is given by life experience and status.

Shame

Shame is a significant concept in the sociology and anthropology of law. Consistently associated with social prestige, specifically its negative component (unfavorable reputation), this concept is prevalent in the theory of social stratification, the theory of elites, and, more recently, the restorative justice movement (Wegener, 1992; Braithwaite, 1989). An evaluation of social prestige inevitably leads to the concept of reputation. In positive instances, prestige is synonymous with the status an individual holds within their community. Conversely, in negative instances, prestige manifests as an unfavorable reputation among other community members, resulting in shame, particularly as this shame leads to stigmatization, understood as a deviation from socially accepted standards. As will be demonstrated in the presentation of data obtained through this research, this stigma can manifest as a label that isolates (temporarily or permanently) the offender from the rest of the community.

Braithwaite is one of the scholars who has devoted considerable attention to the study of this concept and its societal role. According to his research (1989, 2002), shame can be employed against any individual who fails to adhere to community norms. In support of this assertion, Braithwaite presents examples from diverse cultures and historical periods. He posits that in antiquity, the Roman Republic punished deviant behavior by setting fire to the offender's entrance door and having individuals dressed in mourning attire consistently follow the deviant. Both actions were intended to embarrass the culprit and demonstrate the community's disapproval of such behavior, thereby serving as a deterrent for potential future rule-breakers. In other cultures, Braithwaite discusses the use of political mockery in some Native American societies, while noting that in China and Cuba, shame functions to publicly denounce deviant behavior (Braithwaite, 1989, p. 58).

In his 1989 study, Braithwaite categorized shame into two types, based on its effect and application. First, he examines integrative shame. This form of shame is not prolonged and aims to rehabilitate the individual within the community. Furthermore, research indicates that offenders respond negatively to formal state-imposed punishments (manifesting in appeals, denial of guilt, or desire for retribution) and respond positively when sanctioned by members of their own community. Considering these two variables, duration and effect, Braithwaite identifies a second form of shame, termed disintegrative. In this instance, the shame persists over an extended period and results in the stigmatization and ostracism of the individual. Braithwaite posits that society should emphasize the utilization of integrative shame, as communities employing this approach demonstrate higher levels of social cohesion and fewer instances of deviant behavior. Thus, Braithwaite establishes a

connection between integrative shame and restorative justice, both of which focus on the impact of the transgression (effect) rather than on the perpetrator (the subject).

In the subsequent section, this study will examine this relationship and its relevance to the research.

Throughout their history, the Roma people have maintained a number of cultural characteristics that have contributed to the preservation of their ethnic identity and social cohesion. These characteristics are primarily manifested through Romanipen. This moral code (which translates in the Roma language to "the way to be a good Roma person") serves as the fundamental law of the Roma people and represents a system of intra-community norms, values, and concepts that define, morally and socially, every aspect of Roma life. Upon closer examination of the statements of Roma elders and a deeper analysis of the role and symbolism of this moral code, it becomes evident that Romanipen is constructed around the concepts of honor and community.

The Conflict Management Measures Used By The Kaderash Roma Community

Kris

Non-compliance with Roma customary values inevitably results in the emergence of conflicts. The Kris (Roma Court) serves to reconcile parties and resolve conflicts arising from non-adherence to Roma traditions, including: violation of pure-impure rules, abduction of a female, disrespect towards an elder, adultery, inappropriate gaze directed at a woman, and uncovering of a woman's head, among others. Within this system, the entire community participates in the decision-making and conflict resolution processes, as the responsibility for implementing any sanctions rests with the collective. In the absence of evidence, oaths may be requested, with a vow on a child's life considered the most compelling. To render a verdict, deliberations are necessary, with the jury withdrawing to a secluded location to ensure confidentiality. The objective is not to punish but to compensate for harm, with the ultimate aim being reconciliation and restoration of community harmony.

Fighting

Fighting is a significant sanction among Roma, used when an individual or group deviates from their community's moral codes (Acton *et al*., 1997). For Roma, the fighting system is as important as the penal system is to wider society and holds greater legitimacy. This is because defending one's honor and that of their kin is paramount, and failure to do so is considered shameful (similar to 18th and 19th-century duels with swords or pistols).

The fighting system also serves to gain respect and status within the community. Those who excel in fighting earn great respect. Although these fights are often intense and brutal,

understanding the rules and moral code prevents a perpetual cycle of violence. Adherence to rites and rituals is crucial as it is part of the moral code. Non-compliance renders an individual and their family impure, affecting all aspects of their lives. For example, community members observed that the younger generation's use of weapons (primarily bats and knives) is considered inappropriate and leads to partial isolation for transgressing traditional fighting rules.

Avoidance

Avoidance can manifest in various forms. The most prevalent of these is the relationship in which the parties refrain from communication with one another. In such instances, the parties continue to reside in the same community but do not engage in interaction. An advantage of this type of avoidance is that the group retains its members, who continue to contribute to the welfare of the entire community. Conversely, the disadvantage of this form of avoidance is the potential longevity of conflicts, which may persist for months, years, or even become permanent. In this manner, avoidance (and even gossip) differs from the aforementioned two mechanisms because, as observed, with regard to Kris and the conflicts, as long as the parties remain attentive, adhere to the established rules, and comprehend the outcome in accordance with them, the issue is considered resolved.

Gossip

Gossip is another strategy used by members of the three communities studied in Vâlcea and Gorj to informally manage deviant behavior. Being a small community with strong ties to its members, gossip is the equivalent of shame that leads to a loss of respect from the other members. Being started by women in the community, gossip has two functions. First, it acts as a local newsletter, informing the community of a problem in the community. In this case, the gossip practically triggers Kris' procedures because the information has to be proven, and Kris being the most appropriate procedure for such a thing. The second function, as we will see in the examples below, is to discourage deviance from community rules or conflicts, because members fear that they will become the subject of these rumors, which is considered shameful for them. Another woman interviewed also discusses the mechanism of gossip as a means of discouraging the violation of community rules.

Shame

This article presents the methods used by studied Kalderash Roma communities to resolve conflicts within their community. The article will examine the concept of shame to explain why their justice system can be categorized as restorative justice based on this concept. Although the Kalderash Roma utilize several mechanisms to manage conflicts or

deviations from community norms, these mechanisms serve the same function: to provide the opportunity for the offender to be reintegrated into the community. This concept will be explored, focusing on how shame empowers community members to resolve conflicts efficiently.

The Kalderash Roma employ reintegrative shame in the form of ceremonies or gestures of acceptance. However, given the expeditious nature and efficacy of restorative justice, certain transgressions are deemed so severe that the only swift and effective solution is to apply disintegrative shame, often manifesting as permanent ostracism from the group.

Shame is an integral component of the community justice processes developed by the studied Kalderash Roma and is utilized to compel members to adhere to its moral code. The manner in which shame influences the actions of the Roma was evident in both the observations and interviews conducted during this research. The Roma participants discussed the importance of ensuring that their actions do not bring shame upon themselves and their families, as can be inferred from the following comment:

> *... As I told you, my son-in-law is Romanian, and now I have problems with that because, although everyone knows him, I know his family, he knows our language a little, but I often talk to him or make my daughter draw his attention to the fact that he is a Romanian inside the gypsy community and he has to control his behavior and language, because the gypsies see him and shame falls on me and my daughter...* (interview, Kalderash judge, Tg. Jiu, 06.12.2017).

This fragment highlights a strong boundary-maintenance mechanism, where even partial assimilation does not equate to full acceptance. His son-in-law presence in the community requires constant vigilance, as any deviation from the community's expected norms can result in collective disapproval and shame upon his Roma relatives.

Another interviewee mentions the repercussions that shame has on community members. According to her, shame influences the way the community interacts with the person in question, which is often avoided by others:

> *For us, respect is a big thing, maybe second to family and children, you lost it, you lost everything, who else would still want to marry to your children?* (interview, Kalderash woman, Boişoara, 20.07.2017).

The second interview reinforces the significance of shame as a disciplinary force within the Kalderash Roma. The woman's statement demonstrates that respect is not just a personal asset but a social currency that determines one's ability to form alliances, including marriage prospects. This suggests that shame functions as a regulatory system that ensures adherence to traditional values and behaviors. The fear of losing respect operates as a preventive measure, reinforcing conformity through the threat of exclusion.

Continuing the discussion regarding shame and its repercussions, this article will further elucidate its application. As previously established within this discourse, shame serves a dual function among the Roma population. Primarily, it fulfills a reintegrative role wherein an

individual found culpable of transgressing the community's moral code is subsequently pardoned and reaccepted. Conversely, shame can also be disintegrative, with certain actions deemed so egregious that the group no longer seeks to rehabilitate the offender. The following excerpts demonstrate the reintegrative function of shame:

> *... maybe you had a fight with your brother, father-in-law or son-in-law, even with someone who is not familly and you beat him very badly, worse than you should ... even if at first it was his fault and you fought for honor but you exaggerated, you hit him when he was down or unconscious ... they won't talk to you for six months maybe even a year, that's a shame ... and that's if you're lucky and people don't start talking about you, then you really fucked up...*(interview, Kalderas man, Scoarța, 18.03.2017).

> *... some years ago, my father left to live with another woman in another place and my mother was the one who felt the shame, people started to talk behind her back... she managed to convince my father to return and all the gypsies started to talk even more and to make fun of them because we don't do that, familly come first for us... at least now things got better because they called a krisinitor (judge) to judge the situation* (interview, Kalderash woman, Tg. Cărbunești, 20.09.2017).

The two interview excerpts elucidate the function of shame as a regulatory mechanism within the Kalderash Roma community, enforcing social norms and ensuring collective cohesion. Both instances depict shame as a means of disapproval, as well as a method for reintegration following a period of social exclusion. This dual function illuminates the manner in which the Kalderash community negotiates justice, personal conduct, and communal values. In the same time, both cases demonstrate that shame is not necessarily permanent. The concept of reintegrative shame, as proposed in the final interpretation, permits individuals who have engaged in deviant behavior to be gradually reaccepted into the community. In the second case, the involvement of a krisinitor (judge) signifies an official pathway to reintegration, wherein community mediation restores equilibrium and validates the return of the transgressor. This suggests that while shame functions as a form of social control, it is not solely punitive but also serves as a corrective mechanism that facilitates social restoration.

Nevertheless, as previously stated, shame is not invariably reintegrative. The presence of disintegrative shame among the interviewed Kalderash Roma is evidenced by the following excerpts, which elucidate the factors that elicit this form of shame. One transgression deemed sufficiently severe to warrant permanent exclusion from the community is incest. As established earlier, children hold significant importance within the community, and consequently, they are safeguarded by such measures.

> *In general, it's the same as in the past when it comes to children, we protect them, we put them first in a lot of things and if one do something bad to one of them, he will mess with the whole community* (interview, Kalderash judge, Tg. Jiu, 06.12.2017).

Another woman emphasizes the seriousness of this action and its consequences:

> *To make fun of a child in any way, to beat him, to give him to someone (the researcher's note: to sell him) or to rape him, then a man would be excluded from society for life. It doesn't matter who he is, a great shame falls on the whole family, he is taken out of the community and the family, if it doesn't leave with him, it is avoided, we don't talk to them anymore, we don't sell them anything, we don't help them, as if it wouldn't exist* (interview, Kalderash woman, Boișoara, 20.05.2017).

In the same way, one of the Roma judges said:

> *Returning to the rules, it was never acceptable to rape a child. It is something that has remained unchanged. Even today, if someone does something wrong to a child, that person would no longer be allowed to stay in the community, no one would take their daughters as wives, no one would go to their weddings or funerals, and no one would ever talk to them, it would all be over for them* (interview, Kalderash judge, Tg. Jiu, 06.12.2017).

As evidenced, these fragments explore disintegrative shame, a form of social sanction that results in permanent exclusion and profound shame for the transgressor and their family. The ramifications of child abuse—including rape, trafficking, or mistreatment—extend beyond individual punishment to encompass the offender's entire family, unless they opt to sever ties with the transgressor. This phenomenon suggests that shame is not merely personal but also familial, reinforcing the concept that honor and disgrace are shared social constructs. The severity of the punishment—wherein the individual becomes a social nonentity ("as if it wouldn't exist")—demonstrates the irreversible nature of disintegrative shame. In contrast to temporary shaming practices that allow for rehabilitation, this form of exclusion is definitive, effectively erasing the individual from the community's social fabric. This further underscores the collective nature of honor and disgrace among the Kalderash Roma, where individual transgressions can impact entire families, thereby reinforcing social cohesion through stringent moral enforcement.

Another manifestation of disintegrative shame occurs when a member of the community becomes an informant for the police. First of all, in the next passage we have an incident in which the child of such a person got married. As this excerpt shows, no matter how long it has been, the informant has not been received in the community and his actions influence the boy's future because he is viewed with suspicion and must prove that he is a "true gypsy" before he is accepted by future mothers-in-law:

> *... there was someone here who would have tweeted something to the police, it's been many years since then, we kicked him out of the village and he's not allowed to come back. His poor son had a wedding two years ago ... what he went through and still goes through... he is not very popular among us although he works, he is respectful, he helps us but no ... he is his son and he must work hard for us to be able to trust him* (interview, Kalderash man, Boișoara, 15.03.2017).

While the reintegration of an individual as a full member is possible, from what we have seen before, some actions are too serious to reintegrate an individual into the community, so community members must have the means to manage such actions which could threaten the stability of the group. In this case, the Kalderash Roma must show their disapproval of such actions by the punishment of ostracization.:

> *Well, if you don't follow the rule, you don't have principles and you don't have self-respect, you are no longer a gypsy between gypsies, you have to leave and you are no longer a gypsy. It was a shame for us to say, "You're not a gypsy anymore", another gypsy to tell you that you are no longer a gypsy was a shame, it means that you are no longer part of the community, take your house, sell your house and leave... when an anti-social act, with murder or a woman ... this is it* (interview, kalderash judge, Tg. Jiu, 06.12.2018).

Another very important thing that emerges from the fragments above is that shame stigmatizes, this form of shame becoming the status of the aggressor. Due to his status as an outlaw, his connections with the rest of the community suffer, as we can see from those mentioned by one of the Roma judges who contributed a lot to my research:

> *The moment it is a family and makes four or five quarrels, it becomes a quarrelsome family, that is, it hurts the community and it leads to a crime, then the community decides, Yes, you only hurt us, you leave because the community gathers. There are isolated cases when it happens, for a moment, it is not premeditated, it happens to everyone, but when you have a lot of quarrels, you cut one, you cut another and so on, you become a person, a social danger to the community, a person in whom the community does not trust and many have been affected, then you say to him Get out of the gypsy! and he leaves alone, this is the only way to be expelled.*
>
> Question: *And he can be accepted by another community?*
>
> Answer: *No, well in that moment, who will give him her daughter to marry? He is already isolated, an isolated family has no respect, no value, no principles and is affected by the community. Because I'm having a party, when do you see yourself as a valuable man? Is it a family death, when you see your quality? When you see people attending a vigil, a funeral, and you see that you are a respected person, people are around you at good and bad* (interview, Roma judge, Tg. Jiu, 06.12.2017).

The primary distinction between the two types of shame pertains to their outcomes, community acceptance or ostracism, and the methodologies employed. Reintegrative shame aims to express community disapproval of inappropriate behavior, with the goal of correction and resulting in forgiveness and reacceptance. Disintegrative shame shares the purpose of disapproval but does not consider forgiveness or behavior correction, opting for ostracism.

All small societies have incorporated mechanisms for inducing shame in their members. Braithwaite (1989) introduces readmission ceremonies, representing the culmination

of shame as a social control mechanism. He posits that individuals who have deviated from societal norms must participate in ceremonies to acknowledge their deviant act and rationalize appropriate reparation. Braithwaite asserts that societies successfully utilizing integrative shame exhibit significantly lower conflict rates. I obtained similar information from a respected peace judge in Gorj County, regarding shame in Kalderash communities:

> *I tell you, a gypsy does not return twice with the same problem ... they are afraid of their shame ... that is why they respect exactly the verdict of our judgment and that is why they agree to apologize and pay. Once the shame of the whole community knowing what kind of a person he is, the second time he and his family will be controlled ... that's why we have peace in our community ... they are ashamed of us* (interview, Kalderash judge, Tg. Jiu, 06.06.2017).

As we can see, one of the people in charge of resolving conflicts in the Roma communities articulates very clearly the importance of shame and its social control function that discourages community members from possible inappropriate behavior. Moreover, the person confirms what is already known about small communities, namely the fact that the rate of conflicts or inappropriate behavior is very low, the main reason being shame and its stigmatizing function.

As mentioned earlier, the Roma tribunal is an important mechanism for resolving conflicts arising from violations of Roma traditions and moral codes. In addition, Kris Romani is a part of the ceremony of accepting the person who made a mistake in the community, as illustrated in the following passage in which the guilty party is aware of his actions and participates in the trial knowing from the beginning the punishment he would receive:

> *If we have two people, yes, and one knows that he did something wrong, he will be summoned to court by the other and before the trial he will prepare with money because he knows that he has to pay to end the problem between them. He apologizes, gives a fine and receives a pardon ... this is usually the case* (interviu, krisinitor, Tg. Jiu, 06.06.2017).

According to this excerpt, the purpose of the trial is to provide the offender with an opportunity for rehabilitation in the presence of the community through apologies and the imposition of a fine (which can be considered a readmission ceremony). As the interviewee states, the offender participates in the trial with financial resources, acknowledging the necessity of restitution. However, what prevents the offender from providing this compensation to the victim prior to appearing before the Kris? The explanation lies in the traditions of the Kalderash Roma and in Romanipen, where the collective community is regarded as superior to its individual members. Consequently, any attempt to resolve a conflict must be mediated through the Kris, whose role, in addition to conflict resolution, is to publicly censure the guilty party (one of the primary reasons why the Kris is a public assembly) and simultaneously, through this process, to reintegrate:

> *... a judgement will happen even if he received a penal (formal) punishment. No matter what you do, even if it is a criminal act judged by a state court, there is no*

peace between gypsies until the Kris is reached. Regardless of whether the judiciary makes a decision, a gypsy trial is also reached. There were cases when they didn't listen to us, the court judged but there was no peace even if the court has made a decision... There are cases that have reached the court, murders, and you can't get involved in the murder, he goes to jail...when he comes from prison we're still judging him with the gypsy judgment. He paid for what he did, but there is no peace between the famillies until the gypsy judgment is made ... all of us must hear what he has to say, why he did what he and ask forgiveness from everyone ... we also set the conditions of the reconciliation, because we areempowered with the trust of the community (interview, Kalderash judge, Rm. Vâlcea, 12.12.2017).

In this manner, according to the krisinitor who provided this fragment, Kris Romani can be considered a mandatory readmission ceremony for the reintegration of the offender into the community. According to this source, reconciliation between the parties can only be achieved through Kris, as this assembly provides the community with the opportunity to hear the offender's position, listen to their explanations, and witness the resolution of the conflict. Furthermore, as previously observed, the community concurs with and monitors the process by which the verdict was reached, which significantly influences the acceptance and reintegration of the offender into the community. From this perspective, one can better comprehend the rationale behind organizing Kris even in cases where parties have already been adjudicated in the formal justice system, where the community may not always have access and the offender lacks the opportunity to express remorse for their actions..

The following excerpt confirms that the Kris use shame as a readmission way for the culprit to be received back into the community:

I'll give you something about our judgment that will surprise you, but with us it's normal. It was a dangerous combination, a lot of money, the woman had messed with the wrong person, and this one with the money given and the dishonest woman sued him and this one had to pay her money ... she took the money, she set them on fire in front of us and forgave him (interview, Roma judge, Rm. Vîlcea, 12.12.2017).

In this case, the victim set fire to the money received in front of the krisinitor and the entire audience. Asked what is so special about this gesture, the judge in question told us that the deed has a great significance because it shows the participants that money is not more important than the public apology from the culprit.

As previously discussed in this article, certain actions of the studied Kalderash Roma may be of such severity that the reintegration of the offender into the community becomes untenable. Gronfors (1986) noted that the Roma community cannot sustain the potential consequences of such actions on its social cohesion, necessitating the removal of the offender from the community. Ostracization exemplifies the application of disintegrative shame. Similar to reintegrative shame, this form of shame is predicated on specific ceremonies and customs. Degradation ceremonies function through avoidance and labeling, manifesting in their most extreme form as prohibition orders within the community. This is evidenced

in the following instance, wherein a community member was accused of sexual abuse and subsequently compelled to depart from the community.:

> *... the man was in jail but it didn't matter because he wasn't punished by us ... he was a bad person and nobody cared about him anymore. We gypsies don't do this often because there aren't many of us but that's why we forbade him ... he was asked to leave and he left knowing that he will never come back ... somehow it's sad, I don't want to know what this humiliation is, God forbid ... so the world gathers at your house, some curse you, others laugh at you, gossip, words, it's cruel what's there and I'm watching you and I do this while you take your things out of the house. The car is newer, who has the money, but most of them are still with the cart, if that's the case ... and what happens ... after everyone is sitting on your head and making you a disgrace, you leave and the world comes after you and it happens to you, so we say, to make sure you leave ... and they come after you 1-2 kilometers and they still shout at you and make you ashamed, woe to us...* (interview, Kalderash man, Boişoara, 09.03.2017).

According to our source, the individual was permanently excluded from the community due to the severity of the transgression. In this instance, the ostracism of the individual is accompanied by public humiliation. As the offender gathers their belongings and prepares to depart from the community, the spectators engage in a degradation ceremony wherein the culprit is denounced for their actions, subjected to derisive remarks, and stigmatized through gossip. The culmination of this ritual involves a procession to ensure the individual's departure from the premises. Given the public nature of this ceremony (which is also observed by non-Roma individuals who are present during the procession), this degradation ritual serves multiple functions: to humiliate the offender, to label them, to inform others of their transgression and subsequent punishment by the community, and to deter other members from engaging in deviant behaviors that contravene the community's norms and customs.

Conclusion

The objective of this study was to contribute to the understanding of conflict management and resolution methods employed by the traditional Kalderash Roma in Romania. To provide a more comprehensive perspective on this subject, the research incorporates the existence of a moral code based on the concept of shame as the foundation of the conflict resolution system utilized by this community.

Given their small population, the Kalderash Roma cannot sustain long-term conflicts or exclude community members, as such actions could jeopardize their social cohesion. To mitigate this risk, they have developed a highly effective, visible (public) justice system centered around the notion of shame. As observed, shame manifests in two forms: stigmatizing and reintegrative. The latter is considered the most effective form, as it allows

individuals guilty of deviant acts to acknowledge their transgressions and be reintegrated into the community. However, in certain instances where the severity of actions is significant, the only viable option is the permanent removal of the offender from the community. In such cases, the Kalderash Roma in Romania employ disintegrative shame. This approach serves a dual purpose: it enables the Roma to unite against the wrongdoer, thereby maintaining social order, and acts as a deterrent for potential future offenses.

Addressing the research objective, this analysis contributes to the intersection of Roma studies and studies of justice and conflict management, which has been developed through the anthropology of law and qualitative ethnographic research methods. This approach facilitated on-site observation of how shame functions as a deterrent for deviant behavior. While the topic of shame as a conflict management tool within traditional communities is not novel, this research aims to enrich the existing knowledge about traditional Roma communities and provide an alternative perspective to prevailing assumptions about them.

References

1. Acton, T., Caffery, S., & Mundy, G. (1997). Theorizing Gypsy law. *The American Journal of Comparative Law, 45*(2), 237–250.

2. Acton, T. (2003). A three-cornered choice: Structural consequences of value priorities in Gypsy law as a model for more general understanding of variations in the administration of justice. *The American Journal of Comparative Law, 51*(3), 639–658.

3. Amaechi, C. (2017). Africa: 'Intractable' conflicts and the imperative of the indigenous idea of peacebuilding. *Conflict Studies Quarterly*, *20*, 3–19.

4. Awoh, E. L., & Nkwi, W. G. (2017). South Africa and Rwanda: Truth and Reconciliation Commissions, peacebuilding, religious and local African authorities in conflict situations. *Conflict Studies Quarterly*, *20*, 20–33.

5. Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge University Press.

6. Braithwaite, J. (2002). *Restorative justice & responsive regulation*. Oxford University Press.

7. Caffery, S., & Mundy, G. (1997). Informal systems of justice: The formation of law within Gypsy communities. *The American Journal of Comparative Law, 45*(2), 251–267.

8. Chereji, C. R., & Wratto, C. (2013). West Africa. A comparative study of traditional conflict resolution methods in Liberia and Ghana. *Conflict Studies Quarterly*, *5*, 3–18.

9. Chereji, C. R., & Sandu, C. (2018). Romania: The Kris procedures. A brief incursion in the Roma community-based dispute management mechanism. *Conflict Studies Quarterly*, *24*, 3–11.

10. Chereji, C. R., & Sandu, C. (2021). Kazakhstan: Adat – The traditional conflict management mechanism in Central Asia. *Conflict Studies Quarterly*, *34*, 3–19.

11. Donovan, J. (2008). *Legal anthropology. An introduction*. ALTAMIRA.

12. Gluckman, M. (1955). *Customs and conflict in Africa*. Blackwell.

13. Grigore, D. (2001). *Curs de antropologie și folclor rrom: Introducere în studiul elementelor de cultură tradițională ale identității contemporane*. Credis.

14. Grigore, D, & Sarău, G. (2006). *Istorie și tradiții rrome*. Salvați Copiii.

15. Gronfors, M. (1986). Social control and law in the Finnish Gypsy community: Blood feuding as a system of justice. *Journal of Legal Pluralism and Unofficial Law, 24*, 101–126.

16. Lee, R. (1997). The Rom-Vlach Gypsies and the Kris-Romani. *American Journal of Comparative Law, 45*, 345–392.

17. Levi-Strauss, C. (1955). *Tristes Tropiques*. Librairie Plon.

18. Levi-Strauss, C. (1966). *The savage mind*. University of Chicago Press.

19. Malinowski, B. (1926). *Crime and custom in savage society.* Harcourt, Brace & CO.

20. Marushiakova, E. (1998). Self-government among Bulgarian Gypsies. In R. Taras (Ed.), *National identities and ethnic minorities in Eastern Europe* (pp. 199-208). Palgrave Macmillan.

21. Marushiakova, E., & Popov, V. (2007). The Gypsy Court in Eastern Europe. *Romani Studies*, 17(1), 67–101.

22. Mengistu, B. (2019). Ethiopia: The roles of the Council of Elders (Menguddo) in Gumma customary institution of conflict resolution. *Conflict Studies Quarterly*, 26, 32–52.

23. Moore, S. (2005). *Law and anthropology. A reader*. Blackwell.

24. Partida Romilor. (n.d.). Neamurile de romi şi istoricul lor. Retrieved from https://partidaromilor.ro/neamurile-de-romi-si-istoricul-lor/.

25. Pfohl, S. (1981). Labeling Criminals. In In H. L. Ross (Ed.), *Law and deviance* (pp. 65–97). Sage.

26. Ragandang, P. (2017). Philippines: The indigenous conflict resolution practices of the Higaunon tribe. *Conflict Studies Quarterly*, 19, 65–84.

27. Ragandang, P. (2018). Philippines: A review of the traditional conflict resolution practices among indigenous cultural communities. *Conflict Studies Quarterly*, 23, 78–90.

28. Ragandang, P., & Ponce, S. (2019). Philippines: The role of *bae* in resolving conflict and maintaining tribal peace and order. *Conflict Studies Quarterly*, 27, 59–69.

29. Raybeck, D. (1988). Anthropology and Labelling Theory: A constructive critique. *Ethos, 16*(4), 371–397.

30. Sandu, C. (2018). Romania: traditional conflict resolution mechanism used by the Roma communities. *Conflict Studies Quarterly, 22*, 95–108.

31. Sandu, C. (2020). Romania: The role of Roma women in intra-community conflict management. *Conflict Studies Quarterly, 31*, 56–63.

32. Sorescu-Marinkovic, A. (2013). The Court of the Bayash: Revising a theory. *Romani Studies, 23*(1), 1–27.

33. Wegener, B. (1992). Concepts and measurement of prestige. *Annual Review of Sociology, 18*, 253–280.

34. Weyrauch, O. W. (2001). *Gypsy law: Romani legal traditions and culture.* University of California Press.

35. Weyrauch, W. O., & Bell, M. A. (2001). Autonomous lawmaking: The case of the „Gypsies". In W. O. Weyrauch (Ed.), *Gypsy law: Romani legal traditions and culture* (pp. 11–87). University of California Press.

36. Yimer, B. (2021). Ethiopia: Abegar indigenous conflict resolution system – Community based reconciliation. *Conflict Studies Quarterly*, 36, 54–65.