Outside the International:

Roma, Europe, and the leaky valves of modernity

by

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Abstract

In the wake of the 2008 Italian census of Roma and declaration of a state of emergency in the regions of Lazio, Campania and Lombardy, I ask why it is that attempting to 'solve' the Roma 'problem' has become such a politically expedient strategy for parties across the political spectrum and throughout Europe. I address this question through the lens of 'the international', and the ways in which Roma have repeatedly been produced as its outside: the other against which the European order is defined. This creation of an outside to Europe within lies at the heart of the recent upsurge in borderwork conducted at non-traditional borders within Europe, and exposes an important paradox: the 'problem' of outsiders exposed by vacillating borders demands 'the international' be re-secured, and yet it is the very securing of 'the international' that both creates these outsiders and portrays shifting borders as a threat. I take Italy as my case study to examine how this interplay works to construct Roma as other, interpret this otherness as a threat to the integrity of the Italian state, and demand the spatial removal of Roma (into regulated camps), thus reaffirming their otherness. I therefore suggest that though the freedoms promised within the frame of the international are seductive, perhaps we ought to look elsewhere for our utopias if we are not to perpetuate a system of exclusions within Europe.

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The danger is that a global, universally interrelated civilization may produce barbarians from its own midst by forcing millions of people into ... the conditions of savages.

Arendt, 1966:302

One of the essential characteristics of modern biopolitics (which will continue to increase in our century) is its constant need to redefine the threshold in life that distinguishes and separates what is inside from what is outside

Agamben, 1998:77

[U]ncertainty about the notion of frontiers...has destabilized the differentiation between friends and foes, insiders and outsiders, and opened the door for the possibility to think about friendship and human rights all over the world, but also for the possibility of outsiders inside, of enemies within, of the importation of the chaotic tendencies reigning outside.

Bigo, 2005:50-1

In principle, at least, modern political life cannot exist outside the modern international, even though this is exactly where some might insist that a lot of political life does indeed find its place; or, more precisely, where a lot of political life finds its place both inside and outside the modern structures of international relations, on boundaries that do not quite work as the categories of modern political analysis suggest they ought to work.

Walker, 2010:23

1 Introduction

On 16 September 2010, a one-day European Council summit convened to discuss EU common foreign policy was enlivened by a dramatic lunchtime spat between French President Nicolas Sarkozy and European Commission President José Manuel Barroso. The hour-long exchange, audible from the corridor (EurActiv, 2010b), was described by British Prime Minister David Cameron as 'lively' (Traynor, 2010c), by Luxembourg Prime Minister Jean-Claude Juncker as 'virile' (EurActiv, 2010b), and by Bulgarian Prime Minister Boyko Borisov as 'an intense exchange of sharp words' (Traynor, 2010c) and 'a big argument – I could also say a scandal' (Castle & Bennhold, 2010; Dnevnik, 2010); the German chancellor, Angela Merkel, drily reported that 'the lunch was good – but only regarding the food' (Castle & Bennhold, 2010). The disagreement concerned Barroso's criticism of Sarkozy's programme of expulsion of Roma from France, to which Sarkozy reacted 'violently'. EurActiv (2010b) reported that:

> 'A low-point [in the argument] was apparently reached when Barroso refused to apologise for [European Commissioner Viviane] Reding's statements comparing France's Roma expulsions to the deportation of Jews in World War II. [Barroso] reportedly described Sarkozy's attempt to "create agitation" around Reding's comments as "useless rhetoric".'
>
> (EurActiv, 2010b: n. pag.)

The statement in question was made two days earlier (on 14th September 2010) by Reding, the European Commissioner for Justice, Fundamental Rights and Citizenship and Vice-President of the Commission, at a midday press briefing:

> 'I personally have been appalled by a situation which gave the impression that people are being removed from a member state of the European Union just because they belong to an ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War. I have made crystal-clear my doubts about the legality of the French measures. ... This is not a minor offence. After 11 years of experience in the Commission, I even go further: this is a disgrace. … my patience is wearing thin. Enough is enough.'
>
> (Reding, 2010: n. pag.; European Commission, 2010b: n. pag.)

Reding's statement had already provoked an angry response, with French European affairs minister Pierre Lellouche, complaining that 'The tone she took...is not the manner one uses to address a great state like

France, which is the mother of human rights' and that Reding's 'passion exceeded her rationale' (Davies, 2010), and Sarkozy caustically suggesting that (the Luxembourgian) Reding 'take the Roma with her to Luxembourg' (The Independent, 2010; Traynor, 2010b).

This exchange acts in three key respects as a microcosm for the disproportionately significant position that Roma issues occupy in contemporary European politics. Roma, the ethnic minority long known by the (usually, but not necessarily) pejorative exonym 'Gypsy', are usually estimated at numbering between 10 and 12 million, and are invariably introduced as 'the largest ethnic/national minority in Europe'. This should not distract, though, from the extremely slim proportions of the population that Roma constitute in most states outside of South-East Europe (see Table 1). The Sarkozy set-to firstly illustrates the tendency for states to develop discriminatory policies to deal with Roma, in this case the French collective expulsions of more than 1 000 Roma in less than a month (Eubusiness, 2010). Though vigorously denied by the French government, with Sarkozy announcing that 'of course we are not aiming at a given ethnic population', and that 'there has been no form of discrimination whatsoever' (Traynor, 2010c), the discriminatory nature of the expulsions was quite evident from the outset, and all but confirmed by a leaked administrative circular from the French Ministry of the Interior dated 5th August 2010, which ordered that:

> '300 camps or illegal settlements must be evacuated within three months; Roma camps are a priority. ...It is down to the préfect [state representative] in each department to begin a systematic dismantling of the illegal camps, particularly those of the Roma.'
> (Ministère de l'Intérieur, 2010; Prochasson, 2010; Willsher, 2010)

Secondly, we see the positioning of such policies, implicitly by the actors involved and explicitly by media and commentators, as populist actions pandering to a xenophobic or racist Right. In this instance, this is manifest in Belgian MEP and former prime minister Guy Verhofstadt's comment that it is unacceptable for politicians to be 'tempted by populist, racist and xenophobic policies' (Willsher, 2010), or The Independent's (2010) editorial line that 'the ballot box beckons, and the hunt for the votes of the fearful and prejudiced is on'. Thirdly, European institutions, in this case the Commission, but widely reported

European State	Official number of Roma (year of last census)	Estimated numbers of Roma	Mean estimate	% of total population
Albania	1 261	80 000 - 150 000	115 000	3.59%
Andorra			0	0.00%
Armenia	No data available	100 - 300	200	0.00%
Austria	No data available	20 000 - 30 000	25 000	0.30%
Azerbaijan	No data available	2 000	2 000	0.02%
Belarus	No data available	10 000 - 70 000	40 000	0.41%
Belgium	No data available	20 000 - 40 000	30 000	0.28%
Bosnia and Herzegovina	8 864 (1991)	40 000 - 60 000	50 000	1.31%
Bulgaria	370 908 (2001)	700 000 - 800 000	750 000	9.74%
Croatia	9 463 (2001)	30 000 - 40 000	35 000	0.79%
Cyprus	No data available	1 000 - 1 500	1 250	0.12%
Czech Republic	11 718 (2001)	150 000 - 300 000	225 000	2.18%
Denmark	No data available	1 000 - 10 000	5 500	0.10%
Estonia	542 (2000)	1 000 - 1 500	1 250	0.09%
Finland	No data available	9 000 - 12 000	10 500	0.19%
France	No data available	300 000 - 500 000	400 000	0.64%
Georgia	1 744 (1989)	2 000 - 2 500	2 250	0.05%
Germany	No data available	70 000 - 140 000	105 000	0.12%
Greece	No data available	180 000 - 350 000	265 000	2.36%
Hungary	190 046 (2001)	400 000 - 800 000	700 000	6.93%
Iceland			0	0.00%
Ireland	22 435 (2006)	32 000 - 39 000	35 500	0.80%
Italy	No data available	120 000 - 160 000	140 000	0.23%
Latvia	8 205 (2000)	8 000 - 20 000	14 000	0.60%
Liechtenstein			0	0.00%
Lithuania	2 571 (2001)	3 000 - 4 000	3 500	0.10%
Luxembourg	0	100 - 500	300	0.06%
Malta			0	0.00%
Moldova	12 280 (2004)	15 000 - 200 000	107 500	2.68%
Monaco			0	0.00%
Montenegro	2 601 (2003)	13 500 - 25 000	19 250	3.20%
Netherlands	No data available	30 000 - 46 000	38 000	0.23%
Norway	No data available	2 500 - 11 000	6 750	0.14%
Poland	12 731 (2002)	15 000 - 60 000	37 500	0.09%
Portugal	No data available	40 000 - 100 000	70 000	0.65%
Romania	535 140 (2002)	1 200 000 - 2 500 000	1 850 000	8.56%

European State	Official number of Roma (year of last census)	Estimated numbers of Roma	Mean estimate	% of total population
Russian Federation	182 617 (2002)	450 000 - 1 200 000	725 000	0.51%
San Marino			0	0.00%
Serbia	108 193 (2002)	400 000 - 800 000	600 000	6.31%
Slovak Republic	89 920 (2001)	380 000 - 600 000	490 000	9.07%
Slovenia	3 246 (2002)	7 000 - 10 000	8 500	0.42%
Spain	No data available	650 000 - 800 000	725 000	1.60%
Sweden	No data available	35 000 - 50 000	42 500	0.46%
Switzerland	No data available	25 000 - 35 000	30 000	0.40%
The Former Yugoslav Republic of Macedonia	53 879 (2002)	135 500 - 260 000	197 750	9.88%
Turkey	4 656 (1945)	500 000 - 5 000 000	2 750 000	3.71%
Ukraine	47 600 (2001)	50 000 - 400 000	225 000	0.48%
United Kingdom	4 096 (2001)	200 000 - 300 000	250 000	0.40%
UNMIK Kosovo	45 745 (1991)	25 000 - 50 000	37 500	3.34%
	Total estimates	*6 152 700 - 15 980 300*	*11 166 500*	*1.35%*

Table 1: Estimated numbers of Roma in Europe   *(Source: Cahn & Guild, 2008:82-3)*

simply as 'the EU', are both implicitly and explicitly held to defend a more just ethic, the universalist and cosmopolitan counterweight to states' parochial and nationalistic concerns. Reding is unequivocal in her defence of 'the Commission's role as guardian of the 'Treaties', and the un-Europeanness of France's actions:

> 'Let me be very clear: Discrimination on the basis of ethnic origin or race has no place in Europe. It is incompatible with the values on which the European Union is founded ... I therefore find it deeply disturbing that a Member State calls so gravely into question, by the actions of its administration, the common values and the law of our European Union.'
> (Reding, 2010: n. pag.; European Commission, 2010b: n. pag.)

While the power and competence of European institutions is a source of debate, particularly given France's position as a founding member, the idea that they 'naturally' speak and act from a more just and somehow 'higher' level rarely is.

While Reding's invocation of the Holocaust drew criticism of tactlessness from many European leaders and media outlets, at the Council summit only Italian Prime Minister Silvio Berlusconi had spoken

in defence of Sarkozy on the substance of the conflict (EurActiv, 2010b). Berlusconi's support was no surprise: the previous day, he had announced his support for the French measures in an interview with the French newspaper *Le Figaro*, applauding Sarkozy for being 'fully conscious' of a 'Roma problem [which] is not specifically French, but concerns all the countries of Europe' (Mougeotte & Heuzé, 2010; The Economist, 2010). It is even less surprising in light of an August 21st 2010 interview his Minister for the Interior, Roberto Maroni, gave to the Italian newspaper *Corriere Della Sera* in which Maroni said that 'Sarkozy is right but he is certainly not new', that France is 'doing nothing but copying Italy', and pointed triumphantly to 2007 expulsions of Roma by the mayor of Rome, 'who was not Jean-Marie Le Pen but [the leftist] Walter Veltroni' (Salvia, 2010; EurActiv, 2010a). Berlusconi and Maroni's words give a flavour of the familiarity of both the construction of Roma issues as a 'problem', and of exclusionary state tactics taken in response to this 'problem'. In short, they point towards the worrying unexceptionality of the exceptional measures taken by France against Roma, and the extent to which antiziganism (that is, the exclusionary discrimination of Roma) has become institutionalised in European politics. In 2001, Nicolae Gheorghe and Thomas Acton wrote that 'the twenty-odd racist killings and 400 house-burnings [of Roma] we recorded for 1990-1 were but the swallows of the high summer of murder and mayhem that the 1990s became' (p.50). The increase in antiziganist violence of both state and society (including paramilitary and vigilante forces that blur the lines between the two) across Europe, from France and Italy to Hungary (OSCE/ODIHR, 2010), the Czech Republic (ECRI, 2009) and Northern Ireland (Amnesty International, 2009a), force us to once again re-evaluate the past to account for the present, and heightens the urgency of questions as to why it is Roma who are excluded, why their exclusion might be politically expedient, and why despite the increased involvement of European institutions, their exclusion is worsening today.

Themes of Analysis

It is to Italy, and the exclusions of Roma wrought by figures like Berlusconi and Maroni, that I turn as I develop my argument. As Maroni indicates, many of the political moves made by France in relation to its

Roma population were prefigured by very similar moves by Italy in the preceding years, both in substance (here too collective expulsion was used, in defiance of EU law) and in tone. If anything, the public airing of antiziganist sentiment by political actors was and is even more brazen in Italy. However, I do not wish to pathologise exclusion to Italy (or to France, or any other particular region where latent antiziganism has flared up in the political spotlight), nor to what is too easily known as the 'racist Right', and I certainly do not mean to attribute any essential victimhood to Roma. Rather, I look at the complicity of the majority, and of what we might think of as Europe, in creating and supporting political systems and landscapes that require and legitimate an excluded minority. While I do not wish to deny the contextual factors that make Roma, above other groups, the target of such discrimination, explanatory power must be given not to this context, but to the system in which it takes on meaning: thus, when I look at the political identity of Roma, I wish to do so in terms of the political ontology within which such an identity makes sense. When asking, as Judith Butler (2004:57) puts it, 'under what conditions some human lives cease to become eligible for basic, if not universal, human rights', I wish to simultaneously ask how rights come to be thought of as basic or universal (or even human), and in what way this framing might be implicated in their suspension; that is, in what ways the denial of rights to and insecuritisation of Roma might constitute the seamy underside of the very rights and securities we cherish. In short, and following Janet Lyon (2004:518), I wish to look at the ways in which 'the figure of the "Gyspy"...reveal[s] something about the leaky valves of modernity'. I am therefore every bit as concerned with the well-intentioned as with the malicious interventions in Roma issues, and most concerned of all with the underlying rationality that supports both.

Three recurring and interrelated themes run through this attempt to make sense of what I take to be the institutionalisation of Romani discrimination. The first of these is the way in which Roma are held to inhabit a political identity outside of the international. By this I mean the way that the absence of a territory in which Roma constitute the majority population is interpreted as signifying their statelessness (both figuratively and literally) or deterritorialisation, such that they 'fall through' the categories through which politics is constituted, and are hence held to be incommensurate with the political axes by which

notions like home, belonging, security and freedom are constructed. As R.B.J. Walker writes,

> 'In some respects, it may seem utterly absurd or at least practically irrelevant to speak about anything being outside the modern system of states. In other respects, it may be perfectly obvious that much of contemporary political life exceeds the bounds of this particular framing of where and what political life *must* be.'
>
> <div align="right">(Walker, 2010:10, emphasis in original)</div>

Thus, we might look at the way in which Roma are held to 'exceed...the empirical categories through which [we] take stock' (Lyon, 2004:522) of ourselves, and thus constitute what Dipesh Chakrabarty (2000:148) calls the 'unmanageable excess' of the European political system. This excessiveness relies on a certain singularity, or flatness, of politics: an affirmation of the *limits* of politics so familiar it is barely noticed. However, as Karena Shaw (2008:39) writes, '[w]e do not have sovereign states because they are inevitable or necessary, but because their inevitability and necessity have been produced; we have been and must continue to be convinced of them'. Thus I shall pay attention to the delimitation of the international, and the ever-trickier reconciliation of the bounds of state and of nation, each transforming in complex and contradictory ways, yet each aligning to produce narratives of who belongs in certain places and who does not. While I wish to ground this delimitation in very real border crises, particularly the crisis of 'illegal immigration' of Roma, I do so on the understanding that what is being defended is not merely the territory of this or that state, *but the very territoriality of the international*. I wish therefore to look at the ways that Roma are produced not merely as out-of-place, but as place-less, outside the logic by which we have come to think of people occupying place.

The second theme concerns the manner in which this delimitation produces Roma as a threat to security. This is most obvious in the exclusions wrought by drawing political lines such that those that transgress them are automatically constructed as objects of security; one might look at the way in which 'the very idea of "asylum", once a matter of civil and civilized pride, has been reclassified as a dreadful concoction of shameful naivety and criminal irresponsibility' (Bauman, 2004:57), or in which 'secessionist movements...are increasingly being redefined as terrorists, or, at the very least, as dangers to local, regional, and global stability' (Elden, 2009:149). 'Securitisation theory' (Buzan et al, 1998) holds that objects of

security are created in order to construct some sort of existential threat against which actors like Sarkozy or Berlusconi justify taking emergency measures, and applying restraints on democracy, in the name of the nation-state (although Bigo (2002) is surely right to insist that securitisation is just as often democratic as it is extra-democratic). However, while I am broadly sympathetic to this line of analysis, I fear that explaining the political salience of a certain 'threat' purely in terms of the rhetorical sway of politicians risks neglecting important questions of *why* such rhetoric 'sticks', and why rational arguments against it don't. It is not that the public is ignorant, but that framing security concerns in the syntax of the international resonates with a set of familiar truths. This taps into an even more worrisome issue: that treating the objects of securitisation (in this case, Roma) as perfectly innocent and arbitrary stooges that cynical politicians demonise for their own gain is to miss our own complicity in framing them as stooge. This attitude, termed 'scapegoat theory' by Hannah Arendt (1966:5), 'upholds the perfect innocence of the victim, an innocence which insinuates not only that no evil was done but that nothing at all was done which might possibly have a connection with the issue at stake'. In fact, the scapegoat's identity is intimately related to the issue at stake, their demonisation as threat to the nation and state; it is with this in mind that I seek to explore the marginal political identity of the outsider-insider as the gunpowder that gives the construction of Roma as an object of security its political fire-power.

The third theme that I wish to work with is the presence of regulation in the exclusion of Roma. That is to say, it is not a problem of *a lack of* government regulation, but a problem *of* this regulation itself (though I wish to keep both 'government' and 'regulation' as broadly conceived as possible). This might at first seem counterintuitive: as Martin Kovats noted in 2001, '[t]he rapid pace of change and increase in attention by authorities claiming to support and protect Roma/Gypsy people and their culture and identity appears a progressive departure from the crude intervention or hostile neglect characteristic of national policies in recent decades' (p.94). However, this assumption is not borne out empirically. As the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR, 2008:7) concedes, '[i]n spite of the rather large number of international and

national Roma-related initiatives, these have not alleviated, in proportion to the resources invested, the continuing social and economic inequalities, marginalisation, racism, and discrimination experienced by Roma and Sinti'. I suggest that we should at least entertain the reverse hypothesis: that the exacerbation of Romani discrimination has occurred not despite a mushrooming of Roma initiatives, particularly from European institutions and non-governmental organisations (NGOs), but *because* of it. To account both for this proposition and its counterintuitive nature, I wish to look at the ways in which interventions in Roma issues constitute state violence, that violence which, 'because it always presents itself as pre-accomplished' (Deleuze & Guattari, 1987:447), is rendered non-violent.

Structure

My analysis proceeds in three movements. In Chapter 2 I introduce and examine the theoretical literatures that inform my study. I delve further into the historical production and reproduction of a political identity 'outside the international', and address what this might mean in a world in which the nation-state, that fundamental building-block of the international, is commonly seen as 'too small to serve as an effective unit of coordination in an increasingly internationalised world, too large and remote to be a plausible and legitimate unit of identification' (Brubaker, 1996:2). Focusing on the contemporary dislocation and disaggregation of state borders that is often held to support such a view, I look at the tension these developments create between transcending the international and reasserting it, and the way in which these tensions have ratcheted up the pressure (and the stakes) for those caught outside the international.

All too often Roma histories are instrumentalised either as proof of their Indic (and thus definitively non-European) roots, or as illustrations of their eternal discrimination. I seek to simultaneously avoid and critique such stories by instead (in Chapter 3) examining the twentieth century relationship between Roma and the international that lends such histories their political currency. I outline the shift in political identity of Roma in Europe from being one national minority among many at the start of the century, to their position by its end as an exceptional 'migrant' population who require 'special treatment'

wherever in Europe they alight. Taking a broad conception of 'Europe', I wish to look at the development of the EU and its growing concern for Roma in the context of comparable political orderings of the past, from the Minorities Treaties signed in the aftermath of the First World War and secured by the League of Nations to the 'institutional multinationality' (Brubaker, 1996) of the Soviet Union, and its 1920s-30s policy of *korenizatsiia*, or 'indigenisation'. I offer a critical assessment of the assumption that European-level politics exhibits some kind of anti-nationalistic essence that might rescue Roma from the 'natural' discrimination of the state. I draw upon treaties, laws and resolutions of states and supranational organisations, governmental and non-governmental reports, and historical secondary source material in order to make my case.

In Chapter 4 I show the ways in which the theoretical framework developed in Chapter 2 can be brought to bear on Italy's 2008 declaration of a state of emergency in relation to its Roma population. I use this as a case study to examine the way in which Roma are constructed as a threat that both enables and requires the state to exercise extraordinary measures. I look at the effects of both the conflation of Roma issues with immigration in general, particularly the recent wave of Romanian migration to Italy, and the official (though highly misleading) definition of Roma as 'nomadic'. I also look at the measures that the state of emergency legitimated, including a racial census and harsh new immigration laws, and seek to explain why it is that such exclusionary state tactics can bring political success to actors like Berlusconi and Maroni. Newspaper articles, reports from a host of Roma- and human rights-related NGOs and supranational institutions, and published Italian laws and statutes all inform my analysis. While NGO reports and reports from European institutions (including the EU, pushed into action by Italy's apparent breaches of European law) were keen to present themselves as apolitical (often to their detriment, as we shall see), in media reports the reverse was often true; so as not to exaggerate exclusionary rhetoric, I draw more from the sober, centre-left *Corriere Della Sera* and *la Repubblica* than from Berlusconi's more incendiary right-wing mouthpieces. Where English versions were not readily available (generally for Italian media reports and legislation), I used translation software; however, the continuing solidification of English as the

lingua franca of the NGO sphere ensured that neither primary nor secondary sources and documents were difficult to obtain in English.

I conclude by discussing what the discrimination of Roma might tell us about the European political landscape, and its relationship with the international. I attempt to pull together the threads running through each of the preceding chapters, before asking what implications they contain for efforts to secure Roma rights, or indeed efforts to reconfigure European politics in some putatively less exclusionary formation.

My focus on the international as a tool for comprehending Romani discriminations in Europe today is twofold. Firstly, I wish to bring discussion of the international as a set of spatial ideals to bear on discussion of the practices by which the territoriality of government is performed. In terms of the former, I lean heavily on political theory, both in the discussions of the international (in which I an particularly indebted to R.B.J. Walker) and in Michel Foucault's discussion of the progressive spatial conceptions of sovereignty. In terms of the latter, I draw upon recent concerns both in political geography and in interdisciplinary literatures on 'borderwork' that have looked at the empirical complexity in the territoriality of government that (necessarily) clear-cut political ideals conceal. In making this connection, I do not wish to rehash critiques that political theory is insufficiently geographical or insufficiently complex to accurately describe the territorialisation of politics. Rather, I look to the explicitly spatial theorisations of political community as *ideals* that inform our taken-for-granted political ontologies in crucial ways, but as ideals that are also necessarily unreachable models of how politics *should* be territorialised. That is, they are not exposed by but themselves illuminate (indeed, they define) the inadequacies of the international.

Secondly, I hope to show that reports detailing how the world *has* moved on from the truths of the international (through new borders, new technologies, new political formations) or how the world *should* move on from the truths of the international (on behalf of a borderless, post-national world) tend to avoid sustained engagement with complex histories that might complicate their narrative of the novelty of departing from the ideals of the international. Furthermore, such accounts often rely on unspoken notions

of freedom and liberty that are embedded in the very international framework they seek to transcend. Though I too am critical of the exclusions of the international, I believe that it is only through understanding the meaning and the conditions of production of a political identity 'outside the international' that we might begin to imagine landscapes in which this identity makes less sense, worlds in which being Roma does not necessitate exceptional measures, in which the freedoms of society are not secured by the exclusion of those deemed unsociable. I say *begin* to imagine, not through any false sense of modesty, but because the vagueness of these aspirations is a direct result of skipping too eagerly past what exactly it is that such utopias are designed to remedy. As Karena Shaw (2008:2) notes, '[t]here is a consistent lack of clarity in these emerging literatures [exhorting us to 'rethink the political'] about what this might involve, or indeed why we might want to do it'. So, before we may begin to imagine different (or at least to try to imagine different), we must understand what and why we are imagining *against*; that is, before we start inventing new utopias and utopianisms, we need to address the utopian aspirations that we are saddled with today, and the ways in which they are bound up with certain distinctly dystopian realities.

2 Locating the International

What is it that makes Roma so uniquely threatening that governing powers must take exceptional measures to address the issues they are held to pose? In order to answer this question, I shall explore the production of a political landscape in which their status as 'outsider-inside' is made (or, more to the point, fails) to make sense. I argue firstly that this political landscape, which informs notions as fundamental as liberty, freedom and security, relies upon a conception of 'the international' that does not merely allow for but in its very expression demands the production of its own limits. I examine these limits both theoretically, as compromises between universalist aspiration and particularistic practice, and spatially, as the 'clean' borders that define an ideal political landscape even as they conspicuously fail to describe political reality. In the second section, I turn to Michel Foucault's (2003; 2007; 2008) explicitly spatialised analyses of both the disciplinary apparatus of government developed in sixteenth and seventeenth century Europe (and its invention of *raison d'État*, or 'state reason') and the security apparatus that emerged in the eighteenth century. Third, I then approach the incorporation of 'nation' into the demands of statehood as the pivot point around which we might more clearly see the territorial relationship between the international and Foucault's discussion of shifting modes of regulation. Specifically, I look at the tensions between struggles to assert the international and to supersede it in Foucault's analyses, in the complexities of present-day state borders, and in the construction of outsiders-inside as objects of security.

Though it is often presented as timeless and universal, the international is merely one specific iteration of the spatiality of sovereignty, its 'territoriality'. As John Agnew (1994:65) writes, 'the spatial scope of political organization has not been set for all time in a particular mould'. The international is not the first set of ideals to connect the idea of political rule to the control of territory, and neither, in all probability, is it the last. It is from this point between the assumed ever-presence and the inevitable obsolescence of the ideals of the international that we might best see tensions over state borders and the processes that challenge them (most visibly, migration); tensions that might be expressed in terms of the

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persistence of the international as ideal and its persistent infraction in practice. If asserting the existence of a gap between state rhetoric and practice seems overly familiar (or even clichéd), perhaps this should suggest to us that the issue is not simply one of living in exceptional times, prompted by some new technology or form of political organisation looming ominously over our heads, but rather one of structural failures to consummate our ideals (of what borders are and how they are distributed) in practice.

The relationship between government and the production of politically ambiguous subjects has been illuminated in recent years by Giorgio Agamben's (1998; 2005) (and through him, Carl Schmitt's) theorisation of the state of exception as a form of state power. Though I am sympathetic to these arguments, I am attempting a somewhat different line of reasoning here. I am less interested in the manner in which the state demonstrates its sovereignty by declaring the exception than in the spatiality of sovereignty that such exceptions reveal. There is nothing pre-given or natural about the tying of sovereignty to unitary, territorial nation-states in which inside in clearly distinguished from outside; thus, there is nothing inherently 'exceptional' about the abrogation of this regime. Thus my analysis of the political exceptionality of the outsider-inside focuses more on the initial constitution of an outside-inside model, engaging debates over the spatial transformations of border practices, precisely what state borders might *mean* today and how these transformations are reconciled with a set of truths that frame any apparent breach in traditional borders as a matter of national security.

Scripting the International

The International

The frame through which I analyse the contemporary political landscape is that of 'the international', the set of ideals of the form that political community *should* take. In its most condensed form, and following R.B.J. Walker (1993; 2006; 2010), I take it to signify *the normative ideal that political community is defined by singular borders*. These clean borders ideally divide equally singular territories, each of which plays host to its own state (claiming sovereign power), nation, culture, language, and so on. This ideal is most often traced

back to the mid-seventeenth century, and specifically to the 1648 Peace of Westphalia, which tends to be 'understood as something like a founding constitution of the modern international' (Walker, 2010:274), and 1651 publication of Thomas Hobbes' *Leviathan* (1968); often too it is uncovered in Niccolò Machiavelli's 1532 treatise *The Prince* (2003), and occasionally even in antiquity (see Garst, 1989 on modern (mis-)interpretations of Thucydides' *History of the Peloponnesian War*). However, taken descriptively as an expression of these formations, the international has a far shorter genealogy: it was named by Jeremy Bentham (1843) in the late eighteenth century, and has only really made sense as an explanatory category since the nineteenth century Italian and German unifications 'that confirmed the "nation-state" as the paradigmatic political unit' (Agnew, 1994:64; c.f. Walker, 2010:274n41). Influential works in 1939 by E.H. Carr (2001) and in 1948 by Hans Morgenthau (1968) helped convert the politics of the international into an entire field of study, and inspired a litany of epistemological and methodological debates, all the while solidifying the terms of the international as the ontological ground on which such debates were to be understood (Agnew, 1994). The imperfections of the international as representation of the world *were always*, and remain, relatively clear: for instance, it is a truism that '[t]he distribution of claims to nationhood converges very awkwardly with the distribution of claims to statehood' (Walker, 2010:48). Today, the international in its descriptive guise is hotly contested on one side by those who believe that globalisation, or a new cosmopolitanism, or some new form of empire are making (or have already made) the international obsolete; and on the other side by those who assert the continued relevance of nation-states and the state system. However, the international as ideal and the naturalised 'truths' that follow from it are rarely noticed, let alone contested. We blithely accept that states and state power are inherently territorial, that nations are entitled to – and, indeed, are consummated by – states, that languages divide nations, that international politics is qualitatively different to domestic politics, and so on. This is what Agnew (1994:55) means when he writes that our conceptions of space and spatiality 'are not explicit in the sense of terms we are self-conscious about'. Such assumptions form the unseen tramlines within which the debates concerning the international's supposed obsolescence take place (Bigo & Walker, 2007).

The enduring power of the international to dictate our political truths, in the face of its obvious imperfections as an empirical model, might be explained by two lines of reasoning, one explicit and one implicit. Firstly, we should recognise the explicit liberatory potential that lends the international its elegance and charm:

> 'The resolution of questions about political community in early-modern Europe has proved to be enormously satisfying. It offers scope for both the diversity of human experience, and for the pursuit of universality within a particular community. ...As an account of history, as a guide to political practices that we have not only come to take for granted, but can still see as liberating in many parts of the world, ...[the international] carries enormous political and moral weight'
>
> (Walker, 1990:170)

We can see both in those claims that wish to defend the political status quo *and* in more radical claims for sovereignty over land by indigenous groups or fights for independence by persecuted minorities; both by those seeking to construct an ever-more-watertight regime of rights for all *and* by those seeking nationally or racially defined purity within states; that freedoms are defined *through* the frame of the international: each of these disparate parties has seen in the international a path to liberation. The second, implicit explanation for the enduring power of the international is that it is so ingrained in our political ontologies that we are overcome by a 'sense of the teleological necessity of the system of states that must eventually provide the condition under which the modern state might be enabled and perfected' (Walker, 2010:274). It is associated with stories of modernity that share its teleological model of history and its anxiety over anything that appears to contradict it (the premodern, the rogue state, the terrorist, the barbarian, the gypsy; it is difficult to disentangle whether modernity or the international is being broached more flagrantly from case to case). The imperfections of the international are reinterpreted as its promise, if only we take the required action to secure it. The sense of constant refinement, striving towards an ideal form perpetually just out of reach, unites the model of history and the necessity of an outside to be overcome, and dictates against any vision that falls outside the limits it sets, into terrain that is *by definition* premodern and dangerous.

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Delimiting the International

Of course, 'the international' is but one theorisation of the way we interpret (European) political landscapes. It is one of what Didier Bigo and RBJ Walker (2007:729) call a 'well-bred family of debates' and narratives seeking to analyse and account for this landscape, among whom we might also name 'Westphalianism', 'statism', 'modernism', 'territoriality' (Sack, 1986), 'constitutional nationalism' (Hayden, 1999), the 'national order of things' (Malkki, 1995), and many others besides. Though their respective emphases differ, each share the recognition (sometimes critical, sometimes celebratory) of the territoriality of sovereignty, its coincidence with statehood and nationhood, and the expression of its contours in clearly defined, explicitly spatialised borders. I speak of 'the international' in preference to other formulations not because I harbour any doubts about the validity of these analyses (though I prefer to think of *territoriality* in slightly different terms, as I explain below), but simply because the international better suggests to me that the issue is not one of individual state actions or nationalisms or sovereignty disputes or even inter-state formations, but rather one of the discursive field in which these phenomena make sense (c.f. Feldman, 2005). Thus, for instance, it is not about the 'freedoms' that statehood or independence or secure borders or transnational citizenship purport to generate, but the structure within which these 'freedoms' become meaningful. After all, even the 'sovereign state' is only sovereign insofar as it is 'subject to the necessities of systemic behaviour that make state sovereignty possible' (Walker, 2006:62), prime among them its bounding and its recognition of the essential multiplicity of state sovereignty (that is, the state *system*). These conditions, so often either entirely unrecognised or ignored as platitudes, form the structure within which politics gains meaning, the structure within which we feel, dream and act.

It is at this plane too that political questions of right and wrong, proper and improper, legitimate and illegitimate, are formulated. If we are to accept Max Weber's (1972) classic definition of the state as the human community that successfully claims the monopoly of the legitimate use of violence within a given territory, then the logic of statehood *depends* on establishing a division between legitimate 'state violence' necessary for the security of all and illegitimate non-state violences. It is not that states must

occasionally be violent, but that they must define when violence is legitimate and necessary and when it is not. If one ignores the question of legitimacy and reduces violence to terror, one soon reaches unsettling conclusions:

> 'States clearly operate in ways that terrify. The terrorism of nonstate actors is a very small proportion of terrorism taken as a whole, with states having killed far more than those who oppose them.'
>
> (Elden, 2009:xxi)

Clearly then, violence is not an issue of quantifying terror exerted, but of whether this terror is held to support political community or undermine it. As a simple illustration of this, we might compare the hidden violence of impeding travel at state borders (a violence that often becomes lethal when such borders are aquatic), held to be a necessary 'security measure', to the mere existence of *sans-papiers* or 'illegal immigrants', rendered violent (and therefore provoking a violent response, in this case forcible expulsion) simply by their political definition as out-of-place.

When violence is conducted by nation-states operating within the state-system, it is not judged but instead aided and abetted by those instruments we call the law. International law, 'by identifying the state as a territorial organization and accepting that violation of its boundaries is inseparable from the idea of aggression against the state itself' (Paasi, 2005:21), has in a very real sense drafted the tenets of the international into law. Not that this is a new development: in 1835 Alexis de Tocqueville (2003:380) reported caustically that 'the dispossession of the [American] Indians is effected in a regular and, as it were, quite legal manner', in no small part because their expulsion helped reconcile the legal sovereignty of the United States with its 'manifest destiny', in both its territorial and national incarnations. Like Lady Justice armed with sword in one hand and scales in the other, state violence is marked out by its self-legitimating (even self-necessitating) character:

> 'it [state violence] consists in capturing while simultaneously constituting a right to capture. It is an incorporated, structural violence distinct from every kind of direct violence'
>
> (Deleuze & Guattari, 1987:448)

In short, '[s]tate violence is different from other forms of violence precisely because it produces the

conditions of its own necessity' (Shaw, 2008:167). The international thus both confers entitlement to monopolies over violence, force and order, and asserts 'the necessity of these monopolies in order to deter or prevent any other form of violence, force and order' (Bigo & Walker, 2007:729).

Just as the violence of the international is of a different form to 'direct' violences that might be judged before the law, the limits of the international are of a different form to the limits of the nation-state, or supranational associations of states. In Walker's (2010:46) claim that '[m]odern forms of political life project a possible perfectability [*sic*] in the organization of human life within the state that coexists with other states within a system of states that is assumed to be coextensive with a wider humanity', his deliberately studied and 'longish formulation' (p. 47) betrays a concern that these scales of analysis not be divorced from one another. Claims about the state are not singular (as they are often treated) but contain within them claims about 'humanity', and vice versa. This connection is simultaneously one of the chief liberatory moments of the international and one of its chief shortcomings: that '[a]s citizens, we aspire to universal values, but only on the condition that we tacitly assume that the world out there is in fact a realm of particular states' (Walker, 1993:154). This omnipresent, always unsatisfying compromise between universal aspiration and particularistic practice constitutes the limits of the international, limits clearly present in two of modern history's seminal pronouncements on the political life and liberty of man. Firstly, one can see in the 1789 *Declaration of the Rights of Man and of the Citizen* (National Assembly of France, 1789), even in its title, an uncomfortable conflation of the *universal* extension of human rights (Art. 1: 'Men are born and remain free and equal in rights') with the supersession of divine sovereignty by *national* sovereignty (Art. 3: 'The principle of all sovereignty resides essentially in the nation'). It was therefore, writes Hannah Arendt, a compromise *between* Man and Citizen:

> 'The same essential rights were at once claimed as the inalienable heritage of all human beings *and* as the specific heritage of specific nations, the same nation was at once declared to be subject to laws, which supposedly would flow from the Rights of Man, *and* sovereign, that is, bound by no universal law and acknowledging nothing superior to itself. The practical outcome of this contradiction was that from then on human rights were protected and enforced only as national rights'
>
> (Arendt, 1966:230)

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The Rights of Man, despite their 'natural, inalienable and sacred' (National Assembly of France, 1789) character, were therefore premised upon membership of a nation-state. This compromise was most clearly exposed in times of stress, as 'it turned out that the moment human beings lacked their own government and had to fall back on their minimum rights, no authority was left to protect them and no institution was willing to guarantee them' (Arendt, 1966:291-2). Second, Judith Butler (2004:86) makes a similar argument with regard to the 1949 Geneva Conventions on the rights of man in times of war, which 'extends "universal" rights only to those imprisoned combatants who belong to "recognizable" nation-states, but not to all people'. Here again, the reconciliation of 'universal' and 'human' with the political system that might secure those rights has resulted in their tacit truncation, and limits to the international thereby set. This is not to invalidate such agreements – as Walker (1993:158) writes, '[if] modernist and statist resolutions of the relations between citizenship and humanity seem increasingly inadequate, it is certainly easy enough to imagine worse possibilities' – but merely to highlight the bounds that enable them to be made.

The Territoriality of the International

The spatial component of these limits is not solely abstract, but embodied by the all-too-real lines that define our political landscapes and architecture: *the territoriality of politics,* what politics is and how political community is to be organised. For Robert Sack (1986:1), territoriality is 'a spatial strategy to affect, influence, or control resources and people, by controlling area', it is the spatiality not just of sovereignty, property or jurisdiction, but of all of these and more, the spatiality of politics itself. However, his description of territoriality is one in thrall to the same binaries as the international; though it may be 'turned on and off' (p. 1-2), it exists in discrete, clearly bounded and singular form. When applied at the level of the state, this 'territoriality' describes precisely the international's 'clean' lines and spaces (see below) in which a monopoly of power applies simultaneously and congruently to a territory, nation,

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culture, language and ethnicity, and such arrangements – known as states – account for all the world's territory. Crucially though, Sack (1986:3) allows that '[t]erritoriality...is an historically sensitive use of space'; *it is neither timeless nor universal*. I wish to account for this by using 'the international' to refer to the specific spatiality of politics it mandates, and allowing 'territoriality' a broader meaning to describe *any* spatiality of politics, include those that preceded the hegemony of the international, and those that may come (indeed, may have already begun) to supersede it.

I have said that within the international, borders should be singular; that is, they should aggregate together in clean lines. Walker expresses this more fully:

> 'While the boundaries of modern political life are multiple, expressible in all the familiar categories of polity, society, culture, economy, security and liberty, *they appear as singularity*, as converging or superimposed on the same spatially and legally defined ground. It is this apparent singularity that is often taken to mark the primary distinction between modernity and the overlapping jurisdictions of the medieval Europe, and to have been the distinguishing achievement of the modern state as the expression of both sovereign authority and national community.'
>
> (Walker, 2010:35, emphasis added)

This singularity finds expression in three key characteristics of modern borders. Firstly, the borders that demarcate the international are not only 'horizontal' lines that mark the shared edges of juxtaposed sovereignties, but also 'vertical' lines that mark the edges of 'levels' of sovereignty, separating national politics from supranational and sub-national politics. Thus Bigo and Walker (2007:728-9) argue that the bordering of the state should be 'understood as the line drawn between discrete hierarchical levels quite as easily as between horizontal jurisdictions of inclusion and exclusion'. Secondly, though it is tempting to see the drawing of all such lines as parochial, defensive tactics, 'both the possibility and the authority of modern states rests on the plausibility of the claim that the kind of politics enabled within their boundaries can be reconciled with some wider world' (Walker, 2010:37). It follows that modern borders have a certain ambivalence: they do not simply divide sovereignties (whether territorially or hierarchically), but also ensure communicability across sovereignties such that politics may be conducted between states and between levels of government. Thirdly, modern borders are sharp; like the dualisms riven throughout modernism,

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their clarity is comforting. Their sharpness confirms the 'naturalness of the boundaries between internal and external, of a dialectic of openness and closure at work within and without the modern state' (Bigo & Walker, 2007:729). When we see inside and outside blur, just as when sovereign jurisdictions appear to overlap (horizontally or vertically), just as when the congruence of borders is in doubt, anxieties are quickly and inevitably raised over security, identity and even the ability of politics to function.

Singular borders by definition imply equally singular spaces, as polity, territory, community and a host of other realms aggregate together to form the type of territorially defined nation-states so easily visualised in political maps. Agnew (1994; 2003) terms this representation of space as a mosaic of states the 'territorial trap', built on three related assumptions: 'that modern state sovereignty requires clearly bounded territorial spaces', 'that there is a fundamental opposition between domestic and foreign affairs' (that is, between politics inside and outside the state), and that 'the territorial state acts as the geographical container of modern society' (Agnew, 2003:53). While these tenets are certainly part of the international, they seem to underplay the constitutive ties that bind state, sovereignty and territory (to say nothing of nation, society and the rest). As Stuart Elden (2009:xxx) writes, '[s]tates are territorial, certainly, but the territorial aspect is not a mere container for state action'. Rather, it is its condition of possibility: in Henri Lefebvre's (1991:280) formulation, '[s]overeignty implies "space"': that is, 'state power endures only by virtue of violence directed towards a space' (here we might think again of Weber's definition of the state). Modern state sovereignty does not merely require or inhabit territory, it is inseparable from it. Like borders, then, space within the international is flattened so that it appears as singularity; it is monopolised by state and sovereignty. Insofar as history is allowed, it too takes place within these spaces; spaces might (occasionally) splinter or unite, promoting or relegating the significance of extant borders, and borders may (very occasionally) be redrawn; however, the foundational singular nature of these spaces and their reliance on an inside/outside dichotomy is simply projected back into a timeless past.

In Gilles Deleuze and Félix Guattari's (1987) formulation, such lines and spaces constitute 'striated' (that is, *ordered*) space, which exists in contradistinction to the 'smooth' (*un-ordered*, formless) space that it is

constantly trying to conquer. 'One of the fundamental tasks of the State', they write, 'is to striate the space over which it reigns' (Deleuze & Guattari, 1987:385). In such smooth space, there is no monopoly of power, violence is neither directed toward nor proceeds from control of territory, and populations and their various metrics fail to be territorially distinct. In short, we see smooth space when and where the daunting multiplicity of space ceases to be hidden. This apparent chaos accords with the 'anarchy' that Thomas Hobbes saw outside state sovereignty:

> 'Hereby it is manifest, that during the time men live without a common Power to keep them all in awe, they are in that condition which is called Warre; and such a warre, as is of every man, against every man. ... Whatsoever therefore is consequent to a time of Warre, where every man is Enemy to every man; the same is consequent to the time, wherein men live without other security, than what their own strength, and their own invention shall furnish them withall. In such condition, there is no place for Industry; because the fruit thereof is uncertain; and consequently no Culture of the Earth; no Navigation, nor use of the commodities that may be imported by Sea; no commodious Building; no Instruments of moving, and removing such things as require much force; no Knowledge of the face of the Earth; no account of Time; no Arts; no Letters; no Society; and which is worst of all, continuall feare, and danger of violent death; And the life of man, solitary, poore, nasty, brutish, and short.'
>
> (Hobbes, 1968:186)

It is remarkable how Hobbes' description, originally published in 1651, resonates with current discourses of failed or rogue states, lawless tribal areas, and refugee or nomad camps (I shall explore the latter in greater depth in Chapter 4). Only under state sovereignty is civilisation possible; outside of its rule man is reduced to a decidedly pre-modern, even primitive barbarism. We see here the dual nature of the limits of the international, 'framed spatially as "security" and "international anarchy" and temporally as "development"' (Walker, 1993:147). The conquering of smooth space is framed not as a matter of *supremacy* (as is war between states) but as a matter of *order*, in the tradition of colonisers, missionaries and, latterly, those undertaking humanitarian interventions. As Walker (2010:47) writes, modern politics 'is predicated on the assumption that all of humanity, all the peoples of the world, can be brought *within* the jurisdiction of some modern sovereign state that can itself find its proper place within the community of modern nations, within what is now often called the multilateral world of the international, so that the modern individualized political subject can find its home, its space for freedom under the necessity of law'.

The striation of space is, in other words, a moral imperative.

The narrative of the progressive march of striated space across the globe is a compelling one, but raises questions as to why this mission was not long ago accomplished, whether its completion has been prevented by surreptitious growths and irruptions of smooth space, and if so, how and why. I suspect, with Zygmunt Bauman (2004:122), that such a mission is necessarily incomplete; that '[t]he idea of a civilization that has completed the effort to civilize (brought to an end the job of cleaning, the bustle of ordering and the search for beauty) is as incongruous as that of a wind that does not blow and a river that does not flow'. If, following Deleuze and Guattari (1987), striated space only exists insofar as it is defined against smooth space, it must create smooth space even as it destroys it; or, to put it in different terms, since the international requires limits, its delimitation in effect *creates its own outside*. This necessary shortfall would rule out the possibility of universalism, instead siding with Étienne Balibar's (1994:197) assertion of the impossibility of 'fixing the boundaries within which all human beings could possibly be gathered'. It is the very fixing of the boundary, the renewal of 'the distinction between order and chaos, law and lawlessness, citizen and *homo sacer*, belonging and exclusion, useful (= legitimate) product and waste' (Bauman, 2004:33), that ensures the continued existence of an outside to the international.

(Re)regulating Space

Shifting Territorialities

If the histories of state are spatially circumscribed by the international, the histories of sovereignty – that is, the very workings of power – are totally disavowed: instead, '[s]overeignty appears fixed, without history' (Walters, 2002:577). As a corrective to this, I turn to Foucault's (2007) history of sovereignty; or, better to say, of 'the reflexive prism in which the problem of the state appeared' (Foucault, 2007:276), since Foucault too was talking not of the state itself but of the manner in which it is conceived and the ideals that the state is to be held to, and since he uses the term 'sovereignty' in the quite different sense of absolute rule by a singular, transcendent sovereign by way of a juridical apparatus. Foucault (2007:12) was clear that

while each conception of sovereignty was inherently spatial, each invoked a different conception of *how exactly sovereignty was to be territorialised*; it is precisely these territorial implications that I wish to explore.

Foucault (2007) uses three broad modes to describe the changing regulation of society. Starting in the Middle Ages, he first describes the absolute 'sovereignty' that rules by way of a *juridical apparatus* premised on a binary division between the prohibited and the permitted, a divine conception of law and power, and a pastoral relationship between governor and governed. The second mode, which began to gain ascendancy with the late-sixteenth/early-seventeenth century invention of *raison d'État* (or the art of government), is a *disciplinary apparatus* whereby the figure of the culprit weighs more heavily in law and his or her punishment (and its potential corrective power) assumes greater significance. The third mode, which came to the fore in the eighteenth century, is a *security apparatus* in which a calculation of cost is applied to judgement before the law, such that 'instead of a binary division between the permitted and the prohibited, one establishes an average considered as optimal on the one hand, and, on the other, a bandwidth of the acceptable that must not be exceeded' (Foucault, 2007:6). Whereas the rejection of the *juridical* idea of divine, naturalistic laws of government enabled the development of the *disciplinary* raison d'État, a consciously human 'governmentality' (what Foucault (2007:348) terms a 'governmentality of the *politiques*'), it is only with the significant modification of the latter into a 'governmentality of the *économistes*' (ibid.) that accompanied the shift into a *security* apparatus that we start to see 'some of the fundamental lines of modern and contemporary governmentality' (ibid.); that is, that which we refer to today when we use the term 'governmentality'.

It is under the juridical apparatus that the political effectiveness of sovereignty begins to be thought of in terms of its spatial distribution, particularly its ability to induce a series of circulations – 'circulation of ideas, of wills, and of orders, and also commercial circulation' (Foucault, 2007:15). In this series, we see the intensely spatial 'superimposition of the state of sovereignty, the territorial state, and the commercial state'. However, while we can see the establishment of a 'spatial understanding of the possibility of political community' (Walker, 1990:172) and the beginnings of singular space, this 'capitalisation' of space

meant that territory became the chief metric for state power. This was based on and, in turn, encouraged a distinctly pre-modern expansionism and dreams of a last Empire, a future state of total domination that would herald the Second Coming of Christ and the end of History (Foucault, 2007:260). Borders were thought of fluidly as frontiers whose location, far from being fixed, was a measure of the fortunes of the state.

Disciplinary Space and the Scandal of Raison d'État

This was to change with the invention of the 'new governmental rationality of *raison d'État*, which was broadly formed during the sixteenth century, [and which] defined the state and separated it out as both a specific and an autonomous, or relatively autonomous, reality' (Foucault, 2008:4). Foucault is speaking of the replacement of divine laws for governing *all* people with self-consciously human ('autonomous') laws for governing *a* people, such that '[t]he state only exists through and for itself, and it only exists in the plural' (Foucault, 2008:5). *Raison d'État* was developed and entrenched both *internally* through the invention of 'police' (in the very different sense the word had at the time) apparatuses by which the state might more fully regulate its population and territory and 'bring...about the internal growth of the state's forces' (Foucault, 2007:365) and *externally* through the establishment of a system of alliances that secured a 'balance of power' between the states of Europe (since the modern state 'only exists in the plural');

> 'In other words, the art of government is deployed in a field of relations of forces. I think this is the great threshold of modernity of this art of government.'
>
> (Foucault, 2007:312)

References to Westphalianism today play heavily on the latter, external element of *raison d'État*, and certainly the 1648 Peace of Westphalia was pivotal in displacing dreams of expansionism and empire to the colonies, so that within Europe state glory was instead thought of in terms of the state's *internal* power. As Foucault (2007:44-5) writes, '[t]he first action of discipline is in fact to circumscribe a space in which its power and the mechanisms of its power will function fully and without limit'. The result was an explicit politicisation of the state's territory, a recognition in line with the dictates of the international that

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'[t]erritory is more than merely land, but a rendering of the emergent concept of "space" as a political category: owned, distributed, mapped, calculated, bordered, and controlled' (Elden, 2007:17). The corollary to this is that outside the state's own space of unlimited power (that is, its newly clarified and solidified territory), the state must engage in an 'international' politics in which its power and objectives are highly limited, setting up a division between domestic and international politics that continues to underpin our understanding of political space. Inter-state competition was no longer over a (newly hardened) set of borders, but between them; 'growth' was displaced from space to state. Absent any eschatological dreams of a last Empire, we are instead confronted with 'a perspective in which historical time is indefinite,...a perspective of indefinite governmentality with no foreseeable term or final aim' (Foucault, 2007:260). Thus the perpetuity of Immanuel Kant's (2003) perpetual peace, in which humanity is united not in one state, but in a universal system of states.

Whereas the juridical apparatus was premised upon the implementation of divine laws and principles of nature, the recognition of such laws as merely instruments of government under a disciplinary apparatus gave the state an unprecedented power: the *coup d'État*, in the seventeenth century sense of 'a suspension of, a temporary departure from, laws and legality' (Foucault, 2007:261). The *coup d'État* does not compromise but rather is built into the fabric of *raison d'État*, since under *raison d'État* 'it is necessary to command, not by following the laws, but commanding the laws themselves, which must adapt to the present state of the republic, and not the state to the laws' (von Chemnitz, 1712:26; quoted in Foucault, 2007:280n.23). *Coup d'État* remains the exception – the disciplinary society requires that the law be upheld as a rule – but it is an institutionalised exception. *Coup d'État* is justified as a response to 'necessity over and above the law' (Foucault, 2007:262), the necessity of 'the state's salvation' (ibid.:263). The space opened up between law and 'necessity' is precisely the space that allows the state to co-opt the law in state violence, the covert counterpart to the *coup d'État's* brazen theatricality. But while the former is general, the latter is particular, creating in its execution a space of exception that cannot help but fracture the state. As soon as we have both singular space and singular borders, the foundations of the

international, we also have the exception, a rewriting of the space of law that compromises the unity of the state *in the name of the state*, and an outside to the international, a lawless exterior to the striated space strung together by '[t]reaties of reciprocity and international agreements [that] have woven a web around the earth' (Arendt, 1966:294).

It is important to mention, given the extent to which the international appears timeless and inevitable, and to which it directs our ideas of what freedom, politics, community and humanity (to name but four) might be, that at the end of the sixteenth and the beginning of the seventeenth century *raison d'État* was considered a controversial, even scandalous, innovation. In 1647, as the Peace of Westphalia was being negotiated, the German historian Bogeslaw Philipp von Chemnitz wrote:

> 'Every day we hear an infinite number of people speaking of *raison d'État*. Everyone joins in, those buried in the dust of the schools as well as those with the responsibilities of public office.'
>
> <div align="right">(von Chemnitz, 1712:1; quoted in Foucault, 2007:240)</div>

This talk is mirrored in a significant literature in these decades discussing the merits or heretical qualities of *raison d'État*, both directly and through the figures of *les politiques*, those concerned with 'what a government must do and on what rationality it must rest' (Foucault, 2007:246), and Machiavelli, who was held to represent the ungodliness of an art of government based not on Christianity but on the all-too-human reasoning of those in power (Foucault, 2007; see Holden & Elden, 2005). This controversy should perhaps bring into focus that *raison d'État*, and by extension the international (to which I have tried to draw the links), was a '*historically specific resolution*' to a set of specific 'questions about the character and location of political community as these were articulated in early-modern Europe' (Walker, 1990:168-9). My contention is neither that these seventeenth-century resolutions nor that the political questions themselves are by now outdated, but (more modestly) that they are 'historical' at all: that they represent responses to particular questions and not statements of eternal truths. The consequent implication (or accusation) is that the spatial resolution of political community under *raison d'État* continues to 'set the conditions under which accounts of historical possibility within states have been possible at all' (Walker, 1993:127); and that our

unwillingness to review (or even treat historically) these conditions actively produces the apparent 'inevitability and necessity' (Shaw, 2008:39) of the international.

The Security Apparatus

However, for Foucault the disciplinary truths of *raison d'État were* eclipsed, or at least partially superseded, by the eighteenth century ascent to prominence of a new 'security apparatus' that modified the conception of government in several important ways. At its most fundamental, it implies an economisation of the logic of law and government. The security apparatus constitutes 'a new art of government, still in terms of reason, of course, but of a reason that was no longer *raison d'État*, or which was not only *raison d'État*, and which was, to put things more precisely, *raison d'État* modified by this new thing, by this new domain that was emerging: the economy' (Foucault, 2007:348). 'Reason' was no longer to be thought of in terms of the rationality of the sovereign, but instead 'the rationality of those who are governed as economic subjects' (Foucault, 2008:312); a rationality that was to be accessed through the conglomeration of these subjects into a population, which one could know and manage through the new field of national statistics. This meant that one could govern at a level removed:

> 'The central point of the panopticon [the chief technology of the disciplinary apparatus] still functions, as it were, as a perfect sovereign. On the other hand, what we now see is [not] the idea of a power that takes the form of an exhaustive surveillance of individuals so that they are all constantly under the eyes of the sovereign in everything they do, but the set of mechanisms that, for the government and those who govern, attach pertinence to quite specific phenomena that are not exactly individual phenomena, even if individuals do appear in a way, and there are specific processes of individualization'
>
> (Foucault, 2007:66)

Crucial here is the idea of *directness*. The disciplinary 'perfect sovereign' dreams of total, direct control over their subjects, such that each individual deviation is spotted and punished accordingly. The government ruling through security, however, aspires not to *total* control but to *optimal* control: through indirect control (via proximate phenomena), it dreams of a population whose range of desires are optimal for the state, such that deviance may be pre-emptively averted. This shift requires a recognition that the limitation of

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government is separate from, and does not necessarily entail, the limitation of government power: 'an essential characteristic of this new form of government is the organisation of numerous and complex internal mechanisms whose function – and this is what distinguishes them from *raison d'État* – is not so much to ensure the growth of the state's forces, wealth, and strength, to ensure its unlimited growth, as to limit the exercise of government power internally' (Foucault, 2008:27).

This internal limitation occurs on one side in the application of the question of utility to government itself – for what and within what limits government is useful, and when it is not useful – and on the other side in the assertion of the original rights of man; it is on this latter side that we must situate the 1789 *Declaration of the Rights of Man and of the Citizen* (Foucault, 2008:pp39-40). One can see the *Declaration* as a turning point of sorts: the moment that the state becomes necessary for the production of freedoms rather than their inhibition. It is one example of

> 'the appearance in this new art of government of mechanisms with the function of producing, breathing life into, and increasing freedom through additional control and intervention. That is to say, control is no longer just the necessary counterweight to freedom, as in the case of panopticism: it becomes its mainspring.'
>
> (Foucault, 2008:67)

This new conception of the relationship between state and freedom 'entirely overturn[s and] marginalize[s]' (Foucault, 2007:354) the idea of 'police' as the regulation of the population; this job will now be taken over by a new series of regulatory mechanisms, operating indirectly, while 'police' (now in its modern sense) will be left to take care of the elimination of disorder so that these mechanism can function properly. In other words, we have a division such that freedom is produced *both* by a more indirect form of government within order, *and* by the still-very-much direct form of government of disorder. My claim here is that it is the displacement of direct control onto a particular sub-set of the population, its exceptionalisation, that is the enabling condition for our apparent freedoms.

The new emphasis on the population as an object of indirect rule might seem at first glance to suggest a broad 'transition from a "territorial state" to a "population state"' (Foucault, 2007:363; see also Elden, 2007); indeed, Foucault (2007: 11) entertains the thought before deciding that 'this is not the point

and I don't think it holds together'. It is 'not the point' because it ignores the territoriality of the so-called population state's administration, and it does not 'hold together' because it implies a total break from *raison d'État* and disciplinary structures in general, when in fact both continue to underpin a security apparatus, albeit in modified form. Regarding the former, Foucault (2007:20) contrasts the perfectibility of function of disciplinary space in which the perfect sovereign might have complete control, with the probabilistic control of space in a security apparatus. For Foucault, as paraphrased by Elden,

> 'While discipline operates through the enclosure and circumscription of space, security requires the opening up and release of spaces, to enable circulation and passage. ... Discipline is centripetal, while security is centrifugal; discipline seeks to regulate everything while security seeks to regulate as little as possible, and, rather, to enable, as it is, indeed, laissez faire; discipline is isolating, working on measures of segmentation, while security seeks to incorporate, and to distribute more widely.'
>
> (Elden, 2007:4; citing Foucault, 2007)

The state that exercises control not through rules and regulation, but rather through the production of freedoms and the management of desire, achieves this by way of '[a] whole range of new technologies – "technologies of freedom" – ...that seek to govern "at a distance" *through, not in spite of*, the autonomous choices of relatively independent entities' (Rose, 2000:324, emphasis added). A prime example might be the passport, securing the freedom of movement based on a probabilistic calculation of net benefit to the state, yet allowing the state to retain a degree of control (in the issuance and withdrawal of passports, the blacklisting of certain persons or nationalities, and so on). The territorial implication is the abandonment of 'total' border controls in which the state might dictate the precise spatiality of its population, and the dispersal of the instruments of border control away from the border itself: in short, the erosion of the international's singular borders. I shall look further at this renegotiation of the nature and location of borders under a security apparatus in the following section.

Regarding Foucault's second point, that talk of the 'population state' does not 'hold together', the persistence of *raison d'État* can be seen in the direct control exercised in times and places of disorder. The spatial implication of this is the retention of disciplinary space to deal with such disorder: just as the 'Roman camp was revived at the end of the sixteenth and the beginning of the seventeenth century'

(Foucault, 2007:15-6) as a model for the disciplinary town, so the camp appears in the security apparatus as an exceptional tool for dealing with disorder, most obviously embodied by the prisoner of war, the *Untermenschen* of the Nazi state, the refugee or the nomad. Disciplinary space does not merely coexist (albeit as exception) with the more flexible territoriality of the security apparatus, *it is the condition of its possibility.* It is important to clarify that while Foucault clearly implies a general historical progression of modes of sovereignty, he is careful to refute any notion of wholesale epochal transition, arguing to the contrary that 'security is a way of making the old armatures of law and discipline function *in addition to* the specific mechanisms of security' (Foucault, 2007:10, emphasis added). Though he appears to reject the Hegelian term *Aufhebung* to describe these shifts (Foucault, 2008:28), its expression of the tension between preservation and supersession seems to fit well with the way in which each mode both revolts against and draws upon pre-existing modes of regulation.

State Borders and National Security

Nation

If, as I have suggested, to speak of a population state is to miss the point, this is not to imply that the population of a state did not play a crucial part in the development of a security apparatus, and its modulation (rather than replacement) of the ideals of the international. Foucault's contention is that the development of this new means of government cannot be separated from the development of a new object of government: a distinct, statistically 'knowable' population. As he puts it, '[n]o longer the safety (*sûreté*) of the Prince and his territory, but the security (*sécurité*) of the population' (Foucault, 2007:65). However, today it is not *population* but *nation* that is afforded equal billing with state, a more loaded term that collects a whole set of emotive criteria of belonging – language, culture, ethnicity – under the auspices of the singular nation-state. *Ethnos* (imagined historical community of descent and affiliation) and *demos* (political community) have been (albeit necessarily imperfectly) conflated. The result is that today, as Rogers Brubaker (1996:10) writes, '"Nation" is so central, and protean, a category of modern political and

cultural thought, discourse, and practise that it is hard indeed to imagine a world without nationalism'. Nationalism, that powerful process of defining who does *not* belong, is one of the chief modes through which the international creates its constitutive outside, picking apart the borders of nation and state to reveal politically ambiguous (and therefore dangerous) outside(r)s inside.

All too often we are guilty of naturalising the hyphen of the nation-state and thereby glossing over the work that went into its construction, work that 'endow[ed] the territorial state with the legitimacy of representing the "character" or "will" of the nation' (Agnew & Corbridge, 1995:83). Indeed, for Matthew Sparke, the hyphen is what precisely imbues nation and state with their territorialising imperative:

> 'The hyphen in nation-state has traditionally symbolized the reciprocal consolidation of national homelands and state territories ... As a text-spanning symbol of space-spanning phenomena, the hyphen in nation-state came to represent two mutually reinforcing geographical processes. On the one side were the diverse state practices such as border policing, migration control, and planning that regulated territorial belonging. On the other side were the modern space-producing social and cultural dynamics that, in generating taken-for-granted national landscapes, national monuments, national maps, and so on, gave state regulation its space and place of legitimacy'
>
> (Sparke, 2005:xii-xiii)

As we have seen, the territorialisations of state have a far longer history than their marriage to nation. I therefore prefer to highlight in Sparke's consolidative processes the hyphen's *vitalising* function: it represents an injection of biopolitics into the territoriality of state. Once the sanctity of the sovereign had been dispatched by the establishment of *raison d'État*, there was a certain disinvestment of authority in power: rulers clung on to the means of government, but had lost the legitimacy conferred by representing a higher power. This created the vacuum into which the nation confidently strode: from the 1789 *Declaration of the Rights of Man and of the Citizen* onwards, revolutionary politics was necessarily concerned with reinvesting the state with moral authority, only this time it was issued not by God but by the nation (or rather, as we have seen, an uncomfortably ambiguous nation/citizenry). The development of a security apparatus, which asserted 'the rationality of those who are governed as economic subjects' (Foucault, 2008:312), proceeded hand in hand with this mass political enfranchisement.

The incorporation of nation into state was set in place by the nineteenth-century popularisation of

an organic, naturalised model of the state, solidifying the international's suggestion that states be seen as unitary political actors when viewed alongside other such states. Ideologically, this model owed much to Friedrich Ratzel's late nineteenth century writings on geography, which saw nation, culture and state not as distinct entities, but as different aspects of a unified organism. Materially, the elevation of nation to its hyphenated glory alongside state was fuelled by the contemporaneous democratisation of the category to the proletariat in the late nineteenth century: as John Agnew writes,

> 'National economy making through the extension of national railway systems and the reorganization of economic space to accord greater centrality to national markets and finance was combined with the spread of literacy in vernacular languages and universal elementary education to produce an enhanced sense of national difference and exclusivity on the part of mass publics. Nationalism was no longer just for élites.'
>
> (Agnew, 1998:95)

This idea of the united, organic nation-state might also be seen alongside the emergence of the modernist, undivided and self-conscious subject in the same period, which was seen to be echoed fractal-like at the scale of the state. A doctrine of personal liberty was simply transposed from the self to the nation-state (and vice versa). This move has long since lost its aura of novelty or strangeness, and continues to define the political orthodoxy today; for instance, one might consider Franjo Tudjman's (the campaigner for and first president of an independent Croatian nation-state) assertion that:

> 'Every nation, no matter what its size or character, has the natural and historic right to its sovereignty and its place in the human community, just as the individual has in society ... Only a free and sovereign nation, like a fully developed and free human being, can give its full contribution to the world.'
>
> (Tudjman, 1990:289; quoted in Hayden, 1999:74)

Just as the modern man must take possession of himself and insist on being held personally responsible for his actions in order to be free (as opposed to the premodern man subject to a divine hierarchy in which he has no say), so the modern nation must show its ownership of full state apparatus and sole sovereignty over a territory as evidence of its freedom. Again, we see a link between a security apparatus premised on rational economic subjects and a politics of the international.

However, there have always been significant problems in marrying up nations to states, problems

that might be divided into three broad categories. The first of these is that state populations are rarely homogeneous, and so asserting the primacy of one particular nation invariably creates both diasporic and minority populations located in the 'wrong' state (see Chapter 3 on how this process occurred in the aftermath of the First World War). Second, the fuzziness of 'nation' as a concept has invariably tempted 'internal' nations to reject allegiance to their assigned nation and state, and instead seek to upgrade regional structures of governance into independent sovereignty. Third, and most serious, are those (like Europe's Roma) whose lack of territorial political representation renders them aberrantly territorial, outside of the logic of the international. The light that defined Europe's population as a set of nations that belonged to particular states was thus the same light that defined certain people as no longer merely 'other', but either 'out of place' or, in the worst case, categorically 'place-less'.

This latter process can be seen in the nineteenth century development of antiziganism and anti-Semitism couched not in terms of the 'ordinary racism that takes the traditional form of mutual contempt or hatred between races...[or a] hostility that is directed toward...a mythical adversary', but of a modern, *state racism* premised instead upon a concern for the health and security of one's own race (Foucault, 2003:158):

> 'Demagogues readily portrayed Jews as rootless cosmopolitans or allied with the nation's enemies in a European world dividing into parochial nation-states. There was no longer a space for ethnic and racial difference within the boundaries of states. Jews were dangerous polluters of national homogeneity and disrupted a presumed natural order in which racial groups and states are mutually dependent.'
>
> (Agnew, 2003:96)

One could say precisely the same of Europe's Roma, and indeed there was an accompanying 'shift in representations of Gypsies during this period from hazy and inscrutable natural subjects to objects of a discourse of legislation, prosecution, and control' (Lyon, 2004:524). Occupying an ambiguous position outside of nationhood but imposing upon the state's territory, trapped between *ethnos* and *demos*, these outsiders-inside posed difficult questions regarding the extension of the state, impelled to either inclusionary (regulation) or exclusionary (expulsion) solutions in order to secure the international; either

way, their essential difference was not in question. Thus, *the definition of outsiders-inside through a modern state racism was the corollary of the territorialisation of nation*: the clean lines by which explicitly *nation*-states were divided on the map were mirrored in the lines marking biological caesuras in the population by which states could better govern (Foucault, 2003).

In sum: viewed in light of the progressive and profoundly territorial association of nation with state, the international was institutionalised by an apparatus of security that took population as its object. However, as we saw in the previous section, viewed in light of the territoriality of politics, the international owes more to the disciplinary spatialisation of *raison d'État* than it does to the more nuanced territoriality of a security apparatus. This is the discrepancy identified by Elden:

> 'the period Foucault is analysing as the emergent moment for population [in *The Birth Of Biopolitics*] simultaneously sees the appearance of the category of territory in its modern sense. [//] This is not the shift Foucault sees.'
>
> (Elden, 2007:12-3)

Elden's point is that though Foucault (2007) talks of the establishment of a state system in the seventeenth century (in this, though his reasoning in more nuanced, he shares a Westphalianism with current orthodoxy in International Relations), when he talks of the birth of biopolitics (Foucault, 2008) he rather leaves this territorial concern behind, and the Peace of Westphalia is instead read as the point at which the primary concern of government switched from territory to population. *The development of an apparatus of security is at once marks the birth and death of the territoriality of the international*. This ambiguity in Foucault's work is important for two reasons. First, it feeds into difficulties distinguishing between two qualitatively distinct engines for the creation of outside(r)s to the international: those produced by the *reassertion* of the international squeezing out a residual excess, the limit condition by which it might define itself (if we see the international working through a security apparatus); and those created by the struggle to *transcend* the international and reconfiguring these very limits (if we see the international as being modulated by a security apparatus). Rather than favouring one engine and debunking the other, I prefer to look at the tensions in their coexistence. Second, this ambiguity is where we must situate the problems in marrying

nation up to state: at the same moment that the normative (if not actual) borders of the nation are synonymised with the normative borders of the state, the latter are being reterritorialised in a series of complex ways (many of which relate to its new-found dependence on population) that escape the clean lines of the international. It is to these complex re-borderings that I now turn.

Borders

The ambiguous position of the international in relation to the modes of government that it might be supposed to express can be seen 'on the ground' in contemporary tensions over what state borders are, and where there lie. The recent explosion in literature on borderwork should alert us to a certain vivification of borders, for so long treated as dead lines whose function was so obvious as to be literally unremarkable except in terms of their location. These studies (see, for example, Coleman, 2007; Kumar Rajaram & Grundy-Warr, 2007; Newman & Paasi, 1998; Newman, 2006; Parker & Vaughan-Williams et al, 2009; Van Houtum et al, 2005; Vaughan-Williams, 2009; Walters, 2002; 2006) explore *how* exactly modern borders function, thereby urging us to 'think about boundaries less as sites at which very little happens except the separation of one political community, or state, or condition, from another, than as very active sites, moments and practices that work to produce very specific political possibilities of necessity and possibility on either side' (Walker, 2010:32). This move, less a reorientation toward than an animation of 'borders', is the first step towards recognising a political ontology in which borders might not simply be naturalised as unitary, infinitely sharp lines; indeed, the more one studies the border-as-practice, the more one sees the inadequacy of the border-as-ideal, and the international in general as a model for our political landscapes. Political 'crises' sparked by borders that fail to be unitary or sharp are a pointed indication that this recognition is by no means general, and of the gap between borderwork literatures and popular perception. Nevertheless, there is a mounting body of evidence that suggests a spiralling away – an ever widening oscillation, or *Aufhebung*, that retains contact points with the old order – from the ideals of the international to a new territoriality; a move reflected both at the level of ideal and in more concrete shifts

in border practices that exceed the necessary gap between aspiration and reality.

Such changes are clearly not captured by tired debates over the obsolescence or persistence of borders, states or both in a globalising (in whichever sense this is taken) world. Indeed, the explosion of literatures on borderwork might best be contextualised as arising from dissatisfaction with such theses, which found favour in the late 1980s and early 1990s as scholars were confronted with the vertiginous collapse of the geopolitical certainties of the Cold War (see, for example, Ohmae, 1990) and dramatic acceleration of financial flows across borders (see, for example, Virilio, 1986). Reactions to such works asserting the continued relevance of states were often more concerned with debunking 'globalisation' (see, for example, Hirst & Thompson, 1999) than with assessing changes in what 'state sovereignty' might itself mean in different historical circumstances. Today, the dust has settled somewhat and borderwork literatures reject simplistic binaries in favour of describing the daunting complexity of borders. As Balibar (2006:2) writes, 'we find ourselves in a geo-historical situation in which the location of the border, and therefore also its concept, is a complex and equivocal notion'.

To take the first of these notions, the location of borders, one can readily see a dispersal of border practices both inside and outside the state. For instance, the second of a triptych of documents outlining changes to the government of the UK's borders, *Securing the UK Border: Our Vision and Strategy for the Future*, states that:

> 'The border has traditionally been understood as a single, staffed physical frontier, where travellers show paper-based identity documents to pass through. This twentieth century concept can be subject to abuse ... [and] will not deal effectively with the step change in mobility that globalisation has brought to our country. We believe a new doctrine is demanded, where controls begin offshore and where we use information, intelligence and identity systems to allow scrutiny at key checkpoints on the journey to and from the UK.'
> (Home Office, 2007:3)

Thus borders are multiple, and are not always found on 'traditional' border lines; in fact, finding borders takes on a new level of difficulty (and imagination), since 'they are increasingly ephemeral and/or impalpable: electronic, non-visible, and located in zones that defy a straightforwardly territorial logic' (Parker & Vaughan-Williams et al, 2009:583). This is not to say that such borders are aterritorial, but that

they obey a new and unfamiliar territoriality, for as Deleuze and Guattari insist (even if it is occasionally forgotten amongst their acolytes), 'deterritorialization...always occurs in relation to a complementary reterritorialization' (1987:54; Elden, 2009). This reterritorialisation plays out in lines that are premised less on the disciplinary focus on *raison d'État* than on the more flexible, probabilistic territoriality of a security apparatus, and involves an economisation, technicisation and delegation of border practices. In relation to the control of the movement of people, these border changes might be subdivided into *externalisations* such as the partial outsourcing of European border controls or the bilateral negotiation of 'readmission agreements' with non-EU states (Boswell, 2003; Andrijasevic, 2006) and *internalisations* such as the subcontracting of border controls to either regular police forces or commercial carriers (Walters, 2006; Guild, 2006) or requirements made by state institutions of valid identity documents in order to access the services they offer (Faure Atger, 2008). Each of these developments is intensely spatial, and although there is uncertainty over where one chooses to see the border (the institution, the database, or even the biometrically coded migrant body?), this is largely dependent upon how exactly one defines 'border'.

This ambiguity feeds into the second of Balibar's equivocal complexities, that of the very concept of the border. Borderwork literatures argue for a shift from conceptions of the border as a wall (thus, 'Fortress Europe') or dyke (holding back floods, inundations, tidal waves or tsunamis of migrants) to conceptions of the 'smart' border as a checkpoint, dual-coded as liberal for economic travellers and restrictive for security threats (Sparke, 2006). The territoriality of this division is no longer one of homogeneous blocks of people separated by a single line drawn in the ground or through the sea, but of a multiple border conduct a constant sifting to divide welcome travellers from unwelcome ones, a net that is spatio-temporally specific rather than fixed and constant (Coleman, 2007). It is based not on total control, but rather on optimal control: maximum economic benefit for minimum (but not zero) security risk. Even territories themselves resist any simple bounding, as ambiguous, legally exceptional spaces at air- and sea-ports, immigrant detention centres, and off-shore enclaves designed to retain territorial sovereignty but escape from asylum, tax or other traditional obligations of state territory (Andrijasevic, 2006) gerrymander

borders of territories in complex and occasionally fanciful ways. The result of these forced de-linkings is a disaggregation of border function, a fracturing of the set of jurisdictions that were once synonymous (at least territorially) with the state. In short, the notion of the border as a single line separating unitary inside from common outside looks increasingly outmoded; instead, Nancy Fraser (2009:5) points towards 'novel forms of "intermestic" politics, practiced by new, trans-territorial, non-state actors, including transnational social movements, intergovernmental organizations, and international nongovernmental organizations' (see also Kearns, 2008). The unwieldiness of Fraser's neologisms attests to the unfamiliarity of the reterritorialisation of politics, and the fundamental reconceptualisation of borders that it entails.

We can visualise the transformations in the location and conception of borders, and the consequent opening of politically ambiguous or irregular spaces, either in terms of the *localised* ambiguity of frayed borders, termed 'margins', 'marches' (Walters, 2002) or Möbius strips (Bigo, 2005; 2007), or in terms of the more *general* ambiguity of borders *per se* in a security apparatus in which checkpoints proliferate, and borders are 'no longer the shores of politics but...the space of the political itself' (Balibar, 1998:220; Balibar, 2009). While the former signifies the failure of state borders to adhere to the clean lines of the international, in which nation, state and sovereignty coincide in a single territorial line, the latter expresses more clearly the absolute incommensurability of a territoriality of the international with an emergent territoriality of the security apparatus. However, while there is certainly a great deal of truth in such conceptions, there is also a great danger than this fetishisation of the newness of supposedly post-modern borders both neglects the continued relevance of the international in defining notions of security and seriously oversells the extent to which the clean borders and spaces of the international ever described political practice; I shall say a few words on the latter before turning to the former in greater depth. If one looks at a time before the territoriality we so eagerly find in the Peace of Westphalia finally began (with the nineteenth century unifications of Italy and Germany) to bear resemblance to reality, the insufficiency of sharp, clean borders in describing political reality is self-evident (c.f. Agnew, 2008). Even in the late nineteenth and twentieth centuries, bordering practices were considerably more complex than their political

representations as clean lines allowed: to take but three examples, the development of the passport as a means of surveillance and control (Torpey, 2000), externalisations of the border via the imposition of visas (Zolberg, 1999; Walters, 2006) and even biometry (Maguire, 2009) all have longer histories than is often allowed (Agnew, 2008). However, just as such liberalisations were underpinned by the assumption that the international's configuration of territoriality was what had ultimately to be preserved, so today the international continues to inform vital matters of national security.

Security

'Security' is most often thought of in terms of the preservation of the state, and spatialised as the defence of the territory over which it claims a monopoly on violence and authority:

> 'The concept of "security" is closely associated in the field of international relations with defending the integrity of the state's territorial space. But this has not signified defence of human, cultural, or ecological security, except incidentally. What is at stake is the survival and maintenance of the sovereignty of the state over its territory.'
>
> <div align="right">(Agnew, 1994:60)</div>

However, I wish to argue along slightly different lines: that the vitalisation of state sovereignty by the nation shifted the terms of security, and hence also its spatiality. With the moral authority of representing a nation came a moral responsibility to assure a specifically *national* security. If the security of the modern polity has since the Middle Ages been a territorial concern, the security of the biopolity (Kelly, 2010) is no less so, but is additionally concerned with *the territorial congruence of nation with state*. In Mark Kelly's (2010) terms, it is concerned with the alignment of the geopolitical and biopolitical borders of the state. Such an alignment is of course impossible, both practically (since the definition of nation always produces an excess) and ideologically (since security must be balanced by economic concerns for cross-border movement, an equation complicated by 'smart borders' claiming to do both (Sparke, 2006), but an equation nonetheless). However, the impossibility of such an alignment does not prevent it being idealised: there is a certain dramatic irony that even as it is becoming blindingly obvious that the marriage of nation and state no longer suffices to express contemporary political identities, this very marriage continues to be called

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forth in the service of narratives of 'national security'. As Bigo (2007:10) writes, '[t]he ghost of the enemy within is haunting this geopolitical vision in search of simple explanations and clear distinctions between "us" and "them", "friends" and "foes", "good" and "evil", "inside" and "outside"'. The state must thus strike a balance between allowing geopolitical and biopolitical borders to diverge, thus implementing the probabilistic territoriality of the security apparatus, and realigning them (or being seen to be trying to realign them) when the resultant politically ambiguous outside(r)s-inside are too clearly visible, for in the light of day they are an affront to national security. I wish to briefly consider both sides of this balance, before moving on to the construction of the political identity of Roma as necessarily antagonistic to national security (not of this or that state, but national security *per se*).

Strategies for securing the nation-state inevitably reassert the familiar lines and spaces of the international. Immigration crises are announced, territorial sovereignty (of one's own state at least) avowed, the erosion of national culture bemoaned, and economic plans that amount to 'creat[ing] British jobs for British workers' written (Brown, 2007). Recourse is made to international law, which is supremely conservative in its preservation of extant political borders, often in defiance of the local reality of political community. As Elden (2009:147) notes, '[t]he problem under international law tends...to be one of protecting borders wherever they are, rather than recognising their artificial nature in many places'. The 'irregular' spaces that inevitably result from such inflexibility, whether the unrecognised breakaway state that has *de facto* but not *de jure* sovereignty (a biopolitical but not geopolitical entity) (Kolossov & O'Loughlin, 1998) or the 'failed' state where the reverse is true (a geopolitical but not biopolitical entity) (Jackson, 1990), are held to be deeply problematic for the security of all states, and thus *in extremis* demand the intervention of the international community. Indeed, since such interventions serve to secure the international, they may be presented as 'peace-keeping' missions: theirs is a lawful violence. Similarly, we might see the discriminatory treatment of Roma, 'illegal immigrants' and others trapped in political limbo between geopolitical and biopolitical borders as lawful violence as it too serves to assert the normative congruence of these borders. As Deleuze and Guattari (1987:448) write, '[t]here is lawful violence

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wherever violence contributes to the creation of that which it is used against, or as Marx says, wherever capture leads to the creation of that which it captures'. Today, just as in 1919 (see Chapter 3), the imposition of the international as the normative ideal for global 'security' and civilisation functions not despite the clear incongruence of nations and states, but because of them.

It is true, then, that we see a rejuvenation of sorts of the rhetoric of the international. As Rogers Brubaker (1996:2) notes, we have witnessed 'not the anticipated eclipse but the spectacular revival and rebirth of the nation-state and the national idea in Europe'. However, I contend that its very spectacularity hides something rather different in its shadow. By publicising and making a spectacle of efforts to reassert the international, the state distracts attention from times and places when the international is not, and perhaps even cannot, be asserted. Thus we should see the 'series of "asylum crises" occurring throughout the Euro-Atlantic world in the 1990s, especially when the refugees at issue are Roma' (Cahn & Vermeersch, 2000:72), and persisting through the 2000s, as occupying the same axis as the liberalisation of European borders for, and economic reliance on, EU-affiliated migrants. Or, if we focus on the 'asylum crises' themselves, we might look at the 'huge disparity between the number of people refused asylum and the number who are either removed by the Immigration Service or make a voluntary departure' (Amnesty International, 2006:5; see also National Audit Office, 2005; Ellermann, 2009), a disparity that 'leaves a number of people in an ambiguous legal status that defies clear-cut categorizations between citizens and non-citizens' (Paoletti, 2010:15) and confirms Matthew Gibney and Randall Hansen's (2003:2) characterisation of deportation as 'both ineffectual and essential'. We might take particular note of the publicity afforded deportation order statistics and the security rhetoric that celebrates their increase, and the contrasting opaqueness and unavailability of actual deportation statistics and the rhetorical silence surrounding non-deportation (Paoletti, 2010). Or, if we take Italy's 2008 declaration of a state of emergency with the 'Nomad Emergency Decree' (see Chapter 4), we might note the discrepancy between its prominence in the newly elected government's *pacchetto sicurezza* ('security package') and the smallness of its actual jurisdiction. In each of these examples, the spectacle of the state's assurances of the international

are undermined by the considerably less spectacular but arguably more pervasive departure from the ideals of the international. In other words, the dazzle of the spectacular imposition of the international allows for (indeed, requires) the subversion of the international in its shadow.

The combination of the ongoing reliance upon the international to inform our notions of security and the tendency for states to defy it in practice only exacerbates the production of ambiguous outsiders-inside who fall outside the logic of the international, trapped in an interstitial limbo between the geopolitical and biopolitical borders of the state. These outsiders-inside (the most conspicuous of whom are Roma) are corporeal reminders of the limits of the international, exposing the compromises we make between universal aspiration and particularistic practice. They 'demarcate the boundaries of society, beyond which lie those who do not belong' (Sibley, 1995:49, emphasis added); they 'constitut[e] the borders of the modern, the rational, the sovereign, the state' (Shaw, 2002:62, emphasis added). In short, they both *embody* and *expose* the limits of the international as a means of ordering political life.

However, the extent to which the outsider is perceived as not merely alien, but actively threatening requires further attention. For outsiders-inside clearly are objects of *security*: they fall the wrong side of the line that separates those who are entitled to rights (as citizens, Europeans and humans), from those who threaten those rights and whose entitlements are therefore curtailed. Rather than dismissing the 'threat' outsiders-inside are held to pose as insular, parochial or even racist, we should perhaps admit that the prospect of a new configuration of sovereignty signified by the outsider-inside *is* threatening, insofar as it threatens the long-dormant truths of the international, and destabilises our very idea of what dearly held concepts like freedom, security and identity – concepts that underpin feelings of threat and safety – might be. This perception of threat is perhaps best seen as the response to the 'deterritorialization of certainty and identity' (Elden, 2009:7), the dissipation of the presumed truths and order of the international. Julia Kristeva, in her analysis of abjection, or the casting-out that lies at the heart of the production of the inside/outside dichotomy, writes that:

'It is thus not lack of cleanliness or health that causes abjection but what disturbs identity,

system, order. What does not respect borders, positions, rules. The in-between, the ambiguous, the composite.'

<div align="right">(Kristeva, 1982:4)</div>

For Sibley too, it is the ambiguity that causes discomfort:

> 'The mixing of categories...creates liminal zones or spaces of ambiguity and discontinuity. ...For the individual or group socialized into believing that the separation of categories is necessary or desirable, the liminal zone is a source of anxiety.'

<div align="right">(Sibley, 1995:32-3)</div>

If one defines safety by way of a separation of inside and outside, then any breakdown or uncertainty in the line that makes this separation does, in a very real sense, impair security. Balibar (2006:7, emphasis in original) writes that 'the historical hegemony of the nation-state was constructed around an ideal differentiation between *security* and *war*: the police dealt with strangers, and the war concerned enemies'. It follows that to confuse inside and outside is to brings the conditions of war – Hobbes' anarchy – and malign 'enemies' uncomfortably close to home. Robbed of the territoriality we rely on to distinguish those we share an affinity with from those who challenge this affinity, we see only a dizzying darkness. Gearóid Ó Tuathail (1997:103) calls this a 'geopolitical vertigo', fittingly summoning the bodily fear of political uncertainty. It is the misfortune of the outsider-inside to be the manifestation of this uncertainty, and hence the object of this bodily fear.

Conclusions

It is easy when speaking of the supersession (however partial this may be) of the territoriality of the international, intimately connected to emergent forms of governmentality and manifest in the disaggregation and dislocation of borders, to imply that the 'old order' is simply 'the way things were'. This is not my argument, and to this end I have tried to engage with the history of this order, triangulated through the ideals of the international, Foucault's historical analysis of shifting regulatory apparatuses, and the impossibility of fully implementing the territorialities they specify. The 'old order' represented by the international was never simply the way things were, though it was for a period of time the dominant

conception, in Europe, of how things ought to be. Equally, I am not convinced that this time has expired: indeed, it is in the very oscillation between, on the one hand the rhetoric and spectacle of the international, and on the other hand an apparent willingness of states to act according to a new spatial configuration of sovereignty (based on a markedly different political ontology to that prescribed by the international), that we ought to situate the contemporary intensification of the production of politically ambiguous outsides inside and outsid*ers* inside, and the feelings of threat that they provoke.

In this oscillation, which takes place within the very apparatus of government as much as it does within society, we see a jarring of truths: security as the singularity of borders versus security as the proliferation of checkpoints; freedom as the inverse of state (the absence of controls) versus freedom as the product of state (passage through controls), identity as state subject versus identity as consumer of states. There is no easy resolution to these tensions, just as there is no easy way to match up the international with specific modes of regulation. The progressive institutionalisation of a security apparatus simultaneously challenges the geopolitical adherence to the international (through the importation, exportation and dual-coding of borders) and demands biopolitical adherence to the international (through its adoption of state racism as the means by which the reconcile the bounds of nation and state, and its promotion of a rational economic subjectivity that has encouraged the treatment of states as unitary actors). The consequence of these tensions is that it is by no means certain what concepts like 'safety' or 'security' might entail, let alone how they are to be achieved. It is no surprise, then, that we see an anxious imperative to define insides, political communities inside which we can function, and civilisation flourish, protected from the anarchy outside. In this, we might best see regionalisms, nationalisms and Europeanisms not as antithetical, but as intimately inter-related endeavours. However, as long as such schemes are drawn in the clean lines and spaces of the international, they will always be outsiders at the limits, the collateral damage when universal aspirations are compromised in the name of particular practice.

There is a risk that drawing conclusions in this way is at best bleak, and at worst fatalist, consigning the outsider to discrimination whichever direction he, she or indeed society turns, and furthermore

appearing to justify such discrimination as inevitable rather than condemning it. Of course it must be condemned, but only so long as we realise our own complicity in the violence that lies behind it. It would be rank hypocrisy to condemn the construction of an outside while revelling in the freedoms that such an action secures for the inside, and yet the extent to which these elements are divorced and naturalised makes such hypocrisy a commonplace, perhaps even downgrading the charge to naïveté. My hope is that by exposing the structures that firstly constitute the set of political identities and landscapes that we inhabit, and secondly code certain identities and formations as inherently problematic, or threatening, we might begin to defuse the affective load of such ontologies. We might also be a little more informed when we try to imagine alternative, less exclusionary utopias and – more importantly – utopian*isms*: that is, the structures within which concepts like inclusion or exclusion become meaningful. The task is daunting both in nature and scope, and yet the alternative – persisting with a notion of sovereignty entirely conditioned by the international – is, I have argued, an unsatisfactory and severely limiting model of the political present, let alone any utopian dreams we might allow ourselves.

In Europe today, many of the most influential accounts of shifts in sovereignty centre on the role of 'Europe' itself, portrayed as a new political actor in its own right and, moreover, a new type of political actor that is immune to, or at least predisposed to counteract, the nationalistic exclusions of individual states. Indeed, many of the claims to 'humanity' made on behalf of the international, particularly those expressed as 'human rights', are proclaimed most explicitly and enthusiastically by the set of institutions we understand as 'Europe', or 'the EU'. It is to these claims that I now turn, seeking to interrogate whether 'Europe' is quite so new as we are so quick to assume, either historically or typologically; and furthermore whether its laudable universalist aspirations aren't as much subject to compromise by particularistic practice as those of states. As I have argued here, a firm stance at the limits of the international is the best place from which to conduct such an analysis. Indeed, if Council of Europe Commissioner for Human Rights Thomas Hammarberg is right to say that the treatment of non-nationals by European states, expressly including 'Roma and Sinti', 'constitutes a litmus test for states' effective observance and respect of the

fundamental human rights principles' (Hammarberg, 2009a:4), then it is the *only* place to conduct such an analysis. If there *is* a test of human rights principles being run, it is not the limits of the rights being judged, but the limits of humanity, and of the political framework by which we have come to make sense of humanity.

3 From Minority to Migrant: The (Dis)involvement of Roma in the European Project

The relationship between Roma and the international has long been fraught. Throughout a history stretching back to the fifteenth century of various ordinances issued by European governments in order to protect society from 'gypsies' and 'vagabonds' (see, for example, Fraser, 1992), the figure of the gypsy has typically been called forth to express the limits of nation and culture, decency and lawfulness, via its abjection (c.f. Sibley, 1995). The Gypsy was invariably, and often by their very definition, both out of place and out of time (that is, premodern, uncivilised). Moreover, these axes fed into each other: the backwardness of the Gypsy was rationalised by emphasising that they were not *of* Europe, that their roots were elsewhere; while their unwelcomeness was justified by way of their purported inability to function in, or 'adapt to', modern society. The heady cocktail of limit-signifiers loaded onto the Gypsy can be taken two ways: taken as an amalgamated whole, one can see a certain symmetry between society's fears about foreigners, strange customs and dubious morality coalescing in the figure of the gypsy, and society itself coalescing with the categories of nation, culture, territory and polity. With this frame, we begin to see the contours of how the (abjection of the) gypsy is intimately bound up with the creation of the modern European nation-state and the ideals of the international. Taken apart, one can trace individual histories and geographies of the association of Roma with, say, paganism, or vagrancy, or foreignness, or racial inferiority, or any of a multitude of signifiers that have at various times, in various places, helped to define what society is through defining what it is not. Needless to say, these histories are long, complex, uneven, and horrendously interwoven. If it is reductive to treat Roma exclusion ahistorically, glossing over the spatio-temporal shifts in exactly what has defined them as 'alien' to European society at and in various points, it equally seems insufficient to tighten the frame of analysis to individual signifiers without looking at the interplay between them, and their relation to European society at large.

In this chapter I focus on the relationship between Roma and the international in twentieth-century Europe. I take a roughly chronological approach, tracking first the stretching of political assumptions

fomented in the nineteenth century across the entire European continent, a process that reached both its apotheosis and its ultimate rejection in the Nazis' murderous enforcement of the exclusions inherent in the international. Second, I turn to the contemporary contortions of the political landscape, in which we see both the resurrection of minority rights discourses in which Roma are a conspicuous presence in European politics, and the contradictory treatment of Roma not as minority but as the eternal migrant. Third, I discuss what this might mean both for our assumptions of European enlightenment and for the fate of European Roma.

By the 'eternal migrant', I mean the person whose migration is not an *event* (the émigré, the tourist), but an *identity* – they are not merely out of place, they are absolutely so: unplace*able*. Zygmunt Bauman (2004:80) refers to this class as 'the human waste of the global frontier-land, and "the outsiders incarnate", the absolute outsiders, outsiders everywhere and out of place everywhere except in places that are themselves out of place – the "nowhere places" that appear on no maps used by ordinary humans on their travels'. The recent spate of violence and exclusionary rhetoric directed at Roma (see Chapter 1, and Chapter 4 for extended discussion of the Italian case) attest to the growing extent to which Roma are made to exemplify this marginal political identity.

And yet this trend feels somehow contradictory, or at least counterintuitive. There is a feeling, uttered less in frustration than simply incomprehension, that this *should not be so*: that we are too modern, postmodern even; that states and nationalism are passé; that multiculturalism or regionalism or cosmopolitanism is now the order of the day and that intolerance of difference is merely the most stubborn of debris from a discredited age. This is the sentiment that Kate Brown is expressing as she lays out the apparent paradox:

> 'One would think that at the dawn of the globalizing twenty-first century, we would have lost the impulse to divide people by bloodline, to draw physical and legal boundaries and place some people within and others out. Yet this is the legacy of both the furious motion of the first half of the twentieth century and the encroaching boundaries of the second half.'
>
> (Brown, 2004:234)

At first glance, the European project would appear to be the epitome of enlightened post-statism: a union

of nations, a celebration of diversity, and an economic philosophy premised on rewarding mobility rather than restricting it. In this view, the responsibility to ensure respect of minority rights rests 'naturally' at the European level, beyond the reach of abusive nationalisms; therefore, as the institutions that represent Europe grow stronger, so minority rights must grow more secure. As Tony Judt (1996) writes, '[i]t is the very rationality of the European Union ideal that commends it to an educated professional class which, in east and west alike, sees in "Brussels" an escape from hidebound practices and provincial backwardness'.

However, as Brown suggests, and as I seek to expand upon in this chapter, this assumption is not borne out by the history of European engagements with Roma through the twentieth century. On one hand, contemporary Roma integration programmes have greater provenance than is often allowed, as is clear if one looks at the two great supranational European projects of the inter-war years, the League of Nations and the Soviet Union. Indeed, it was the latter's 'promising combination of philosophical ambition and administrative power' that Judt (1996) was comparing to modern 'Europe'. On the other hand, the twentieth century has equally been marked by the successive failures of such projects, and by extension a consistent failure to prove 'Europe' any better than national governments at protecting minorities. Rather than attribute the failure to secure Roma rights to the powerlessness of the League of Nations or the reticence of the EU, both verdicts that serve to invite technical solutions, I ask whether Europe (or, more precisely, those supranational bodies that have purported to act in its name) is quite so predisposed to act in the ultimate interests of Roma as such arguments presume. By holding up to the light our faith in Europe as a site – *the* site – at which Roma rights may be won, I hope to be able to answer Miťa Castle-Kaněrová's (2003:21) question as to 'why, despite the desire to be open and pluralistic, the EU has become enamoured with the identification of migrants as refugees', and with the simultaneous identification of Roma as migrant-refugee *par excellence*.

The Rise and Fall of Roma as National Minority

The Politicisation of Antiziganism

The point at which I wish to start my analysis is the point at which nation and state congealed (see chapter 2), and antiziganism started to draw on a political (and therefore, ultimately 'rational') definition of Roma as existing outside of this grid. An important early move in this direction was the interest taken by both philologists and Indologists in tracking, through the examination of Romani dialects, the Indian origins of Europe's Roma. Though not the first to posit this connection, Johann Rüdiger's 1782 study was 'the first to display the evidence and the analysis' (Matras, 2004:57) for this it; his scientific reasoning might be judged by his professed 'hope that by using the plumb line of philology I was able to facilitate and safeguard the journey across the history of the Gypsies' (Rüdiger 1990:84; quoted in Matras, 2004:58). The nineteenth century saw an explosion of such studies, as a romantic emphasis on the importance of 'roots' converged with what might be called the scientisation of race. Some of this work was, as might be expected, explicitly antiziganist. Equally though, many railed against such intolerance, none more so than Rüdiger himself who was gravely concerned that 'nowhere have [Roma] obtained full civil status and equality with the rest of us humans – to which they are naturally entitled...This is still a political inconsistency, which our enlightened century should be ashamed to tolerate' (Rüdiger, 1990:47-9; quoted in Matras, 2004:58).

This scientific discourse was reinforced by literary narratives that reaffirmed the normative connections between nation (evaluated linguistically), state and territory. However, such clean connections could only ever be drawn at the expense of the abjection of those that did not fit this model, and were thus displaced into the position of 'national minorities'. For instance, Michael Ragussis (1995:127) notes how 'by locating the origins of modern Spain in the conquest of the Moors at Granada and the banishment of the Jews, nineteenth-century historians and novelists alike began to use fifteenth-century Spain as a paradigm for the birth of a nation based in racial and religious homogeneity'. Importantly however, such narratives of liberation were also written for those minorities who were otherwise disenfranchised by them, a prime example being (to stay momentarily within Spain) George Eliot's long

poem *The Spanish Gypsy* (1868) in which Gypsies, though depicted in romantic terms, are presented 'as a race in need of a homeland' (Bardi, 2007:269). Indeed, the central tragedy of the poem is arguably the failure to consummate a North African Gypsy nation-state (Bardi, 2007). Such narratives not only consolidated the claims to 'modern', territorial nation-states as the end-point of a teleology of liberation and the axes by which roots could be measured, but also served to mourn the lack of a Roma nation-state, thereby imbuing it with a significance that would haunt the fates of Roma through the twentieth century.

National Self-determination

If the rise of nation, and nationalism, into Rogers Brubaker's 'protean' category of political thought was one of the factors that led to the outbreak of the First World War, then the creation of successor states (ostensibly) according to the principle of national self-determination at the 1919 Paris Peace Conference was surely the point at which the pan-European fusion of nation and state described in Chapter 2 was institutionalised, and Roma were cemented in the position of 'national minority'. A Europe dominated by multinational, multi-ethnic and multi-lingual empires – Habsburg, Ottoman, German and Russian – had been shattered into democratic republics, whose sovereignty was (often constitutionally) held to rest in their titular (and singular) nations; the 19 European states of 1914 had in just eight years grown in number by half, to 28 (Correlates of War Project, 1997). However, this vast political enfranchisement was accompanied by a simultaneous disenfranchisement, for 'Versailles had given sixty million people a state of their own, but it turned another twenty-five million into minorities' (Mazower, 1998:42). The ethnically heterogeneous populations of Central and Eastern Europe made it impossible to draw borders resulting in 'natural' nation-states, while the presence of groups without states, like Roma and Jews, in precisely these regions again made vast quantities of 'national minorities' inevitable. The exact numbers of Roma in Europe at this time are impossible to know and extremely difficult even to estimate; estimates for their population in 1939 range from 1 000 000 (Lutz & Lutz, 1995), to the Nazi Party's estimate of 2 000 000 (Hancock, 2004), to those sure that the Nazis' estimate is surely an under-representation (Hancock, 2004).

The exercise of self-determination as the stated means of organising the European political landscape after the Great War was by no means either inevitable or endemic to Europe. Rather, it owed much to the United States President Woodrow Wilson's 'Fourteen Points' speech to Congress on January 8th 1918. Of Wilson's Fourteen Points, the sixth through thirteenth points were concerned with applying the principle of national self-determination, in which the nation's right to unimpeded sovereign state power was held as sacrosanct, to Europe. The fifth Point was to begin to apply this principle in European colonies (such that 'the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined', a radical claim at the time), and the fourteenth Point to establish an 'association of nations' charged with guaranteeing 'political independence and territorial integrity to great and small states alike' (Wilson, 1918). In all cases, 'lines of nationality' were to be the deciding criterion as European borders were redrawn, though precisely what constituted nationality was left ambiguous, particularly regarding the 'peoples of Austria-Hungary' mentioned in the tenth Point (Wilson, 1918). During the Paris Peace Conference, the first five points (including the application of self-determination in the colonies) were dropped in negotiations, but despite their reservations Britain and France acquiesced over the remainder of Wilson's Points, and a raft of new 'successor states' to the old Ottoman and Austro-Hungarian Empires was born.

Wilson's Points, first addressed to an American audience, are perhaps best seen as a diagnosis of the War within a framework, and to a population, that accepted unquestioningly the 'manifest destiny' of the (American) state and people. The War, for Wilson, was caused by the 'lack of congruence between nations and states' (Barkin & Cronin, 1994:120), and so this was where the remedy lay also. The political landscape of Europe had to be *fixed*, in the double sense that it had to be both corrected and locked into place (Smith, 2006). However, it quickly became apparent that transposing 'lines of nationality' into state borders was a more difficult task than had been anticipated, particularly to Wilson, who would later regret that

'When I gave utterance to those words [that all nations had a right to self-determination], I said

them without a knowledge that nationalities existed, which are coming to us day after day ... You do not know and cannot appreciate the anxieties that I have experienced as the result of many millions of people having their hopes raised by what I have said.'

(quoted in Heater, 1994:8; in Lynch, 2002:426)

Wilson had accounted for neither the complexity of the concept of self-determination, which he conceived 'as an imprecise amalgam of several standards of thought associated with the notion of self-government, democracy ("consent of the governed") and the "principle of nationalities"' (Trifunovska, 1997:178; citing Pomerance, 1982:1), nor for the complexity of the distributions of such nationalities. Consequently, '[o]f the nation-states that resulted [from the Paris Peace Conference], none possessed anything even approaching the ethnic homogeneity of the old European nations that had served as models for their political constitutions' (Arendt, 2006:181), and so the 'millions of people' who had had their hopes raised by Wilson were to be let down violently by their redefinition as 'national minorities' in what was now a foreign (to them) land. This violence was amplified by the fact that rather than being the 'absolutely impartial' process that Wilson had assured it would be, negotiation amongst the Allied Powers ensured that 'self-determination' was applied only selectively, such that *Anschluss* between Germany and Austria was vetoed, Hungary intentionally truncated, and Italy granted the Austrian territories it was promised under the 1915 Treaty of London. Nevertheless, the ideology of self-determination had successfully implanted the notion of ownership of the state and territory by the majority nation; an ideology that continues to hold sway throughout Europe today.

The foreignness of the national minority was not not incidental to, but a product of, the proclamation of national self-determination. As Robert Hayden (1999:81) writes, 'the ideology of national sovereignty, of the right to national self-determination, effectively requires such discrimination [between nationalities], for without it, the boundaries of the majority nation cannot be maintained'. It was immediately apparent that one of the chief tasks of the organisation that sprung from Wilson's fourteenth point, the League of Nations, was to act as guarantor of the rights of national minorities, and thereby counterbalance the 'natural' trend towards their discrimination. The need for such a guarantor was most

keenly felt by those peoples who 'formed a majority in no country and therefore could be regarded as the *minorité[s] par excellence*, the only minorit[ies] whose interests could be defended only by internationally guaranteed protection'; I have pluralised Hannah Arendt's (1966:289) argument because it applies not just to Europe's Jews, of whom she is speaking, but also its Roma. (Indeed, one could push the case further, since the British government's Balfour Declaration of 1917, supporting Zionist claims for a Jewish homeland in Palestine, had already devised an alternative solution for Europe's Jewish population.) The form this guarantee took, meanwhile, was the Minorities Treaty (the first of which, and the template for all subsequent treaties, was the Polish Treaty, signed on June 28th 1919), the signature of which was made a precondition for diplomatic recognition of each successor state. The victorious powers, including Italy, were naturally exempt from having to sign such treaties, as 'minority safeguards were deemed unnecessary for politically mature Western European states who could be relied upon to fulfil the "standard of civilization"' (Jackson Preece, 1997b:82).

However, rather than proving a workable preventative to discrimination, the Minorities Treaties instead simply codified it. As Arendt (1966:275) writes, '[t]he Minorities Treaties said in plain language what until then had only been implied in the working system of nation-states, namely, that only nationals could be citizens, only people of of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin'. Meanwhile, the 'law of exception' that the treaties were supposed to guarantee was undermined by the League of Nations' failure to enforce it. Whether a failure of competence or of will, the League proved unable to act upon complaints from minorities (Jackson Preece, 1997b). The safety net of legal recourse to a higher order of justice for minorities thus turned out to be illusory, securing nothing more than the exceptionality – the essential foreignness – of those it purported to protect, chief among them the universally foreign Roma.

Institutional Multinationality

While the victorious Allied Powers dictated the terms of national self-determination at the Paris Peace Conference, further east similar terms agreed by the Central Powers and Bolshevik Russia at Brest-Litovsk had already created a new batch of nation-states. Though it was to be short-lived, the Treaty of Brest-Litovsk, signed on March 3rd 1918, instituted new states along national lines, granting independence to Finland, Estonia, Latvia, Lithuania and Ukraine. Though the independence of Ukraine, like that of Armenia, Georgia and Azerbaijan who independence was granted around the same time, was to last only a few years, the uncontested sovereignty of the former four states was guaranteed by the combination of the Bolshevik ceding of territorial claims at Brest-Litovsk and the subsequent defeat of Germany and Austria-Hungary, who under the Treaty were to 'determine the future status of these territories in agreement with their population' (Art. III, Peace Treaty of Brest-Litovsk, 1918). The conditions in the Treaty mandating the return of deported nationals by Russia (Art VI) show that these populations, and therefore also their new states, were thought of in 'national' terms.

However, perhaps the most pertinent example of the institutionalisation and, crucially, territorialisation of 'nation' as a technology of government, a technology that was to work to systematically exclude the deterritorialised 'minorities', occurred not *outside* the Soviet Union but *inside* it. Here too 'self-determination' was proclaimed, according to the philosophy that only through 'self-determination can any formerly oppressed nation shed its legitimate mistrust of larger nations' (Vareikis & Zelenskii, 1924:59; quoted in Slezkine, 1994:434). Although 'nation' might not have been aligned with 'state' as it was further west, it was inextricably fused with the notion of territorial sovereignty, in the philosophy of what Brubaker calls 'institutional multinationality':

> 'to suggest that nations and nationalism flourish today *despite* the Soviet regime's ruthlessly antinational policies … is to get things exactly backwards. … Although antinational*ist*, those policies were anything but anti*national*. Far from ruthlessly suppressing nationhood, the Soviet regime pervasively institutionalized … territorial *nationhood* and ethnic *nationality* as fundamental social categories. In doing so it inadvertently created a political field supremely conducive to nationalism.'
>
> (Brubaker, 1996:17, emphases in original)

These policies included censuses designed to extract nationalities from a largely agrarian peasant populations whose language, religion and culture were not easily defined, let alone tabulated and transposed. The ambiguity these censuses revealed was interpreted as dangerous, both in terms of evincing a lack of 'development' and of potential counter-revolutionary sympathies that would eventually necessitate mass deportations (Brown, 2004). For example, the 1926 census 'reveal[ed] large numbers of people who did not speak "their own language"[; s]uch communities were considered "de-nationalized" by ethnographers and not entirely legitimate by party officials and local elites: ... [they] were expected, and sometimes forced, to learn their mother tongue irrespective of whether their mothers knew how to speak it' (Slezkine, 1994:428). This 'interpretation' of ethnographic census data was intensely spatial, involving 'the dramatic reconception of space, and consequently of lives, by means of national taxonomies which transformed zones of cultural contingency into cogently packaged nation-states' (Brown, 2004:229). Except that the units of government were not 'states' as the rest of Europe had been taught to understand them, but something new and different: 'the distinctiveness of the Soviet nationality regime [lay] in its unprecedented displacement of nationhood and nationality, as organizing principles of the social and political order, from the state-wide to the sub-state level' (Brubaker, 1996:29). This scalar displacement nevertheless retained the 'sense of "ownership" of the republics by ethnocultural nations' (Brubaker, 1996:46) that solidified the connection between nation and territory, even if sovereign control remained located at a higher level.

Just as the application of self-determination across Europe had de-nationalised Roma into the condition of national minority, so too were Roma in the Soviet Union (from 1925) accorded the status of 'national minority', meaning that they could, as Alaina Lemon (2000:82) notes, 'enter "tsygan" ['Gypsy'] on the line for "nationality" (*natsional'nost'*) on internal passports'. Unlike elsewhere in Europe, however, in the Soviet Union the category of 'national minority' was mutually exclusive with the categories of 'nation' and 'ethnic group'. Under Stalin's classificatory system, as Lemon (2000:82) explains, '"[n]ations" were to

possess four characteristics in common (language, culture/worldview, territory, and economy) while "national minorities", more flexibly, need not possess all of these'; 'ethnic groups' were still less well endowed with the characteristics of the nation. In theory, these distinctions were merely academic, since (initially at least) 'all nations – indeed all nationalities no matter how "backward" [an officially recognised property of nationality] – were equal because they were equally sovereign, that is, because they all had the same rights' (Slezkine, 1994:416). This was justified by a slogan of Lenin's that was to be eerily echoed (in reduced form) by a later Union, that 'the surest way to unity in content was diversity in form' (Slezkine, 1994:420). Indeed, according to the official policy of *korenizatsiia*, or indigenisation, 'the affairs of all ethnic groups at all levels – from union republics to clan soviets – were to be run by the representatives of those local groups' (Slezkine, 1994:433). Thus, in 1926 the All-Russian Union of Gypsies was established, 'with the goals to unite Roma, protect their interests and raise their cultural level' (European Roma Rights Centre, 2005:47; citing Demeter et al, 2000:205), and in the years following several Romani collective farms (*kolkhozy*) were set up (European Roma Rights Centre, 2005:48), though by 1932 only 25 'Gypsy *kolkhozov*' had been created (Marushiakova & Popov, 2008).

Hoewever, as Yuri Slezkine (1994:433) wryly notes, in practice 'most indigenization campaigns assumed republic-controlling...nationalities to be more indigenous than others'. By the mid-1930s, this caveat has ascended to the status of rule, and national minorities, far from being granted the political and cultural autonomies of *korenizatsiia*, became seen as potentially dangerous elements in society. In 1933 alone, thousands of Roma from large Soviet cities were deported to Siberia, and many more were charged (often with espionage or 'speculation with currency') at extra-judicial tribunals in this period (European Roma Rights Centre, 2005:49-50; citing Bessonov, 2002). By the census of 1937, only 2 211 were prepared to declare themselves as 'tsygan', down from 61 000 in the 1926 census (ibid.). In 1938 all publication of Romani language literature was halted, the All-Russian Union of Gypsies liquidated, and all Romani language schools closed (European Roma Rights Centre, 2005). These education reforms were in line with a general closure of classes and schools catering to 'people without state-administrative formations (or

living beyond them) – for instance Armenians (living beyond the Armenian Soviet Socialist Republic), Poles, Germans etc. finishing with Kurds, Assyrians and Roma' (Marushiakova & Popov, 2008). Clearly, a hierarchy had effectively been applied that privileged the larger ethno-territorial units; republic-controlling nations occupied the apex, while those nationalities who had no territory were conversely deprived of legitimacy. Thus,

> 'the Jews became a true nation after the creation of the Jewish Autonomous district in Birobidzhan. "By acquiring their own territory, their own statehood, the toiling Jews of the USSR received a crucial element that they had lacked before and that had made it impossible for them to be considered a nation in the scientific sense of the term."'
> <div align="right">(Slezkine, 1994:444-5; quoting Dimanshtein, 1935:77)</div>

It is clear that the legitimacy of a nation was *intimately tied* to its territorial expression in the terms of the international. As Slezkine (1994:439, emphasis in original) writes, '[i]t turned out … that the Jews and Gypsies were different (but not *that* different) from everybody else'. Indeed, Soviet Roma never did become a 'nation in the scientific sense of the term', as their continued lack of territory meant that they were destined to remain 'national minority' at best. Meanwhile, the line drawn under the policy of *korenizatsiia* meant that 'national minority' or 'ethnic group' status no longer held any attraction: instead, even when such minorities were not be persecuted as potentially dangerous threats (Brown, 2004), they were seen and treated as inferior, such that 'national minority' became a derogatory term in the Soviet Union (European Roma Rights Centre, 2005:206).

In the self-determination rationalities that prevailed (though in differing senses) in the Soviet Union and across the new self-described nation-states that now tiled the rest of Europe, the position of 'national minority' thus consistently promised more rights than it delivered. This was doubly so for Roma, who in both cases were left in the cold through their lack of territorial recognition: since politics was in the end decided by polities, they were left with no voice. Moreover, since voice had been tied to place (through the messy reconciliation of language with nationality), Roma were left both home-less and, for the first time, unable to find a new home. As Arendt (1966:293-4) says, this 'had next to nothing to do with any material problem of overpopulation; it was a problem not of space but of political organization'. Europe had in

very short order grown an impenetrable skin that had locked Roma out of the potential legitimation of being a 'nation', since nations had states, and seemingly locked them in to the position of national minority. However, the rights this definition of foreignness conferred were soon found to be mostly illusory, and even the illusion was rapidly fading.

Nazism

The rhetoric of security that status as national minority came packaged with was disposed of in dramatic fashion by the genocides of six million Jews (the Shoah) and of the order of a million Roma (the Porrajmos) perpetrated by Nazi Germany. Though the Nazis rigorously codified their discrimination in the ('scientific') language of race, there was no doubt that the political classification of these groups as national minorities made them vulnerable to the application of racial caesuras; it is no coincidence that the two racially-defined groups targeted for extermination were national minorities not only absent from their state, but lacking political affiliation to any state. Homing in on the lack of 'unity' of a people who did not obey the form of the territorial nation-state, Heinrich Himmler in his 1938 decree *Bekämpfung der Zigeunerplage* ('Combating the Gypsy Plague') warned of Gypsies' 'mixed blood', and 'stressed the need for the police to send returns on all Gypsies to the Reich Central Office' (Fraser, 1992:259; citing Döring, 1964:58-60). These prejudices found 'scientific' legitimation in a report written by the Director of the new 'Research Centre for Racial Hygiene and Population Biology', Robert Ritter, in 1940, which stated that Roma were:

> 'a people of entirely primitive ethnological origins, whose mental backwardness makes them incapable of real social adaptation ... The Gypsy Question can only be solved when the main body of asocial and good-for-nothing Gypsy individuals of mixed blood is collected together in large labour camps and kept working there, and when the further breeding of this population of mixed blood is stopped once and for all.'
> (in Müller-Hill, 1988:57; quoted in Fraser, 1992:260)

As is clear from Ritter's logic, the Nazis' belief in the natural connection between blood and soil meant that only a territorial solution to the Gypsy and Jewish 'questions' (*Zigeunerfrage* and *Judenfrage*, respectively) would suffice.

A succession of three territorial solutions were proposed. The first of these found voice most clearly in a strong Zionism, which for Nazis was simply the logical extension of the admission of racial difference that being Jewish entailed. As Arendt (2006:60) tells us, 'all leading positions in the Nazi-appointed *Reichsvereinigung* [*der Juden in Deutschland*, the 'Reich's Association of the Jews in Germany'] were held by Zionists...because Zionists, according to the Nazis, were "the 'decent' Jews since they too thought in 'national' terms"'. A marker of the penetration of the discourse of the international was that Zionism was not simply imposed by the Nazis, but was supported by minorities seduced by the prospect of a nation-state: 'the German Jews themselves thought it would be sufficient to undo "assimilation" through a new process of "dissimilation", and flocked to the ranks of the Zionist movement' (Arendt, 2006:58-9). Here too we must bracket the later (circa 1940), fanciful plan to deport European Jews *en masse* to Madagascar, because it operated on precisely the same logic. The very fact that the idea was floated attests to the allure of a 'perfect' territorial solution.

The second territorial solution under Nazism was the forcible ghettoisation of Roma and Jews, followed by their eviction into concentration camps. This was in fact put into place rather early for Roma: in December 1937 the Reich Minister of the Interior announced a policy of 'preventative crime control by the police', detailing that concentration camps would be used to deal with 'asocial elements' like Roma (Fraser, 1992:262). There was no longer any suggestion of sovereign self-rule in ghettoisation and concentration camps: rather than the national minority ascending to nation-state, wherein it may control its own law, it was descending to a level where the state of exception that decided its law was translated into a space of exception. As Giorgio Agamben (1998:168-9) writes, '[t]he camp is the space that is opened when the state of exception begins to become the rule'. The ghetto/camp was a more efficient, if imperfect, solution to the minority question: the alignment of the racial caesurae that the state drew in the population with strictly observed territorial borders helped to allay fears of miscegenation and espionage within the Nazi state, but these minorities remained both a drain on precious state resources and an existential threat to its purity.

These fears were to be finally and absolutely eliminated with the third territorial solution: the Final Solution, commonly dated to the Wannsee conference of January 20th 1942, though references to 'the final solution of the Gypsy question' (*die endgültige Lösung der Zigeunerfrage*) had circulated since 1937 at least, and in Himmler's 1938 Decree 'Combating the Gypsy Plague' the phrase was openly printed (Hancock, 2004). At Wannsee, Reinhard Heydrich, entrusted with co-ordinating the Final Solution, included Roma along with Jews in his interpretation of it (Fraser, 1992:263). Though exact figures are impossible to know, it is estimated that 'something between a half-million and a million-and-a-half Roma and Sinti were murdered in Nazi Germany and occupied Europe between 1939 and 1945' (Latham, 1995:2; quoted in Hancock, 2002:28; Heine, 2001). Brenda and James Lutz (1995) estimate that 60-65% of the Roma population were killed in SS Zones 1 and 2 where German authorities had the greatest freedom of action, and around 16% of the population in SS Zone 3, a discrepancy largely owing to obstructionism by Bulgaria and Romania, each of which had large Roma populations. Like Zionism, genocide was a 'perfect' solution in that the end-state was the elimination of minorities, such that racially pure nation-states could hold sovereign power over what was unquestionably 'their' population.

The technology that these genocides relied upon was denationalisation, such that 'national minorities' with theoretical recourse to minority rights became simply stateless persons whose lives were protected by no-one and who, therefore, could be killed with impunity (c.f. Agamben, 1998). Within Nazi Germany, denationalisation of minorities was swiftly accomplished in the second of the Nuremburg Laws, the 'Reich Citizenship Law', passed on September 15th 1935, removing citizenship from all non-Aryans. In Nazi-occupied Europe during the war, denationalisation was the inevitable first step in the persecution of Roma and Jews: as Arendt (2006:138) says. '[i]n nearly all countries, anti-Jewish action started with stateless persons'. The pathological territoriality of both Roma and Jews was no longer to be tolerated, but reduced to a far simpler expression: one either belonged to a nation-state, or simply did not belong. Non-belonging, technically coded as statelessness, was contagious: '[t]he difference between a naturalized citizen and stateless resident was not great enough to justify taking any trouble, the former being frequently deprived

of important civil rights and threatened at any moment with the fate of the latter' (Arendt, 1966:285). Living without the protection of the law, the stateless were deprived too of the means to observe it, since '[t]he stateless person, without right to residence and without the right to work, had of course to constantly transgress the law' (Arendt, 1966:286). The stateless were thus criminal almost by definition, and criminal with a permanence and certainty that justified their detention and murder. Extricated from the 'web woven around the earth' of international treaties guaranteeing various national rights, the fate of the stateless confirmed in the most horrific circumstances that 'whoever is no longer caught in [this web] finds himself out of legality altogether' (Arendt, 1966:294).

The tying of the fates of Roma and Jews by the Nazis drew on a historical doubling, both in terms of their regulation and representation. Janet Lyon outlines the logic by which both Roma and Jews were held to be 'unequal to the tasks of modern citizenship' (Anderson, 2001:126): '[b]oth groups were diasporic; both were deemed to follow the laws of insular culture rather than the civil laws of a self-reflexive polity; and both were seen to exist in a state of internal exile and to present drains on local resources and potential threats to national character' (Lyon, 2004:527). This has served to cast them as (unequal) allies, perhaps nowhere more clearly than in Bram Stoker's *Dracula* (1897). Bardi (2007) shows how the threat posed by Dracula's allegorical Jewishness and his Szgany (Gypsy) accomplices is not so much metaphysical as hyperphysical, with blood playing the part not of metaphor but subject in Dracula's vampiric schemes. The power relation visible between Dracula and his loyal Szgany speaks though to a difference in their respective representations: the Gypsy is more primitive and somehow closer to nature, a facet which means that unlike Jewish figures, 'Gypsy figures operate both as threatening foreign "others" who evoke or embody anxiety and, paradoxically, as powerful objects of desire or identification' (Bardi, 2007:6). Even the Nazis' gathering of Roma and Jews together as both non-Aryans and genocide-targets has its caveats, not least in its territorial legacy:

> 'while Jews can still imagine that they have learnt from the Holocaust that only having a place of their own can protect them from a repetition, for Roma the lesson is the opposite. For them the twentieth century Holocaust abolished the protection of the *mehalla*, the ghetto, the

segregated pariah nomadism, and the other sanctuaries that emerged as refuges after the holocaust of the sixteenth century.'

<div align="right">(Gheorghe & Acton, 2001:68-9)</div>

Thus, while Zionism may have been sufficiently recovered from its Nazi affiliations to today signify some kind of existential opposition to Nazism, no such stance exists for Europe's Roma, who remain trapped by exactly the political landscape that the Nazis so passionately believed in.

'Exactly', though, perhaps does not quite capture the twin senses in which Nazi policy paradoxically constituted *both* the logical extension of the international *and* at the same time its abrogation. Firstly, faith in the political ideal of the territorially-defined, racially pure state in Nazism was expressed via Ratzel's notion of *Lebensraum*, a concept that fused state, space and population along the familiar lines of the international (Smith, 1980). However, at the same time, '[t]he Nazis had a genuine and never revoked contempt for the narrowness of nationalism, the provincialism of the nation-state' (Arendt, 1966:3-4). This ambition constituted a fundamental break with the geopolitical truths Ratzel was working with, chief among them a break with the logic of *raison d'État* (within Europe) as outlined by Foucault:

> '*Raison d'État*...accepts that every state has its interests and consequently has to defend these interests, and to defend them absolutely, but the state's objective must not be that of returning to the unifying position of a total and global empire at the end of time'

<div align="right">(Foucault, 2008:6)</div>

The Nazis' Third (or, equally revealingly, 'Thousand Year') Reich, drawing on the legacies of the Holy Roman (First Reich) and German (Second Reich) Empires, clearly did not accept this premise. It attempted to implement *raison d'État* internally by so intimately binding itself to its population that its regulatory institutions were explicitly designed to protect (and, controversially, improve) the health of the nation-state as an entirety, while externally abrogating *raison d'État* by refusing the balance that ensured the essential plurality of the modern state in favour of Empire.

The second sense in which Nazi policy both drew on and broke with the international relates to its conception of non-nationals. The expression of nation has always required an other in order to define itself over and against; in this way, antisemitism or antiziganism are perfectly consistent with the

international. However, as Arendt writes,

> 'the elimination of Jews from the international scene had a more general and deeper significance than antisemitism. ... Nazism, even without antisemitism, would have been the deathblow to the existence of Jewish people in Europe; to consent to it would have meant suicide, not necessarily for individuals of Jewish origin, but for the Jews as a people.'
>
> (Arendt, 1966:21-2)

That is to say, it was the absoluteness of the exclusion of the other, the strict enforcement of congruence of nation, race and state such that a German Jew or Roma was a literal impossibility, that constituted the ultimate crime of Nazism before one even considers the antisemitism and antiziganism attendant with the Aryan doctrine of superiority. Their intolerance was not merely a systematised violation of the liberal ideal of tolerance whereby one suffers the foreign other (such tolerance in fact requires a degree of violation to remind us of the moral cost of toleration), but rather a wholesale rejection of this ideal, an absolute and collective refusal to suffer the other. For Arendt, the genocides perpetrated by the Nazis are crimes not of the laws of nations, as individual discriminations and injustices might be, but of the laws of the comity of nations: 'an altogether different order is broken and an altogether different community is violated' (Arendt, 2006:272). Under Nazism, no longer was Roma's position as national minority the source of their persecution; rather, the position of national minority itself was destroyed (or at least disallowed to purportedly non-territorial minorities like Roma and Jews), casting those Roma who survived the Porrajmos in a new and uncertain position.

The Resurgence of European Interest in Roma

The Return of the National (and not so National) Minority

In the decades following the Second World War, the tag of 'national minority' quietly disappeared from view: as Jennifer Jackson Preece (1997a:347) writes, '[a]fter 1945, national minority rights lost their hitherto independent standing in international relations and were subsumed within the newly created universal human rights regime...[and f]or the remainder of the Cold War, very little international attention was given to the problem of national minorities and what, if any, rights they might legitimately claim'. At the

European level, all meaningful international or supranational cooperation was limited to the explicitly economic sphere. In the West, Roma issues rarely took centre stage, as might be expected for such small numbers of Roma relative to the population (see Figure 1). In the East meanwhile, where the vast majority of Europe's Roma found themselves behind the newly formed Iron Curtain, state authorities attempted to 'solve' the Roma question another way, namely through their forced assimilation. This took different forms in different states: in some states Roma held on to their Stalinist title of ethnic group, while in others Roma were denied separate 'nationality' status at all (even 'ethnic group' status), as in Czechoslovakia which insisted that Roma were instead people 'maintaining a markedly different demographic structure' (quoted in Fraser, 1992:278). Across the Eastern bloc, 'integration' programmes were run that included prohibition of nomadism, forced population dispersal and transfer, coerced sterilisation of women and the dissolution of Romani organisations on the basis that they had 'failed to fulfil their integrative function' (ibid.). As Angus Fraser (1992:278) notes, '[i]ntegration was conceived as the unconditional surrender of the Gypsies, who were looked on as a primitive, backward and degenerate people'; thus, while Roma were educated in state schools, they were in the main placed in schools for the mentally ill, a practice that lingers even today (Amnesty International, 2010a).

The fall of the Iron Curtain and the resumption of cross-European migration triggered a re-evaluation of minority issues, and specifically a new-found concern that their mistreatment might be a potential source of regional instability and conflict. The result of this was that in the 1990s the regulation and integration of minorities came to be seen as a matter not just for domestic politics, but also for international legislation (Jackson Preece, 1997b). This re-engagement of Europe with minority politics was to push Roma issues further to the forefront of European politics than they had ever been before (see Figure 1), though it was far from clear what type of minority politics was to be pushed, and what place Roma would have within it. The Council of Europe's (1993; see Appendix for overview of European institutions) Recommendation 1203 'on Gypsies in Europe' attests to this ambiguity in its assertion that:

'A special place among the minorities is reserved for Gypsies. Living scattered all over Europe,

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Timeline (1970–1990)

UN	Council of Europe	CSCE/ OSCE	EU			
			European Council	Council (of the EU)	Parliament	Commission

1970

Recommendation 563 on the situation of Gypsies and other travellers in Europe

Resolution (75) 13 'carrying recommendations on the social situation of nomadic populations in Europe'

International Romani Union recognised by ECOSOC as NGO representing Roma

1980

Recommendation No. R(83)1 on stateless nomads and nomads of undetermined nationality

Resolution on the education of children of parents of no fixed abode

Resolution C172/153 on the situation of Gypsies throughout the Community, recommending that national governments of member states co-ordinate their approach to the reception of Gypsies

Resolution on illiteracy and education for children whose parents have no fixed abode

Council Resolution No. 89/C 153/02 'On School Provision for Gypsy and Traveller Children', acknowledging that Romani culture and language 'have formed part of the Community's cultural and linguistic heritage for over 500 years'

1990

Timeline (1990–2000)

Column headers:
- UN
- Council of Europe
- CSCE/OSCE
- EU: European Council | Council (of the EU) | Parliament | Commission

Entries:

Adopted 'Copenhagen Document on the Human Dimension' supporting national minority rights and 'regoniz[ing] the particular problems of Roma (Gypsies)' (CSCE, 1990:IV:40)

Hearing of Roma issues organised by Directorate General V at request of Commission President Jacques Delors

Recommendation 1177 on minority rights

Treaty on European Union (Maastricht Treaty), nationalising citizenship

Commission on Human Rights adopts Resolution 1992/65 On the protection of Roma (Gypsies)

High Commissioner on National Minorities (HCNM) appointed

Recommendation 1203 on the situation of Gypsies in Europe

Resolution 249 on 'Gypsies in Europe: the role and responsibilities of local and regional authorites'

International Romani Union upgraded to Category II NGO

Copenhagen criteria established at Copenhagen European Council

HCNM Report on Roma published

Resolution on the situation of Gypsies in the Community

Human Dimension Seminar on Roma in the CSCE Region

Contact Point for Roma and Sinti Issues set up within the ODIHR

Coordinator for Activities concerning Roma and Travellers appointed

Framework Convention for the Protection of National Minorities

European Committee on Migration (CDMG) adopted report on 'The Situation of Gypsies (Roma and Sinti) in Europe' (Verspaget, 1995)

Resolution on discrimination against the Roma

Specialist Group on Roma and Gypsies (later MG-S-ROM) set up, to meet twice yearly

Round-table organised by Group of the Greens: 'The Roma - A Truly European People'. Resulting 'Brussels Declaration' established need for Romani representation at European level

Europea Convention on Nationality

Agenda 2000 first outlined, including 'Opinions on the application for membership' expressing cause for concern regarding situation of Roma in a number of applicant countries (European Commission, 1997)

European Commission Against Racism and Intolerance adopted General Policy Recommendation No. 3, 'Combating Racism and Intolerance against Roma/Gypsies'

'Advisor on Roma and Sinti Issues' appointed; Contact Point's mandate expanded

Finnish Presidency of EU insists on improvement of conditions of Roma as criterion of admission to EU
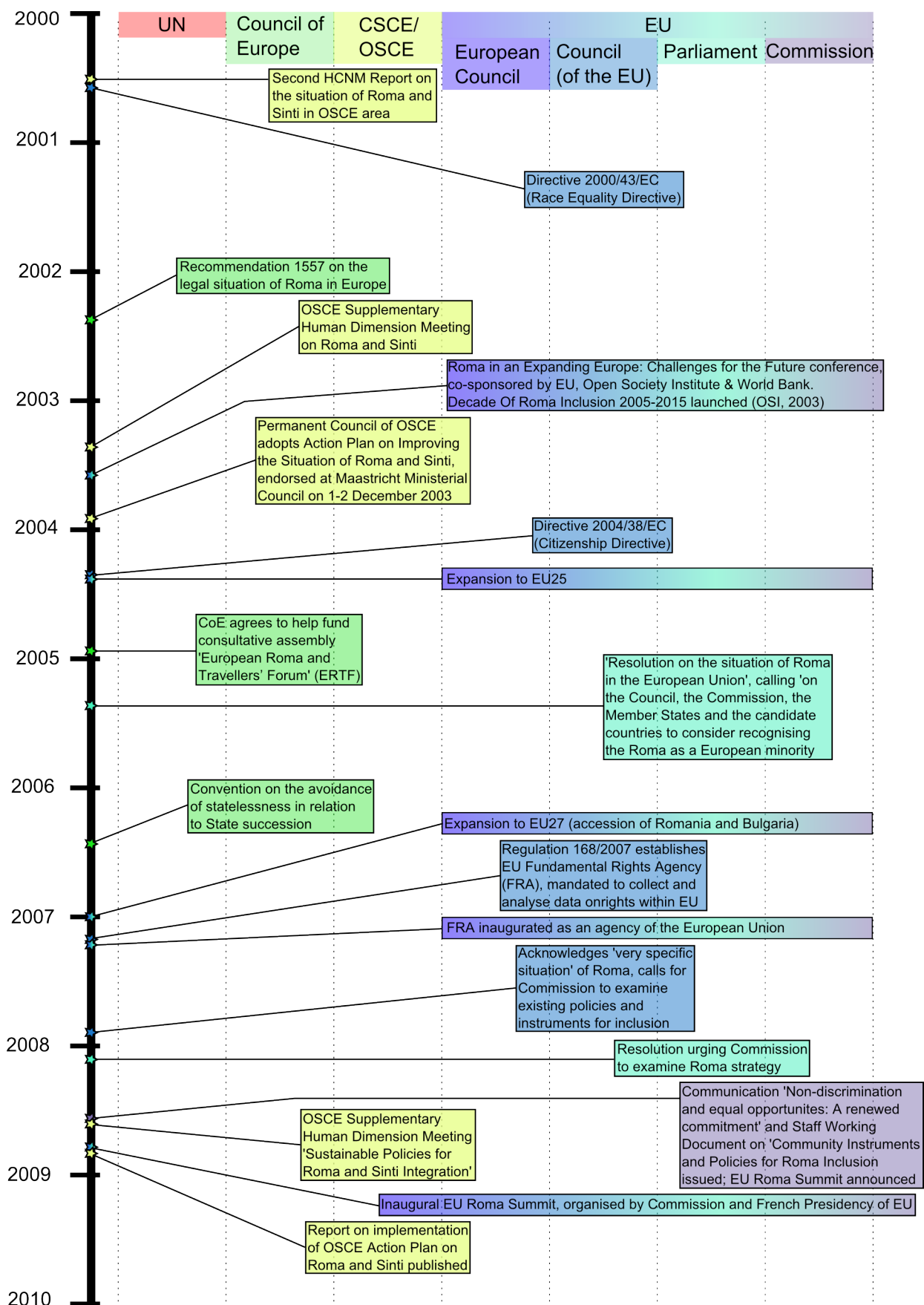
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Figure 1: Time-line of European institutions' engagement in Roma issues

> not having a country to call their own, they are a true European minority, but one that does not fit into the definitions of national or linguistic minorities.'
>
> <div align="right">(Council of Europe, 1993)</div>

At once a 'true minority' yet not a national minority at all, this strange formulation conveyed inclusive sentiment without being committing to the legal obligations to inclusionary action that the latter would entail. In this, it prefigured the warping and reconfiguration of the political relationship between Europe and Roma that was to follow.

It is important to note, though, that these obligations were only strengthened two years later by the 1995 Framework Convention for the Protection of National Minorities. Theoretically, as a Convention of the Council of Europe it is external to the EU; however, its very externality has meant that it has been seized upon by EU institutions as an external standard by which to judge, for example, the degree of accordance with the Copenhagen criteria (Sasse, 2005). Though its adoption is not technically mandatory, either for membership of the Council of Europe or the EU (France has still not signed it, and several other states have not yet ratified it), it is a measure of the Convention's tacit embedding in the EU accession process (particularly the Commission's Regular Reports) that all states applying for EU membership signed up soon after the document was opened for signature (Sasse, 2005; Jackson Preece, 1997a). The Convention itself places the protection of national minorities firmly back on the agenda, stating in the preamble that 'the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent' (Council of Europe, 1995). However, lest this support for minorities be misunderstood, the Convention is careful to ensure that 'protection' is secondary to 'stability'. Specifically, Article 21 clearly states that '[n]othing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States' (Council of Europe, 1995). Even in this landmark in the post-war history of minority protection, then, 'minority rights continued to be held in check by the traditional principles of international relations - state sovereignty, territorial integrity, inviolability of

<div align="center">71</div>

borders and the like' (Jackson Preece, 1997a:363; Elden, 2009).

In fact, the re-installation of a national minorities agenda had begun five years earlier, at the second Meeting of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe (CSCE, later OSCE; see Appendix for overview of European institutions), held in Copenhagen in June 1990, when the CSCE adopted the so-called Copenhagen Document on the Human Dimension (CSCE, 1990). The Document was significant not just for its focus on national minorities – one of its five chapters is devoted to their protection – but also for its explicit 'recogni[tion of] the particular problems of Roma (gypsies)' (CSCE, 1990:IV:40). It is a mark of progressive institutional engagement with Roma issues that while this seminal document contains 12 words related to Roma, the December 2003 Maastricht Decision to adopt the OSCE Action Plan on Roma and Sinti contains 5 792 (OSCE/ODIHR, 2005:13). This mushrooming of engagement has been accompanied by the gradual institutional spilling over from the Council of Europe and CSCE/OSCE to the institutions of the EU itself (see Figure 1), today responsible for too many Roma-related actions to name. Indeed, the EU's interest in such matters might be seen to have been firmly cemented by the 1st March 2007 founding of the Fundamental Rights Agency, an EU agency charged with integrating the sort of rights agenda developed by the Council of Europe within the structure (and legal remit) of the EU. However, rather than advancing an institution-by-institution overview of supranational engagement with Roma issues (see Figure 1; see also Appendix for an overview of the institutions themselves; Liégeois, 2007; Kovats, 2001), I examine this new engagement through a detailed examination of three specific procedures: first the EU Acquis by which the EU sought to protect itself from the 'new' problem that Roma posed, second the Citizenship Directive by which it sought to universalise (and consolidate) rights across the EU, and third the inaugural European Roma Summit convened to co-ordinate Roma action between a host of interested political actors, including a greatly expanded NGO sector.

One major spur for this renewal of a 'European' commitment to tackle minority issues was the EU's impending eastward expansion, the first and largest stage of which was to be accomplished in 2004. One of the great fears of the enlargement was that Western Europe would be importing 'Eastern' minority issues, the most visible (and thus, most contentious) of which were Roma issues. These fears were twofold: that the large Roma population resident in Eastern states would necessitate the attention, time and money of EU institutions, and that removing restrictions to migration would mean that these Roma populations would soon become uncomfortably direct problems for Western states. However, such fears miss the ways in which the EU itself (that is, the pre-accession, 'Western' EU) was an active partner in the production of Roma as an inherently problematic population. Crucially, the EU was responsible for carving of a specific channel via which accession was funnelled, a set of conditions and criteria that were to control the 'return to Europe' of the strange post-socialist states (post-Soviet even, in the case of the Baltics) that 'Europe' was preparing to share a bed with.

The concept of this 'conditionality' was not new: since 1993, the criteria agreed upon at the 21st-22nd June Copenhagen European Council (the so-called 'Copenhagen criteria') has defined (and still defines) the politico-economic conditions for membership in the EU. It is worth noting that minority protection is prominently named in the Copenhagen criteria as a condition for eligibility, though in the vaguest of terms and alongside a washing-list of similarly vague ideals:

> 'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.'
>
> (European Council, 1993:1)

As Gwendolyn Sasse (2005:6) notes, this constituted 'a significant disjuncture through the explicit mention of minority protection'. As if to emphasise the exceptional place of minority rights here, minority protection was conspicuous by its absence in the subsequent (1997) Treaty of Amsterdam, whose Article

6(1) reads:

> 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.'
>
> <div align="right">(Official Journal of the European Union, 1997:C340)</div>

That the phrase in the Copenhagen criteria amounts to accession conditionality is confirmed by Article 49 of the same treaty, which states that '[a]ny European State which respects the principles set out in Article 6(1) may apply to become a member of the Union' (ibid.). The Copenhagen criteria, then, testify both to the trepidation over potential 'minorities problems' the EU might import as it expanded eastwards, and to the ambivalence of its response. If there was a lopsidedness in demanding hard action to prove 'respect for and protection of minorities' from applicant states, a notion that remained aspiration at best among member states, then its uncertain place in direct accession criteria probably attests to the legal uneasiness that such a lopsidedness provoked.

The acquis communautaire that was to be incorporated into the law of the 2004 and 2007 accession countries expanded the comparatively broad Copenhagen criteria into a comprehensive, 80 000-plus page legal delineation of 'European' economic, political and social standards. Again, 'minority protection' was a chief concern, to be addressed under the acquis through three main mechanisms: firstly, the adoption of Council Directive 2000/43/EC, the so-called 'Race Equality Directive'; secondly, the adoption of the aforementioned Framework Convention for the Protection of National Minorities; and thirdly, in countries with substantial Roma populations, the 'adoption of government strategies and programs for the inclusion of the Roma minority' (Rechel, 2008:174). This last element was designed to encourage prospective member states to 'establish appropriate governmental agencies, although', as Bernd Rechel (2008:175) notes, 'it has paid less attention to actual implementation'. Or rather, it has failed to solve the contradiction between on one hand 'progress' as defined by the transposition of the acquis into national law, and the institutional reshuffling this requires, and on the other hand the absence of any actual amelioration of conditions for Roma. As Sasse (2005:9) notes, '[t]he overall assessment [in the

Commission's Regular Reports] of the Roma issue, in particular, hovers uncomfortably between the realisation that the socio-economic and political situation of the Roma has not improved and detailed lists of new activities and programmes targeting the needs of the Roma'. While Sasse (2005:9) argues that this contradiction indicates that 'minority issues were not the EU's priority during the accession process', its persistence in Roma rights reports today, coupled with the preponderance of such reports, would seem to suggest that something more is happening here.

The 'minority protection' measures in the acquis had three distinct effects on the political conception of Europe's Roma 'problem'. First, it achieved a double-abjection of the Roma issue. Territorially, the focus on conditionality and the construction of the acquis as a solution defined Roma as an Eastern problem and deflected any attention from Roma already resident in the EU, in states that did not have to demonstrate programs for their integration. Conceptually, the reliance on the acquis shifted the terrain of the Roma issue and its potential solution from the political realm into the technical realm. The danger of this move is that it dramatically oversimplifies the issues at stake, and 'fosters the belief that the training and promotion of Roma representatives should provide "responsible" partners for government and other institutions in the common task of resolving problems', when in fact it is the very lack of commonality that is the problem (Kovats, 2001:103). That is, treating 'representation' or 'inclusion' as a panacea is to deny the political nature of the problem, thereby implying that Roma somehow 'exist "outside" of modern politics' (Shaw, 2008:207) and exonerating exactly this 'modern politics' of any responsibility.

Secondly, the demand for exceptional action to be taken in relation to Roma justifies their exceptional political status, which in turn has the inevitable side-effect of legitimating their discrimination in society. The broadly rhetorical level in which the acquis demands action may dampen states' implementation of anti-discrimination legislation, but it does nothing to dampen the impression that Roma must be governed outside of the rules for 'normal' citizens.

Thirdly, it is important to note that the EU is not acting against the nation-state, but rather enlisting

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it as a partner in this matter. As individual states' accessions are handled independently, each state is solely responsible for its compliance with conditionality. The transposition of the acquis and the attendant adoption of programs to address minority issues both still happen at the level of the state. As Bernard Rorke writes,

> 'It remains the case that demands for justice, recognition and redistribution to promote Roma inclusion and combat prejudice matter most when a national government can be called to task to meet its most disadvantaged citizens. It is here that the oft-maligned EU has a role to play, on the one hand taking Member States to task when they fail to meet their obligations, and on the other assisting them to co-ordinate their efforts to promote Roma integration and human rights'

> (Rorke, 2009:15)

It is clear that whatever sovereignty now rests at a European level, justice still flows through the nation-state. Just as the Geneva Convention extends 'universal' human rights only to members of 'recognisable' nation-states (Butler, 2004:86), so the EU acts *through* its Member States; the result is that any cracks that exist in Member States' guarantees to protect their population are not filled but widened and exposed at the European level.

Citizenship Directive

'Directive 2004/38/EC of the European Parliament and of the Council of 29th April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States', colloquially known as the Citizenship Directive, was one major attempt to seal some of the cracks that had become increasingly apparent in the 'sector-by-sector, piecemeal approach to the right of free movement and residence' (Official Journal of the European Union, 2004:L158/79) within the EU. The Citizenship Directive gathered, simplified and (modestly) extended these rights to family members and registered partners, and established the right to permanent residence after five years (Official Journal of the European Union, 2004). As Sergio Carrera and Anaïs Faure Atger (2009:2) note, historically, '[t]he enactment of European citizenship has been substantially shaped through the use of one of its main normative attributes', that is, the right to move and reside throughout the EU. Thus, the securing (or

consolidation) of exactly these rights in the Citizenship Directive might be seen to have crystallised this putative European citizenship. More precisely, one might argue that 'the new Directive creates the institutional preconditions for a notion of citizenship that is more inclusive than nationality-based models of citizenship' (Kostakopoulou, 2009:8). The twin promises of divorcing citizenship from nationhood and of legitimating (and, in a literal sense, legalising) transnational mobility mean that the Citizenship Directive holds particular allure for Roma, who have suffered both through their exclusion from the nation and through the vilification of their migration. Meanwhile, these same factors make Roma a particularly pertinent case study (or, as the FRA (2009:11) would have it, 'litmus test') for examining the strength of the Citizenship Directive, and the extent to which it might be seen to support the notion of a European Citizenship.

Since the Directive's passing in 2004, however, the litmus paper has *not* evinced the Directive's promise: Roma continue to be systematically denied citizenship in many Member States, and Romani immigration continues to provoke fear and anger. Two primary failings might account for this, one practical and one theoretical. The first, practical failing of the Citizenship Directive lies in the failure of Member States to transpose it correctly into law. Like the 2000 Race Equality Directive (of which, 'issues remain in terms of some member states' delay in transposing it into national law and/or weaknesses in the transposition' (Halász, 2008:10)), the Citizenship Directive's passage from Directive to law has proven rocky:

> 'The overall transposition of Directive 2004/38/EC is rather disappointing. Not one Member State has transposed the Directive effectively and correctly in its entirety. Not one Article of the Directive has been transposed effectively and correctly by all Member States.'
>
> (European Commission, 2008c:3)

The European Commission report that reached this verdict mentioned the specific problem of the 'incorrect or ambiguous' transposition of the requirement that migrants staying longer than three months 'have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence' (2004/38/EC Art 7(1b),

Official Journal of the European Union, 2004:L158/93). Problems of transposition, say the European Commission (2008c:6), 'relate mostly to setting a minimum amount regarded as sufficient and failure to take the decision on the basis of personal circumstances'; twelve Member States (including Italy) are named as culpable. The implication of such a gap between Directive and law is, as Carrera & Faure Atger (2009:2) note, 'the proliferation of different forms of European citizenship whose normative framing and implementation by the nation-states foster differential treatment that sometimes conflicts with fundamental rights'. By nationalising the precise contours of citizenship, exploiting extant and opening new ambiguities in its qualification criteria, a legal vacuum is opened up into which rights, resting as they do on the assumption of universal citizenship, are lost.

This feeds into the second, theoretical failing of the Citizenship Directive: the failure to make EU citizenship truly European; that is, to transfer competence for its administration from the nation-state to the EU. Instead, European citizenship remains derivative of national citizenship, as is made plain in the Declaration on Nationality of a Member State (one of the Declarations annexed to the Final Act of the (1992) Treaty on European Union, which refer to the (1957) Treaty establishing the European Community), which states that 'the question whether an individual possesses the nationality of a Member State shall be settled solely by reference to the national law of the Member State concerned'. As Dora Kostakopoulou (2009:3) argues, this 'not only gives prominence to the nationality principle, but also subjects membership to the European public to the definitions, terms and conditions of membership prevailing in national publics'. European citizenship is not a stand-alone, postnational or transnational construction, but rather a supranational construction, in that it 'creates a thin layer of additional rights placed on top of the thicker national citizenship and accessible only to those who are recognised as members by one of the states of the Union' (Bauböck, 2000:310-1). For all that it harmonises rights for the majority that qualify as European through membership of its constituent states, the Citizenship Directive does not alter – indeed, as we have seen, its non-uniform implementation has actively reinforced – the essentially nation-statist character of European political space. In this sense, it is not antithetical to

but consistent with the 'nationalization of political space in [post-1991 East Central Europe that] left tens of millions of people outside "their own" national territory at the same time that it...subjected the "national" quality of persons and territories to heightened security' (Brubaker, 1996:55). The reaffirmation of the rightful location of 'citizenship' at the level of the state encourages its confusion with 'nation', such that the purpose of citizenship laws is quite literally the definition (or production) of foreigners- but these, of course, are old stories. The great novelty, and great danger, of the Citizenship Directive is its packaging of the aggregation of national citizenships as a new and qualitatively different entity, an association whose membership criteria tap into somehow higher standards of justness and inclusivity; in short, the Directive's presentation of aspiration as achievement in such a way that its shortcomings seem impossible: mirages, or else errors in implementation and administration whose solutions must lie in the technical sphere.

This discrepancy between the aspiration to a 'European' citizenship and the reality of an aggregate of non-identical nation-state citizenships is perhaps best illustrated with reference to the conception of national autonomy that each purports to guarantee. While traditional, statist conceptions of citizenship promise national autonomy through the *convergence* of territorial administration and nation, a European citizenship promises national autonomy through their *independence* (c.f. Brubaker, 1996:40). Effectively, in this latter autonomy the nation is to some extent (most explicitly, the extent of Schengen-space) deterritorialised; this is why the Citizenship Directive focuses on securing freedom of movement rights. However, as Brubaker (1996) argues, neither conception of national autonomy can be fully realised without compromising the other. The friction between them is hottest at their limits, when dealing with those nations that have no territorial administration to converge with. It is a mark of the ascendency of the autonomy promised by the nation-state (and the failure of the autonomy promised by a European citizenship) that these people, who would have the most to gain from the deterritorialisation of the nation and citizenship, are exactly those who are in fact most obsessively territorialised by the state. Hayden (1999:18) explains how the Yugoslav experience of the 1990s demonstrates that 'the international community will accept the expulsion of a population..., even though such an expulsion, euphemistically

called a "population exchange", requires the wholesale violation of human rights and the rejection of the principle of equality of citizens'. In other words, when autonomies conflict, the freedoms of the nation-state invariably trump all others, and the territorial solution – expulsion, exchange – is the one followed.

The gap between nationalised citizenship and European aspiration may be an underside to the freedoms secured by the Citizenship Directive, but it is not a blind spot. If rights are defined in their breach, it is the very visibility of this gap that suggests that national citizenship is itself a right; a fundamental right since it leads to the abundance of rights that membership of a nation-state confers. The Council of Europe Commissioner for Human Rights, Thomas Hammarberg (2009b:1), is clear on the matter: 'It is not acceptable that European citizens are deprived of their right to nationality – a basic human right'. Those deprived of this basic right, the stateless, 'live entirely outside of any form of basic social protection or inclusion' (ibid.). He is clear, too, who these stateless are:

> 'The Council of Europe has been a pioneer in the field of protecting Roma rights. The messages coming from its various bodies emphasise that host states should employ all possible means to end the *de facto* or *de jure* statelessness of Roma and provide them with a nationality'
> (Hammarberg, 2009b:2)

However regretfully it is expressed, the position of Roma as stateless outside incommensurate with the European political landscape is clear and explicit. Until such point as they are inducted into a nationality, and thereby nationhood, the mobility of Roma is not one that *constitutes* European citizenship (as conceived in the Citizenship Directive), but one that *bewilders* (and therefore threatens) it. As Castle-Kaněrová (2001:118) says, '[t]he EU is not equipped to deal with the migration of Roma for they neither correspond to any standard categorization of refugees nor fit into the programmes of repatriation that were set in motion after the war in ex-Yugoslavia'. It is in the scramble to remedy this, to make Romani mobility comprehensible, that we should situate both Hammarberg's plea to nationalise Roma, and the tendency until such a nationalisation may be accomplished to treat them as illegal immigrant (for their migration is out of legality), the eternal trespasser.

European Roma Summit

In this scramble we should also place the assembly of the inaugural 'European Roma Summit' in Brussels on 16th September 2008. The Summit was convened in the wake of a summer of high-profile controversies over public antiziganism and insufficient (if not inflammatory) state responses, most notably in Italy (see Chapter 4). It brought together high-profile representatives from the European Parliament, the European Commission, the French Presidency of the EU, EU member states, other states participating in the 'Decade of Roma Inclusion 2005-2015', important NGOs including billionaire philanthropist George Soros' influential Open Society Institute, and other Roma-related organizations. The organisers (the European Commission and the French Presidency of the EU) were understandably keen to market the Summit as an 'unprecedented opportunity', and while it is easy to overplay the potential for action at such events, the seriousness with which it was treated and the prominence of its attendees lent considerable weight to claims promoting its novelty.

The seeds for the Summit were sown by the Council's December 2007 acknowledgement (for the first time) of the 'very specific situation faced by the Roma across the Union' (Council of the European Union, 2008:14), and its call for the '[European] Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008' (ibid.). Meanwhile, the European Parliament echoed this call in its Resolution of 31st January 2008 by 'urg[ing] the European Commission to pursue an overall strategy for social inclusion of Roma' (Villarreal & Walek, 2008:2). The European Commission in turn, responding directly to the Council's request, published on 2nd July 2008 a 'Communication' (European Commission, 2008a) and an accompanying 'Staff Working Document' (European Commission, 2008b). The Staff Working Document, on 'Community Instruments and Policies for Roma Inclusion', urged Member States and EU institutions to 'create synergies with other processes such as the Roma Decade' (European Commission, 2008b:55) and to ensure '[c]lose and sustainable support for and involvement of Roma civil society in both the design and implementation of policies and projects' (European Commission, 2008b:56). The Communication, after asserting the EU's commitment to

non-discrimination in general, states that:

> 'In order to support and promote a joint commitment by the Member States, the EU institutions and civil society, the Commission will organise an EU Roma Summit of all stakeholders in September 2008 in the context of the European Year of Inter-Cultural Dialogue; the conclusions of the Summit will be submitted to the French Presidency for further consideration in the Council of Ministers ahead of the December 2008 European Council.'
>
> (European Commission, 2008a:10)

We might therefore see the Summit as borne out of the EU's institutional structure, but also borne of a recognition that more actors must be brought into this structure in order to maximise its effectiveness.

The starting point for most speakers at the conference was well expressed by one of the highest-profile among them, President of the European Commission José Manuel Barroso, who provided the opening address: '[w]hat is clear is that they are one of the biggest ethnic minorities in the UE [EU]' (quoted in Villarreal & Walek, 2008:4). This was later echoed by Romani Rose's previously quoted demand for 'the recognition of Roma as a national minority in the member states' (quoted in Villarreal & Walek, 2008:16). These calls for 'clarity' and 'recognition' of minority status are revealing due to their very necessity: they serve to bring into relief the often murky and unrecognised nature of the political status of Roma today. Barroso's use of the qualifier 'ethnic' might be traced on the one hand to his Western European discursive frame in which ethnicity is a potential guarantor of rights (rather than the Soviet legacy of 'ethnic group' being the least privileged 'national' categorisation), and on the other hand to his desire to broach the subject of race – he later impels his audience, '[l]et's not avoid the word racism here' (Barroso, 2008:3). Strikingly, neither ethnicity nor race were mentioned in the concluding 'Declaration on the Occasion of the European Roma Summit' (European Roma Summit, 2008) signed by all conference participants.

This should not detract from the ease with which all participants assumed 'Roma' as an essential, fixed category. Indeed, Barroso's next point was to quote the statistic that '77% of Europeans think that being Roma is a disadvantage in society, on a par with being disabled (79%)' (Barroso, 2008:2). The comparison certainly reinforces the idea of Romani identity as an easily identifiable and permanent

attribute. However, it also does more than this, for the analogy also functions metonymically, reminding us of the various ways in which Roma are treated as disabled within society. It recalls, for instance, the history of segregation of education whereby Romani children are placed in 'special schools', a history (and, indeed, present) that had less than a year previous been exposed in the landmark case *D.H. and Others v. the Czech Republic*, settled on November 13th 2007 when the Grand Chamber of the European Court of Human Rights found that this practice led to lower-quality education for Romani children, and was discriminatory (see *Roma Rights Journal*, 2008(1), 'Roma Education: The Promise of D.H.'; Amnesty International, 2010a). It recalls too the grisly association of the disabled with Jews and Roma by the Nazis as those whose life could be (and was) taken on the basis of their 'identity' alone.

Despite this solidification of Roma as political identity, much of the rhetoric as the Summit was universalist in tone:

> 'Let us be frank: There is no place for a laissez-faire or business-as-usual approach. The Commission strongly rejects any stigmatization of Roma. In the European Union every man, woman and child has the right to live a life free from discrimination and persecution. This is an issue of European and universal values, as well as an issue of fairness, social solidarity and democracy.'
>
> (Barroso, 2008:2)

If we are to be frank, we must look at two related contradictions contained in this statement, though neither is exclusive to Barroso. The first he quickly encounters: that of reconciling the repudiation of laissez-faire government with absolving the Union he speaks of and for of responsibility for action; for as Barroso himself points out,

> 'we must avoid giving the impression that the dramatic situation of the Roma can be solved from Brussels. Such an approach would be irresponsible.'
>
> (Barroso, 2008:4)

It is a strange sovereign indeed that may dictate values, refuse competence for their enforcement, and look disdainfully at the laissez-faire mode of regulation that this contradiction seems to necessitate. This situation should refer us back to the Summit's goal of opening the practice of government to new actors, and further disrupt any notions we might have of the sanctity or difference of 'levels' or scales of

government.

Secondly, Barroso's belief that universal values (and, by extension, rights) are an effective way of securing particular rights might be examined more closely. This formulation has great rhetorical sway, but might be questioned along two lines. Firstly, it does not admit that just as our commonalities may be universalised, so may our differences, and that the construction of caesuras of essential difference within the population produces precisely this latter effect. Étienne Balibar (1994) demonstrates this point by arguing that just as we might readily admit to sexism or nationalism as being universalistic, so too is racism; his point is that an appeal to universal values alone is not enough, that 'we can[not] effectively face racism with the abstract world of universality[, because r]acism has already (always already) occupied this place' (Balibar, 1994:204). Secondly, one might look further at the relationship *between* rhetorical sway and effectiveness. Claims to 'universal' rights, as Walker (2010:19) notes, constitute 'appeals to forms of authority that are somehow "higher" than those expressed through secular institutions of state and law; as if there could be some higher authority than that expressed in the law, or laws, affirming the liberty, equality and security of modern subjects living within the modern sovereign state and system of sovereign states'. Barroso's easy slippage from 'European' to 'universal' is indicative of this transcendental urge, and should point toward the limits that enable the 'universal' (and, indeed, the 'European') to be defined. While one may – even should – aspire to think and even act universally, it is (paradoxically) only with the concession that one only has the authority to act within certain limits; thus, by seeking to transcend the international, one ultimately (and ironically) ends up merely emphasising its finitude. Herein lies the loophole of Barroso's Euro-versal values: the migrant who exists on their outside, who is not defended by (but instead challenges) 'our' liberty, security and justice. I am not arguing that Barroso is consciously constructing this loophole, but rather that his (and, broadly speaking, our) formulation allows for it, requires it even.

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Roma as the Migrant Inside

Scalar and Historical Myths of Enlightenment

Contrary to what the resurrection of minority rights rhetoric and the regular place of Roma rights on the schedules of European political institutions might at first glance suggest, we are not seeing the belated establishment of Roma as a League of Nations-style national minority. Today Europe is occupied by a new political *nomos*, one in which Roma are not the European minority whose mobility is celebrated and whose collective rights are enshrined in treaties, but instead are the extra-communitarian migrants whose mobility is threatening and whose individual rights are weighed against security concerns.

Certainly, as Rorke (2009:14, emphasis in original) notes, '[a] cursory inventory of what *has* been done by European institutions reveals them to be engaged as never before'. Both the scale and rhetoric of this new feverish engagement seems at first blush to be a welcome development, and the 'increase in attention by authorities claiming to support and protect Roma/Gypsy people and their culture and identity appears a progressive departure from the crude interventionism or hostile neglect characteristic of national policies in recent decades' (Kovats, 2001:94). This juxtaposition of a progressive, protectionist European interventionism and a regressive, exclusionary national interventionism rests upon two axes: a scalar opposition whereby the exclusions of the nation-state are counterbalanced by the inclusions of supra-national institutions, and a historical narrative of development whereby governmental tactics are slowly becoming more nuanced and enlightened.

It is the former, scalar disjuncture that is being built upon in claims that the recent actions of the Italian state with regard to its Roma population constitute 'a rupture in the previously existing "European consensus", according to which "explicit racial discrimination and racist incitement has no place in the European legal and governmental order"' (Merlino, 2009:22; quoting COHRE et al, 2008:2). In this schema, intervention from the higher plane of European 'consensus' and 'order' is necessarily positive and inclusionary; in circular fashion, its role counteracting statist exclusions therefore casts European interventionism as necessary in and of itself. This view might be questioned along two lines. Firstly, one

might ask whether EU institutions have sufficient competences to act in direct and overt opposition to the policies of its member states, such that this 'counterbalancing' role would be tenable. Rorke (2009:14) for one is doubtful, writing that '[s]ome of the rhetorical and at times inchoate clamour for "Europe" to do more to address the current crisis seems oblivious to the limitations of the competencies of the various institutions and prone to a wider misconception that European supranational institutions can provide a panacea for ailments that are altogether more intimate'. Secondly, one might question whether 'Europe', as embodied by the various arms of the EU, really does occupy a different plane or order from that of its member states: that is, even if it could negate specific state sovereignties, what is the justification for believing that it would? This line of questioning confronts '[t]he ambiguous sense of hierarchy invoked by the notion of "levels" [of government]' (Walker, 1993:132), and asks whether instead of these 'levels' being somehow tailored with their own peculiar logics and ethics, they might in fact simply reproduce self-same logics and ethics writ large (or small).

Meanwhile, the historical teleology of ever-more-enlightened governmental action, while obviously a narrative favoured by state institutions, also fails to hold up to close examination. This narrative tends to be a relatively short one, and certainly precludes histories with a rather more ambiguous moral trajectory, like the fate of the post-Paris peace conference Minorities Treaties or of the Soviet policy of *korenizatsiia*. The evidence of the evaluation of the minority-protection elements of the Copenhagen criteria and EU acquis, particularly as it related to Roma, suggests that the narrative of progress even precludes the admission of contradictory evidence; or rather, that it refuses the contradictory nature of the evidence. It seems that commitment to the development of ever-more-sophisticated institutional structures overshadows analysis of these structures' actual sophistication; success is not judged on consequence but intention. Lastly, this teleology insists that failure to improve Roma rights is evidence of a state, region or organisation's 'backwardness' and failure to keep up with the newest legislation, when all of the evidence would seem to suggest that the degradation of Roma rights is a feature characteristic of regimes present every bit as much as (if not more so than) regimes past. If so, it follows that in seeking to explain the

failure of Roma-related policies we may have been looking in entirely the wrong place (and time).

In Liminal Drift

The Council of Europe's (1993) puzzling characterisation of Roma as a 'true' but not 'national' minority hints at shifts that have taken place in the political identity of Roma in Europe, shifts that are not described by narratives that assume Roma rights necessarily swell both with time and with the greater involvement of 'Europe'. Just as Nazi Germany once obsessed over the purported 'mixed blood' of Roma, which cast doubt upon their validity as a 'race', today we see an obsession over the lack of cultural or linguistic 'unity' of Roma, which (it is claimed) casts doubt upon their validity as a 'nation'. It has become a truism, indeed, '*it must be acknowledged* that the diversity of the Roma, Gypsies and traveller people poses significant problems' for the recognition of any collective identity, and therefore nationhood (O'Nions, 2007:20, emphasis added). One might ask why such an acknowledgement is not demanded of Europe's other multi-cultural and multilingual nations. Clearly, we must conclude, Roma are something *other* than a nation; they do not fit into the European political classification system that we are familiar with. National minorities, for better or for worse, have both long histories and settled geographies; Roma, we are told, are marked by their migrations, they are 'depicted not only as people "without history" but as indifferent to recollection, living in an "eternal present"' (Lemon, 2000:3). That is, Roma are made to appear to exist outside of the axes by which we calculate belonging; they are instead plotted on the political landscape as the migrant who seeks not home but asylum. It is in this sense that I say that Roma now exist outside the international.

This status contains some very serious implications. While the national minority was conceived of very much within the state system of rights and the law, the alien migrant today all too often finds him- and herself cast out of this system; as Bauman (2004:76; citing Agier, 2002) describes it, '*hors du nomos – outside* law; not this or that law of this or that country, but *law as such*'. The migrant today lives in a condition of 'liminal drift' (Agier, 2002), in which '[t]hey are never to be free from the gnawing sense of the transience, indefiniteness and provisional nature of any settlement' (Bauman, 2004:76). That (since the

agreement of common asylum and migration policy at an EU Council meeting in Tampere in 1999) asylum claims are judged with regard to the (lack of) 'regional alternatives' available to the claimant (Geisen et al, 2007) attests to this essential contingency of rights; the concept of 'regional alternatives' would be an affront to the national minority. That is, while the minority is defined by their residence, the migrant is defined by his or her mobility; their rights are not uniform across space because, in effect, they are essentially (and legally) transient. This is demonstrated too by the supposedly 'blanket' nature of 'European citizenship', which suddenly appears ridden with holes when one looks at those who are in the greatest need of it: that is, those whose rights are not already guaranteed by the state. Their rights, far from being guaranteed throughout space by a standardised citizenship, instead depend on the arcane contingencies and *ad hoc* arbitrations of temporary residency procedures and the like – a legal and regulative topography that remains invisible to the majority.

Of course, this ejection from the international has not gone uncontested. What is striking, though, is that these resistance movements focus not on the unjustness of a political landscape that discriminates so easily against those it cannot describe using the syntax of the territorial nation-state, but instead on trying to demonstrate that it is entirely possible to use this syntax to describe Roma. Of course, this decision might be justified as pragmatism, since as Nicolae Gheorghe and Thomas Acton (2001:57) write, 'in seeking legitimacy for their struggle Roma politicians have no choice but to lock onto the same concepts of human rights and anti-racism that operate in international organizations and relations between existing states'. As the concept of national minority is ebbing in plausibility and effectiveness as a tool for securing Roma rights, attention has begun to switch to the concept of diaspora:

> 'In the last few decades, Romani intellectuals have realized that being perceived as a diaspora adds more weight to political claims than being a "national minority". A diaspora needs a "homeland", so to trace Romani language and culture to a single, unified place and time – to India one thousand years ago – is to validate Roma as a single people, an authentic diaspora.'
> (Lemon, 2000:97; see also Toninato, 2009)

Even when the claim is not voiced using the term 'diaspora', the appropriation of a homeland – even if displaced thousands of kilometres and hundreds of years – lends Roma a territory that begins to reconcile

them with discourses of belonging comprehensible to the international. If it potentially distances Roma from claims of Europeanness, it does at least allow them to be plotted on the same axes as the nations and national minorities whose Europeanness is assured, and disavows the offences of the asylum seeker-migrant. More ambitious dreams sometimes imagine a territorial sovereignty; to give but one example, consider '"Romasia", a place where Roma families with similar traditions could live together as a group, bringing up their children and sending them to the local schools while preserving their ancient customs and traditions' (EveryOne Group, 2010b). Here we see liberation, as viewed through the lens of the international; pragmatism given way to the seductions of the international. It is difficult not to worry, though, whether buying so whole-heartedly into this path to redemption doesn't inadvertently reinforce the sinfulness of the migrant, and thereby on some level justify the exclusions of those cast outside the international.

Conclusions

The fraught twentieth century relationship between Roma and Europe, both in the specific institutions that have represented it and the political landscape they have rested upon and moulded, suggests histories both of stasis and change, though in patterns that do not always accord with received wisdom. I wish to conclude in both directions, touching on the *continuities* in Roma-related policy in a Europe that is often held to be breaking new ground in its enlightened post-statism, and conversely also on the *discontinuities* in the political identity of Roma in Europe despite oft-repeated histories emphasising the familiarity of their discrimination.

Haunting the Dreams of a United Europe

While the aspiration to, and assumption of, a somehow 'higher' and more just political plane is a common theme that runs through the EU acquis regulating the territorial enlargement of the European Union, the consolidation of the rights of free movement in the Citizenship Directive and the inauguration of a

European Roma Summit, this aspiration is continuously undercut by the European political landscape's foundational reliance on the international. In each case, the continued discrimination of Roma haunts claims of and for a 'European', essentially inclusive ethic that might stand in opposition to the corrosive nationalisms of individual states. Or rather, it *should* haunt these claims; the fact that so many are willing to look elsewhere, to the uncontrollable resurgence of nationalisms, to technical problems in the implementation of anti-racist programmes and to the alleged intractability of the 'problem', attests to the allure of 'Europe' as transcendent liberal ideal. I contend that unquestioning adherence to this assumption is naïve at best, and that the systematic twentieth century failure of supranational consensuses, treaties and institutions to protect the rights of Europe's most disenfranchised residents suggests that far from superseding states' interests, recourse to a 'European' level has only ever enabled them to be writ large. The post-Maastricht – or post-Lisbon – EU has yet to prove otherwise.

The allure of an essentially just 'European' plane may be partly explained as the displacement of idealism from the messy coalface of national politics, where it is subject to the vagaries of (party-) *political justice*, to a realm whose apparent deficit of political accountability also cuts it loose from petty parochialisms and consequently means that a sort of *moral justice* might be pursued. The vast difference in the rhetoric with which actors speak of Roma at local, national and European scales is evidence that there is some truth to this schema. However, there is also great danger in it. Firstly, once Roma issues are removed from the realm of 'politics', so too are their solutions, thus enacting a technicisation of Roma issues. The consequences of this are a simplistic focus on 'inclusion' or 'representation' as if these concepts were cure-alls, a tendency to evaluate programmes in terms other than their actual results and a teleological view of progress that underplays the severity of Roma discrimination and denies its entrenchment. All three are in plain view in the European Commission's surreally non-sequiturial statement that:

> 'In 2008 and 2009 there has been significant progress with regard to Roma inclusion at the European level. The issue was on top of the political agenda of the EU institutions and Member States and the Council conclusions in 2008 and 2009 have led to more and more concrete calls upon Member States and the Commission for action. Moreover, they have helped to embed the issue of Roma inclusion firmly into European Union policy making. It

must not be ignored that the developments in 2008 and 2009 have not yet changed significantly the concrete situation and living standards of Roma communities.'

<div align="right">(European Commission 2010a:32-3)</div>

Secondly, the collection of all parochialisms, exclusionary actions and injustices at the national level (and 'lower', more local levels) risks the wilful oversight of these factors at the European level. In much the same way that the failure of internationally-brokered Yugoslav constitutions was blamed on 'petty' Balkan nationalisms that 'turn[ed] the dream of a united Europe into a nightmare' (International Herald Tribune, 1992:1, quoted in Hayden, 1999:83) rather than on the 'nightmarish contradictions inherent in modern European social and political thought' (Hayden, 1999:83); evacuating 'Europe' of the nationalisms that constitute it can result in dangerously misleading conclusions. 'Europe' has not transcended the discourses of the international, but was made by them, of them, and continues to be defined in relation to them: as Walker (1993:162) writes, '[w]hatever avenues are now being opened up in the exploration of contemporary political identities, whether in the name of nations, humanities, classes, races, cultures, genders or movements, they remain largely constrained by ontological and discursive options expressed most elegantly, and to the modern imagination most persuasively, by claims about the formal sovereignty of territorial states'. Even in its overtly anti-nationalist manifestations, European institutions tend to reinforce the primacy of 'nation' as a chief category of political identity, its continued connection to the (member) state, and the territorial expression of both; all of which seriously undermines their ability to resist and redress the injurious effects of nationalism. 'The danger, then,' as Aurelia Armstrong (2008:23) explains, 'is that in reacting to domination through the defensive assertion of a subordinated or marginalized identity, a politics of resistance may fail to address the way in which oppressive structures are reproduced at the level of attachments to forms of identity which presuppose and support those structures'. If 'Europe' were to transcend such structures (if, that is, Roma were to be as European as other Europeans), it would have to do more than merely wish these structures away: it would have to find a new political vocabulary and syntax, it would have to *find* the 'higher' political plane that it is all-too-often assumed to occupy.

<div align="center">91</div>

From Minority to Migrant

To pick out such continuities, however, is not to say that the twentieth century political history of Roma in Europe is solely one of stasis. Far from it: from the Paris Peace Conference to the European Roma Summit, the political identity of Roma has been reconfigured from the apparent security of one among many national minorities to the permanent insecurity of one among relatively few, but disproportionately visible, unwelcome migrants. The early-twentieth century snapping of political space around national territories seemed to lock Roma, among many others, into the position of national minority, with its imperfect but tangible regime of rights. However, from the treatment of Roma as existing 'outside' of politics in the EU acquis, through the Citizenship Directive's reinforcement of the nation-state as the chief arbiter of who is European and who is not (and who, often, is left in the limbo of statelessness), to the European Roma Summit's appeal to European/universal rights that only make sense at their limit (and in their breach); today the precarious inclusions of the national minority seem to have been replaced by the faint promises, veiled (and not-so-veiled) threats and *de facto* (if not *de jure*) exclusions of the extra-communitarian migrant. When Thomas Hammarberg (2009a:4) describes Roma and Sinti as 'minority populations severely and chronically discriminated against in most of the Council of Europe member states', he is associating them not with other Europe-born persons in states where they do not belong to the majority nation, as 'minority population' would have connoted 90 years previous, but rather (and explicitly) with 'asylum seekers, refugees and immigrants' (ibid.). While the flux of the Great War and its aftermath looked as if it might at least create some commonality in the uncertain modernity Europe and Europeans faced, the flux wrought by European political integration has served to loudly pronounce how very un-European and pre-modern certain people, Roma chief among them, remain.

In arguing that the political identity of Roma in Europe has undergone a transformation in the twentieth century from minority to migrant, and that this shift has been responsible for a loosening of the ties that secure their position as Europeans, I do not mean simply to insist on a 'return' to national minority

status for Roma, manifested in the implementation of some kind of newer and sturdier regime of Roma minority rights. Arendt (1966:273) is surely right to warn us that 'minorities within nation-states must sooner or later be either assimilated or liquidated'. As much as claiming minority status makes sense in achieving short-term goals (and important though these goals may be), as an end-point to drive toward it seems a dangerous target indeed. Nor does the embedding of minority rhetoric in the (new) framework of 'European' institutions somehow bypass the nation-statist logic that lies behind Arendt's dichotomy; rather, as we have seen, it has merely reinforced this logic and systematised its exclusions. Both 'minority' and 'migrant' are fatally tainted by the political framework within which they make sense, and it is only by critically examining this framework that we might combat the exclusions that Roma endure in Europe. As Gheorghe and Acton (2001:69) argue, '[i]t is not so much that the rights of ethnic minorities must be protected, as that ethnic majorities must be in themselves deconstructed'. Whether defined as a minority 'out of place', or as a migrant who simply has no place, the same political landscape (and the same logic of territorially-defined nation-states) is being called forth; the twentieth century history of Roma in Europe should teach us that the liberties promised by this political landscape rest on a highly disquieting set of exclusions.

Thus far, we have looked at the exclusions that European institutions unwittingly endorse through their subscription to a set of political assumptions that implicitly require an inclusive exclusion, or outside-inside. Equally though, we might also pay attention to the state-level exclusions that such institutions fail to prevent, and ask why, given the chance to demonstrate the supposed centrality of human (or indeed minority) rights to 'Europe', inaction instead prevails. These questions underlay the 2008 emergency measures taken by Italy against its Roma population in the name of security, to which I will now turn. My focus, though, shifts from an examination of whether 'Europe' naturally opposes such parochial or nationalistic actions, to an examination of why nation-states themselves support them. I posit that just as the former is neither self-evident nor natural, so the latter requires serious analysis. What is it that makes the production of Roma as an object of security a politically expedient, and therefore 'populist', political

strategy? Why might their very presence constitute an emergency? It is by examining precisely those aspects of exclusion that we most easily take for granted that we stand to gain insight into the political assumptions that make such exclusions meaningful, assumptions as vital to the (re)production of a political ontology at the level of the state as they are at the level of the association of states.

4 Italy and the *Emergenza Nomadi*

While an upsurge in popular (and often violent) antiziganism and overtly exclusionary state action (and often inaction) may be traced across Europe, from France (Amnesty International, 2010e; ERRC, 2010a) to Hungary (Kulish, 2009; Dowling, 2009) and from the Czech Republic (ECRI, 2009; ERRC, 2008b) to Northern Ireland (McDonald, 2009; Amnesty International, 2009a), some of the bluntest rhetoric and most controversial policies have been spoken and enacted in Italy, where fears over Roma and immigration issues have coalesced into what the state terms an *emergenza nomadi*, or 'nomad emergency'. The actions taken by the Italian government might be seen as a test case, both in the sense of an EU member state openly acting in contravention of EU freedom of movement laws and in the sense of a 'Western' state coming to terms with the traditionally 'Eastern' 'Roma problem'. As we saw in Chapter 1, important precedents were set in Italy that informed the French actions of 2010, and will doubtless inform future 'Roma emergencies' elsewhere. In this chapter, I shall look at the May 2008 Nomad Emergency Decree, the census of Roma it legitimated, and the acceleration of clearances of such 'settlements' that has accompanied its tenure. I use reports compiled by supranational institutions (see Appendix for overview of these institutions) and NGOs (including the European Roma Rights Centre, EveryOne Group for International Cooperation on Human Rights Culture, Amnesty International and many others), international and domestic media reports and the decrees and laws themselves to investigate the measures undertaken and the means used to justify them. My interest in these measures is not in assessing their justness, but in addressing the question of what it was that made such measures possible, or rather, what constructed these measures as a rational and appropriate response to issues at hand.

After briefly outlining the history of Roma in Italy, a history that stretches back to the fifteenth century, I then look at the ways in which waves of migration into Italy in recent decades, both Romani (notably from the former Yugoslavia in the 1990s and Romania in the late 2000s) and non-Romani, have circumvented this history, and instead constructed Roma as the embodiment of immigration issues. In the

second section I examine in detail the 2008 declaration of a state of emergency, the conditions that led to it and its aftermath. Finally, and bearing in mind Karena Shaw's (2008:203) remark that 'we have too often focused on the particular violences, rather than the processes, practices and discourses through which such practices were rendered legitimate at the time', in the third section I take a step back in order to look at the *emergenza nomadi* as a window onto the ways in which Roma are rendered problematic, and problematic to the degree that the state of exception must supplant the rule of law. To this effect, I apply the theoretical framework developed in Chapter 2 to the Italian case, and look at the actions of the Italian state in terms of their wider significance: what is the interplay between the construction of Roma as nomads outside the grid of the international and the 'security measures' used to deal with them? How does the challenge that Roma/immigrant is held to represent to conventional borders so quickly translate into authorisation for the state to also broach conventional borders, by truncation the jurisdiction of 'ordinary' law? And what does this say about the influence of the international in contemporary structures (and conceptions) of government?

First though, I shall say a little about Roma in Italy. Leonardo Piasere (1993:92) argues that in Italy 'the term "Gypsy" is a Wittgensteinian cluster concept', connoting most strongly immigration, nomadism and criminality, as '[t]he images of the "travelling Gypsy", the outsider, the migrant, and now the refugee seem...to cluster together' (Castle-Kaněrová, 2003:21). Indeed, in official and legal contexts, neither 'Roma' (*Rom*) nor 'Gypsy' (*zingaro*) but 'nomad' (*nomade*) is the preferred term. It is important to note that 'nomad' is not a particularly accurate term for describing an overwhelmingly sedentary, and moreover ethnically- (if not racially-) defined, group of people; indeed, I shall look at the ways in which this term is not merely misleading, but pernicious. The characteristics assigned to Roma are held to be either endemic to Romani 'culture' or products of a marginal existence, views that can either be scornful or compassionate in tone (and are occasionally both). However, both the charitable (notably including the Catholic Church) and the intolerant tend to agree upon the essential alterity of Roma. Thus, when 'security' actions mandate discriminatory measures for Roma, for the most part they fail to discriminate between Italian Roma and

non-Italian Roma, or EU citizens and *extracomunitari* (non-EU citizens), or even legal and undocumented residents, and instead frequently resort to the racial distinction between Roma 'nomads', ironically rendered problematic by their very *in*transience, and normal society. However, these distinctions do matter, particularly in EU law. The 2007 accession of Romania to the EU, which guaranteed its citizens the unequivocal right to reside in other EU states (though see chapter 3 on the problems in implementing the Citizenship Directive [Directive 2004/38/EC]), but not (yet) the right to be employed on an equal, non-discriminatory terms in many EU states (including Italy) is important here in two respects. Firstly, the modest immigration of Romanian Roma into Italy has confused Roma issues with issues surrounding the far larger immigration of non-Romani Romanians into Italy. Secondly, and more speculatively, this confusion has allowed the state to use measures designed to control Roma to metonymically infer control of immigration more generally.

This external profusion of associations is matched by an internal profusion of categorisations, a doubling captured by Piasere's (1999; cited in Sigona, 2005) description of the term *zingari* ('Gypsy') as a heteronym incorporating 'a world of worlds'. Piasere is highlighting the complications in talking of a group whose ethnic identities (Roma, Sinti, and a host of other self-ascribed ethnicities) differ from their linguistic identities (native Italian, various dialects of Romanes, Romanian, various Slavic languages, and various fusions and mixtures of these are all common), which differ from their national affiliation(s), which differ again from their citizenship (or lack thereof). I shall refer to all Roma, Sinti and related ethnicities as 'Roma', though not without a lingering sense of the inadequacy of such a flattening, of the problematic nature of naturalising such a 'relation', and of uneasiness regarding the tendency for such a distinction to feed into a racial categorisation of the Gypsy/*zingari*/nomad. Statistics that might enumerate these divisions are notoriously difficult to compile, and even when available must be viewed as best estimates more intimately attached than most to the political objectives of the organisations responsible for them. As of 2006-7 there were generally believed to be between 110 000 and 160 000 Roma in Italy (ERRC, 2008a; Liégeois, 2007), of whom around half held Italian citizenship and 20-25% held other EU citizenship

(ERRC, 2008a); these figures continue to be circulated today. The *Comunita di Sant Egidio* estimated that around 10-15 000 were stateless (Associated Press, 2008). It is a mark of the conditions they are forced to live in, and their exclusion from society, that life expectancy for Roma in Italy is estimated to be just 40-45 years (Storia, 2009).

Roma and Italy

From the Middle Ages to World War II

Roma have lived in Italy at least since the fifteenth century; in 1422 the anonymous *Cronica di Bologna* records the visit of a 'Duke of Egypt' and his fortune-telling wife and entourage (Liégeois, 2007:19). Through the remainder of the fifteenth century, records of Roma in Italy became more frequent (Cahn et al, 2000, citing Dragutinović, 2000:9), with many Roma settling permanently and sedentarily (Liégeois, 2007:21). Alongside records of the existence of Roma, we also find records of their discrimination: when the party that visited Bologna in 1422 stopped in Forlì a little later, the *Chronicon Fratris Hieronymi de Forlivio* reported that they 'did not shew themselves well measured, but like unto savage and furious beasts' (quoted in Liégeois, 2007:20), and by 1500 the Holy Roman Emperor Maximilian I (at the time controlling much of present-day northern Italy) felt the need to issue a decree to the effect that it was not a crime to 'burn or kill Gypsies' (Cahn et al, 2000, citing Liperi, 1995:14). From 1493 to 1785, 209 anti-Gypsy decrees were issued in present-day Italy, at a rate of 0.71 per year (Piasere, 1993:94). Meanwhile, records show further migrations of Roma into Italian territory, including a wave of 'Hungarian Gypsies' in the late eighteenth century, and of German and Slavic Roma in the aftermath of the First World War (Liégeois, 2007:22).

Italy only emerged as a modern, unified nation-state in 1861, with Venetia and the Papal States only annexed in 1866 and 1870 respectively. The modern borders of Italy (though encompassing Istrian territory ceded to Yugoslavia after the Second World War) were secured with the 1919 signature of the Treaty of Saint-Germain-en-Laye, prepared at the Paris Peace Conference. In contrast to the naturalised, pseudo-organic essences of Westphalian states, 'creating a match between a representative landscape and

an Italian national identity was a difficult and obviously artificial process from the start' (Agnew, 2002:41). Thus, while one might trace the mythologising of the Italian nation that fuels and consolidates the creation of the Italian state in the nineteenth and twentieth centuries, these imperatives have not been able to fully eclipse the 'city-regions [that] have historically provided a more powerful source for political identities than has the "nation" as a whole' (Shin & Agnew, 2008:3). The consequence of this is that regional identities and internal borders remain unusually strong in Italy as compared to other European states, and appeal to nationalitarian rhetoric requires greater qualification that it might elsewhere.

As a victorious power, and moreover as a state that 'could be relied upon to fulfil the "standard of civilization"' (Jackson Preece, 1997b:82), Italy had no Minorities Treaty forced upon it, despite being intimately caught up in the Paris Peace Conference settlements that 'had given sixty million people a state of their own, but it turned another twenty-five million into minorities' (Mazower, 1998:42). Indeed, the irredentist claims behind the post-war Italian annexations could not but create as many minoritarian 'problems' as it 'solved'. These issues acquired a racial slant with the ascent of power of Benito Mussolini's National Fascist Party in 1922. In a speech to his party in 1921, a year before it gained power, Mussolini told his party:

> 'I want to make it clear that Fascism is dealing with the problem of race. Fascists must occupy themselves with the health of the race which moulds history'
>
> (quoted in Boursier, 1999:14, n8)

The way in which it was to 'deal' with this problem was made clear in a 1926 circular of the Ministry of Domestic Affairs, which

> 'ordered the expulsion of all "foreign Gypsies" from the kingdom in order to "cleanse the country of Gypsy caravans which, needless to recall, constitute a risk to safety and public health by virtue of the characteristic Gypsy lifestyle". The aim was to "strike at the very heart of the Gypsy organism"'
>
> (Boursier, 2008:2; Ornella S., 2008)

Though framed in the language of race and public health, the absence of any Minorities Treaty or state with an interest in protecting Roma meant that there was neither mechanism nor motive for opposing such a move; the Fascist government did not need to use any authoritarian tactics in order to implement openly

discriminatory measures.

Italy's failure to possess a Minorities Treaty also lent a dramatic irony to the part it played in their obsolescence when, in a secret meeting with the German Foreign Minister Joachim von Ribbentrop in the build-up to the Second World War, the Italians extracted a promise from the Germans that the German minority in South Tyrol were to be resettled in the Reich. As Mark Mazower (1998:160) writes, '[t]ogether with the annexation of the Sudetenland, this pledge ended the era of the Minorities Treaties and opened up a more brutal approach to Europe's ethnic tensions'. Meanwhile, Italy further aligned itself with Nazi policy by enacting race laws in September 1938 expelling foreign Jews and revoking citizenship to Jews naturalised after 1918 (Boursier, 1999). These were compounded by further laws passed in November 1938 which 'prohibited mixed marriages, expelled Jews from military service, from public office, from the civil service and subjected them to severe restrictions with regard to economic activities' (Boursier, 1999:15). While these laws do not mention Roma, in an October 1938 signed text entitled 'Declaration regarding Race', Mussolini wrote that '[t]he problem of the Jews is no more than the metropolitan aspect of a problem of a more general nature' (quoted in Boursier, 1999:15). Nevertheless, in contradistinction to the Nuremberg Laws in Germany (which, though they did not mention Roma, were quickly determined to apply to them (Lewy, 1999)), 'the laws which affected the Gypsies were those concerned with public order, the prevention of criminality and keeping the rules and orders of the State' (Boursier, 1999:15). Until 1940, then, the Italian regulation of Roma was in the main limited to their sporadic arrest and expulsion, rather than any more systematic strategies (Boursier, 1999).

In June 1940, Italy entered World War II allied with Germany. On September 11th 1940, the Italian Ministry of the Interior issued an internment order for Italian Roma, 'taking it almost for granted that the foreign ones must be refused entry or expelled' (Boursier, 1999:17). The order stated that:

> 'due to the fact that they sometimes commit serious crimes because of their innate nature and methods of organisation and due to the possibility that among them there are elements capable of carrying out anti-national activities, it is indispensable that all Gypsies are controlled... It is ordered that those of Italian nationality, either confirmed or presumed, who are still in circulation are to be rounded up as quickly as possible and concentrated under

> vigorous surveillance in a suitable locality in every province...apart from the more dangerous or suspicious elements who are to be sent to the islands or regions'
>
> (Bousier, 1999:18; quoted in Boursier, 2008:2)

Thus, while they escaped the organised genocide of the Jews transported to foreign death camps (though see Arendt, 2006 on Italian obstructionism in this process), Italian Roma were instead kept in internment camps on Italian soil. This is not to underplay the appalling living conditions in such camps, where severe malnutrition was standard, 'prisoners were subject to an endless number of strict and often cruel rules for their control and supervision' (Boursier, 2008:2), and many died as a result (Cahn et al, 2000). Some were deported to, and subsequently stranded on, camps located on islands off the peninsula (Fraser, 1992:268). Roma unlucky enough to be trapped in German-controlled parts of Italy (the so-called 'Italian Social Republic') after the 1943 Italian armistice with the Allies fared worse still, being rounded up and deported to German forced labour or concentration camps (Fraser, 1992:268).

Post-war Immigration

Following the end of World War II, Hitler's 'dream of consolidating *Deutschtum* was realized in a nightmarish fashion' (Mazower, 1998:216) as a mass migration of Germans constituted the bulk of a massive rearrangement of populations so as to achieve a greater alignment of nation and state. This realignment threw into yet starker relief the political identity of Roma, many of whom were liberated from camps at the end of the war only to be left stranded as stateless persons, unable to obtain any form of citizenship and therefore with nowhere to be resettled to (Fraser, 1992:271). Among them were Yugoslav Roma who had escaped Yugoslavia during its occupation following the April War, seeking the comparative safety of Italy (Boursier, 1999).

During the Italian economic boom of the 1960s, 1970s and 1980s, immigration to Italy rose significantly, first from other European states (notably Yugoslavia), and from the 1980s from Africa and Asia too (Del Boca & Venturini, 2003). Its extent can be gauged by the approximate doubling of the immigrant population in Italy each decade, with 156 000 in 1971, 332 000 in 1981, 649 000 in 1991,

1 448 392 in 2001 and 3 891 295 in 2008 (King, 2002; OECD Statistics, 2010). While immigration into Italy is relatively diverse (in terms of nationality of immigrant) compared to other European states, it is possible to highlight significant streams of immigration from Morocco, Albania, Romania, the Philippines and China through the 1990s and 2000s, and waves from (the former) Yugoslavia in the 1990s and Ukraine in the 2000s (King, 2002, istat.it, 2010). The most notable trend, though, is the recent spike of Romanian migration into Italy. The number of Romanians in Italy rose more than tenfold in less than a decade, from 69 999 in 2000 to 796 477 in 2008, and more than doubled in just the two years from 2006 (342 200) to 2008 (OECD Statistics, 2010), making them the largest resident foreign community in Italy. However, relative to other European states this rise in immigration is still relatively modest: latest available data (2008/9) show 6.48% of the Italian population is foreign-born, almost precisely the EU average of 6.38% (Eurostat, 2010).

'Illegal' immigration is, as its name might suggest, much more difficult to measure. The most readily available data enumerate asylum applications, showing a consistent number of asylum applications in Italy, hovering between 10 000 and 20 000 each year from 1998 to 2007 (Eurostat, 2010) before more than doubling to 31 000 in 2008 (OECD, 2010:214). This spike represents an increase from 0.2 to 0.5 asylum applications per 1 000 persons, bringing Italy in line with the EU average (in 2007) of 0.45 asylum applications per 1 000 persons (Eurostat, 2010; OECD, 2010:215), though closer cooperation with Libya regarding boat interceptions (actions that have drawn severe criticism from human rights groups- see for example Amnesty International, 2010c) is reported to have led to a 90% reduction in 'illegal' sea landings in 2009 (OECD, 2010:214). However, despite their association with illegal immigration, Roma migration is poorly captured by asylum applications, since Roma tend to be dealt with through other mechanisms in Italy (Sigona, 2005). Law 390 of 24th September 1992 installed temporary permits-to-stay as the means by which refugees from Yugoslavia (many of whom were Roma) were to be regulated, thus sidestepping asylum procedures. During the Kosovo conflict, when even higher proportions of refugees arriving in Italy were Roma, it became apparent that refugees and Roma were mutually exclusive categories: their presumed

'nomadism' made any claim to refugee status (implying exile from a 'homeland' Roma were denied) necessarily fraudulent (Sigona, 2003). Instead, temporary protection was given, which expired at the 'official' end of the conflict, leaving Roma illegal but ineligible for asylum.

This hints at the difficulty in measuring (or even estimating numbers for) Romani migration. It is simultaneously both visible and invisible:

> 'Information on Romani migration has, if anything, been overproduced. The arrival of one hundred or two hundred Roma from another country can trigger front-page news coverage in the yellow press and more serious media for days. However, beyond certain particular micro-scenarios, reliable statistical data on Romani migration is largely unavailable.'
>
> (Cahn & Guild, 2008:28)

The reasons for this unavailability are multiple and interlinked. Firstly, 'in an atmosphere charged with mistrust about the uses of such data, Roma have shown a distinct reluctance to tell the census-taker or other public authorities or researchers that they are Romani' (Cahn & Guild, 2008:29). As we have seen, historical precedent suggests that they have good reason for doing so. Secondly, demographers and census-takers often, for reasons of privacy, nationalism (that is, belief in the primacy of nation over ethnicity), or respect for self-declaration of ethnicity (as noted earlier, many of those grouped together as 'Roma' do not identify with the term), are unable or unwilling to compile data on ethnicity. Local and often highly complex political factors play into the motives of both census taker and respondent (see, for example, Kolev, 1994). Thirdly, under the Schengen Borders Code (Regulation 562/2006), systematic border controls are prohibited at internal EU borders, and under the Citizenship Directive (Directive 2004/38/EC; Official Journal of the European Union, 2004) registry of immigrants with local authorities can only be made compulsory for stays of over three months; both factors which make collecting data on intra-EU migration at all, let alone intra-EU Romani migration, extremely difficult if not outright illegal. Taken together, these factors mean that 'official' estimations of statistics related to Roma are plagued with inadequacies, and most government officials, including the Roma and Travellers division of the Council of Europe, tend to speak of official and unofficial estimates of the Romani population (Cahn & Guild, 2008), with the implicit acceptance that while the latter may contain enormous uncertainties, they tend to be more

accurate (or at least realistic).

These qualifications in mind, it is possible to sketch out some trends regarding post-war Romani migration into Italy. While it is debatable whether, as Nando Sigona (2005) claims, Italy was by the mid-2000s the only EU member whose post-1945 Romani immigrants outnumbered its Roma descended from the pre-1945 population, it is certainly true that unlike its rivals for that title (Austria, Germany and the Czech Republic) it the only state to fulfil this condition whose 'indigenous' Roma were not annihilated in World War II. In the boom period from the 1960s to 1980s, it is estimated that approximately 40 000 Roma came to Italy (Cahn et al, 2000:15; citing Geraci et al, 1998:25). Many came from (the former) Yugoslavia in the 1980s and 1990s as first the Cold War borders softened, and then conflict and the dissolution into ethnic states created enormous numbers of refugees, including many Roma who, when the fighting stopped, found that they did not have a state to return to. Many too have come from Romania and, to a lesser extent, Bulgaria, since Italy's 2002 lifting of visa requirements (Storia, 2009) in preparation for these states' 2007 accession to the EU. As previously mentioned, it is estimated that of the 110 000 – 160 000 Roma in Italy, half hold Italian citizenship and a further quarter EU citizenship. However, it must be borne in mind that while extremely uncertain, these numbers are comparatively small: 150 000 Roma would represent 0.25% of the Italian population, 75 000 Roma born elsewhere or directly descended from immigrants would represent 1.93% of the immigrant stock of Italy, and 35 000 Romanian Roma in Italy would represent just 4.39% of Romanians in Italy (OECD Statistics, 2010; ERRC, 2008a).

Political Response

In the 1980s, as Italy's 1971 switch from being a net emigration nation to being a net immigration nation (King, 2002; Del Boca & Venturini, 2003) had begun to infiltrate the collective imagination and immigration paths diversified, making immigrants both more numerous and more visible, immigration started to be seen as a 'problem' that demanded the state's attention. Italy's external, state borders finally began to loom larger than its internal, regional borders (Zanotti, 1993), which had the important effect of

fusing older regionalist political concerns with newly potent anti-immigrant political concerns (Zanotti, 1993). This tendency was exemplified by the emergence of the northern separatist anti-immigration party *Lega Nord*, founded in 1991 after the merger of several northern regional parties. Legally, the first restrictions to foreign workers came with the 1982 Ministry of Labour decision to cease all authorizations for foreign workers from outside the European Community, and 'regularise' those already present in Italy (Calavita, 2006). However, due to the prohibitive expense of such a regularisation on employers (who were required to 'sponsor' and repay back-taxes and social security contributions for regularisation applicants), fewer than 16 000 undocumented immigrants were regularised (Calavita, 2006). Indeed, the measure merely increased the numbers of those now defined as 'irregular' or 'illegal', and continuing demands for seasonal labour meant that the external border remained open to clandestine immigration. A 1986 law (Law 943/1986, 'Foreign Workers and the Control of Illegal Immigration') was little more successful, with only 107 000 out of an estimated population of 600 000 to 1 200 000 undocumented immigrants applying for its flagship regularisation programme, largely due to employers' vested interest in escaping health and social security contributions, and immigrants' fears of losing their jobs if they applied (Calavita, 2006; citing Onorato, 1989). In 1990, the so-called 'Martelli Law' was passed, which despite putting in place a system whereby residence permits are required before work permits may be granted (a system that systematically worked to exclude foreign-born or born-to-foreign-born-parentage Roma (Cahn et al, 2000)), was nevertheless seen by many as too permissive (due to the possibility of two-year work permits and four-year renewal of said permits for illegal immigrants) and was used as 'a lightning rod against which emergent right-wing parties like Umberto Bossi's *Lega Nord*, Gianfranco Fini's *MSI* [soon to become *Alleanza Nazionale*] and Sylvio [*sic*] Berlusconi's *Forza Italia* launched successful campaigns for control of the Italian state' (Merrill & Carter, 2002:168).

This was not the only lightning rod to electrify their campaigns. The Italian political system had from the 1953 general election (in which the ruling *Democrazia Cristiana*, or Christian Democrats, forged a centrist coalition to shore up their political support) to the 1992 breaking of the *tangentopoli* scandal that

triggered the demise of the 'First Republic', worked to put centrist coalitions (led by *Democrazia Cristiana*) in power. These coalitions effectively excluded the Communist Left (the PCI) and the Fascist Right (the MSI) from government. This system collapsed in the early 1990s due to *tangentopoli*, the uncovering of widespread political corruption by the *mani pulite* ('clean hands') investigation that caused upheaval in the Italian political system: all four of the parties in government in 1992 when the scandal broke were dissolved by 1998. The scale of corruption was blamed in part on the necessity of currying favour for the inevitable jockeying for power in the crucial post-election process of coalition-formation. As a corrective to this, in 1993 electoral reforms were implemented designed to create 'bipolar', alternating political blocs, a system that succeeded insofar as it allowed the hitherto excluded extreme left- and right-wing parties into governing coalitions (Shin & Agnew, 2008). Media magnate Silvio Berlusconi took advantage of the new electoral system with spectacular success as he 'masterfully created two separate geographical alliances between which he [and his new party *Forza Italia*] was the political fulcrum' (Shin & Agnew, 2008:53): in the North, with Bossi's *Lega Nord*, a regionalist anti-immigration party whose anti-system politics had in the wake of *tangentopoli* given it an unexpected boost in popularity; and in the South, with Fini's post-Fascist *Alleanza Nazionale*.

The emergence of the Right as a powerful political force and its alliance with regionalist, anti-immigration parties unsurprisingly resulted in draconian anti-immigrant legislation. Having reclaimed power in the 2001 general election, in 2002 Berlusconi's right-wing alliance enacted two important pieces of legislation. Firstly, in response to the landing in Italy of the Tongan-registered *Monica* ship carrying 928 Iraqi Kurdish refugees in March, Berlusconi declared a state of emergency, 'grant[ing] local authorities the power to imprison arrivals, limit[ing] the time for asylum hearings and eliminat[ing] appeals', as well as allowing the destruction of boats (Pugh, 2004:57; Carroll, 2002). Second, in July the government passed a new immigration law, the so-called 'Bossi-Fini Law' (after its primary authors), which required non-EU immigrants to be fingerprinted, allowed the use of naval ships to patrol the coastline, and increasing penalties for being or employing an illegal immigrant (Immigration and Refugee Board of Canada, 2002;

Migration News, 2002).

However, while the Right was undoubtedly responsible for worsening the lot of the immigrant, they were not alone in this. The legislation that the Bossi-Fini Law replaced, the 1998 Turco-Napolitano Law which first mandated detention for irregular immigrants, was introduced under the previous centre-left *L'Ulivo* (The Olive Tree) coalition, led by former president of the European Commission Romano Prodi. Even after Prodi's subsequent *L'Unione* (The Union) coalition defeated Berlusconi's alliance in the 2006 general election, Prodi did not rescind but instead renewed the state of emergency regarding illegal immigration (DPA, 2008). Davide Peró (2005; 2007) accounts for these cross-party continuities through a transformation of the Left, as the traditional socialist, economic framing of immigration that grouped immigrants and the local working class in the same category (the proletariat) and project (the struggle against exploitative economic elites) has been replaced by a cultural framing of immigration wherein the 'commitment to the recognition of ethno-cultural difference has translated into the coupling of ethno-cultural difference with the provision of second-rate and marginalizing services and practices' (Peró, 2005:843). In short, and to employ Nancy Fraser's (1995) terms, the liberal shift from a politics of redistribution to a politics of recognition has been responsible for an effective dereliction of migrants' interests on the Left, and a consequent slide into the same kind of differential government that we find on the Right.

Nevertheless, it is Roma who have borne the brunt of a collective sense of unease at the rise in immigration, and of insecurity at the emergent menace of 'illegal' immigration. This feeling has been fuelled by the state's treatment of Roma not as minority, but as either migrant or, to use the state's preferred term, nomad. This is ably demonstrated by the fate of a bill on the protection of linguistic minorities in Italy, which only garnered enough support to be passed after it deleted all references to Roma. As passed, Article 2 of Law 482/1999 'Rules on protection of historical linguistic minorities' reads:

> 'In implementation of Article 6 of the Constitution and in harmony with general principles laid down by European and International, the Republic protects the language and culture of Albanians, Catalans, Germans, Greeks, Slovenes and Croatians and those who speak French,

Franco-Provençal, Friulian, Ladin, Occitan and Sardinian.'

<div align="right">(Gazzetta Ufficiale, 1999)</div>

Article 3 of the same law spells out 'the demarcation of territorial limits' (Gazzetta Ufficiale, 1999) necessary for this law to be applied, implicitly justifying the exclusion of Roma on the grounds that 'the basic criteria for the label of "linguistic minority" depend on the stability and the duration of the settlement in a delimited area of the country, which is not the case for Roma populations...[which are] characterized in all cases by nomadism' (Italy, 2006:41, para 172). This apparent willingness to abject Roma from minority status, instead conceiving them in terms of immigration and security issues, has reinvigorated old racial discourses and otherings of Roma and directly fed into their heightened discrimination, both by society and the state. This situation had by the turn of the century been highlighted by a series of damning reports, notably the 1999 report of the UN Committee on the Elimination of Racial Discrimination (CERD, 1999) and the 2002 report of the European Commission against Racism and Intolerance (ECRI, 2002), but as we shall see, these reports did very little to ameliorate the situation of Roma in Italy, or prevent the intensification of their discriminatory treatment by the state.

The *Emergenza Nomadi*

Lead-up

As a creeping trend, it is difficult to put a date on the point in time that Roma started to be consistently constructed as a 'security threat' in Italy, no longer benign but rather a malign feature of society (or rather, alien from society). Indeed, both views exist today, just as they have always done. With these caveats in mind, I begin the story of the escalation (from 'problem' to 'emergency') of state tactics directed at Italy's Roma population in November 2006 (for time-line, see Figure 2), when Naples became the first of 14 cities in Italy to adopt 'Pacts of Security'. The content, manner of implementation and official statements regarding the purpose of these Pacts made it clear that they were to specifically target Roma (Colacicchi, 2008). Both the Milan and Rome Pacts state that they address security 'threats' by non-citizens, while the

Figure 2: Time-line of Emergenza Nomadi and European responses

Milan Pact refers specifically to 'nomad camps' (ERRC, 2008a:19), the typical term used by the Italian state for the Roma settlements that are dotted around all Italy's big cities, whether they are sanctioned by the state (in which case basic amenities, such as electricity, are meant to be provided) or not. These Pacts were introduced not under a right-wing Berlusconi government, but under Prodi's leftist *L'Unione* coalition.

On the 21st December 2006, a protest march against the existence of a Roma camp near Milan ended in an arson attack on the camp in question (FRA, 2008). Attacks of this kind were, and are, not uncommon in Italy, but this one is notable firstly because the motive was not retribution for a perceived crime, but rather merely the 'crime' of existence; and secondly for the identities of the protagonists: of the 15 people charged with the assault, two were municipal councillors (FRA, 2008).

In May 2007, the mayors of Rome and Milan signed Pacts of Security that 'envisaged the forced eviction of up to 10 000 Romani people' (Amnesty International, 2008:171-2), the start of a period in which camps would be cleared and destroyed 'without prior notice, compensation, or provision of alternative housing' (Stahnke et al, 2008:6). Walter Veltroni, Mayor of Rome and elected leader of the newly formed centre-left *Partito Democratico* (Democratic Party) in October 2007, later announced that the result of the Rome Pact was the removal of over 6 000 Roma and Romanians, and the destruction of 1 000 of their temporary shelters (Colacicchi, 2008).

Following the brutal murder of the 47 year old Italian woman Giovanna Reggiani in October 2007, which was attributed to a Romanian Roma, the government summarily deported around 200 Romanians – mostly Roma – in clear contravention of EU law, particularly the Citizenship Directive (see Chapter 3). Prodi's government 'legalised' these actions with the 2nd November signature of Decree Law 181/2007, amending Legislative Decree 30/2007 (of 6 February) which transposed the Citizenship Directive (2004/38/EC) into Italian law, in order to allow for the expulsion of EU citizens from Italy 'for reasons of public safety' (Colacicchi, 2008). The justification given for this amendment was the occurrence of 'episodes of heavy violence and ferocious crime' (Stahnke et al, 2008); such was the anti-immigrant feeling that the Prefect of Rome, Carlo Mosca, said:

'I shall sign the first expulsion orders straightaway. A hard line is needed because, faced with animals, the only way to react is with maximum severity.'

(quoted in Hooper, 2007)

As Sigona (2008:3) writes, '[i]t must also be noted that the comment did not prompt controversy'. Nor did the Decree prompt political debate, aside from claims on the Right that it did not go far enough, claims led by Gianfranco Fini who asserted that Roma

'consider theft to be virtually legitimate and not immoral...and have no scruples about kidnapping children or having children of their own for the purpose of begging. To talk of integration with people with a "culture" of that sort is pointless.'

(in Di Caro 2007; Sigona, 2008:9)

From the Left, Veltroni keenly 'labelled the emergency decree "the first official initiative" of the Democratic Party which broke up the old dichotomy which sees "security" as a prerogative of the rightwing and "solidarity" of the leftwing' (Sigona, 2008:8). In subsequent weeks and months, indiscriminate attacks and abuse of both Romanians and Roma increased in frequency. Far from stepping in to subdue the charged atmosphere, state actors contributed to it, both in specific cases – for instance, the November 3rd bulldozing of a Roma camp outside Rome by the city authorities (see Figure 3; Stahnke et al, 2008; Hooper, 2007) – and general trends, with police brutality, arbitrary raids and evictions increasing markedly since November 2007, and the rate of prosecution for anti-Roma crime decreasing markedly (ERRC, 2008a). Decree Law 181/2007 was not, however, converted into regular law before the 60-day time limit, after which Decree Laws otherwise expire.

Criticism of these actions was often just as emotionally charged as their support, with cries of fascism and racism directed at those responsible. For example, Rossana Rossanda, a well-known leftwing intellectual, said in a 3rd November 2007 interview with the left-leaning *La Repubblica*,

'The reaction of the Italian government to the murder of Mrs Reggiani was disgusting. There is no other word. I heard that police forces turned up in Romani encampments, among those miserable huts and shacks, to dismantle everything and evict innocent people. These, to me, are fascist behaviours, with no justification. I have never seen something like that [in Italy].'

(quoted in Sigona, 2008)

Figure 3: Clearance of Casilino 900 camp, Rome. *Photo: Simona Caleo; reproduced in Colacicchi, 2008:38*

The next day, the same paper editorialised against those who 'attack the stranger just because he is a foreigner', but distanced itself from accusations of fascism, which it said were 'not legitimate and justified protests, but emotional abuse resulting from a total misunderstanding of the situation and the serious dangers involved' (Scalfari, 2007). Wary of 'exacerbating the conflict', Stefano Rodotà (2007) writing in the same paper similarly called for zero tolerance 'against those who speak of "beasts", or invoke the Nazi methods'. Instead, protest was directed towards the severity of the measures (the 'need not to show the "fierce face" [of the state], but to recover the authority of the central and local public authorities' (Scalfari, 2007)) and their effectiveness ('you can not put the conscience at peace with a decree and a flurry of red cards, giving the public the dangerous illusion that the problem is resolved' (Rodotà, 2007)). Very rarely was the base conception of Roma or immigration as an urgent and severe problem demanding some form of state intervention questioned. This tendency to question the solution but not the problem can be seen in

Eugenio Scalfari's (2007) editorial line warning: 'Don't be fooled into thinking that [the river of migration] can be stopped, even if you use a machine gun'.

In the run-up to the 13-14th April 2008 general election, both Roma and immigration proved touchstone issues. While campaigning, Berlusconi called illegal immigrants 'an army of evil' (Stahnke et al, 2008:7), again framing undocumented migrants as a threat to society. Berlusconi's new *Il Popolo della Libertà* party, formed after a merger of *Forza Italia* with Gianfranco Fini's *Alleanza Nazionale*, won the election, forming a coalition with Umberto Bossi's *Lega Nord* which also fared well to finish third, 'in part by making inroads in working class areas where the left had dominated' (Wilkinson, 2008). Bossi and three other *LN* members (including Roberto Maroni, named Minister for the Interior) were given top seats in Berlusconi's Cabinet, with Fini appointed speaker of the lower chamber of parliament.

On 10th May 2008, a 16 year old Romanian Roma girl in the Neapolitan suburb of Ponticelli was found in the apartment of a young Italian mother clutching her six-month old baby. After police stepped in to stop the girl's lynching, she was charged with attempted kidnapping and unlawful intrusion and sent to a correctional facility for minors (FRA, 2008:4). The girl, known as 'Angelica V.', would later be sentenced to 3 years and 8 months in prison, with her judges ruling out any alternative to jail on the grounds that she was 'fully integrated into the typical pattern of behaviour of the Roma culture' (quoted in EveryOne Group, 2009e). Speaking on the occasion of her (unsuccessful) appeal in May 2009, justice office of the city of Naples, Alessandro Piccirillo said that:

> 'Romania has joined the European Community, and therefore must comply with the parameters of the Union and integrate with our culture and our laws. The kidnapping of babies does not belong to our culture. Nevertheless, many children disappear in Italy. We do not know by whom, but it is a fact of which we can not ignore.'
>
> (quoted in Del Porto, 2009)

Piccirillo's words demonstrate the two moves that propelled this case immediately and enduringly to the forefront of the national consciousness: firstly, the willingness to accept the event as a confirmation of the 'Gypsy baby-snatcher' stereotype, and secondly the conflation of Roma with Romania. Both moves portray this incident as indicative of a larger crisis, a crisis that 'we cannot ignore'.

The extra-legal 'justice' sought for this crime was immediate and severe. On the night of the incident, a Romanian labourer returning from work was stabbed and beaten. The next day, May 11th, Roberto Maroni was widely quoted as saying, 'all Roma camps will have to be dismantled right away and the inhabitants will be either expelled or incarcerated' (Milella, 2008; Stahnke et al, 2008:6; Cahn, 2008; Mohácsi & Bedard, 2008), as violence also flared up in Milan with Molotov cocktails used in an attack on a Roma camp in the district of Via Novara (Stahnke et al, 2008). On May 12th, the entrance to a Roma camp in Ponticelli was doused in petrol and set on fire; throughout May 12th and 13th Roma started abandoning isolated shacks, which were being set on fire across the district (FRA, 2008). On the afternoon of May 13th, a 300-400 strong mob of locals, led by women and rumoured to have been coordinated in part by the *Camorra*, the Neapolitan mafia (Owen, 2008), launched an assault on one of the biggest Roma camps in Ponticelli again using Molotov cocktails amidst more beatings and the evacuation of smaller Roma camps into a larger camp with a police cordon (see Figure 4). That day, the state television broadcaster RAI showed Italians in the area screaming, 'Roma out' (Nicolae, 2009), while a poll indicated that 68% of Italians supported the expulsion of all Roma from Italy (Kington, 2008). Maroni responded to the attack by saying, '[t]hat is what happens when Gypsies steal babies, or when Romanians commit sexual violence' (quoted in Goldston, 2010). On May 14th two abandoned camps were also set ablaze, and on May 15th images of the attacks made national and international news (FRA, 2008). By the end of May 15th, all 600 or so Roma had been forced out of Ponticelli (FRA, 2008). In the aftermath of the violence, Umberto Bossi declared that 'people do what the state can't manage' (La Repubblica, 2008; Wilkinson, 2008).

State of Emergency

Berlusconi's government, elected on security issues, did not take long to show what it *could* manage. Already on May 14th the Mayor of Milan had appointed the Prefect of the city (a position answerable to the Minister of the Interior, Maroni) as 'Extraordinary Commissioner for the Roma Emergency' (FRA, 2008:12), the first reference to 'emergency' conditions. On 16th May, the new government announced its

Figure 4: Roma camp ablaze in Ponticelli, Naples on May 14th.

Photo: Ansa; in Panorama Gallery, 2008

pacchetto sicurezza, or 'security package'; in addition to previously announced plans to facilitate the deportation of irregular immigrants, the package included plans to use the armed forces in law enforcement, to temporarily suspend the Schengen Agreement for Roma and Romanians to permit their expulsion (or *allontanamento*), and to dismantle all unauthorised Roma camps and deport their residents

(FRA, 2008:11; Trucco, 2008). The first element of the *pacchetto sicurezza*, covering increased punishment (by a third) for crimes 'aggravated by illegal immigration', the power to expel EU citizens 'if found without income or a criminal' (KataWeb, 2008), the derogation of the power to adopt urgent measures 'for the purpose of preventing and eliminating serious dangers that threaten public safety and urban security' to town mayors (quoted in Trucco, 2008), and the use of the armed forces on Italian territory, was issued as Decree Law 92/2008 and approved by the Italian Senate on 23rd May. Decree Law 92/2008 was regularised with minor alterations as Law 125/2008 on 25th July 2008.

On May 21st, the Council of Ministers met in Naples and agreed to appoint the Roman and Neapolitan Prefects as 'Extraordinary Commissioners' to match the set-up in Milan. Using 1992 legislation (Law 225/1992, 24 February) stating that in the event of 'natural disasters, catastrophes or other events that, on account of their intensity and extent, have to be tackled using extraordinary powers and means', and explicitly opposed to 'human-related activities' which are governed by normal law (Art. 2(1(c))), a state of emergency may be declared (Art. 5) (Gazzetta Ufficiale, 1992; Storia, 2009:14); the Council declared a 'state of emergency with regard to settlements of nomad communities in the territories of Campania [around Naples], Lazio [Rome] and Lombardia [Milan] regions' until May 31st 2009 (The President of the Council of Ministers, 2008; FRA, 2008; Stahnke et al, 2008; ERRC, 2008a). These exceptional measures were justified in the preamble of the 'Nomad Emergency Decree', as it became known (Storia, 2009), in the following terms:

> 'Considering the extremely critical situation that has developed in the territory of the Lombardia region, due to the presence of numerous irregular third-country citizens and nomads who have settled in a stable manner in urban areas; considering that the aforementioned settlements due to their extreme precariousness, have caused a situation of serious social alarm, with the possibility of serious repercussions in terms of public order and security for the local populations; ... considering that the same highly critical situation also affects the provinces of Naples and Rome, where there is a high presence of nomadic communities in urban areas and surrounding zones, in largely unlawful settlements; considering that the situation described above has caused an increase in social alarm, with serious incidents that seriously endanger public order and security; considering that the aforementioned situation, that concerns various levels of territorial government due to its intensity and extension, cannot be tackled using the instruments envisaged in ordinary legislation'

(The President of the Council of Ministers, 2008; partially quoted in ERRC et al, 2009:5)

This decree was implemented with the adoption of three separate Ordinances, Implementing Orders 3676 to 3678 (one for each region) of the President of the Council of Ministers on 30 May 2008 (ERRC et al, 2009; Naletto, 2009). Article 2(1) of the Implementing Orders spells out the measures legitimised by the state of emergency:

> 1. The Delegated Commissioner within his area of competence, where applicable, also derogating from the rules of law in force, concerning the environment, territorial landscape, health and hygiene, the territorial planning, the local police, roads and traffic, except the obligation to guarantee the indispensable measures for the protection of health and environment , provides for the completion of the following initiatives:
> a) definition of action programmes to solve the state of emergency;
> b) monitoring of the authorised camps occupied by the nomad communities, and the identification of unauthorised settlements;
> c) identification and census of persons, including minors, and of families present in the places mentioned in paragraph b), by taking fingerprints;
> d) adoption of the necessary measures, empowering the police, against the persons mentioned in paragraph c) who are to or could be expelled by virtue of an administrative or judicial measure;
> e) if the existing camps do not satisfy the habitation needs, programme for specification of new suitable sites for the authorised camps;
> f) adoption of measures to clean out and restore the field occupied by abusive settlements;
> g) carry out the first interventions suitable to restore the minimum levels of social and health services;
> h) interventions to promote the social inclusion and integration of the persons transferred into the authorised camps, with particular reference to the measures of support and to projects regarding minors, to actions for combating the phenomena of abusive trading and the phenomena of begging and prostitution;
> i) monitoring and promotion of initiatives applied in the authorised camps to support the school attendance and vocational training, and the participation in the activity of realisation and recovering of the habitations; and
> j) adopting all the necessary measures to solve the state of emergency.
>
> (quoted in Trucco, 2008:31-2 n2)

As is clear, the right of protection from arbitrary identity screening and collection of anthropometric data was removed from Roma (Stahnke et al, 2008), while their arbitrary expulsion and the destruction of 'abusive' settlements (the latter of which I discuss in more detail below) were, if not legalised (for these measures were precisely derogations *from* the law), certainly legitimated in the name of 'solving' the emergency.

On 28th May 2009, the Council of Ministers extended the state of emergency declared a year

previous both spatially and temporally. Spatially, the exceptional measures were extended to apply not only in the regions of Campania, Lazio and Lombardia, but also in Piedmont and Veneto. As elsewhere, the Prefects of Turin and Venice were appointed as Commissioners (of Piedmont and Veneto respectively) responsible for the 'achievement of all actions taken to deal with emergencies related to the nomad camps in their territories' (Ministero dell'Interno, 2009), answerable to the Ministry of the Interior. Temporally, the state of emergency (which had been due to expire on May 31st) was extended in all regions by a further year and a half, to 31st December 2010.

In an important ruling on the state of emergency and the measures taken under it, the Lazio regional administrative court (*Tribunale Amministrativo Regionale*, TAR) issued its judgement on a case brought by two Romani Bosnian citizens (and partially on behalf of their Italian-born children) in conjunction with the European Roma Rights Centre (ERRC) on July 1st 2009. The TAR dismissed their complaints relating to the state of emergency. It accepted neither the discriminatory nature of the state of emergency, holding that the decree applied to nomad camps and not Roma *per se* (that is, the settlements rather than their inhabitants), nor its alleged lack of justification, arguing that 'the settlements of nomad communities in the regions of Campania, Lombardia and Lazio [constitute an event] that, in intensity and extent, justifies and should be faced with extraordinary powers' (TAR Lazio 6352/2009; KataWeb, 2009; Maccanico, 2009).

It is worth noting also that the Nomad Emergency Decree is not the only state of emergency current in Italy: on 25th July 2008, Berlusconi again renewed the state of emergency regarding illegal immigrants first declared in 2002 (and renewed annually ever since, even during Prodi's reign), also widening its scope from the three southern regions of Calabria, Sicily and Puglia to the entire country (DPA, 2008; Arens, 2008). Maroni explained that the 'countrywide state of emergency [was necessary] to deal with the exceptional and persistent influx' of immigrants (quoted in Pisa, 2008). Meanwhile, on 29th July Maroni and Defence Minister (and successor to Fini as leader of the *Alleanza Nazionale*) Ignazio La Russa invoked Art. 7 of Decree Law 92/2008, which states that:

'For exceptional and specific reasons of criminality prevention...use of the army [can be allowed] in areas requiring an increasing level of control. The army would operate under the control of Prefects of metropolitan areas. The army will have duties of surveillance of sensitive sites and targets and of patrolling together with the police.'

<div align="right">(quoted in Merlino, 2009:7)</div>

The maximum mandated by this law – 3 000 soldiers – were to be deployed, with 1 000 appointed to the surveillance of 'Centres of Identification and Expulsion' (the detention centres at which foreigners, since Decree Law 92/2008, can be interned for up to 180 days) and the remainder to the policing of 'sensitive sites and targets': 1 000 in Milan, Rome and Naples ('the cities that...will benefit most from the help of the armed forces'- Ministero dell'Interno, 2008) and 1 000 in other cities (Ministero dell' Interno, 2008; Merlino, 2009; Abend, 2008).

Census

On 26th May 2008, Maroni 'announced his intention to start mapping Roma camps and take a census of the residents' (FRA, 2008:13; citing Ludovico, 2008). This census began on 6th June as state and municipal police and *carabinieri* moved into Milan's Camp Via Impastato. The same day, Rome's new Extraordinary Commissioner for Roma Carlo Mosca announced that 'Gypsies would also be fingerprinted and photographed and this would allow the authorities to identify them' (see Figure 5; Adnkronos International, 2008; quoted in ERRC, 2008a:19). This move was criticised by opposition parties and NGOs, and protests were organised in Rome on 8th June (FRA, 2008) and 13th June, the latter timed to coincide with the Italy-Romania fixture in the Euro 2008 football championships and featuring Holocaust survivors wearing 'the same black triangle bearing the letter Z as worn by Gypsy inmates at the camps' (Kington, 2008). However, 'an unscientific TV poll showed Maroni's plans to better control the Roma had the overwhelming support of 80% of the Italian' population (EurActiv, 2008). On 25th June the Italian government reiterated its intention to perform a census and fingerprint all Roma, including children, by October 15th in the three regions where a state of emergency had been declared (FRA, 2008, Stahnke et al, 2008). This census was, the government insisted, for the nomads' own good, with Foreign Minister Franco

Figure 5: Roma census form from Naples *(in UNIRSI, 2008:18)*

Frattini claiming that:

> 'Hundreds of children have asked us to fingerprint them so that we could give them temporary papers ... these children must be protected. By giving them papers, I am actually saving them.'
> (quoted in Primor, 2008).

Indeed, the justification that the Italian Ministry of the Interior's website gives for the Roma census runs along similar lines, quoting Maroni's pledge to guarantee 'the protection of those living in these situations of degradation, the protection of minors, to get them out of hiding, to remove them from the shadows [and] to give them a future' (Ministero dell'Interno, n.d.).

The census attracted a great deal of attention, much of it outrage, both from the international press and from supranational institutions, notably including the EU. On 30th June, Council of Europe Secretary General Terry Davis issued a written statement saying that '[t]his proposal invites historical analogies which are so obvious that they do not even have to be spelled out' (quoted in EurActiv, 2008). Within the EU, infringement proceedings against Italy were talked of; on July 10th the European Parliament

issued a Resolution 'urg[ing] the Italian authorities to refrain from collecting fingerprints from Roma', 'express[ing] concern' at the declaration of a state of emergency', and asking the Council of the European Union and European Commission 'to evaluate the legislative and executive measures adopted by the Italian Government' (European Parliament, 2008). In August, the EU's Fundamental Rights Agency published an in-depth 'Incident Report' on the violence in Ponticelli that sparked the emergency, which explicitly criticised 'the climate of intolerance generated by the events in Ponticelli and the generally negative subsequent political discourse' (FRA, 2008:28). Within Italy, the most widely read Catholic paper, *Famiglia Cristiana*, 'suggested fascism was resurfacing in the government and drew parallels between the treatment of the Roma by the Berlusconi government and that of the Jews by the Nazis' (Aradau, 2009), though the Vatican itself was quick to distance itself from this view (BBC, 2008). As accusations of racism and fascism flew, the Italian government reacted with indignation, with *Il Giornale* running the headline 'What racism? Italy is in order!' (*Macché que razzisti, Italia e in regola*) (Aradau, 2009; *Il Giornale*, 2008).

On July 17th, in a pre-emptive move anticipating the July 28th release of a damning report by Council of Europe Commissioner for Human Rights Thomas Hammarberg (2008), Maroni issued 'recommendations' for the conduct of the census to the effect that it would henceforth be carried out by the Red Cross rather than the *carabinieri*, and would only involve fingerprinting for those who do not possess valid identification cards (Rosen-Molina, 2008). They also stated, somewhat disingenuously given the object of the census and the legislation that permitted it, that 'the operations of the Prefects shall not target specific groups or individuals, but rather all people living in illegal and legal encampments, regardless of their nationality, ethnicity and religion' (ERRC et al, 2009:6). These new guidelines entered into force on July 27th (DIVERS, 2008). However, despite these 'guidelines', 'the census and identification operations were implemented in Milan, Naples, and Rome with considerable variations' (OSCE, 2009), with some reports of the census claiming (contrary to Maroni's assurances) that even when those surveyed did possess identification cards, they were often photographed and fingerprinted nonetheless (ERRC et al, 2009:16; OSCE, 2009). Nevertheless, Maroni's guidelines and an unreleased Italian report justifying the

census were enough to quell European Commission concerns (Kubosova, 2008; Europe Information Service, 2008), who on September 4th declared themselves satisfied that the Italian government was not seeking 'data based on ethnic origin or religion' (quoted in Owen, 2008). While technically true, such a claim elides the fact that only Roma were surveyed: the census was inherently discriminatory, regardless of what data it collected. Maroni gleefully proclaimed the government 'fully vindicated', taking the Commission's stance as evidence that

'the accusations and insults we have received were unjustified. Justice has been done.'

(quoted in Owen, 2008)

Many international observers remained unconvinced of the census, both in its legality and its morality. At the European Roma Summit in Brussels on 16th September 2008, many speakers referred to the census in critical terms, including George Soros who said in his keynote address:

'I should tell you that I am deeply troubled by the precedent set by Roma profiling in Italy and worry that this could become a *de facto* European standard. I believe the targeted fingerprinting of Roma is a case of ethnic profiling and it should be illegal.'

(Soros, 2008)

Shortly before, during Commission President Jose Manuel Barroso's introductory address, various attendees stood up wearing 'No to profiling' t-shirts; later, Italian minister Eugenia Roccella's explanation that 'only after an assessment of the situation of legal and illegal Roma living in Italy did the government undertake important actions concerning health, school integration or legal status' (quoted in Villarreal & Walek, 2008:15) prompted a mass walk-out by many participants (Villarreal & Walek, 2008; Europe Information Service, 2008). Following the 18-19th September visit of a delegation from the European Parliament to Roma camps in Italy, eurodeputy Renate Weber expressed doubts regarding the justification of the census and use of its data (DIVERS, 2008). Within Italy, several large-scale anti-racism protests were held (Squires, 2008), though the rhetoric supporting such protests was noticeably directed against anti-immigrant sentiment rather than specifically addressing the Roma issue.

Notwithstanding these and other concerns, the census was completed on 15th October. The results, published on 22nd October, showed a population of 12 346 Roma in the regions of Lombardy, Lazio and

Campania, living in 167 camps of which 43 were authorised and 124 were unauthorised. With the announcement of these results, Maroni claimed that 'at least' another 12 000 had moved away from the camps since the start of the census (OSCE, 2009:24; Ministero dell'Interno, n.d.); while there is surely some truth to claims of flight from the census and conditions of persecution under the state of emergency, Maroni was almost certainly also attempting to obscure the state's initial systematic overestimation of the Roma population (Mora, 2008).

In February of 2009, a second census of 'nomad camps' was begun in Rome, to be complemented in March by censuses in the provinces of Verona, Venice, Treviso, Padua and Vicenza (ERRC et al, 2009). These censuses were conducted by police officials and *carabinieri*, with representatives from Italian NGOs also present. In all but two camps, all residents (including minors) were photographed. Photographs were taken front and profile, with the subject holding a sign displaying their name and ID number (ERRC et al, 2009; U Velta Sinta, 2009). The census did not discriminate between Italian Roma, non-Italian Roma and stateless Roma, nor between the different legal statuses of those surveyed, including the possession of lack of valid identification documents issued by Italian authorities (Storia, 2009).

In the July 1st 2009 ruling by the TAR authorising post hoc the state of emergency, the court ruled more more critically in terms of the specific measures taken under its aegis. The TAR ruled the fingerprinting of minors (if not required for identification purposes) and a number of the practices used to regulate 'nomad camps' in Rome and Milan (mostly pertaining to the surveillance and gatekeeping of the camps) unlawful. The TAR's partial acceptance of this case was, however, significantly watered down by the Council of State (a government organ whose president is appointed by the Prime Minister) which on 27 August 2009 ruled in contrast to the TAR that 'the identification of children - as well as adults - that live in the Roma camps, including by fingerprinting and photographs' is indeed lawful practice (ERIO, 2009:1; EveryOne Group, 2009a).

Concurrent to this second round of census-taking, the authorities renewed their attempts to address the urban security problem that they insisted the nomad camps, particularly those deemed 'illegal', constituted. Firstly, the means of urban policing was to be altered. Speaking after vigilante reprisals for the rape of a 14-year old girl and assault of her boyfriend in Rome on 14th February 2009, allegedly by Romanians (Philips, 2009; Owen, 2009), Maroni proposed an emergency decree which would authorize local bodies to create *ronde padane* (citizen patrols) to 'assist the police by bringing to their attention events which might be damaging to urban security' (Morgan, 2009), and thereby 'co-operate in the undertaking of territorial defence activities' (Merlino, 2009:1-2). This decree was indeed issued by Silvio Berlusconi after a summit meeting on 20th February (Arens, 2009). Links between this and other rapes apparently committed by immigrants, the Roma camps, and vigilante action were drawn either implicitly or explicitly in most of the press coverage, both domestically (Arens, 2009) and in the generally more disapprovingly-toned international coverage (see, for instance, BBC, 2009). Such discursive links are confirmed by statements such as Mayor of Rome Gianni Alemanno's on visiting the Cafferella Park area (where the rape occurred), when he announced that 'rapists must know they face "a definitive sentence"…and all illegal gypsy camps in Rome would be dismantled' (Owen, 2009). The institutionalisation of vigilantism in the name of urban security would seem to be both the final confirmation and the reversal of Bossi's dictum that the 'people do what the state can't manage', with the implication subtly shifted from the necessity to expand state powers (thereby curbing the anarchic power of the 'people') to the necessity to work beyond the state's recognised limits (thereby enlisting the power of the 'people').

The provisions for vigilante groups to assist police set up by Berlusconi's February decree were regularised with 15th July 2009 the passage of one of the last pieces of the *pacchetto sicurezza*, Law 94/2009, the 'Provision on public security' (*Disposizioni in materia di sicurezza pubblic*), to come into force from 8th August 2009. Although this was not by July a new measure, it garnered some international publicity (see, for example, Hooper, 2009). Equally worrying, if admittedly less eye-catching (and certainly afforded less

media attention), Law 94 also criminalises 'illegal entry and sojourn in the territory of the State' (quoted in EveryOne Group, 2009b), punishable by a fine of up to 10 000 euros and potential expulsion from the country (Human Rights Watch, 2009). Since Italian law dictates that all public officials are required to report criminal conduct, there are fears that undocumented migrants may be forced to avoid health and administrative state services, thereby promoting the creation of illegal circuits, and that reporting of abuse suffered will be further precluded (Human Rights Watch, 2009; EveryOne Group, 2009b). It also prevents the registration of childbirths, *de facto* prohibiting *jus soli* citizenship claims by undocumented migrants. Taken together with the 2008 measures making undocumented stay in Italy an aggravating circumstance for the purposes of sentencing following a criminal conviction, it forms a clear breach of both equality before the law and equality before the state.

The second part of the state's new urban security measures was announced with the 31st July 2009 unveiling of a new *Piano Nomadi* (or 'Nomad Plan') for Rome by Alemanno, Maroni and the Prefect of Rome, Giuseppe Pecoraro (Corriere Della Sera, 2009a; Amnesty International, 2010d). The Plan, endorsed by Maroni as 'a model to follow', was focused not simply on targets for expulsions of Roma (though it did specify a maximum number of Roma in Rome for 'absolute sustainability' of 6 000, less than the 7 200 counted in the census), but on their transferral from around a hundred mostly unauthorized camps to a maximum of thirteen authorized 'equipped villages' (or 'villages of solidarity') by mid-2010 (Corriere Della Sera, 2009a; Storia, 2009). Such 'villages' would be provided with better housing and the basic amenities lacking in unauthorised camps, but their isolation from society would be finalised with the creation of camp walls (both metaphorical and physical) that would enable gatekeepers to control access to the camps and enforce curfews (OSCE, 2009; EveryOne Group, 2010a). 'Control committees' consisting of administrators of condominium blocks and Italian citizens residing in the area around the camps would be appointed to draw up, in concert with the local authorities, 'sociality pacts' or 'internal disciplinary pacts' that camp residents must sign and obey as a condition of residence (EveryOne Group, 2010a; OSCE, 2009).

The programme of clearing unauthorised camps duly escalated in the following months, notably including the clearance of the 'Casilino 700' camp in Rome at dawn on 11th November 2009, which became news when Amnesty International (2009b) and other NGOs publicly protested to Alemanno and Pecoraro, and the 19th January to 14th February 2010 clearance of the Casilino 900 camp, some forty years old and reputed to be the largest Roma camp in Europe with a population of between 600 and 800 (Corriere Della Sera, 2010; Hammarberg, 2009a). While the closure of Casilino 700, the former holder of the title of largest camp in Europe until its (temporary) destruction in 2000, was (in contrast to its haphazard attempted clearance a decade previous) swift and efficient, accomplished by way of a massive and unannounced dawn raid by police, *carabinieri*, demolishers and Red Cross that ended with the repatriation, dispersal or arrest of its residents (Rifati, 2000; Carlisle, 2000; Corriere Della Sera, 2009b; EveryOne Group, 2009d; Maccanico, 2009); the closure of Casilino 900 was a more measured affair, conducted in liaison with leaders within the camp and initially with the *Comunità di Sant'Egidio*, with residents transferred to 'Reception Centres for Asylum Seekers', and then on to authorised 'villages' (Corriere Della Sera, 2010; Amnesty International, 2010b). These two examples might best be seen as the ends of the spectrum along which most camp clearance tactics – in Rome, Milan and elsewhere in Italy – might be placed, but in all cases consultation was often cursory, notice of eviction either brief or absent, and the provision of legal remedies and redress simply non-existent; for these reasons, many NGOs held Italy to be in breach of the UN Committee on Economic, Social and Cultural Rights' required procedural safeguards for forced evictions (ERRC, 2010b; ERRC, 2010c; Amnesty International, 2010b).

It would be easy to overplay the change in tactics that the new *Piano Nomadi* constitutes. While the politicians responsible for it are eager to play up its novelty, with Alemanno calling it a 'Copernican revolution' at its unveiling (Corriere Della Sera, 2009a), the motives for such a move are easy enough to guess for a recently elected government seeking to capitalise the *emergenza nomadi* as metonym for urban security, justify the necessity of the state of exception in solving this problem, and assuage international concerns over the status quo for Roma in Italy. However, the division drawn between the more precarious
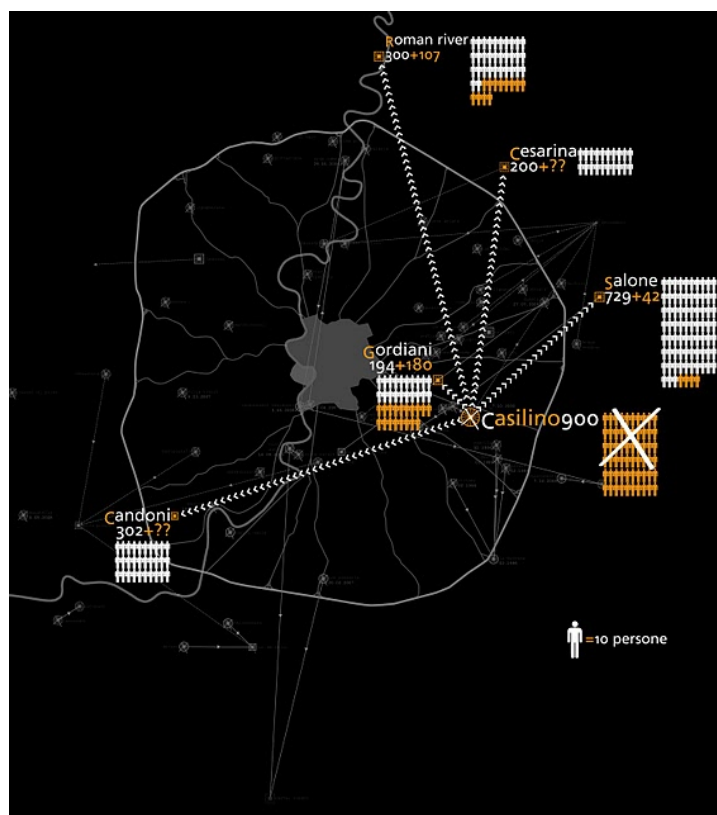
Figure 6: Displacement of Roma from Casilano 900 camp
(from Parking Casilino, 2010)

and squalid existence of the unauthorised camp and the more heavily regulated and surveilled (though marginally better equipped) authorised camps, with the normative progression from former to latter, dates back at least to the 1990s, when the camp became the chief technology in Italy for regulating the Roma refugees from the Yugoslav conflict. Indeed, the vintage of such tactics might be better gauged by recalling David Sibley's 1976 warning, albeit in a different context, that '[p]ermanent caravan sites could be an important medium of social control and it is probably fortunate that most of the travelling people in England and Wales have not yet been provided with sites' (p.86). What sets the new Plan apart, though, is its dramatic acceleration of the turnover of camp clearances. For as the patent shortage of authorised camps shows, we are witnessing not a linear progression from unauthorised to authorised settlements, but an adjustment of the balance between the two as the former is made ever less desirable. Camp clearing is not a static event, but a continuous process, such that it is mapped as much in vectors as in sites (see Figure 6), and relies as much upon 'the *spectacularisation* of police raids' (Sigona, 2008:58, emphasis in

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original) as it does on their actual results. Perhaps, therefore, we might most profitably visualise the regulatory tactics embodied by the *Piano Nomadi* as a circular system in which the impending terror of the clearance is sustained to the point of omnipresence, the security of the nation and the insecurity of the Roma thus guaranteed in the same move.

Casting Roma Outside the International

Coup d'État

Judged on their own terms, the state's anti-Roma initiatives were something of a success: Italy's estimated Roma population plummeted from around 160 000 in 2006 to less than 40 000 by the end of 2009 (EveryOne Group, 2009c). Of the few thousand Romanian Roma that remain on Italian soil, around half are held in prisons (EveryOne Group, 2009c). In some quarters, this is being hailed as a sign of success, as city councillors revise targets of Roma numbers ever lower. Mayor of Milan Letizia Moratti went so far as to announce that 'we would like to think of a city without Roma as well' (quoted in Maccanico, 2009:6). In the eyes of anti-racism campaigners, meanwhile, the expulsion of 120 000 Roma through both direct and indirect means is nothing short of a programme of ethnic cleansing, a modern day pogrom. The *Piano Nomadi* too divides opinion: its proponents point to its success in segregating 'villages' of Roma whose sanitary conditions are no longer what Maroni (quoted in Corriere Della Sera, 2009a) termed 'an Italian and international shame' from a society at large whose 'security' is assured by the tighter regulation of these 'villages'. These same achievements are held up by Roma rights groups as evidence of the apartheid that has become entrenched in the Italian state, while the 'ghetto-camps' into which Roma are herded recall to them the Porrajmos of World War II (EveryOne Group, 2010a). Perhaps though, rather than dwelling on the justice of such measures, we should pause to consider why it is that the segregation of Roma from society can signify greater urban security; why it is that such a small and long-standing minority can be seen as an 'emergency'; why Roma are denied 'minority' status, but instead made to signify immigration; and why the heavy-handed state measures directed at Roma, from left- and right-wing governments, are such a vote-

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winner.

Firstly, let us consider the declaration of a state of emergency. At its heart, this entails the declaration of the state's necessity to derogate from the law in the name of the state's salvation, and to set aside certain spaces of exception governed not by the law, but by a set of discretionary rules. In short, it is the application of the *coup d'État* (see chapter 2), in the seventeenth-century sense of the term described by Gabriel Naudé in his 1667 *Considérations politiques sur les coups d'État*:

> 'Many hold that the wise and well-advised Prince must not only command according to the laws, but command the laws themselves if necessity requires it. To retain justice in big things, says [Pierre] Charron, it is sometimes necessary to turn away from it in small things, and in order to do right overall, it is permissible to cause harm in detail'
> (Naudé, 1667:15; referring to Charron, 1827 [1601]; quoted in Foucault, 2007:281)

Lest protests of obscurantism be made, it is also the sense invoked by François Mitterrand in his characterisation of Charles de Gaulle's use of the state of emergency to exercise extraordinary powers during the Algerian War as '*le coup d'État permanent*' (Bigo, 2007:15). One can see in Italy, both in the suspension of normal law under the state of emergency and in the additional laws of the 'internal disciplinary pacts' that govern authorised camps, that far from being universal and independent of the state, the law and its jurisdiction are being openly manipulated by the state. These derogations and suspensions of the law are, of course, justified by recourse to the security of the majority: the trimming of the rights of the individual in the space of exception secures the rights of the individual outside of it. Thus the 'causing harm in detail' is best characterised as 'the *sacrifice* of some for the whole, of some for the state' (Foucault, 2007:263, emphasis added). This, perhaps, is why it confuses notions of liberalism and illiberalism (c.f. Bigo & Tsoukala, 2006): because a localised illiberalism (the heavy-handed management of Roma) is precisely what secures a general liberalism (the freedoms afforded by urban security and deregulated European borders). As Slavoj Žižek (2009) writes, '[i]s this not the state we are approaching in developed countries all around the world, where this or that form of emergency (against the terrorist threat, against immigrants) is simply accepted as a measure necessary to guarantee the normal run of things?'

Given this intimate connection between exception and rule, we should perhaps consider that when the Italian state suspends the law for Roma, it is not trying to *break* the 'European consensus' (COHRE et al, 2008:2) concerning 'the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law' (Art. 6(1), Treaty of Amsterdam, in Official Journal of the European Union, 1997), but rather to *secure* those very principles. The logic of the *coup d'État* is not opposed to, but of a piece with the logic of the liberal state; it is the exception that, by insisting on its exceptionality, secures the rule. The difference between the outrage provoked by the Nomad Emergency Decree and census and the considerably more muted reaction to the state of emergency in relation to illegal immigration should indicate to us that the controversy of the Italian actions is not, as we might initially presume, in the *act* of sacrifice, but in the identity of those sacrificed: their apparently racial definition and their claims upon a European identity (particularly when such claims run through the channels of citizenship). Or, to put it differently, the controversy is not that Italy should delimit the bounds of liberty and democracy *per se*, but *how* and *where* it should delimit those bounds. That is to say, these concerns are not exclusive to Italy, but are the concerns of all states; or, more precisely, they are the concerns of statehood.

Within the space of exception opened by the exercise of *coup d'État*, the space between jurisdiction and sovereignty, or between law and the state, the exercise of power takes on quite different characteristics. As Judith Butler (2004:62) writes, '[t]he state of emergency returns the operation of power from a set of laws (juridical) to a set of rules (governmental), and the rules reinstate sovereign power: rules that are not binding by virtue of established law or modes of legitimation, but fully discretionary, even arbitrary, wielded by officials who interpret them unilaterally, and decide the condition and form of their invocation'. These officials, whom Butler (2004:56) terms 'petty sovereigns', abound in the Italian *coup d'État*, from the city Prefects restyled as 'Extraordinary Commissioners for the Roma Emergency', to the police, *carabinieri* and vigilante *ronde padane* responsible for 'securing' the city, the Red Cross responsible for delivering public services, the immigration officials deciding the validity of citizenship claims, and the 'Control committees' governing the authorised camps. Unitary, hierarchical law is replaced by a complex multiplicity of rules and

competing sovereigns. Rather than being a lawless interior-exterior to the state, the exceptional space of the nomad camp is, if anything, over-governed; its chaotic proliferation of power and regulation sits in stark opposition to the liberal self-limitation of regulation, or neoliberal displacement of regulation onto indirect proxies, that allow (neo)liberal governmentality to function. If this super-regulated interior-exterior recalls a prison, it is not in the classic disciplinary sense of a correctional institution, but in the more recent sense in which, as David Garland (2001:177) writes, the prison 'is conceived much more explicitly as a mechanism of exclusion and control'. It is the prison in which it is not what happens inside the walls, but rather 'the walls themselves [that] are now seen as the institution's most important and valuable element' (Garland, 2001:178; see also Bauman, 2004:85).

Whereas the prison is an institution designed to house those who transgress the law, however, the camp is an institution designed to prevent the law from being transgressed. We must recall here Foucault's (2003:258) 'biocriminal', interned not as punishment but as precaution to mitigate the threat they pose to society at large. Interestingly, the abrasion of this model with the Citizenship Directive's [2004/38/EC] specification that expulsion of EU citizens 'must be based exclusively on the personal conduct of the individual concerned' (quoted in Merlino, 2009:15) is one of the prime problems the European Commission raised over Decree Law 92/2008, and its provisions for collective deportations of EU citizens. The pre-emptive detention of the biocriminal accurately describes the internment of Roma in Italy, justified not in terms of individual crimes but in terms of a criminal disposition. The extent to which this stereotype has been legalised might be gauged by reports that surfaced on 1st July 2008, concerning six *Lega Nord* members who had had convictions for distributing racially discriminatory propaganda quashed on the grounds that the defendants had 'a deep aversion [to Roma] that was not determined by the Gypsy nature of the people discriminated against, but by the fact that all the Gypsies were thieves' (verdict quoted in ERRC, 2008a:21).

The same reasoning can be found in the state's justification of the extraordinary census. Maroni insisted that it was 'a census, not an ethnic profiling' (Ministero dell'Interno, n.d.), since as his

'recommendations' stated, 'the operations of the Prefects shall not target specific groups or individuals, but rather all people living in illegal and legal encampments, regardless of their nationality, ethnicity and religion' (ERRC et al, 2009:6). That is, the qualifying factor was neither ethnicity nor race, but rather lifestyle, as defined by residence in the curiously abiding abode of the nomad camp. In an attempt to underscore the point, the Ministry of the Interior (Ministero dell'Interno, n.d.) clarifies that the census 'in fact counted: Italian Roma, Romanian Roma, *extracomunitari* [non-EU] Roma and *extracomunitari* from other nations'. The reference to 'nation' here is revealing, since the census explicitly did *not* produce any data on ethnicity; indeed, this was the very condition that persuaded the European Commission to effectively green-light the census (Merlino, 2009). Such sensitive data has historically enabled the state to define aliens and undertake denationalisations (c.f. Arendt, 1966); examples include the 1926 and 1937 censuses of the Soviet Union (Brown, 2004), the censuses of 1933 and 1939 in Nazi Germany (Aly & Roth, 2004) and the 1991 Yugoslav census (Hayden, 1996; Brubaker, 1996; Jansen, 2005). In each case Roma have been one of the primary objects of disenfranchisement. However, in the case of the Italian 'nomad census', the census did not *result* in denationalisation, but *produced* it. By this I mean that it did not collect data that enabled discrimination to occur after the fact, but rather in its very action – in the definition of who was to be included in the census – it produced a group of people ('nomads') who could and should be treated differentially.

The rationality of the *coup d'État*, then, is contained within its application; it produces the conditions of its own necessity. In defining a set of people for whom the law does not apply, it also defines these very people as those for whom the law cannot apply, those whose individual rights are outweighed by the rights of the population, and who must therefore be sacrificed. As Gilles Deleuze and Félix Guattari (1987:448) write, 'the State can in this way say that violence is "primal", that it is simply a natural phenomenon the responsibility for which does not lie with the State, which uses violence only against the violent, against "criminals" – against primitives, against nomads – in order that peace may reign'. The 'violent' are defined not in the language of race, but of risk; in this way, the census, like the distribution of

discriminatory propaganda, was not racist because it was premised not on colour but on lifestyle. This line of reasoning may be followed because the state is blind to its own complicity in racialising and criminalising the term 'nomad'; it is the very naturalisation (that is, the removal of the state from the equation) of the nomad's location beyond the limits of liberty and democracy that simultaneously authorises and demands their sacrifice.

The Nomad

The definition of Roma as 'nomads' by the Italian state is not incidental to their treatment. In popular culture, the Gypsy has long signified itineracy and a peripatetic lifestyle, and histories of Roma invariably play heavily, often romanticising, this trope. Angus Fraser's (1992:1) authoritative *The Gypsies*, for instance, begins with the words, 'This is the story of a wandering people...'. I contend that such discourses, which start with a tenuous connection to reality, feed back in profoundly unhelpful ways into state policies for regulating Roma, and end up inadvertently fulfilling the conditions they invent. In this way, the image paints reality:

> 'Legislation, for its effects, contributes to feed and reinforce those aspects of the image, which are indispensable to itself. ...The law feeds itself with the image. The image helps to rationalise it. The image is, hence, re-strengthened by it.'
>
> (Liégeois, 1980:28; quoted in Sigona, 2005:746)

The description of Roma as 'nomads' is thus far from simply being benignly mistaken, as it actively occludes the forcible eviction of Roma, trivialises legitimate asylum claims, and perhaps most insidiously, refuses Roma the claims upon home, belonging or territoriality that are essential to the constitution of a full political identity within the international.

One might see in the Italian attachment to the 'nomad' label a purely tactical motive: it functions as a proxy for race when racial governance is both rhetorically and legally taboo. However, while this may have a certain amount of truth, it does not address the power inherent in the specific classification as 'nomad' above other possible classifications. Clearly, there is more to the nomad than simply his or her

mobility, for mobility has always been as much about the possession of the right to move (often thought of simply as 'liberty') as about lack of the right (or will) to stay. It is perhaps too easily forgotten when dwelling on the ways in which the 'mobility' of the nomad both incites fear and legitimates their discrimination (their denial of linguistic minority status, their differential regulation, their forcible eviction) that '[a]mong travelling people the majority make up the subset of tourists' (van Houtum & Boedeltje, 2009:228), who are neither feared nor discriminated in this way. There is a distinction, then, between the liberating, cosmopolitan mobility of the tourist, and the threatening, premodern mobility of the nomad or – to adopt Zygmunt Bauman's (1998) phrasing – the vagabond (c.f. Cresswell, 2010). For Bauman (1998), the distinction is economic, with money buying the right (to) mobility; however, in the case of Roma in Italy, consumption on the part of the nomad seems not elevate them to tourist status, but instead to confirm their criminality, and their debasement of the romantic strains of nomadism. For Alaina Lemon (2000:227), what separates these categories is that the nomad's mobility does not merely describe their movement, but seeps into their subjectivity, such that nomads' mobility 'codes Gypsy culture as itself shifty, across both physical and moral space'. However, while this process is undoubtedly alive in Italy, again it leaves unanswered the question of why other mobilities evade such codings.

The solution to this distinction lies in the assumptions that underpin mobility. The mobility of the tourist, or business traveller, or other such subject is never truly deterritorialised: it is always plotted in relation to certain points. Transnationalism may mean that such points may be multiple, but they are always locatable. The fear is that nomads have no such points of reference, no axes along which concepts like citizenship, belonging, foreignness and hospitality might be mapped; they exist outside the international. The nomad suffers from an existential rootlessness that prevents him or her from attaining subjecthood:

> 'It is in this sense that nomads have no points, paths, or land, even though they do by all appearances. If the nomad can be called the Deterritorialized par excellence, it is precisely because there is no reterritorialization *afterward* as with the migrant, or upon *something else* as with the sedentary (the sedentary's relation with the earth is mediatized by something else, a property regime, a State apparatus)'
>
> (Deleuze & Guattari, 1987:381, emphasis in original)

Denied a final destination, the nomad is instead cast into a 'liminal drift' (Agier, 2002), in which '[t]hey are never free from the gnawing sense of the transience, indefiniteness and provisional nature of any settlement' (Bauman, 2004:76). It is important to note, however, that the nomad is not simply an object of discrimination, but rather exists in 'constitutive antipathy' (Lyon, 2004:526) with the state. Nomadism (or deterritorialised, 'smooth' space) is necessarily threatening for the state since it implies an essential ungovernability, which the state must take action to combat, aggressively if needs be. In the words of a Soviet Party leader, '[i]n our relations with the peasants it is possible to take a lot and give back little, but with the nomads that is not possible – they'll just migrate out of sight' (quoted in Mukhamedina, 1997; in Brown, 2004:177). The nomad finds a kindred Deterritorialised in the figure of the stateless person who, 'without right to residence and without the right to work, had of course constantly to transgress the law' (Arendt, 1966:286). Again, just as the stateless have every reason to fear the state that deprives them of rights, so the state fears the stateless, who disrupt its regulative mechanisms and fall through its technologies of control. In this context we should place the vigorous efforts of European institutions to eradicate statelessness, as demonstrated by the 1997 *European Convention on Nationality* (Council of Europe, 1997) and the 2006 *Council of Europe Convention on the Avoidance of Statelessness in relation to State Succession* (Council of Europe, 2006).

It is no coincidence that those most often defined as nomads in Europe today are also those most overrepresented among Europe's stateless; this is the unenviable political identity that Roma in Italy today occupy. The mobility of Roma is certainly viewed as the suspicious movement of the nomad rather than the positive mobility upon which European citizenship is to be based (see chapter 3), both at the state level and at the European level; as an example of the latter, Castle-Kaněrová (2003:15), analysing the International Organization for Migration's 'humanitarian repatriation' programme for Roma, concludes that '[t]he IOM project is representative of a desire across the EU not only to stop or reverse the undesirable migration of the Roma, but also to find ways of preventing it'. The IOM could not countenance Romani migration because their lack of a 'home' state removed any point of reference by

which their mobility could be deciphered, and so was rendered problematic. Similarly, the Italian conviction (in both its romantic and intolerant guises) that Roma are essentially nomadic is best seen as an attempt to come to terms with an identity that does not fit the truths of the international. Such a conviction is only reinforced by the significant proportion of Roma who are recent immigrants to Italy, and of whom a large number (particularly those from the former Yugoslavia) are stateless. This potent combination encourages the wilful deterritorialisation of Roma, and the vicious cycle by which these initial conditions are extended: the immigrant is extended into the permanent migrant or itinerant, the lack of state citizenship is extended into the lack of a capacity for 'home' and 'belonging', and the subset of Roma who are either immigrants or stateless is extended into the whole set of Roma.

The 'nomad camp' became the primary mode of regulation of Roma because its apparent temporary nature accorded with their apparent transience. When it became clear that the 'camp' was far from temporary, the nomad camp was exposed as an oxymoron that demanded fixing. However, what was fixed was not the assumption of nomadism, but the permanence of the camp. The intransience of the Roma was interpreted as a sign not that the 'nomad' label was misplaced, but that their 'natural' nomadism was debased, and thus did not undermine camp clearances, but confirmed their justness. As David Sibley writes,

> 'Where outsiders come into close physical association with the larger society, particularly in cities, the romantic image, the pervasive myth about minority culture, is retained as a yardstick against which they are measured. Experience of the minority at first hand contradicts the myth but it does not explode it. The myth can be retained because failure to meet mythical expectations is attributed to deviancy or to social pathologies that are somehow a product of urban living.'
>
> (Sibley, 1981:6)

Thus the 'emergency' could be framed as both an emergency of urban security because of the ungovernable nomad presence, and an emergency of the nomads themselves; in both cases, their forcible de-sedentarisation and expulsion from the city was presented as the optimal solution. Rather than being a purely cynical attempt to invent and persecute a common enemy for political ends, we see a certain ambivalence in the *emergenza nomadi*, and its 'laws aimed at the "protection of Gypsies" and "their nomadic

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culture'" (Sigona, 2005:746). The result of this ambivalence is that, as Sigona (2005:746) writes, 'many Roma have effectively been forced to live out the romantic but nonetheless repressive projections of Italians'. Dressed in the garb of a nomad, their apparent placelessness translates all too easily into a *de facto* (and frequently *de jure*) statelessness that both legally and morally legitimates – demands, even – discriminatory treatment by the state.

(Re)writing the International

The nomad inside the state is doubly anachronistic. Firstly, the nomad, as we have seen, is necessarily foreign to the state. Roma are entwined in narratives of immigration in Italy, and are confused with Romanians in the public imagination. Secondly, and unlike the immigrant, the nomad is also foreign to statehood, having no state to be returned to. They therefore represent an entirely alien spatiality, a people not organised in the ways we are told modern peoples ought to be organised, representing instead an incursion of smooth space into the striated space of the state. The nomad evinces a blurring of lines, the lines that we rely on to separate inside from outside, citizen from *extracomunitari*, stranger from enemy, and civilisation from anarchy. They are an all-too-visible reminder of the insufficiency of the international as a model for our political landscapes, and of the discrepancies between geopolitical and biopolitical borders. Thus, the very presence of the nomad 'destabilize[s] the differentiation between friends and foes, insiders and outsiders, and opened the door for the...possibility of outsiders inside, of enemies within, of the importation of the chaotic tendencies reigning outside' (Bigo, 2005:50-1). As an example of the latter, we might profitably view the 'problems of police abuse and violence towards Roma' (OSCE/ODIHR, 2008:24) in terms of the importation of the anarchic exterior inside the state, such that the police, in direct contact with the outside of the state, must take on some of the functions of the armed forces, thus justifying a certain excess of violence toward those defined as outsiders. Equally, we might hold the interstitial political status of the nomad responsible for the vacillation we have seen between police intervention on behalf of Roma to protect them from arson attacks and vigilante mobs and a calculated

refusal from police and judiciary to intervene and prosecute when such violence is simply 'doing what the state can't manage'.

The nomad's exposure of the inadequacy of the international does not merely pose tricky questions over whether they are treated as insiders or outsiders, it poses existential questions over the viability of the territorial nation-state as the locus of political community. The predictable response to these questions is a reassertion of the territoriality of the international, via the spectacular realignment of geopolitical and biopolitical borders. In Italy, we see this in the series of increasingly tough immigration laws and collective expulsions designed to reduce the presence of outsiders-inside, the conduct of a racial census confirming the exceptional status of the 'nomad', and the acceleration of camp clearances aimed at securing the 'clean', striated spaces of the international.

However, we should also note the ways in which the Italian actions have also served to abrogate the territoriality of the international themselves, producing confusions over the lines separating army (and *carabinieri*) from police, police from vigilante, nation from race, and the democratic rule of law from the anarchy beyond. This can be seen most clearly in the state's willingness to govern by exception, most notably in its suspension of the rule of law (in certain parts of the territory) and its deployment of the army and *carabinieri* to deal with problems of 'urban security'. Regarding the former, the state's tactical deployment of law exposes a worrying subservience of law to state, and undermines claims of the separation of powers central to the operation of democracy. Regarding the latter, we see an effective subversion of 'the historical hegemony of the nation-state [that] was constructed around an ideal differentiation between *security* and *war* [whereby] the police dealt with strangers, and the war concerned enemies' (Balibar, 2006:7, emphasis in original). In each case, fundamental tenets of the international – the coincidence of sovereignty and jurisdiction securing unitary space, and the distinction between police and armed forces securing unitary borders – are being broken. However, as previously mentioned, these extraordinary measures, taken under the *coup d'État*, are at least explicit in their exceptionality. Of greater import, perhaps, are the *ordinary* measures that depart from the international. For instance, we might look

at Italy's reliance on the issuance of temporary permits and visas to regulate immigration, a tactic that pushes the control of aliens from a matter of rejection to one of expulsion, thus effectively removing border practices from the edge of the state to its interior: to offices responsible for visas, 'Reception Centres for Asylum Seekers' and similar institutions, and increasingly, health and administrative state services. This shift in border management is integral to Italy's recent wave of direct expulsions of Roma, as it is these newly mobile technologies of border control that have been deployed to sift legal from illegal residents. While the navy interventions in Libyan waters form the spectacular enforcement of the border, particularly vis-à-vis 'illegal immigration', the legality of migrants is frequently determined inside the state; crucially, while the former accords with the territoriality of the international, the latter departs from its prescription of unitary borders.

The truth, of course, lies somewhere in between; or more precisely, in the tension between the assertion and abrogation of the international. For instance, while the institutionalisation of state racism in Italy (in the racial census of, in police and legal discrimination toward, and in the differential government of Roma) certainly unstitches state from population, it might also be seen as an effort to synchronise the limits of nation and state such that 'nationality outlines the border between who has the right to exist and who does not' (Naletto, 2009:62). If the former reading implies a progressive reterritorialisation of sovereignty *outside* the lines of the international, the latter reading suggests that the deterritorialisation of the nomad (as the outsider-inside *par excellence*) is but the side-effect of the territorialisation of the nation-state *along* the lines of the international.

Conclusions

From an outside perspective, the *emergenza nomadi* appears doubly fallacious: there seems to be very little justification for describing the presence of a tiny and long-standing minority as an emergency, certainly not one which 'on account of [its] intensity and extent, ha[s] to be tackled using extraordinary powers and means' (Art. 2(1(c)), Law 225/1992; Gazzetta Ufficiale, 1992; Storia, 2009:14), and it is equally difficult to

justify the definition of a population whose mobility is propelled by forced evictions either conducted or condoned by the state as 'nomadic'. However, such a perspective leads quickly to righteous condemnation which, while it may attract short-lived opprobrium, has not yet led to long-term results in ending discrimination. Furthermore, it does little to explain why such fallacies are so ingrained and impervious to criticism, and risks pathologising to Italy a condition pandemic in Europe. Instead, I have sought to address how the *emergenza nomadi* came to be viewed as such, and how the extraordinary measures taken by the Italian state were constructed as rational and appropriate responses to it. I suggest that firstly, the suspension of law under the state of emergency is not antithetical to the logic of modern states, but as an instance of *coup d'État*, it is an extension of the logic of modern states which demands the sacrifice of the biocriminal that threatens the integrity of the state; secondly, that it is the definition of Roma as nomads that casts them outside the international, existing in constitutive antipathy to the state; and thirdly that the Italian action paradoxically constitute both a confirmation and a refutation of the territoriality of the international..

Two themes run through these analyses. First, the measures taken by the Italian state in response to the *emergenza nomadi* are each circularly self-legitimating, to the point of being self-necessitating. The declaration of a state of emergency produced and exacerbated the alterity of Roma as objects not just different but dangerous. The deployment of police and armed forces to control and clear 'nomad camps', the legal-governmental embedding of the category 'nomad' and the conduct of a racial census all function to confirm Roma as a malign and alien threat to Italy, and furthermore a threat that requires emergency measures. The categorisation of Roma as 'nomads' denationalises, deterritorialises (that is, naturalises their mobility) and denies notions of 'belonging' to Roma, thus removing objections to their forced eviction or deportation, which in turn confirms their nomadic nature. Finally, the reassertion of the international, visible in the attempt to realign state borders, itself produces the discrepancies and confusions of borders that make the state's assertion of the international necessary in order to protect its own viability as the chief locus of political community. In each case, the actions taken to address the emergency themselves

contribute to this emergency: they produce the conditions of their own necessity, and thus should be thought of as instances of state violence whose violent nature is concealed, most thoroughly of all to the state that commits them (c.f. Shaw, 2008:167).

Second, though the Italian measures appear, certainly from the vantage point of Roma rights, to be highly exclusionary, they tend to be justified by recourse to liberalism. The *coup d'État's* state of exception is justified as a means of enabling liberal rule in the norm, a necessary sacrifice of the unruly and ungovernable both to protect the population at large and to secure the liberal state as a viable mode of government. The definition of Roma as nomads lends the *emergenza nomadi* a benevolent aspect, as the emergency is cast as one of the debasement of their supposedly nomadic culture, and policies directed toward Roma are concerned on one hand with their 'development', and on the other hand with the provision of means of support that, while segregated from the normal functioning of the state, might be appropriate for 'nomads'. Thus the new camps are 'villages of solidarity', and the census is presented as the fulfilment of Maroni's pledge to secure 'the protection of those living in these situations of degradation, the protection of minors, to get them out of hiding, to remove them from the shadows [and] to give them a future' (Ministero dell'Interno, n.d.); it is precisely this forcible removal from the shadows that is seen from one side as progressively liberal and from the other side as violently intolerant. Lastly, the efforts to combat the confusion of borders by reasserting the international are aimed squarely at securing a realm of democracy and liberty, albeit in its statist manifestation. Certainly, in each case, the liberal rhetoric might be partially attributed to placating dissenters; however, the proliferation of consonances between Left and Right regarding Roma policies suggests that it is something more than the duplicitous politicking of the Right.

It is also something more (or, to be precise, something less) than 'a rupture in the previously existing "European consensus"' (Merlino, 2009:22; quoting COHRE et al, 2008:2). While the Council of Europe, the EU Commission, Parliament and Fundamental Rights Agency and the OSCE all took steps to investigate and criticise the Italian actions (see Figure 2), none prevented them, with the Commission in

particular responsible for backing down over threats of sanctions and eventually green-lighting the census of Roma. However, rather than simply being a story of a lack of action, or a lack of legal competence, I have tried to show the ways in which the framing of Roma as an emergency that necessitates special measures relies upon the same set of political assumptions that support European institutions and their minority rights programmes. Berlusconi is not 'opposed' to Europe, in much the same way that he is not 'opposed' to the Left.

Thomas Hammarberg, in his Memorandum in the immediate aftermath of the declaration of a state of emergency, departed from the usual criticism that Italy was in breach of certain European laws (criticism rendered toothless by the frequency of and lack of meaningful repercussions for such breaches) to make the altogether bolder claim that it was the *mode* of European law that was breached:

> 'The repeated adoption of emergency legislative measures by a Council of Europe member state in order to control migratory movements seems to indicate that the state mechanism is unable to deal effectively with a phenomenon that is not novel and thus should have been dealt with through ordinary legislative or other measures. Moreover, the frequent changes of immigration law act to the detriment of legal certainty, one of the constituent elements of the fundamental principle of rule of law on which the Council of Europe is based.'
> (Hammarberg, 2008:14, para68)

In this, he is in agreement with Žižek (2009) that 'this or that form of emergency' is now the 'normal run of things'. The difference is that while Hammarberg sees this as an anomalous case, for Žižek it is 'just the tip of a much larger iceberg of European politics' (Žižek, 2010), as terror alerts and refugee crises plague richer states, contingencies for extraordinary detention expand ever further and austerity measures promise not normality, but simply to keep the economic emergency at bay. These, perhaps, are less literal states of emergency than in the Italian case, but each case exceptional measures are dragged ever closer to centre stage in the theatre of politics. The implication of such an argument is that Berlusconi's Italy (or, better to say, Berlusconi-era Italy) does not operate at the fringes of European politics, but at its centre.

Hammarberg's conclusion prompts questions not just of the *scope* of government-by-emergency, but also its *novelty*. For Hammarberg, the Italian willingness to govern-by-emergency is a new and worrying development, in this too he is in agreement with Žižek. Indeed, it seems reasonable to attribute a sizeable

part of Hammarberg's consternation to a fear that Berlusconi-era Italy might well constitute a blueprint for other such regimes, fears given further foundation by the actions of Sarkozy-era France in the summer of 2010 (Castle, 2010). However, for many critics, far from representing any new development the Italian state's recourse to emergency tactics to deal with its Roma population is a rekindling of fascist or totalitarian politics, and contains grim echoes of the actions of Nazi Germany. Occasionally, deeper-still histories of Romani discrimination are recalled to further enrich the historical context for Italy's recent actions. Certainly, the extension of emergency rule was neither invented by, nor reaches an apogee with, Berlusconi-era Italy; a brief glance at historical geographies of colonialism should be enough to remind us both of the pedigree of emergency rule and of the enduring power of state racism to insulate those ruled arbitrarily from 'all citizens'.

Of course, historical context is simultaneously necessary and insufficient. Taking Romani discrimination as an explanatory factor risks naturalising their alterity and legitimising the continued circulation of such discrimination; viewing modern Italy as relapsing into its Fascist or colonial past risks missing what is modern and not *sui generis* to Italy in such discrimination. As I have tried to show, the current situation in Italy is neither collapsible to Fascism or Nazism nor divorced from their legacies. Equally, while the *emergenza nomadi* and the policies used to address it contain distinctly Italian factors, viewing it as an Italian pathology is problematic *empirically*, as similar 'problems' and state tactics can be seen in various European states, and *theoretically*, since it obscures our own complicity in sustaining a political reality that actively disenfranchises Roma. The *emergenza nomadi* constitutes neither the unique exclusions of an aberrant regime, nor the eternal discriminations of a maligned race, but rather the specific iteration of a political ontology whose tenets we have come to take for granted, and whose circulation and adaptation is dangerously concealed.

5 Conclusions

Three broad claims run through each of these three essays on the relationships between Roma, Europe and the international, each of which I briefly expand upon below. First, that the assertion of the international requires its own limitation, in that it requires the compromise of universal principles in favour of setting the limits within which particular action may be undertaken. Such assertions are necessarily incomplete, always exposing more work needed to secure the international. Nevertheless, away from the spotlight it is possible to see states actively acting against the tenets of the international, suggesting that though the international represents the dominant territoriality of modern politics, it does not hold a monopoly on territoriality. Second, the 'populism' of efforts to assert the international in a nationalistic manner and the political expedience of constructing those that fall outside the international (prime among them Roma) as a security threat are not attributes of the Right, but of a political system in which violence exerted in the name of securing the international is rendered non-violent. It is state violence, which in its very action creates the conditions of its own necessity: in 'ordering' space it exposes disorder, and thus becomes not only legitimate but necessary. Third, the propagation of a political landscape that marginalises Roma is not limited to nation-states, but is replicated in supranational organisations. They too rely on the territorialised sovereignty of the international, and they too must draw its limits if they are to secure their own viability as political community.

Asserting and Abrogating the Limits of the International

In the succession of border crises that have marked the post-Paris Peace Conference sealing of European political space according to the diktats of the international, Roma were constructed as occupying successively more alien political identities. Long seen as occupying the margins of political society, while the inter-war Minorities Treaties confirmed 'national minorities' as essentially subordinate to 'nation', they did – at least rhetorically – equalise the marginality of such minorities. The codification of minorities took

on an extra (and portentous) degree of depth in inter-war Soviet Union, where certain characteristics, particularly majority 'ownership' of sub-state territories, further distinguished 'national minorities' from the yet-more-marginal 'ethnic groups', though here too each group was publicly held to be equally sovereign according to the state policy of *korenizatsiia*. However, these inclusionary rhetorics were not able to mask obvious exclusions, and the credibility of neither Minorities Treaties nor *korenizatsiia* were to last the 1930s. Indeed, any hope of securing (or keeping) rights through accepting a marginal political identity was (seemingly) thoroughly extinguished by the Nazis' genocide of the 'cosmopolitan' Jews and 'wandering' Roma. These failures, I have argued, came not in spite of the promises of the international to truly democratise political rights in Europe, nor were they due to the insufficiency of the implementation of these promises. Instead, they sprung from the very ambition of the new political order, as the international actively created its own outside in order to sustain the possibility of 'progress' so central to its allure; a perfect illustration of Marshall Berman's (1982:40) 'tragedy of development' in which 'obsolete persons' are a crucial component of modernity. While this outside could be optimistically represented as people and places that would 'get there eventually' and to whom modernity would ultimately 'trickle down' (Walker, 2006:66), the persistence of outsides and outsiders soon invited more cautious readings that emphasised the potential threat posed by such alterity.

Today, as we witness the recuperation of the international as a model for securing rights, exemplified by the development of European institutions briefed with exactly this task, we also see new forms of bordering that depart from the ideals of the international, creating rather than eliminating ambiguous spaces between nation, state and territory. This tension has served to accelerate the production of outside(r)s to the international, and exacerbate the exclusion of such outsiders from society. On one hand, the *reassertion* of the international visible in events like the European Roma Summit and legislative actions like the Citizenship Directive has served to confirm the base alterity of Roma. At the state level, the definition of Roma 'problems' by states like Italy using the logic of the international to define such alterity (tellingly, constructed as 'nomadism') as threatening is questioned in form but not in substance. On the

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other hand, the *abrogation* of the international is apparent in the dispersal of border controls throughout and beyond state territory, which serve to import the aberrant territoriality of Roma (their 'nomadism', and conflation with 'illegal immigration') into the state, thus escalating the threat they are held to represent and reaffirming the necessity of deploying exceptional measures. It is, I have argued, in the tension between these two impulses that we should situate the alarming escalation of violence against Roma that we see today.

Antiziganism as State Violence

Second, the violence involved in stripping Roma of the rights of 'regular' citizens is rarely seen as such because it is state violence. That is, it is violence that affirms the international, interprets that which contravenes the international as dangerous, and therefore retroactively confirms its own necessity in quelling such dangerous elements. Its violence is justified as necessary for a general security, and is most commonly thought of not as violence at all, but rather as the maintenance of order. By contrast, since Roma constitute the disorderly object of such 'security' measures, their very presence out of place (in visible contravention of the international) is coded as violent, if not outright terroristic. We have seen this most clearly in the Italian declaration of a state of emergency and definition of Roma as 'nomads', moves that are self-legitimating in that their execution solidifies their justification. The exercise of extraordinary measures gives truth to (indeed, itself produces) the 'emergency' conditions used to justify them. Meanwhile, the treatment of Roma as nomadic, by denying them 'belonging' and legitimising their eviction, actively substantiates this stereotype as reality.

Beyond this self-legitimating character, the figuring of antiziganism as state violence also serves to short-circuit party-political lines. We see this both in exclusionary measures by leftist governments (the expulsions of Roma were begun in 2007 by the leftist mayor of Rome, Walter Veltroni, under Romano Prodi's leftist coalition government), and in the liberal rhetoric used even by the Right to justify such measures. These consonances across the political spectrum suggest the inadequacy of narratives that

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emphasise the populist or racist Right, and serve to highlight the ways in which the apparent alterity of Roma, outside the international, is an issue not of any particular political stripe but of the palette of modern politics. In this sense, we might insist that Silvio Berlusconi's exclusionary politics represents not a triumph of the Right, but the reconciliation of the 'permissive-liberal technocratism and fundamentalist populism' (Žižek, 2009) by which we have come to understand democratic choice. The resurgence and institutionalisation of antiziganism is not to be found in the act of choosing, but in the framing of the choice, the framing of what modern politics is and might be.

The Complicity of 'Europe'

Third, contrary to what we would like to assume, 'Europe' does not speak or act from a 'higher' or somehow more just plane that makes it (or whatever is seen as embodying 'it') inherently opposed to discrimination, racism or exclusion. We can see evidence for this in the failure of the League of Nations (or, indeed, the Soviet Union) to protect the rights of its most disenfranchised residents, we can see it in the failure of contemporary European-level mechanisms such as the EU Acquis or the Citizenship Directive to end Romani discrimination or universalise (or at least Euro-versalise) citizenship rights, and we can see it in the failure of European institutions to prevent the flagrant breach of EU law represented by a racial census or programme of expulsions. Rather than being opposed in essence to the nationalistic or parochial exclusions of the nation-state, European-level political actors have merely writ such exclusions large; thus the chief result of the regularisation of Roma issues across Europe has been not the amelioration of conditions for Roma, but rather the entrenchment of the view that Roma constitute a 'problem' to be solved. The liberalisation of intra-European state borders is both demonised and celebrated as an example of either intrusive or corrective 'European' liberalism, but we should note that European institutions have neither prevented states (notably but not limited to Italy from 2007 and France in 2010) from conducting mass expulsions of EU-affiliated Roma (and thereby indicating the persistence of intra-EU borders), nor have they produced deterritorialised population-states. Rather, the continued

reliance upon territorially defined nations, both in narratives of state sovereignty and in European structures of governance, has created tensions between the adventurous (if selective) liberalisations of certain borders of the *demos*, and the conservative allegiance to the international of the *ethnos*. Like states, European institutions shy away from explicitly advocating the congruence of *ethnos* and *demos*, while at the same time holding their congruence as a largely unspoken normative good. It is in this sense that 'Europe' shares the very logic by which the exclusion of Roma is made to make sense.

To return to the vignette with which we started (see Chapter 1), we might profitably reread Viviane Reding's frustration at the French antiziganist policies not in the context of friction between 'Europe' and the nation-state, but in the context of the intolerability of Reding's position. Under fire for weeks both from rights organisations and from the European Parliament (2010b), which passed a 7th September Resolution '[d]eeply deplor[ing] the late and limited response by the Commission'; Reding, wary of 'being instrumentalised by national party political debates', had repeated 'important' French assurances that 'that there was no targeted action against the Roma or any other group' and defended the Commission's 'clear and balanced position' of inaction (in European Parliament, 2010a), only to be publicly undermined by the French circular proving these assurances empty. With the Commission's (and her own) powerlessness so brutally exposed, Reding had little choice but to strongly rebuke the French actions. This rebuke therefore stemmed not from any automatic opposition to the exclusions of the nation-state, but from an automatic inclination to avoid offending the states that the Commission must work alongside in order to function. The job of institutions such as the Commission is definitively not to be endlessly inclusive: as its President, José Manuel Barroso, openly admits,

> 'It's a mistake to say that freedom of movement must be absolute. Doing that, you'll create plenty of [Jean Marie] Le Pens.'
>
> (quoted in Traynor, 2010a)

Instead, their job is to balance the extension of rights with the limits within which such rights may be guaranteed; in short, it is to draw precisely the limits to the international that states too must draw. These lines may differ in location – thus we see the European Parliament and, belatedly, Commission arguing for

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the inclusion of EU citizens such as the Romanian Roma coercively deported by France – but they do not significantly differ in type.

European Dreams and Nightmares

If, in attempting to avoid implying any essential victimhood to Roma, I have failed to give due consideration to the agency of Roma in their exclusion, it is because my interest has lain instead in the constitution of Roma as political agents within what we might think of as the modern political landscape of Europe. In the words of Rogers Brubaker (1996:24), I have tried to look not at 'the institutional contexts of and constraints on interested action', but on 'the institutional constitution of both interests and actors'. This choice is justified best by Kate Brown, who explains that,

> 'Yes, people fought back, manipulating the same national taxonomies applied by centralising state-builders. People slipped as they could from one identity to another. If they were nimble, they skipped fast enough to stay on the winning side of the shifting borders, but this was less an expression of their "true identity", of self-determination, than an accommodation to forcibly established parameters, as most space was increasingly nationalized, zoned, and commodified. In other words, the borderland dwellers were caught in structures greater than they and greater than the men who ruled them'
>
> (Brown, 2004:234-5)

I have therefore looked to exclusions not as self-contained events, but as windows onto these 'great structures' that condition political society as a whole. This is not to lessen the plight of the excluded; on the contrary it is to emphasise that their exclusion is not incidental to but *constitutive of* the liberties that those who are included may enjoy (c.f. Shaw, 2008). Thus, Nicolae Gheorghe and Thomas Acton are right to write that,

> 'A new holocaust would not merely be a disaster for Gypsies. It would taint, contaminate or destroy all hope that we now have of building a new Europe.'
>
> (Gheorghe & Acton, 1995:39)

As Reding found to her cost, mentions of a 'holocaust' dangerously overstate the case. However, this is absolutely not because 'Hitler attacked a culturally distinctive minority[, whereas] Sarkozy and Berlusconi are merely expelling the poorest and weakest of the new immigrants on the basis of popular

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prejudice' (The Independent, 2010). Such reasoning is entirely wrong-headed, for this is the precise regard in which antiziganist policies *do* echo Nazi policy: they form a territorial solution to the apparent 'problem' of an aberrantly territorial minority, a minority that falls outside of the international ordering of political space and therefore one whose persecution is not random, whimsical or irrational, but wholly and crushingly logical, both to those ordering persecution and those celebrating, condoning or even protesting its severity. When Stephane Maugendre asks of the French circular ordering the destruction of Roma camps and expulsion of their inhabitants, '[c]an you imagine a circular specifically naming Jews or Arabs?' (in Willsher, 2010), the rhetorical punch is provided precisely by the fact that we can imagine it only too easily, but would prefer to imagine it as a lesson from an exclusionary past than as a rejoinder to an amnesic present.

This knee-jerk abjection of overt discrimination (to the past, as in this case, or else to less 'civilised' parts of the world), though, hints at what *does* distinguish today's policies from those of Nazi Germany: that today's exclusions are ordained not triumphantly, but apologetically: that today's racism must appear to be hidden in order to garner popularity, even if its concealment is no more than cursory. Thus, we have Nicolas Sarkozy surreally claiming that the program of Roma expulsions is not discriminatory, and his immigration minister insisting furthermore that '[t]he concept of ethnic minorities is a concept that does not exist among the [French] government' (Willsher, 2010). Or, in Italy, we see Silvio Berlusconi doggedly refusing to admit that the census of Roma carried out under the state of emergency is a discriminatory measure, while Roberto Maroni insists that it is in fact undertaken in the interest of Roma themselves. Slavoj Žižek (2009) rightly describes this rejection of 'unreasonable' populist racism in favour of '"reasonably" racist protective measures' as '[a] clear passage from direct barbarism to Berlusconian barbarism with a human face' (ibid.). It is this Berlusconian barbarism that we see across Europe today, discrimination either under the banner of liberalism, or out of necessity (hence the appearance of the 'emergency').

What, then, are we to do to escape the need to exclude? If we are to differentiate between political

communities, Doreen Massey (1995:67) asks, '[m]ust it necessarily be a differentiation which takes the form of opposition, of drawing a hard boundary between "us" and "them", in other words the geography of rejection?' *How* might we 'reconceptualize our own conceptual frameworks and institutions such that they do not depend upon the prior location of...[certain] peoples as the doomed "margins" of modernity' (Shaw, 2008:207-8), if modernity itself demands such margins in order to define freedom, security, civilisation and political community? I have argued that we need to develop a new political syntax that is less dependent on the received truths of the international, and thereby relax the restrictions we have so doggedly applied to our political utopianisms. However, I have also sought to analyse the ways in which the progressive disaggregation and dispersal of the borders of political community, tethered by the contradictory urge to spectacularly re-secure the international when its promises of freedom, liberty and security are seen to be in question, has merely multiplied the ambiguous political spaces and identities that offer such fertile ground to the exclusions we have witnessed. If this is the result of attempting to transcend the international, what route (and, indeed, what right) do we have to develop alternative utopianisms?

Responding to the hard-wiring of Roma exclusion into the modern, liberal state, David Sibley wrote in 1976 that 'the survival of gypsy culture really requires a more anarchic society where no one would feel obliged to contain gypsies on permanent caravan sites as a potential threat to social order' (p. 86). Today, the exclusions that Sibley spoke of more than a third of a century ago are more rampant than ever, and the explosion in non-state and supra-state organisations concerned with 'human rights' has, as we have seen, done nothing if not exposed such rhetoric as the 'hopeless idealism or fumbling feeble-minded hypocrisy' that Hannah Arendt (1966:269) claimed it was. Sibley's reference to anarchy today feels both admirably ambitious and worryingly naïve. It is with exactly this mixture of trepidation and anticipation that we now think of worlds in which security might not be signified by the distinction between outside and inside, in which we might not assume 'a necessary correspondence between a capacity to distinguish between legitimate and illegitimate authorities, and a capacity to distinguish between a territorial space of domestic jurisdiction and an external world beyond' (Walker, 2010:51), and in which notions like

'belonging' or 'home' might be judged in terms other than the political affiliations one is born into. To be sure, this is a prospect at least as terrifying as it is promising; there are certainly no guarantees that such projects won't accelerate the production of marginal political identities, or further compromise universalist aspirations with fewer guarantees of ending up with a particular political community we might agree upon. My contribution has been to insist on the latent terror and promise within our current political landscapes, and to show the ways in which the terror of abrogating the international is neither as novel, nor the comfort of its promise as passé, as those who herald or clamour for the onset of a new mode of territoriality would have us believe.

References

Abend, L., 2008. Spain, Italy: Two tactics for tackling illegal immigration. *The Christian Science Monitor* (7 August). Available at: http://www.csmonitor.com/World/Europe/2008/0807/p04s01-woeu.html [Accessed August 24, 2010].

Adnkronos International, 2008. Italy: Government moves to dismantle Gypsy camp (6 June). Available at: http://www.adnkronos.com/AKI/English/CultureAndMedia/?id=1.0.2230802468 [Accessed October 12, 2010].

Agamben, G., 1998. *Homo Sacer: Sovereign power and bare life*, Stanford, CA: Stanford University Press.

Agamben, G., 2005. *State of exception*, Chicago: University of Chicago Press.

Agier, M., 2002. *Aux bords du monde, les réfugiés*, Paris: Flammarion.

Agnew, J.A., 1994. The Territorial Trap: The Geographical Assumptions of International Relations Theory. *Review of International Political Economy*, 1(1), pp.53-80.

Agnew, J.A., 1998. *Geopolitics: Re-visioning world politics*, Routledge.

Agnew, J.A., 2002. *Place and politics in modern Italy*, University of Chicago Press.

Agnew, J.A., 2003. *Geopolitics: Re-visioning world politics (2nd edition)*, Routledge.

Agnew, J.A., 2008. Borders on the mind: re-framing border thinking. *Ethics & Global Politics*, 1(4).

Agnew, J.A. & Corbridge, S., 1995. *Mastering space: hegemony, territory and international political economy*, Routledge.

Aly, G. & Roth, K.H., 2004. *The Nazi census: identification and control in the Third Reich*, Philadelphia: Temple University Press.

Amnesty International, 2006. *Down And Out In London: The road to destitution for rejected asylum seekers*, London:

Amnesty International UK. Available at:

http://www.amnesty.org.uk/uploads/documents/doc_17382.pdf [Accessed October 13, 2010].

Amnesty International, 2008. *Amnesty International Report 2008: The State Of The World's Human Rights*,

London: Amnesty International Publications. Available at:

http://archive.amnesty.org/report2008/press-area/en/air08-en-low-res.pdf [Accessed October 14,

2010].

Amnesty International, 2009a. Northern Ireland: Attacks Against Roma Communities are Unacceptable

and Must be Stopped Says Amnesty (17 June). Available at:

http://www.amnesty.org.uk/news_details.asp?NewsID=18258 [Accessed August 18, 2010].

Amnesty International, 2009b. Sgombero forzato del campo "Casilino 700": appello di Amnesty

International a prefetto e sindaco di Roma. *Amnesty International: Documentazione* (12 November).

Available at: http://www.amnesty.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/2785

[Accessed February 9, 2010].

Amnesty International, 2010a. *Czech Republic: Injustice renamed: Discrimination in education of Roma persists in the*

Czech Republic, London: Amnesty International Publications. Available at:

http://www.amnesty.org/en/library/asset/EUR71/003/2009/en/8572b7e5-4435-4f43-bb2d-

462fd7fdb905/eur710032009en.pdf [Accessed April 4, 2010].

Amnesty International, 2010b. Italian Authorities Urged To Stop Forced Evictions Of Roma (11 March).

Available at: http://www.amnesty.org/en/news-and-updates/report/italian-authorities-urged-stop-

forced-evictions-roma-2010-03-11 [Accessed August 26, 2010].

Amnesty International, 2010c. *Italy: Submission to the UN Universal*

Periodic Review: Seventh session of the UPR Working Group of the Human Rights Council, February 2010,

London: Amnesty International Publications. Available at:

http://www.amnesty.org/en/library/info/EUR30/008/2009/en [Accessed August 21, 2010].

Amnesty International, 2010d. *The wrong answer: Italy's 'Nomad Plan' violates the housing rights of Roma in Rome*, Available at: http://www.amnesty.org/en/library/asset/EUR30/001/2010/en/eadb2d84-ade5-467d-9da5-3cb5b2065ffe/eur300012010en.pdf [Accessed August 26, 2010].

Amnesty International, 2010e. France President Urged Not To Stigmatize Roma And Travellers (23 July). Available at: http://www.amnesty.org/en/news-and-updates/france-president-urged-not-stigmatize-roma-and-travellers-2010-07-23 [Accessed August 18, 2010].

Anderson, A., 2001. *The Powers of Distance: Cosmopolitanism and the Cultivation of Detachment*, Princeton, NJ: Princeton University Press.

Andrijasevic, R., 2006. *How to Balance Rights and Responsibilities on Asylum at the EU's Southern Border of Italy and Libya*, Available at: http://oro.open.ac.uk/12652/ [Accessed August 9, 2010].

Aradau, C., 2009. The Roma in Italy. Racism as usual? *Radical Philosophy*, January/February 2009. Available at: http://www.radicalphilosophy.com/default.asp?channel_id=2187&editorial_id=27455 [Accessed October 5, 2010].

Arendt, H., 1966. *The Origins of Totalitarianism (New Edition)*, New York: Harcourt, Brace & World, Inc.

Arendt, H., 2006. *Eichmann in Jerusalem : a report on the banality of evil*, New York, N.Y.: Penguin Books,

Arens, M., 2008. Italian government imposes national state of emergency. *World Socialist Web Site* (6 August). Available at: http://www.wsws.org/articles/2008/aug2008/ital-a06.shtml [Accessed November 29, 2010].

Arens, M., 2009. Italy: Berlusconi decree legalises anti-immigrant vigilantes. *World Socialist Web Site* (27 February). Available at: http://www.wsws.org/articles/2009/feb2009/ital-f27.shtml [Accessed February 7, 2010].

Armstrong, A.F., 2008. Beyond Resistance: A Response to Žižek's Critique of Foucault's Subject of

Freedom. *Parrhesia*, 5, pp.19-31.

Associated Press, 2008. Thousands lead invisible life in Italy. *International Herald Tribune* (14 September). Available at: http://www.iht.com/articles/ap/2008/09/14/europe/EU-FEA-Invisible-In-Italy.php [Accessed December 16, 2008].

Balibar, E., 1994. *Masses, Classes, Ideas: Studies on Politics and Philosophy Before and After Marx*, New York: Routledge.

Balibar, E., 1998. The Borders Of Europe. In P. Cheah & B. Robbins, eds. *Cosmopolitics: thinking and feeling beyond the nation*. Minneapolis: University of Minnesota Press.

Balibar, E., 2006. *Strangers as Enemies. Further Reflections on the Aporias of Transnational Citizenship*, McMaster University: Institute on Globalization and the Human Condition. Available at: http://www2.humnet.ucla.edu/mellon/images/stories/monthlyseminars/strangers%20as%20enemies.pdf.

Balibar, E., 2009. Europe as borderland. *Environment and Planning D: Society and Space*, 27(2), pp.190 – 215.

Bardi, A., 2007. *The Gypsy As Trope in Victorian and Modern British Literature*. Doctor of Philosophy. University of Maryland.

Barkin, J.S. & Cronin, B., 1994. The State and the Nation: Changing Norms and the Rules of Sovereignty in International Relations. *International Organization*, 48(1), pp.107-130.

Barroso, J.M.D., 2008. Speech at European Roma Summit. Available at: http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/08/429&format=PDF&aged=0&language=EN&guiLanguage=en [Accessed October 12, 2010].

Bauböck, R., 2000. Introduction: Dual and supranational citizenship. Limits to transnationalism. In T. A. Aleinikoff & D. Klusmeyer, eds. *From Migrants to Citizens. Membership in a Changing World*. Carnegie

Endowment for Peace. Washington D.C.: Brookings Institution Press, pp. 305-311.

Bauman, Z., 1998. *Globalization : the human consequences*, Cambridge: Polity Press.

Bauman, Z., 2004. *Wasted lives : modernity and its outcasts*, Cambidge: Polity ; Malden, MA : Distributed in the USA by Blackwell.

BBC, 2008. Italy angered by 'fascist' label. *BBC Europe News* (14 August). Available at: http://news.bbc.co.uk/2/hi/europe/7561762.stm [Accessed October 7, 2010].

BBC, 2009. Rome to dismantle illegal camps. *BBC Europe News* (16 February). Available at: http://news.bbc.co.uk/2/hi/europe/7893536.stm [Accessed February 8, 2010].

Bentham, J., 1843. Principles of International Law. In J. Bowring, ed. *The Works of Jeremy Bentham*. Edinburgh: William Tait, pp. 535-560. Available at: http://www.laits.utexas.edu/poltheory/bentham/pil/index.html [Accessed August 18, 2010].

Berman, M., 1982. *All Thai Is Solid Melts Into Air: The Experience of Modernity*, New York: Simon & Schuster.

Bessonov, N., 2002. Tsygane: gody ssylok i pobegov. *30-ogo oktyabrya, newspaper of the Memorial Society*, (26).

Bigo, D., 2002. Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives: Global, Local, Political*, 27(1 (supplement)).

Bigo, D., 2005. Frontier Controls in the European Union: Who is in Control? In *Controlling frontiers: free movement into and within Europe (eds D. Bigo & E. Guild)*. Ashgate Publishing, Ltd, pp. 49–99.

Bigo, D., 2007. Detention Of Foreigners, States Of Exception, And The Social Practices Of Control Of The Banopticon. In P. K. Rajaram & C. Grundy-Warr, eds. *Borderscapes: Hidden Geographies and Politics at Territory's Edge*. Borderlines Series. Minneapolis: University of Minnesota Press.

Bigo, D. & Tsoukala, A. eds., 2006. *Illiberal practices of liberal regimes: the (in)security games*, Editions L'Harmattan.

157

Bigo, D. & Walker, R., 2007. Political Sociology and the Problem of the International. *Millennium - Journal of International Studies*, 35(3), pp.725 -739.

Boswell, C., 2003. The 'external dimension' of EU immigration and asylum policy. *International Affairs*, 79(3), pp.619-638.

Boursier, G., 1999. Gypsies in Italy during the Fascist dictatorship and the Second World War. In K. Fings & D. Kenrick, eds. *The Gypsies during the Second World War: In the shadow of the swastika*. Univ of Hertfordshire Press.

Boursier, G., 2008. The Nazi Period in Italy. Available at: http://romafacts.uni-graz.at/index.php/history/persecution-internment-genocide-holocaust/the-nazi-period-in-italy [Accessed August 20, 2010].

Brown, G., 2007. Speech to the Labour party conference. Available at: http://news.bbc.co.uk/2/hi/uk_news/politics/7010664.stm [Accessed August 12, 2010].

Brown, K., 2004. *A biography of no place : from ethnic borderland to Soviet heartland*, Cambridge, Mass.: Harvard University Press.

Brubaker, R., 1996. *Nationalism reframed : nationhood and the national question in the New Europe*, Cambridge [England] ; New York: Cambridge University Press.

Butler, J., 2004. *Precarious life : the powers of mourning and violence*, London: Verso.

Buzan, B., Wæver, O. & Wilde, J.D., 1998. *Security: a new framework for analysis*, Lynne Rienner Publishers.

Cahn, C., 2008. EU must act to stop Italy racism crisis. *Euobserver.com* (21 August). Available at: http://euobserver.com/9/26620 [Accessed October 12, 2010].

Cahn, C., Carlisle, K.D., Fregoli, C., Kiuranov, D. & Petrova, D., 2000. *Campland: Racial Segregation Of Roma In Italy*, Budapest: European Roma Rights Centre. Available at: http://www.eric.ed.gov/PDFS/ED459274.pdf [Accessed September 3, 2010].

Cahn, C. & Guild, E., 2008. *Recent Migration of Roma in Europe*, OSCE High Commissioner on National

Minorities. Available at:

http://www.coe.int/t/commissioner/Activities/themes/RomaMigration_2009_en.pdf [Accessed

September 24, 2010].

Cahn, C. & Vermeersch, P., 2000. The group expulsion of Slovak Roma by the Belgian government: A case

study of the treatment of Romani refugees in Western countries. *Cambridge Review of International

Affairs*, 13(2), pp.71-82.

Calavita, K., 2006. *Italy: Immigration, Economic Flexibility, and Integration*, Irvine: University of California.

Available at: http://www.utexas.edu/cola/centers/european_studies/_files/pdf/immigration-

policy-conference/calavita.pdf [Accessed October 12, 2010].

Carlisle, K., 2000. From Bad to Horrific in a Gypsy Ghetto. *Business Week* (19 June). Available at:

http://www.businessweek.com/2000/00_25/c3686071.htm [Accessed February 9, 2010].

Carr, E., 2001. *The twenty years' crisis, 1919-1939: an introduction to the study of international relations*, Palgrave

Macmillan.

Carrera, S. & Faure Atger, A., 2009. *Implementation of Directive 2004/38 in the context of EU Enlargement: A

proliferation of different forms of citizenship?*,

Carroll, R., 2002. Italy considers state of emergency as 1,000 immigrants land in Sicily. *The Guardian* (19

March). Available at: http://www.guardian.co.uk/world/2002/mar/19/immigration.uk [Accessed

August 24, 2010].

Castle, S., 2010. France Mounts Defense of Its Deportation of Roma. *The New York Times* (31 August).

Available at: http://www.nytimes.com/2010/09/01/world/europe/01roma.html [Accessed

September 8, 2010].

Castle, S. & Bennhold, K., 2010. Dispute Grows Over France's Removal of Roma Camps. *The New York

Times (16 September). Available at:

http://www.nytimes.com/2010/09/17/world/europe/17union.html?_r=1&src=me [Accessed
September 18, 2010].

Castle-Kaněrová, M., 2001. Roma Refugees: the EU dimension. In W. Guy, ed. *Between past and future: the Roma of Central and Eatern Europe*. Hatfield: University of Hertfordshire Press.

Castle-Kaněrová, M., 2003. Round and Round the Roundabout: Czech Roma and the Vicious Circle of Asylum-seeking. *Nationalities Papers: The Journal of Nationalism and Ethnicity*, 31(1), p.13.

CERD [Committee on the Elimination of Racial Discrimination], 1999. *Report of the Committee on the Elimination of Racial Discrimination. Fifty fourth session (1–19 March 1999), Fifty-fifth session (2–27 August 1999)*, New York: United Nations. Available at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/280/37/PDF/N9928037.pdf?OpenElement [Accessed October 13, 2010].

Chakrabarty, D., 2000. *Provincializing Europe: postcolonial thought and historical difference*, Princeton University Press.

Charron, P., 1827. *De La Sagesse: Trois Livres* Third Edition., Paris: Rapilly. Available at: http://books.google.com/books?id=i64FAAAAQAAJ [Accessed August 28, 2010].

COHRE [Centre On Housing Rights and Evictions], European Roma Grassroots Organization, OsservAzione & Policy Centre for Roma and Minorities, 2008. Memorandum Concerning the Necessity to Apply Treaty Measures in the Matter of
the Italy Emergency. Available at: http://www.osservazione.org/documenti/Memorandum%20Treaty%20Article%207%20Italy%20September%202008%20LIBE.pdf [Accessed August 28, 2010].

Colacicchi, P., 2008. Ethnic Profiling and Discrimination against Roma in Italy: New Developments in a

Deep-Rooted Tradition. *Roma Rights Journal*, (2), pp.35-44.

Coleman, M., 2007. A Geopolitics of Engagement: Neoliberalism, the War on Terrorism, and the
Reconfiguration of US - Immigration Enforcement. *Geopolitics*, 12(4), p.607.

Correlates of War Project, 1997. Interstate System, 1816-1997. Available at:
http://pss.la.psu.edu/intsys.html [Accessed October 25, 2010].

Corriere Della Sera, 2009a. Piano nomadi della capitale: 13 villaggi autorizzati per seimila persone. *Corriere
Della Sera* (31 July). Available at:
http://roma.corriere.it/roma/notizie/cronaca/09_luglio_31/piano_nomadi_roma-
1601621809519.shtml?fr=correlati [Accessed August 26, 2010].

Corriere Della Sera, 2009b. "Al Casilino 700 violati i dritti umani" Amnesty contro lo sgombero dei rom.
Corriere Della Sera (12 November). Available at:
http://roma.corriere.it/roma/notizie/cronaca/09_novembre_12/appello_amnesty_international_r
om_casilino_700-1602000800989.shtml [Accessed February 9, 2010].

Corriere Della Sera, 2010. Prime demolizioni al Casilino 900
Sant'Egidio abbandona il Comune. *Corriere Della Sera* (19 January). Available at:
http://roma.corriere.it/roma/notizie/cronaca/10_gennaio_19/nomadi-sgombero-casilino900-
prima-baracca-1602310403399.shtml [Accessed August 26, 2010].

Council of Europe, 1993. Recommendation 1203: on Gypsies in Europe. Available at:
http://assembly.coe.int/Documents/AdoptedText/ta93/erec1203.htm [Accessed July 10, 2010].

Council of Europe, 1995. Framework Convention for the Protection of National Minorities. Available at:
http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm [Accessed July 8, 2010].

Council of Europe, 1997. European Convention on Nationality. Available at:
http://conventions.coe.int/Treaty/en/Treaties/Html/166.htm [Accessed August 31, 2010].

Council of Europe, 2006. Council of Europe Convention on the avoidance of statelessness in relation to State succession. Available at: http://conventions.coe.int/Treaty/EN/treaties/Html/200.htm [Accessed August 31, 2010].

Council of the European Union, 2008. Brussels European Council, 14 December 2007, Presidency Conclusions. Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/97669.pdf [Accessed April 4, 2010].

Cresswell, T., 2010. Towards A Politics Of Mobility. *Environment and Planning D: Society and Space*, 28, pp.17-31.

CSCE [Conference on Security and Co-operation in Europe], 1990. Document Of The Copenhagen Meeting Of The Conference On The Human Dimension Of The CSCE. Available at: http://www.minelres.lv/osce/cope90e.htm [Accessed October 5, 2010].

Davies, L., 2010. France defends Roma expulsion policy. *The Guardian* (15 September). Available at: http://www.guardian.co.uk/world/2010/sep/15/france-defends-roma-crackdown [Accessed September 18, 2010].

Del Boca, D. & Venturini, A., 2003. *Italian Migration*, Bonn: Institute for the Study of Labor. Available at: http://ftp.iza.org/dp938.pdf [Accessed August 20, 2010].

Del Porto, D., 2009. Confermata la condanna per Angelica. *La Repubblica* (8 May), p.7.

Deleuze, G. & Guattari, F., 1987. *A Thousand Plateaus : Capitalism And Schizophrenia*, Minneapolis: University of Minnesota Press,

Demeter, N., Bessonov, N. & Kutenkov, V., 2000. *Istoriya tsygan: Novy vzglyad*, Voronezh: Rossiyskaya akademiya nauk.

Di Caro, P., 2007. Fini: impossibile integrarsi con chi ruba. *Corriere Della Sera* (4 November). Available at:

http://www.corriere.it/politica/07_novembre_04/intervista_fini_impossibile_integrazione_rom.sh tml [Accessed August 24, 2010].

Dimanshtein, S., 1935. Otvet na vopros, sostavliaiut li soboi evrei v nauchnom smysle natsiiu. *Revoliutsiia i natsional'nosti*, 10.

DIVERS, 2008. The situation of the Roma in Italy. Questions yet to be answered. *DIVERS altfel despre minoritati etnice*. Available at: http://www.divers.ro/opinii_en?wid=37649&func=viewSubmission&sid=9192 [Accessed October 13, 2010].

Dnevnik, 2010. Скандал Саркози - Барозу заради ромите [Sarkozy scandal - Barroso for Roma]. *Dnevnik* (16 September). Available at: http://www.dnevnik.bg/evropa/novini_ot_es/2010/09/16/961759_skandal_sarkozi_-_barozu_zaradi_romite/ [Accessed September 17, 2010].

Döring, H.J., 1964. *Zigeuner im NS-Staat*, Kriminalistik Verlag.

Dowling, S., 2009. Hungary's Roma Bear Brunt of Downturn. *Spiegel Online* (24 February). Available at: http://www.spiegel.de/international/europe/0,1518,609669,00.html [Accessed August 18, 2010].

DPA [Deutsche Presse-Agentur], 2008. Italy Announces State of Emergency Over Immigration. *DW-World.de; Deutsche Welle*. Available at: http://www.dw-world.de/dw/article/0,,3514573,00.html [Accessed August 23, 2010].

Dragutinović, R., 2000. *I Kañjarija. Storia vissuta dei Rom Dasikhanè in Italia*, Torino: Multimage.

ECRI [European Commission against Racism and Intolerance], 2002. *Second Report on Italy*, Strasbourg: Council of Europe. Available at: http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-italy-eng.pdf [Accessed October 13, 2010].

ECRI [European Commission against Racism and Intolerance], 2009. *ECRI Report on the Czech Republic*

163

(fourth monitoring cycle), Strasbourg: Council of Europe. Available at:

http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/czech_republic/CZE-CbC-IV-

2009-030-ENG.pdf [Accessed August 18, 2010].

Elden, S., 2007. Governmentality, calculation, territory. *Environment and Planning D: Society and Space*, 25(3),

p.562.

Elden, S., 2009. *Terror and Territory: The Spatial Extent of Sovereignty*, U of Minnesota Press.

Eliot, G., 1868. *The Spanish gypsy: a poem*, Boston: Ticknor and Fields. Available at:

http://books.google.com/books?id=wwwOAAAAYAAJ [Accessed October 13, 2010].

Ellermann, A., 2009. *States Against Migrants: Deportation in Germany and the United States* 1st ed., Cambridge

[England] ; New York: Cambridge University Press.

ERIO [European Roma Information Office], 2009. European Roma Information Office E-News

27/08/2009. Available at: http://erionet.org/site/upload/pubblications/enews/e-news,

%2027%20August%202009.pdf [Accessed February 8, 2010].

ERRC [European Roma Rights Centre], 2005. *In Search of Happy Gypsies: Persecution of Pariah Minorities in

Russia*, Budapest.

ERRC [European Roma Rights Centre], 2008a. *Security A La Italiana: Fingerprinting, Extreme Violence and

Harassment of Roma in Italy*, Budapest: ERRC [European Roma Rights Centre]; Romani CRISS

[Roma Center for Social Intervention and Studies]; Roma Civic Alliance; COHRE [Centre on

Housing Rights and Evictions]; OSI [Open Society Institute]. Available at:

http://www.errc.org/cms/upload/file/m00000428.pdf [Accessed November 30, 2010].

ERRC [European Roma Rights Centre], 2008b. Letter from ERRC to Mirek Topolánek, Ivan Langer, Olga

Šebková and Okatar Motejl; RE: Anti-Romani Riots and Hate Speech in the Czech Republic.

Available at: http://www.errc.org/cms/upload/media/03/8A/m0000038A.pdf [Accessed August

18, 2010].

ERRC [European Roma Rights Centre], 2010a. Letter from ERRC to President Nicolas Sarkozy. Available

at: http://errc.org/cms/upload/file/france-sarkozy-evictions-expulsions-july-2010.pdf [Accessed

August 18, 2010].

ERRC [European Roma Rights Centre], 2010b. Letter from ERRC to Roberto Maroni, Re: Evictions of

Roma and Sinti. Available at:

http://www.everyonegroup.com/EveryOne/MainPage/Entries/2010/3/12_Italy,_ERRC._Evictio

ns_of_Roma_and_Sinti.html [Accessed August 26, 2010].

ERRC [European Roma Rights Centre], 2010c. Letter from ERRC to Thomas Hammarberg, Raquel

Rolnik and Morten Kjaerum, Re: Urgent response needed to recurrent evictions of Roma in Milan,

Italy. Available at: http://www.errc.org/cms/upload/file/urgent-response-needed-to-recurrent-

evictions-of-roma-in-milan-italy.pdf [Accessed August 26, 2010].

ERRC [European Roma Rights Centre], Open Society Justice Initiative & osservAzione, 2009. *Memorandum*

to the European Commission: Violations of EC law and the fundamental rights of Roma and Sinti by the Italian

government in the implementation of the census in "nomad camps", Available at:

http://www.statewatch.org/news/2009/may/italy-ercc.pdf.

EUbusiness, 2010. EU threatens France with legal action over Roma 'disgrace'. *EUbusiness* (14 September).

Available at: http://www.eubusiness.com/news-eu/france-immigration.642 [Accessed September

18, 2010].

EurActiv, 2008. Council of Europe blasts Italy over Roma fingerprinting. *EurActiv.com* (30 June). Available

at: http://www.euractiv.com/en/socialeurope/council-europe-blasts-italy-roma-

fingerprinting/article-173775 [Accessed November 30, 2010].

EurActiv, 2010a. Italy to ask EU for permission to expel Roma. *EurActiv.com* (23 August). Available at:

http://www.euractiv.com/en/socialeurope/italy-ask-eu-permission-expel-roma-news-497050

[Accessed September 19, 2010].

EurActiv, 2010b. Summit sees Sarkozy, Barroso clash in bitter Roma row. *EurActiv.com* (17 September).

Available at: http://www.euractiv.com/en/future-eu/summit-sees-sarkozy-barroso-clash-bitter-

roma-row-news-497878 [Accessed September 17, 2010].

Europe Information Service, 2008. Integration: Commission Muddies Message of First Roma Summit.

European Social Policy, 0199.

European Commission, 1997. *Agenda 2000: For A Stronger And Wider Union*, Luxembourg: Office for

Official Publications of the European Communities. Available at:

http://aei.pitt.edu/3137/01/000033.PDF [Accessed October 5, 2010].

European Commission, 2008a. *Communication From The Commission To The European Parliament, The Council,*

The European Economic And Social Committee And The Committee Of The Regions. Non-discrimination and

equal opportunities: A renewed commitment. Available at: http://eur-

lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0420:FIN:EN:PDF [Accessed April 4,

2010].

European Commission, 2008b. *Commission Staff Working Document accompanying the Communication From The*

Commission To The European Parliament, The Council, The European Economic And Social Committee And

The Committee Of The Regions. Non-discrimination and equal opportunities: A renewed commitment. Available

at: http://register.consilium.europa.eu/pdf/en/08/st11/st11530-ad01.en08.pdf [Accessed April 4,

2010].

European Commission, 2008c. *Report from the Commission to the European Parliament and the Council on the*

application of Directive 2004/38/EC on the right of citizens of the Union and their

family members to move and reside freely within the territory of the Member States, Brussels. Available at:

http://ec.europa.eu/justice_home/news/intro/doc/com_2008_840_en.pdf [Accessed April 4, 2010].

European Commission, 2010a. *Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010*, Brussels: European Commission. Available at: http://ec.europa.eu/social/BlobServlet?docId=4823&langId=en [Accessed November 30, 2010].

European Commission, 2010b. *EC Midday press briefing Statement by Viviane Reding, EC Vice-President in charge of Justice, Fundamental Rights and Citizenship on the situation of the Roma*, Available at: http://tinyurl.com/2bmy5t8 [Accessed September 18, 2010].

European Council, 1993. Presidency Conclusions. Copenhagen European Council - 21-22 June 1993. Available at: http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf [Accessed July 8, 2010].

European Parliament, 2008. *Resolution on the census of the Roma on the basis of ethnicity in Italy*, European Parliament. Available at: http://www.europarl.europa.eu/oeil/FindByProcnum.do?lang=en&procnum=RSP/2008/2614 [Accessed August 25, 2010].

European Parliament, 2010a. European Parliament Debates, Tuesday 7 September 2010. 11. Situation of the Roma people in Europe (debate. Available at: http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20100907&secondRef=ITEM-011&language=EN&ring=B7-2010-0492 [Accessed September 25, 2010].

European Parliament, 2010b. European Parliament resolution on the situation of Roma and on freedom of movement in the European Union. Available at: http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=P7-RC-2010-0493&language=EN [Accessed September 25, 2010].

European Roma Summit, 2008. Declaration on the Occasion of the

European Roma Summit. Available at:

http://www.gitanos.org/documentos/EU_ROMA_ENG.pdf [Accessed April 4, 2010].

Eurostat, 2010. International Migration and Asylum main tables. Available at:

http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/main_tables [Accessed

October 13, 2010].

EveryOne Group, 2009a. Italy. The Council of State approves the policy of taking Roma children's finger

prints… *EveryOne Group for International Cooperation on Human Rights Culture* (27 August). Available at:

http://www.everyonegroup.com/EveryOne/MainPage/Entries/2009/8/27_Italy._The_Council_o

f_State_approves_the_policy_of_taking_Roma_childrens_finger_prints.html [Accessed February 8,

2010].

EveryOne Group, 2009b. Italy: Law 94/2009 is a serious violation of Human Rights. *EveryOne Group for*

International Cooperation on Human Rights Culture (17 October). Available at:

http://www.everyonegroup.com/EveryOne/MainPage/Entries/2009/10/17_Italy__Law_94_200

9_is_a_serious_violation_of_Human_Rights.html [Accessed February 8, 2010].

EveryOne Group, 2009c. The situation of Roma citizens in Italy is getting more and more desperate every

day. *EveryOne Group for International Cooperation on Human Rights Culture* (22 October). Available at:

http://www.everyonegroup.com/EveryOne/MainPage/Entries/2009/10/22_The_situation_of_R

oma_citizens_in_Italy_is_getting_more_and_more_desperate_every_day..html [Accessed February

9, 2010].

EveryOne Group, 2009d. Rome, ethnic cleansing at the Casilino 700 camp. *EveryOne Group for International*

Cooperation on Human Rights Culture (13 November). Available at:

http://www.everyonegroup.com/EveryOne/MainPage/Entries/2009/11/13_Rome

%2C_ethnic_cleansing_at_the_Casilino_700_camp.html [Accessed February 9, 2010].

EveryOne Group, 2009e. Racial prejudice in the sentences of Naples Juvenile Court against Angelica. *EveryOne Group for International Cooperation on Human Rights Culture* (5 December). Available at: http://www.everyonegroup.com/Everyone/MainPage/Entries/2009/12/5_Racial_prejudice_in_the_sentences_of_Naples_Juvenile_Court_against_Angelica.html [Accessed August 27, 2010].

EveryOne Group, 2010a. The conditions of the Roma people in Italy has become intolerable. *EveryOne Group for International Cooperation on Human Rights Culture* (13 January). Available at: http://www.everyonegroup.com/EveryOne/MainPage/Entries/2010/1/13_The_conditions_of_the_Roma_people_in_Italy_has_become_intolerable.html [Accessed February 10, 2010].

EveryOne Group, 2010b. The first stone of Romasia, the land of a Roma dream, has been laid. *EveryOne Group for International Cooperation on Human Rights Culture* (25 February). Available at: http://www.everyonegroup.com/EveryOne/MainPage/Entries/2010/2/25_The_first_stone_of_Romasia,_the_land_of_a_Roma_dream,_has_been_laid.html [Accessed July 11, 2010].

Faull, J., 2008. Letter to Ferdinando Nelli Feroci, Permanent Representative of Italy to the European Union. Available at: http://www.statewatch.org/news/2008/jul/eu-comm-italy-roma-faull-letter.pdf [Accessed October 5, 2010].

Faure Atger, A., 2008. The Abolition of Internal Border Checks in an Enlarged Schengen Area: Freedom of movement or a scattered web of security checks. *CHALLENGE Research Paper*, 8.

Feldman, G., 2005. Culture, state, and security in Europe: The case of citizenship and integration policy in Estonia. *American Ethnologist*, 32(4), pp.676-694.

Foucault, M., 2003. *Society must be defended : lectures at the Collège de France, 1975-76* M. Bertani & A. Fontana, eds., New York: Picador.

Foucault, M., 2007. *Security, territory, population : lectures at the Collège de France, 1977-78* M. Senellart, ed., Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan.

Foucault, M., 2008. *The birth of biopolitics : lectures at the Collège de France, 1978-79* M. Senellart, ed., Basingstoke [England] ; New York: Palgrave Macmillan.

FRA [European Union Agency for Fundamental Rights], 2008. *Incident Report: Violent attacks against Roma in the Ponticelli district of Naples, Italy*, Vienna: European Union Agency for Fundamental Rights. Available at: http://www.fra.europa.eu/fraWebsite/attachments/Incid-Report-Italy-08_en.pdf [Accessed October 13, 2010].

FRA [European Union Agency for Fundamental Rights], 2009. *Summary Report: The situation of Roma EU citizens moving to and settling in other EU Member States*, Vienna: European Union Agency for Fundamental Rights. Available at: http://www.euromanet.eu/upload/16/01/FRA_Roma-Movement-Summary_en.pdf [Accessed April 4, 2010].

Fraser, A.M., 1992. *The Gypsies*, Oxford UK & Cambridge USA: Blackwell.

Fraser, N., 1995. From Redistribution to Recognition? *New Left Review*, 212(1), pp.68-93.

Fraser, N., 2009. *Scales of Justice: Reimagining political space in a globalizing world*, New York & Chichester, West Sussex: Columbia University Press.

Garland, D., 2001. *The Culture of Control: Crime and Social Order in Contemporary Society*, Oxford University Press US.

Garst, D., 1989. Thucydides and Neorealism. *International Studies Quarterly*, 33(1), pp.3-27.

Gazzetta Ufficiale, 1992. Establishment of the National Service of Civil Protection. *Gazzetta Ufficiale*, 64(Extraordinary supplement 54). Available at: http://www.provincia.torino.it/protciv/file-storage/download/pdf/l_225_92.pdf [Accessed August 23, 2010].

Gazzetta Ufficiale, 1999. LAW December 15, 1999, 482 Rules on protection of historical linguistic minorities [Norme in materia di tutela delle minoranze linguistiche storiche]. *Gazzetta Ufficiale*, 297.

Geisen, T., Plug, R. & van Houtum, H., 2007. (B)ordering and othering migrants by the European Union.

In T. van Naerssen & M. van der Velde, eds. *Migration in a New Europe: People, Borders and Trajectories*. Rome: Società Geografica Italiana, pp. 75-86.

Geraci, S., Maisano, B. & Motta, F., 1998. *Salute Zingara*, Rome: Anterem.

Gheorghe, N. & Acton, T., 1995. Dealing With Multiculturality: Minority, Ethnic, National and Human Rights. *OSCE ODIHR Bulletin*, 3(1), pp.28-40.

Gheorghe, N. & Acton, T., 2001. Citizens of the world and nowhere: Minority, ethnic and human rights for Roma during the last hurrah of the nation-state. In W. Guy, ed. *Between past and future: the Roma of Central and Eatern Europe*. Hatfield: University of Hertfordshire Press.

Gibney, M.J. & Hansen, R., 2003. *Deportation and the liberal state: the forcible return of asylum seekers and unlawful migrants in Canada, Germany and the United Kingdom*, Geneva: UNHCR EPAU. Available at: http://www.unhcr.org/3e59de764.html [Accessed August 12, 2010].

Goldston, J.A., 2010. Europe's union riven by government attacks on minorities. *The Guardian* (23 August). Available at: http://www.guardian.co.uk/law/2010/aug/23/european-union-minorities-law [Accessed August 23, 2010].

Guild, E., 2006. Danger - Borders Under Construction: Assessing the first five Years of Border Policy in an Area of Freedom, Security and Justice. In J. W. de Zwaan & F. A. Goudappel, eds. *Freedom, Security and Justice in the European Union: Implementation of the Hague Programme*. The Hague: T.M.C. Asser Press, pp. 45-72.

Halász, K., 2008. *ENAR Shadow Report 2007: The Situation of Roma in Europe*, Brussels.

Hammarberg, T., 2008. *Memorandum by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe following his visit to Italy on 19-20 June 2008*, Strasbourg: Council of Europe. Available at: https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1198747&SecMode=1&Doc

Id=1314508&Usage=2 [Accessed October 13, 2010].

Hammarberg, T., 2009a. *Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following his visit to Italy on 13-15 January 2009*, Strasbourg: Council of Europe. Available at: https://wcd.coe.int/wcd/com.instranet.InstraServlet? Index=no&command=com.instranet.CmdBlobGet&InstranetImage=1202908&SecMode=1&Doc Id=1389782&Usage=2 [Accessed November 30, 2010].

Hammarberg, T., 2009b. Many Roma in Europe are stateless and live outside social protection. *Viewpoints* (6 July). Available at: http://www.coe.int/t/commissioner/Viewpoints/090706_en.asp [Accessed May 25, 2010].

Hancock, I.F., 2002. *We are the Romani people*, University of Hertfordshire Press.

Hancock, I.F., 2004. Romanies and the Holocaust: A reevaluation and an overview. In D. Stone, ed. *The Historiography of the Holocaust*. New York: Palgrave-Macmillan, pp. 383-396.

Hayden, R.M., 1996. Imagined communities and real victims: self-determination and ethnic cleansing in Yugoslavia. *American Ethnologist*, 23(4), pp.783–801.

Hayden, R.M., 1999. *Blueprints for a house divided : the constitutional logic of the Yugoslav conflicts*, Ann Arbor: University of Michigan Press.

Heater, D.B., 1994. *National self-determination: Woodrow Wilson and his legacy*, St. Martin's Press.

Heine, M., 2001. *Roma Victims of the Nazi Regime May Be Entitled to Compensation*, Geneva: International Organization for Migration, Office of Public Information.

Hirst, P.Q. & Thompson, G., 1999. *Globalization in question: the international economy and the possibilities of governance*, Oxford & Malden, MA: Wiley-Blackwell.

Hobbes, T., 1968. *Leviathan: or, The matter, forme & power of a commonwealth, ecclesiasticall and civil* C. B. (. B. Macpherson, ed., Harmondsworth :: Penguin.

Holden, A. & Elden, S., 2005. "It cannot be a Real Person, a Concrete Individual": Althusser and Foucault

on Machiavelli's Political Technique. *borderlands e-journal*, 4(2). Available at:

http://www.borderlands.net.au/vol4no2_2005/eldenhold_foucault.htm [Accessed October 30,

2010].

Home Office, 2007. *Securing the UK Border: Our vision and strategy for the future*, London: Home Office.

Available at:

http://tna.europarchive.org/20080514132321/http://www.homeoffice.gov.uk/documents/securin

g-the-border?view=Binary [Accessed October 13, 2010].

Hooper, J., 2007. Italian police begin to round up Romanians. *The Guardian* (3 November). Available at:

http://www.guardian.co.uk/world/2007/nov/03/italy.immigration [Accessed August 25, 2010].

Hooper, J., 2009. Opposition outcry as Italy legalises vigilante patrols. *The Guardian* (7 August). Available at:

http://www.guardian.co.uk/world/2009/aug/07/italy-legalises-vigilante-patrols [Accessed

February 9, 2010].

Human Rights Watch, 2009. Human Rights Watch UPR Submission on Italy. *Human Rights Watch*

(1 September). Available at: http://www.hrw.org/en/news/2009/09/01/human-rights-watch-upr-

submission-italy [Accessed February 9, 2010].

Il Gionale, 2008. Macché que razzisti, Italia e in regola. *Il Giornale* (5 September).

Immigration and Refugee Board of Canada, 2002. *Italy: The adoption of legislation on illegal immigration,*

particularly its provisions on removal (2001-May 2002), Available at:

http://www.unhcr.org/refworld/docid/3f7d4db52a.html [Accessed August 24, 2010].

International Herald Tribune, 1992. *International Herald Tribune* (18 May), p.1.

istat.it, 2010. Foreigner Citizens. Demographic Balance for the year 2008 and Resident Population on 31th

December - All countries of citizenship. Available at: http://demo.istat.it/str2008/index_e.html

[Accessed August 20, 2010].

Italy, 2006. *Fifteenth periodic reports of States parties due in 2005. Addendum. Italy*, United Nations International Convention on the Elimination of all Forms of Racial Discrimination. Available at: http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/256e36d93a6d9d1fc12572590037bfa5/$FILE/G0641125.pdf [Accessed November 15, 2010].

Jackson, R.H., 1990. *Quasi-states: sovereignty, international relations, and the Third World*, Cambridge: Cambridge University Press.

Jackson Preece, J., 1997a. National Minority Rights vs. State Sovereignty in Europe: Changing Norms in International Relations? *Nations and Nationalism*, 3(3), pp.345-364.

Jackson Preece, J., 1997b. Minority Rights in Europe: From Westphalia to Helsinki. *Review of International Studies*, 23(01), pp.75-92.

Jansen, S., 2005. National numbers in context: Maps and stats in representations of the post-Yugoslav wars. *Identities: Global Studies in Culture and Power*, 12(1), pp.45–68.

Judt, T., 1996. Europe: The Grand Illusion. *The New York Review of Books* (11 July). Available at: http://www.nybooks.com/articles/archives/1996/jul/11/europe-the-grand-illusion/ [Accessed October 13, 2010].

Kant, I., 2003. *To Perpetual Peace: A Philosophical Sketch*, Indianapolis, IN: Hackett Pub.

KataWeb, 2008. Il decreto sicurezza in gazzetta. *KataWeb Lex* (28 July). Available at: http://www.cittadinolex.kataweb.it/article_view.jsp?idArt=85127&idCat=120 [Accessed February 8, 2010].

KataWeb, 2009. Bimbi rom non schedabili con le impronte digitali. *KataWeb Lex* (6 July). Available at: http://www.cittadinolex.kataweb.it/article_view.jsp?idArt=88696&idCat=26 [Accessed February 8, 2010].

Kearns, G., 2008. Progressive Geopolitics. *Geography Compass*, 2(5), pp.1599-1620.

Kelly, M.G.E., 2010. International biopolitics: Foucault, globalisation and imperialism. *Theoria*, 119. Available at: http://eprints.mdx.ac.uk/3887/ [Accessed November 30, 2010].

King, R., 2002. Tracking immigration into Italy: Ten years of the Immigrazione Dossier Statistico. *Journal of Ethnic and Migration Studies*, 28(1), pp.173-80.

Kington, T., 2008. 68% of Italians want Roma expelled - poll. *The Guardian* (17 May). Available at: http://www.guardian.co.uk/world/2008/may/17/italy [Accessed October 8, 2010].

Kolev, A., 1994. Census Taking in a Bulgarian Gypsy Mahala (Ruse, December 1992). *Journal of the Gypsy Lore Society*, 4(1), pp.33-46.

Kolossov, V. & O'Loughlin, J., 1998. Pseudo-States as Harbingers of a new geopolitics: The example of the trans-dniester Moldovan republic (TMR). *Geopolitics*, 3(1), pp.151-176.

Kostakopolou, D., 2009. *Problems And Perspectives of the European Citizenship: The Fifth Report on Citizenship of the Union*, Brussels: European Parliament. Available at: http://www.ceps.eu/system/files/old/CitizenshipEP.pdf [Accessed April 4, 2010].

Kovats, M., 2001. The Emergence of European Roma Policy. In W. Guy, ed. *Between past and future: the Roma of Central and Eatern Europe*. Hatfield: University of Hertfordshire Press.

Kristeva, J., 1982. *Powers of horror: an essay on abjection*, Columbia University Press.

Kubosova, L., 2008. EU gives blessing for Italy's Roma fingerprint scheme. *EUobserver.com* (5 September). Available at: http://euobserver.com/9/26691 [Accessed November 30, 2010].

Kulish, N., 2009. As Economic Turmoil Mounts, So Do Attacks on Hungary's Gypsies. *The New York Times* (27 April). Available at: http://www.nytimes.com/2009/04/27/world/europe/27hungary.html [Accessed August 18, 2010].

Kumar Rajaram, P. & Grundy-Warr, C., 2007. *Borderscapes: hidden geographies and politics at territory's edge*, Minneapolis: University of Minnesota Press.

La Repubblica, 2008. Blitz anticrimine in nove regioni. Centinaia di arresti ed espulsioni. *La Repubblica* (15 May). Available at: http://www.repubblica.it/2008/05/sezioni/cronaca/sicurezza-politica-3/maxi-operazione/maxi-operazione.html [Accessed August 25, 2010].

Latham, J., 1995. First US Conference on Gypsies in the Holocaust. *Current Affairs Bulletin*, 3-23928.

Lefebvre, H., 1991. *The Production Of Space*, Oxford: Blackwell Publishing Ltd.

Lemon, A., 2000. *Between two fires: Gypsy performance and Romani memory from Pushkin to postsocialism*, Duke University Press.

Lewy, G., 1999. Himmler and the 'Racially Pure Gypsies'. *Journal of Contemporary History*, 34(2), pp.201-214.

Liégeois, J., 1980. Il discorso dell'ordine. Pubblici poteri e minoranze culturali. *Lacio Drom*, 5, pp.9-29.

Liégeois, J., 2007. *Roma in Europe*, Strasbourg: Council of Europe Publishing.

Liperi, F., 1995. *In viaggio da quasi mille anni*, Rome: La Repubblica Disco del Mese.

Ludovico, M., 2008. Frattini: fondi Ue per l'integrazione dei rom in Italia. *Il Sole 24 Ore* (27 May), p.33.

Lutz, B.D. & Lutz, J.M., 1995. Gypsies as Victims of the Holocaust. *Holocaust and Genocide Studies*, 9(3), pp.346 -359.

Lynch, A., 2002. Woodrow Wilson and the Principle of: A Reconsideration. *Review of International Studies*, 28(02), pp.419-436.

Lyon, J., 2004. Gadze Modernism. *Modernism= Modernity*, 11(3), p.517.

Maccanico, Y., 2009. *Italy: Open-ended emergencies: deployment of soldiers in cities and summary treatment for Roma people*, Available at: http://www.statewatch.org/analyses/no-87-italy-security.pdf [Accessed February 8, 2010].

Machiavelli, N., 2003. *The Prince* Reissued with revisions., London: Penguin Books.

Maguire, M., 2009. The birth of biometric security. *Anthropology Today*, 25(2), pp.9-14.

Malkki, L.H., 1995. *Purity and exile: violence, memory, and national cosmology among Hutu refugees in Tanzania*, University of Chicago Press.

Marushiakova, E. & Popov, V., 2008. Soviet Union Before World War II. Available at: http://romafacts.uni-graz.at/index.php/history/second-migration-intensified-discrimination/soviet-union-before-world-war-ii [Accessed August 20, 2010].

Massey, D., 1995. The Conceptualization of Place. In D. Massey & P. Jess, eds. *A Place In The World?: Places, Cultures and Globalization*. Oxford: Oxford University Press.

Matras, Y., 2004. The Role Of Language In Mystifying And De-mystifying Gypsy Identity. In N. Saul & S. Tebbutt, eds. *The Role Of The Romanies*. Liverpool: Liverpool University Press, pp. 53-78.

Mazower, M., 1998. *Dark continent : Europe's twentieth century*, New York: A.A. Knopf: Distributed by Random House.

McDonald, H., 2009. 'Romanian gypsies beware beware. Loyalist C18 are coming to beat you like a baiting bear'. *The Observer* (21 June). Available at: http://www.guardian.co.uk/world/2009/jun/21/race-northern-ireland-romanian-gypsies [Accessed August 18, 2010].

Merlino, M., 2009. *The Italian (In)Security Package: Security vs. Rule of Law and Fundamental Rights in the EU*, Centre for European Policy Studies. Available at: http://www.libertysecurity.org/IMG/pdf_italian_insecurity.pdf [Accessed October 13, 2010].

Merrill, H. & Carter, D., 2002. Inside and outside Italian political culture: Immigrants and diasporic politics in Turin. *GeoJournal*, 58(2/3), pp.167-175.

Migration News, 2002. Spain, Italy, Portugal. *Migration News*, 9(8). Available at: http://migration.ucdavis.edu/mn/more.php?id=2688_0_4_0 [Accessed August 23, 2010].

Milella, L., 2008. Maroni conferma la linea dura contro gli sbarchi e i rom. *La Repubblica* (11 May). Available at: http://www.repubblica.it/2007/12/sezioni/cronaca/sicurezza-politica-2/maroni-andremo-avanti/maroni-andremo-avanti.html.

Ministère de l'Intérieur, 2010. Cirulaire IOC/K/1017881/J du 5 août 2010. Available at: http://ovh.softdom.com/Circulaire_du_5ao%C3%BBt_2010.pdf [Accessed September 18, 2010].

Ministero dell'Interno, 2008. Varato il Piano per l'impiego delle Forze armate nel controllo del territorio. Maroni: «Sarà utile per aumentare la sicurezza nelle città». *Notizie* (29 July). Available at: http://www.interno.it/mininterno/site/it/sezioni/sala_stampa/notizie/2100_500_ministro/0755_2008_07_29_Maroni_La_Russa_firma_decreto_impiego_Forze_armate.html [Accessed August 25, 2010].

Ministero dell'Interno, 2009. Pubblicato il decreto che proroga al 2010 l'emergenza campi nomadi in Lazio, Lombardia e Campania. *Notizie: Protezione civile* (7 June). Available at: http://www.interno.it/mininterno/export/sites/default/it/sezioni/sala_stampa/notizie/protezione_civile/0495_2009_06_07_emergenza_nomadi_prefetti_To_e_Ve_Commiss_deleg.html [Accessed February 7, 2010].

Ministero dell'Interno, n.d., Censimento dei campi nomadi. Available at: http://www.interno.it/mininterno/site/it/sezioni/sala_stampa/speciali/censimento_nomadi/index.html [Accessed February 6, 2010].

Mohácsi, V. & Bedard, T., 2008. Letter to Giorgio Napolitano, Silvio Berlusconi, Roberto Maroni & Marco De Giorgi RE: Pogroms against Roma in Italy. Available at: http://www.errc.org/cms/upload/media/03/03/m00000303.pdf [Accessed November 30, 2010].

Mora, M., 2008. Los gitanos se esfuman de Italia. *El Pais* (11 September). Available at: http://www.elpais.com/articulo/internacional/gitanos/esfuman/Italia/elpepuint/20080911elpepii

nt_5/Tes [Accessed February 10, 2010].

Morgan, A., 2009. Italy begins dismantling Roma camps after rape sparks ethnic tensions. *Paper Chase Newsburst* (17 February). Available at: http://jurist.law.pitt.edu/paperchase/2009/02/italy-begins-dismantling-roma-camps.php [Accessed February 6, 2010].

Morgenthau, H.J., 1968. *Politics among nations: The Struggle for Power and Peace*, Knopf.

Mougeotte, E. & Heuzé, R., 2010. Silvio Berlusconi : «Je soutiens Nicolas Sarkozy». *Le Figaro* (15 September). Available at: http://www.lefigaro.fr/international/2010/09/15/01003-20100915ARTFIG00591-silvio-berlusconi-je-soutiens-nicolas-sarkozy.php [Accessed September 19, 2010].

Müller-Hill, B., 1988. *Murderous Science: Elimination by Scientific Selection of Jews, Gypsies, and Others, Germany 1933-1945* First., Oxford University Press, USA.

Mukhamedina, S., 1997. Ekonomicheskaia politika sovetskoi vlasti v kazakhstanskom regione 1917-1926 gg. *Voprosy Istorii*, 6.

Naletto, G., 2009. *The Institutionalisation of Racism and Xenophobia in Italy*, European Social Watch. Available at: http://www.socialwatch.eu/wcm/documents/Italy.pdf [Accessed August 23, 2010].

National Assembly of France, 1789. Declaration of the Rights of Man and of the Citizen [La Déclaration des droits de l'Homme et du citoyen]. Available at: http://en.wikisource.org/wiki/Declaration_of_the_Rights_of_Man_and_of_the_Citizen [Accessed July 27, 2010].

National Audit Office, 2005. *Returning Failed Asylum Applicants*, London: The Stationary Office. Available at: http://www.nao.org.uk/publications/0506/returning_failed_asylum_applic.aspx [Accessed August 12, 2010].

Naudé, G., 1667. *Considérations politiques sur les coups d'Etat*, Available at: http://books.google.com/books?

id=_Qc-AAAAcAAJ [Accessed August 28, 2010].

Newman, D., 2006. Borders and Bordering: Towards an Interdisciplinary Dialogue. *European Journal of Social Theory*, 9(2), pp.171-186.

Newman, D. & Paasi, A., 1998. Fences and neighbours in the postmodern world: boundary narratives in political geography. *Progress in Human Geography*, 22(2), pp.186-207.

Nicolae, V., 2009. The enemy within: Roma, the media and hate speech. *Eurozine* (20 March). Available at: http://www.eurozine.com/pdf/2009-03-20-nicolae-en.pdf [Accessed October 13, 2010].

Ó Tuathail, G., 1997. New World Order Geopolitics. In G. Ó Tuathail, S. Dalby, & P. Routledge, eds. *The Geopolitics Reader*. London: Routledge.

OECD [Organisation for Economic Co-operation and Development], 2010. *International Migration Outlook: SOPEMI 2010*, OECD Publishing. Available at: http://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2010_migr_outlook-2010-en [Accessed August 20, 2010].

OECD Statistics, 2010. International Migration Database. Available at: http://stats.oecd.org/index.aspx [Accessed August 20, 2010].

Official Journal of the European Union, 1997. Treaty Of Amsterdam Amending The Treaty On European Union, The Treaties Establishing The European Communities And Related Acts. *Official Journal of the European Union*, C340. Available at: http://eur-lex.europa.eu/en/treaties/dat/11997M/htm/11997M.html#0145010077 [Accessed July 9, 2010].

Official Journal of the European Union, 2004. *Directive 2004/38/EC Of The European Parliament And Of The Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC,*

90/364/EEC, 90/365/EEC and 93/96/EEC, Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF [Accessed April 4, 2010].

Ohmae, K., 1990. *The Borderless World: Power and strategy in the global marketplace*, New York: Harper-Collins.

O'Nions, H., 2007. *Minority rights protection in international law: the Roma of Europe*, Ashgate Publishing, Ltd.

Onorato, P., 1989. Per Uno Statuto dello Straniero. *Democrazia e Diritto*, 6(November-December), pp.303-328.

Open Society Institute, 2003. Prime Ministers Endorse Decade Of Roma Inclusion, Called For By George Soros. Available at: http://www.soros.org/initiatives/roma/news/decade_20030708/roma_decade%203.pdf [Accessed October 5, 2010].

Ornella S., 2008. The Roma Holocaust in Italy in the Nazi Period. Available at: http://www.romaserver.com/down/holocaustitaly.pdf [Accessed October 13, 2010].

OSCE [Organization for Security and Co-operation in Europe], 2008. OSCE experts in Italy to assess situation of Roma and Sinti. *Press releases and media advisories* (21 July). Available at: http://www.osce.org/item/32261.html [Accessed October 3, 2010].

OSCE/ODIHR [Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights], 2005. *Joint Conference On The Implementation Of Policies/Action Plans For Roma, Sinti And Travellers, And Measures Against The Anti-Gypsyism Phenomenon In Europe*, Warsaw: OSCE/ODIHR. Available at: http://www.osce.org/documents/odihr/2007/02/23161_en.pdf [Accessed October 5, 2010].

OSCE/ODIHR [Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights], 2008. *Implementation of the Action Plan on Improving the Situation of*

Roma and Sinti Within the OSCE Area, Warsaw: OSCE/ODIHR. Available at:

http://www.osce.org/publications/odihr/2008/09/33130_1186_en.pdf [Accessed September 20,

2010].

OSCE/ODIHR [Organization for Security and Co-operation in Europe, Office for Democratic

Institutions and Human Rights], 2009. *Assessment of the human rights situation of Roma and Sinti in*

Italy: Report of a fact-finding mission to Milan, Naples and Rome

on 20-26 July 2008, Warsaw, The Hague: OSCE/ODIHR/HCNM. Available at:

http://www.osce.org/documents/odihr/2009/03/36620_en.pdf [Accessed October 3, 2010].

OSCE/ODIHR [Organization for Security and Co-operation in Europe, Office for Democratic

Institutions and Human Rights], 2010. Field Assessment Of Violent Incidents Against Roma In

Hungary: Key Developments, Findings and Recommendations June-July 2009. Available at:

http://www.osce.org/documents/odihr/2010/06/44569_en.pdf [Accessed September 20, 2010].

Owen, R., 2008. EU clears Berlusconi over Roma gypsies. *The Times* (4 September). Available at:

http://www.timesonline.co.uk/tol/news/uk/article4674724.ece [Accessed October 4, 2010].

Owen, R., 2009. Italian minister calls for rapists to be castrated. *The Times* (16 February). Available at:

http://www.timesonline.co.uk/tol/news/world/europe/article5745281.ece [Accessed February 7,

2010].

Paasi, A., 2005. The Changing Discourses on Political Boundaries Mapping the Backgrounds, Contexts and

Contents. In H. van Houtum, O. T. Kramsch, & W. Zierhofer, eds. *B/ordering Space*. Border regions

series. Aldershot & Burlington, VT: Ashgate Publishing, Ltd, pp. 17–32.

Panorama Gallery, 2008. Il quartiere Ponticelli di Napoli - Cronaca - Rom in fuga da Napoli - Panorama

Gallery (15 May). Available at:

http://gallery.panorama.it/gallery/cronaca_rom_in_fuga_da_napoli/30419_il_quartiere_ponticelli

 di_napoli.html#defloater [Accessed November 30, 2010].

Paoletti, E., 2010. *Deportation, non-deportability and ideas of membership*, Oxford: Refugee Studies Centre,

Oxford Department of International Development, University of Oxford. Available at:

http://www.rsc.ox.ac.uk/PDFs/RSCworkingpaper65.pdf [Accessed August 12, 2010].

Parker, N. & Vaughan-Williams, N. et al, 2009. Lines in the Sand? Towards an Agenda for Critical Border

Studies. *Geopolitics*, 14(3), p.582.

Parking Casilino, 2010. *parkingcasilino* (1 May). Available at:

http://parking900.blogspot.com/2010/01/parking-casilino.html [Accessed November 30, 2010].

Peace Treaty of Brest-Litovsk, 1918. The Peace Treaty of Brest-Litovsk 1918. Available at:

http://avalon.law.yale.edu/20th_century/brest.asp [Accessed March 29, 2010].

Però, D., 2005. Left-wing politics, civil society and immigration in Italy: The case of Bologna. *Ethnic and*

Racial Studies, 28(5), p.832.

Però, D., 2007. *Inclusionary Rhetoric/Exclusionary Practices: Left-wing Politics and Migrants in Italy*, New York &

Oxford: Berghahn Books.

Phillips, L., 2009. Italy creates anti-immigrant vigilante 'patrols'. *Euobserver.com* (18 February). Available at:

http://euobserver.com/9/27639 [Accessed February 7, 2010].

Piasere, L., 1993. Book reviews: 'The Gypsies' by Angus Fraser. *Journal of the Gypsy Lore Society*, 3(2), pp.91-

96.

Piasere, L., 1999. *Un Mondo di Mondi. Antropologia delle culture rom*, Naples: l'Ancora.

Pisa, N., 2008. Italy declares state of emergency over Roma immigrants. *The Daily Telegraph* (25 July).

Available at: http://www.telegraph.co.uk/news/worldnews/europe/italy/2459968/Italy-declares-

state-of-emergency-over-Roma-immigrants.html [Accessed August 24, 2010].

Pomerance, M., 1982. *Self-determination in law and practice: the new doctrine in the United Nations*, Martinus Nijhoff Publishers.

Primor, A., 2008. Italian foreign minister: Plan to fingerprint Roma is for their own good. *Haaretz* (11 July). Available at: http://www.haaretz.com/print-edition/news/italian-foreign-minister-plan-to-fingerprint-roma-is-for-their-own-good-1.249545 [Accessed August 24, 2010].

Prochasson, D., 2010. Expulsions de Roms, un «mode d'emploi» explicite. *Le Canard Social* (13 September). Available at: http://www.lecanardsocial.com/Article.aspx?i=193 [Accessed September 18, 2010].

Pugh, M., 2004. Drowning not Waving: Boat People and Humaitarianism at Sea. *Journal of Refugee Studies*, 17(1), pp.50-69.

Ragussis, M., 1995. *Figures of conversion: "The Jewish Question" & English National Identity*, Duke University Press.

Rechel, B., 2008. What Has Limited the EU's Impact on Minority Rights in Accession Countries? *East European Politics & Societies*, 22(1), pp.171 -191.

Reding, V., 2010. Viviane Reding Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship Statement on the latest developments on the Roma situation Brussels, 14 September 2010 Midday briefing in Press Room. Available at: http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/10/428 [Accessed September 18, 2010].

Rifati, S., 2000. Report On The Roma In Camp "Casilino 700", Rome, Italy. *Voice of Roma*. Available at: http://www.scn.org/roma/casilina1.html [Accessed February 9, 2010].

Rodotà, S., 2007. Un clima pericoloso. *La Repubblica* (3 November). Available at: http://www.repubblica.it/2007/11/sezioni/cronaca/tor-di-quinto-uno/clima-pericoloso/clima-pericoloso.html?ref=search [Accessed October 5, 2010].

Roma Rights Journal, 2008. Roma Rights 1, 2008: Roma Education: The Promise of D.H. *Roma Rights Journal*, (1). Available at: http://www.errc.org/cikk.php?cikk=2987 [Accessed October 13, 2010].

Rorke, B., 2009. Nationalist Pride and Popular Prejudice. *Roma Rights Journal*, (1), pp.11-15.

Rose, N., 2000. Government and Control. *British Journal of Criminology*, 40(2), pp.321-339.

Rosen-Molina, M., 2008. Italy to scale back Roma fingerprinting plan. *Paper Chase Newsburst* (23 July). Available at: http://jurist.law.pitt.edu/paperchase/2008/07/italy-to-scale-back-roma-fingerprinting.php [Accessed February 6, 2010].

Rüdiger, J.C.C., 1990. Von der Sprache und Herkunft der Zigeuner aus Indien. In *Neuester Zuwachs der teutschen, fremden und allgemeinen Sprachkunde in eigenen Aufsätzen, 1. Stück.* Hamburg: Buske, pp. 37-84.

Sack, R.D., 1986. *Human territoriality: its theory and history*, CUP Archive.

Salvia, L., 2010. Maroni: giusto espellere i rom. Saremo più duri di Sarkozy. *Corriere Della Sera* (21 August). Available at: http://www.corriere.it/politica/10_agosto_21/maroni_d57cd780-acea-11df-b3a2-00144f02aabe.shtml [Accessed September 19, 2010].

Sasse, G., 2005. *EU Conditionality and Minority Rights: Translating the Copenhagen Criterion into Policy*, Florence: European University Institute, Robert Schuman Centre for Advanced Studies.

Scalfari, E., 2007. Delinquenti o squadristi, tolleranza zero. *La Repubblica* (4 November). Available at: http://www.repubblica.it/2007/11/sezioni/cronaca/tor-di-quinto-uno/scalfari/scalfari.html?ref=search [Accessed October 7, 2010].

Shaw, K., 2002. Indigeneity and the International. *Millennium - Journal of International Studies*, 31(1), pp.55-81.

Shaw, K., 2008. *Indigeneity and Political Theory: Sovereignty and the Limits of the Political*, Abingdon; New York: Routledge. Available at: http://www.routledge.com/books/details/9780415777018/ [Accessed October 12, 2010].

Shin, M.E. & Agnew, J.A., 2008. *Berlusconi's Italy: Mapping Contemporary Italian Politics*, Philadelphia: Temple University Press.

Sibley, D., 1976. The Location And Layout Of Gypsy Caravan Sites: Notions Of Deviancy In Official Policy. *Antipode*, 8(1), pp.83-87.

Sibley, D., 1981. *Outsiders In Urban Societies*, Oxford: Basil Blackwell.

Sibley, D., 1995. *Geographies of exclusion*, Routledge.

Sigona, N., 2003. How Can a 'Nomad' be a 'Refugee'? Kosovo Roma and Labelling Policy in Italy. *Sociology*, 37(1), pp.69 -79.

Sigona, N., 2005. Locating 'The Gypsy Problem'. The Roma in Italy: Stereotyping, Labelling and 'Nomad Camps'. *Journal of Ethnic and Migration Studies*, 31(4), p.741.

Sigona, N., 2008. Introduction. In N. Sigona, ed. *The 'Latest' Public Enemy: Romanian Roma In Italy: The case studies of Milan, Bologna, Rome and Naples*.

Slezkine, Y., 1994. The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism. *Slavic Review*, 53(2), pp.414-452.

Smith, N., 2006. The endgame of globalization. *Political Geography*, 25(1), pp.1-14.

Smith, W.D., 1980. Friedrich Ratzel and the Origins of Lebensraum. *German Studies Review*, 3(1), pp.51-68.

Soros, G., 2008. "An Unacceptable Reality": The Situation of Roma in the European Union. Keynote Address to the EU Roma Summit. Available at: http://www.soros.org/initiatives/brussels/articles_publications/articles/roma_20080916 [Accessed October 13, 2010].

Sparke, M., 2005. *In The Space Of Theory: Postfoundational Geographies of the Nation-State*, Minneapolis: University of Minnesota Press.

Sparke, M., 2006. A neoliberal nexus: Economy, security and the biopolitics of citizenship on the border. *Political Geography*, 25(2), pp.151-180.

Squires, N., 2008. Protests in Italy against escalating racism. *The Sunday Telegraph* (5 October). Available at: http://www.telegraph.co.uk/news/worldnews/europe/italy/3141066/Protests-in-Italy-against-escalating-racism.html [Accessed October 8, 2010].

Stahnke, T. et al., 2008. *Violence Against Roma: 2008 Hate Crime Survey*, New York & Washington D.C.: Human Rights First. Available at: http://www.humanrightsfirst.org/pdf/fd/08/fd-080924-roma-web.pdf [Accessed October 13, 2010].

Stoker, B., 1897. *Dracula*, W. R. Caldwell.

Storia, D., 2009. "*EU Values: The Roma Migration Challenge" Italy Report*, OsservAzione. Available at: http://www.osservazione.org/documenti/ITALY%20REPORT_Daria%20Storia.pdf [Accessed October 13, 2010].

The Economist, 2010. Don't mention the war. *Charlemagne's notebook* (16 September). Available at: http://www.economist.com/blogs/charlemagne/2010/09/row_over_roma [Accessed September 19, 2010].

The Independent, 2010. Leading article: Despicable politics. *The Independent* (17 September). Available at: http://www.independent.co.uk/opinion/leading-articles/leading-article-despicable-politics-2081413.html [Accessed September 18, 2010].

The President of the Council of Ministers, 2008. *Dichiarazione dello stato di emergenza in relazione agli insediamenti di comunità nomadi nel territorio delle regioni Campania, Lazio e Lombardia [Declaration of the state of emergency with regard to settlements of nomad communities in the territories of Campania, Lazio and Lombardia regions]*, Available at: http://www.governo.it/Governo/Provvedimenti/testo_int.asp?d=39105 [Accessed August 23, 2010].

Tocqueville, A., 2003. *Democracy in America and Two essays on America*, Penguin Classics.

Toninato, P., 2009. The Making of the Gypsy Diaspora. *Translocations: Migration and Social Change*, 5(1). Available at: http://www.translocations.ie/Vol_5_Issue_1_c.pdf [Accessed November 16, 2010].

Torpey, J.C., 2000. *The invention of the passport: surveillance, citizenship, and the state*, Cambidge: Cambridge University Press.

Traynor, I., 2010a. French 'anti-Gypsy policy' denounced by European parliament. *The Guardian* (9 September). Available at: http://www.guardian.co.uk/world/2010/sep/09/french-anti-gypsy-european-parliament [Accessed November 30, 2010].

Traynor, I., 2010b. Nicolas Sarkozy tells Luxembourg to take in Roma. *The Guardian* (15 September). Available at: http://www.guardian.co.uk/world/2010/sep/15/nicolas-sarkozy-luxembourg-roma [Accessed September 18, 2010].

Traynor, I., 2010c. Nicolas Sarkozy rounds on critics and vows to keep dismantling Roma camps. *The Guardian* (16 September). Available at: http://www.guardian.co.uk/world/2010/sep/16/nicolas-sarkozy-keeps-dismantling-roma-camps [Accessed September 18, 2010].

Trifunovska, S., 1997. One Theme in Two Variations - Self Determination for Minorities and Indigenous Peoples. *International Journal on Minority and Group Rights*, 5, p.175.

Trucco, L., 2008. Legal and Policy Developments in the Condition of Migrants and Roma in Italy. *Roma Rights Journal*, (2), pp.31-34.

Tudjman, F., 1990. *Bespuća Povijesne Zbilnosti*, Zagreb: Nakladni Zavod Matice Hrvatske.

U Velta Sinta, 2009. Veneto, ieri è scattata la schedatura. *U Velto* (6 March). Available at: http://sucardrom.blogspot.com/2009/03/veneto-ieri-e-scattata-la-schedatura.html [Accessed February 6, 2010].

UNIRSI [International and National Union of Roma and Sinti In Italy], 2008. *Report. Roma communities in*

Rome, Naples and Milan, Rome: UNIRSI. Available at:
http://groups.google.com/group/Roma_Files/attach/3eb3ffd718dd33d0/Italia-Report-2008.pdf?part=7 [Accessed November 30, 2010].

van Houtum, H. & Boedeltje, F., 2009. Europe's shame: death at the borders of the EU. *Antipode*, 41(2), pp.226-230.

van Houtum, H., Kramsch, O.T. & Zierhofer, W., 2005. *B/ordering space*, Aldershot & Burlington, VT: Ashgate Publishing, Ltd.

Vareikis, I. & Zelenskii, I., 1924. *Natsional'no-gosudarstvennoe razmezhevanie Srednei Azii*, Tashkent: Sredne-Aziatskoe gosudarstvennoe izdatel'stvo.

Vaughan-Williams, N., 2009. *Border Politics: The Limits of Sovereign Power*, Edinburgh: Edinburgh University Press.

Verspaget, G., 1995. *The Situation of Gypsies (Roma and Sinti) in Europe*, Strasbourg: Council of Europe.

Villarreal, F. & Walek, C., 2008. *European Roma Summit, Brussels 16 September 2008 – Conference Report*, Brussels. Available at:
http://www.gitanos.org/upload/63/41/European_Roma_Summit_16092008.pdf [Accessed October 5, 2010].

Virilio, P., 1986. *Speed and Politics: An Essay on Dromology*, New York: Semiotext(e).

von Chemnitz, B.P., 1712. *Intérêts des Princes d'Allemagne [De Ratione Status Imperii Romano-Germanici]* 1712th ed., Friestad.

Walker, R.B.J., 1990. Sovereignty, Identity, Community: Reflections on Contemporary Political Practice. In R. B. J. M. Walker & S. H. Mendlovitz., eds. *Contending Sovereignties: redefining political community*. Boulder: L. Rienner Publishers.

Walker, R.B.J., 1993. *Inside/outside : international relations as political theory / R.B.J. Walker.*, Cambridge

[England] ; New York: Cambridge University Press.

Walker, R.B.J., 2006. The Doubled Outsides of the Modern International. *ephemera: theory and politics in organization*, 6(1), pp.56-69.

Walker, R.B.J., 2010. *After the Globe, Before the World*, New York: Routledge.

Walters, W., 2002. Mapping Schengenland: denaturalizing the border. *Environment and Planning D: Society and Space*, 20(5), pp.561 – 580.

Walters, W., 2006. Border/Control. *European Journal of Social Theory*, 9(2), pp.187-203.

Weber, M., 1972. *Politics as a Vocation*, Fortress Press.

Wilkinson, T., 2008. Italy's right targets Gypsies, migrants. *Los Angeles Times* (24 May). Available at: http://articles.latimes.com/2008/may/24/world/fg-right24 [Accessed October 14, 2010].

Willsher, K., 2010. Orders to police on Roma expulsions from France leaked. *The Guardian* (13 September). Available at: http://www.guardian.co.uk/world/2010/sep/13/sarkozy-roma-expulsion-human-rights [Accessed September 19, 2010].

Wilson, W., 1918. Transcript of President Woodrow Wilson's 14 Points. Available at: http://www.ourdocuments.gov/doc.php?doc=62&page=transcript [Accessed March 15, 2010].

Zanotti, A., 1993. Undercurrents of Racism in Italy. *International Journal of Politics, Culture, and Society*, 7(2), pp.173-188.

Žižek, S., 2009. Berlusconi in Tehran. *London Review of Books*, 31(14), pp.3-7.

Žižek, S., 2010. Liberal multiculturalism masks an old barbarism with a human face. *The Guardian* (3 October). Available at: http://www.guardian.co.uk/commentisfree/2010/oct/03/immigration-policy-roma-rightwing-europe [Accessed October 4, 2010].

Zolberg, A.R., 1999. Matters of State: Theorizing Immigration Policy. In C. Hirschman, P. Kasinitz, & J.

DeWind, eds. *The Handbook of International Migration: The American Experience*. New York: Russell

Sage.

Appendix: Glossary of European Institutions

EU Institutions	
European Council	An intergovernmental body consisting of the Heads of State or Government of the Member States, together with the European Council's own President (previously the leader of the state holding the Presidency of the Council of the EU; since the Lisbon Treaty a permanent, full-time post) and the President of the Commission. Its mandate is to 'defines the general political direction and priorities of the European Union'. Since the 2009 Treaty of Lisbon, the European Council has been an official institution of the EU.
Council (of the EU)	The main decision-making body of the European Union, comprising 27 ministers, one from each Member State (precisely which minister is dependant upon the issue under debate). Its Presidency rotates biannually between Member States.
European Parliament	The only directly-elected body of the European Union, with 736 Members of the European Parliament elected once every five years by voters in all Member States. It shares equal legislative and budgetary powers with the Council of the EU, and together they form the legislative branch of the EU.
European Commission	The executive body of the EU, responsible for proposing and drafting legislation, upholding the Union's treaties and managing the day-to-day business of implementing EU policies and spending EU funds. Operates as a cabinet government with one full-time Commissioner from each Member State (one of whom acts as Commission President), in command of a staff of 32 140 European civil servants.
Fundamental Rights Agency	An advisory body of the European Union, inaugurated on 1 March 2007 as successor to the European Monitoring Centre on Racism and Xenophobia (EUMC). Mandated with collecting data on 'fundamental rights' within the EU, conducting research and analysis, giving advice to policy-makers, and disseminating the results of its work to the public.
Non-EU Institutions	
Council of Europe	An organisation concerned with upholding human rights, democracy and the rule of law in Europe. Founded in 1949 and comprising 47 Member States, it is both older and wider in scope than the EU. Drafted the European Convention on Human Rights in 1950, thus establishing the European Court of Human Rights. Contains the Commissioner for Human Rights, an independent and non-judicial institution mandated to promote the awareness of and respect for human rights in the Council of Europe.
Organization for Security and Co-operation in Europe (OSCE)	A security-oriented intergovernmental organization comprising 56 participating states across Eurasia and North America, prior to 1995 known as the Conference on Security and Co-operation in Europe (CSCE). Contains the Office for Democratic Institutions and Human Rights (ODIHR), an institution dealing with the 'human dimension' of security which hosts the OSCE's Contact Point for Roma and Sinti Issues.
United Nations (UN)	A world-wide organisation of 192 states aiming to 'maintain international peace and security, develop friendly relations among nations and promote social progress, better living standards and human rights'. The latter is the responsibility of the Office of the United Nations High Commissioner for Human Rights (OHCHR), a Geneva-based agency mandated with upholding the UN's 1948 Universal Declaration of Human Rights and other human rights laws and treaties.