

**A Tale of the Roma People in Europe in the Context of the Sovereign Nation-
State**

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Introduction

After the dissolution of the Soviet Union, many post-communist countries, particularly in Eastern and Southern Europe, experienced severe economic downturns which fueled ethnic and racial conflicts concerning competition for scarce resources.¹ For many ethnic minorities, this led to a sense of urgency to escape from these racially and ethnically charged environments, fearing for their lives that they would become scapegoats for this public outrage.² Because of this, the recent induction of several post-communist states into the European Union (EU) has triggered widespread fears of an exodus of foreign migrants from Eastern and Southeastern Europe to Western Europe.³

The Roma populations in Europe provide a compelling example of this fear. The Roma are frequently perceived as threats because the order and stability of these societies would be ‘jeopardized by a foreign environment and values,’ which are seen as incompatible with European ones.⁴ However, on a deeper level, it may be argued that such negative sentiments concerning Roma are the product of the structuring forces of national governments. Despite the rights to free movement and mobility guaranteed to all EU citizens, it is not always apparent that such rights are forthcoming for the Roma.

The state – being the overarching political body that governs the people who live within its definite borders – desires that all of its people are ‘legible.’⁵ Legibility means that a given person lives in such a way that the state can clearly interact with and manage them –

¹ Zoltan D. Barany, “Living on the Edge: The East European Roma in Postcommunist Politics and Societies” *Slavic Review* 53, No. 2 (Summer, 1994): 321, accessed April 12, 2015, <http://www.jstor.org/stable/2501296>.

² *Ibid.* Zoltan, 321.

³ Salim Murad, ‘Questioning Migration in the Czech Republic Before the 2009 Economic Crisis.’ *Territoriality & Migration In The E.U. Neighborhood* (January 2014): 209. *Publisher Provided Full Text Searching File*, EBSCOhost (accessed March 6, 2014), 3.

⁴ *Ibid.* Murad, 2.

⁵ James C. Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, (New Haven: Yale UP, 2009, Print), 4-5.

education, taxation, conscription, and so on.⁶ Legibility is the overall capability of an individual to participate in the state's desired social structure. In the EU, the Roma do not inhabit a fixed location – they are transient, preferring to live in mobile communities of tents and wagons. They live within the borders of EU member states, but they do not participate in the 'normal' life of having a fixed location, a profession, or a taxable income like other EU citizens. They are not manageable like other inhabitants, so they are illegible to the member states. Thus, the mobility of the Roma means that they are not ideal citizens to the EU, and the member states – as will be shown – view them with hostility.

Scholars and political commentators often frame the divisions between the EU states and the Roma people in terms of oppressor and oppressed. The Roma are framed as chronic victims of states bluntly carrying out the prerogatives of statehood. Like many hierarchies of power, however, the relationship between the Roma and the state cannot be solely shaped by the notion of victimhood. To do so would be to render the Roma as a people lacking autonomy and deny them agency. The relationship is also marked by self-conscious acts of political and social autonomy – protests, civil disobedience, and other traditional markers of agency. When the Roma resist attempts by states to render them legible, they assert a distinct political position and actively dispute what constitutes ideal citizenship.

Attempts to render legibility

Since its creation out of the Treaty of Westphalia in 1648, the sovereign territorial state has existed with the primary objective of upholding its territorial boundaries and exercising supreme authority within and over its territorially defined jurisdiction. To this end, the state continually undertakes measures to ensure its control by rendering society legible. One such example of the continual attempts by the state to render individual lives legible are

⁶ Ibid. Scot, 5.

through property rights and property ownership, which have allowed the state to track and, more importantly, tax the income of people that fall within its borders.⁷

With regard to the Roma, state authorities throughout Europe have utilized similar mechanisms of legibility to render this group and their characteristic mobility legible. Such mechanisms have included public housing projects instituted during the late-Communist period as well as temporary ID cards that have been used in recent years to demarcate the Roma as individuals that lack residence. These measures have served dual functions for the state: enhancing the legibility of populations formerly illegible as well as sorting groups of people that fall within the borders of the state. The end result is a society based upon a dichotomy between ‘ideal’ groups of citizens, namely those who own property and maintain fixed residence (i.e. are legible), versus the ‘undesirables’ who remain mobile and illegible. The former would be the model citizen of the state, while the latter would be the Roma, a people who remain illegible through their refusal to settle on any particular patch of land.⁸

There are currently an estimated 10-12 million Roma living in Europe, making them Europe’s largest ethnic minority. Nearly eighty percent of Europe’s Roma population reside in Bulgaria and Romania, but a growing number of Roma are living in Western Europe as well. Spain now has a population of 725,000, France 400,000, and Italy 90,000-180,000.⁹ Despite having lived in Europe for centuries, the Roma have remain one of Europe’s most heavily stigmatized and persecuted minorities.¹⁰ Their perceived ethnic difference, their subsistence style living practices as well as their culture of nomadism/mobility, have resulted in many Europeans viewing the Roma as a backward and uncivilized group of people who

⁷ Ibid. Scot, 5.

⁸ Isin, Engin F., and Michael Saward. *Enacting European Citizenship [electronic resource]*. n.p.: Cambridge : Cambridge University Press, 2013. *Drake University Catalog*, EBSCOhost (accessed April 25, 2014).

⁹ Council of Europe, “Estimates and official numbers of Roma in Europe,” excel file, *Council of Europe’s Roma and Travellers Division*, last modified July 2012, <http://www.coe.int/en/web/portal/roma>.

¹⁰ James A. Goldston, “Roma Rights, Roma Wrongs,” *Foreign Affairs* 81, no. 2 (2007): 146-147, accessed April 11, 2015, <http://www.jstor.org/stable/20033090>.

are unfit for life within ‘normal’ European society due to their perceived inability to adapt and assimilate to European culture and values.¹¹

The animosity towards the Roma has historically manifested itself in various forms of state sponsored violence and discrimination. During World War II, for instance, the Roma were subjected to ‘arbitrary internment, forced labor, and mass murder’ because they were judged to be ‘racially inferior,’ by the Nazi regime.¹² While such blatant acts of state led aggression and violence towards the Roma are less common today than in decades past, many EU member states have not given up on their goal of controlling and managing the Roma populations in Europe. Several member states are actively engaged in legibility projects, which are meant to locate and demarcate the Roma and isolate them from the rest of European society.

One clear example of this is taking place in Romania, where state authorities are currently engaging in a legibility project to limit and control the mobility of the Roma. The purpose of these legibility projects is not so much concerned with rendering the Roma legible so that they may be taxed, but rather rendering them legible so that they may be quarantined from the rest of society and placed under surveillance.¹³ This project is ongoing within Romania, and the ghettos that the Roma are being forced into have been nicknamed by state authorities as ‘Gypsy colonies’.¹⁴

In order to fully bring to fruition the goal of monitoring and isolating the Roma populations in Romania, state authorities have instituted practices of aversive inclusion. Such

¹¹ Ibid. Goldston, 148.

¹² United States Holocaust Memorial Museum, “Genocide of European Roma (Gypsies), 1939-1945,” Holocaust Encyclopedia, last modified January 30, 2009. Accessed April 12, 2015, <http://www.interights.org/cazacliu-v-romania/index.html>.

¹³ Christina Rat, ‘Bare Peripheries: State Retrenchment and Population Profiling in Segregated Roma Settlements from Romania.’ *Studia Universitatis Babeş-Bolyai, Sociologia* 58, no. 2: 157, 2013. *Publisher Provided Full Text Searching File*, EBSCOhost (accessed April 2, 2014), 157.

¹⁴ Ibid. Rat, 156.

practices are designed by the state as attractive enticements to illegible populations, like the Roma, by promising them similar legal rights guaranteed to legitimate citizens, such as the right to maintain a job or seek recourse to welfare benefits but function as a strategy for population sorting.¹⁵ Using methods of aversive inclusion, the state can improve its ability to locate suspect and fugitive populations and demarcate them from the rest of society.

In Romania these practices of aversive inclusion are officially recognized as ‘civil identification’ programs. For example, state officials have increasingly utilized provisional, or temporary, ID cards to establish this segregation. The effects of these demarcation efforts have led to a deepening of the already strong and historically enduring profiling of the Roma as a ‘category of suspicion’.¹⁶ The use of provisional ID cards has proven to be an insidious tactic of discriminating against the Roma. According to Christina Rat, ‘although at face-value these identity papers allow homeless individuals (supposedly a rare and temporary status)’ to hold identity papers and ‘enact their citizenship rights,’ the practical implications of these temporary cards for the user is that it necessarily leads to ‘the restrictive and discretionary conditions of proving one’s residence in order to qualify for the *‘proper’* identification card.’¹⁷ The case of Romania shows us that the state offers the legal protections of regular citizenship on the condition that one hold a fixed residency. This enticement provides an avenue for the state to accomplish the twin goals of ending mobility and monitoring the behavior of the suspect Roma population.

There are two different types of ID, however. Most citizens hold ‘proper’ ID, whereas the Roma are only offered ‘provisional’ ID which confers a different set of legal rights. The proper ID is valid for ten years and allows the holder to register as ‘self-

¹⁵ Ibid. Rat, 156.

¹⁶ Ibid. Rat, 155.

¹⁷ Ibid. Rat, 158.

employed’ as well as the ability to ‘travel without a passport within the EU-area.’ The provisional ID, on the other hand, is valid for only one year and allows none of the above entitlements that come with having a proper ID. Most importantly, the provisional version generates immediate suspicion: holding one is immediate evidence that the person is not a ‘normal’ citizen with access to proper ID.¹⁸ From the interviews that Rat conducted during her field studies in Romania, it is clear that individuals who carry such provisional ID cards are automatically rendered suspect and fugitive in the eyes of others. Rat was able to conclude that all those who possessed these provisional ID cards were ‘declined at job interviews as soon as they showed their papers.’¹⁹ Hence, free movement in this context becomes a question of categorizing those who can be legitimately mobile – moving between fixed residencies while holding proper identification – versus those whose illegitimate mobility – movement without fixed residency or proper identification – must be restricted on the grounds of security.²⁰

Yet another example of how the state has successfully controlled the mobility of the Roma is through the use of social welfare programs. Like the provisional ID cards, these social welfare programs are designed to target suspect populations, such as the Roma, and are disguised as an act of ‘assistance.’ The construction of housing projects for voluntary sequestration – which will be discussed below – is an example of this policy agenda.

However, in practice these programs generally fail to effectively alleviate poverty. It is unlikely that these programs were ever intended to solve the poverty issues of the Roma. Rather, it was likely an attempt to render these people legible by making them immobile. In cases where the state succeed in rendering the Roma legible through social welfare programs,

¹⁸ Ibid. Rat, 159.

¹⁹ Ibid. Rat, 159.

²⁰ Isin, Engin F., and Michael Saward. *Enacting European Citizenship [electronic resource]*. n.p.: Cambridge: Cambridge University Press, 2013. *Drake University Catalog*, EBSCOhost (accessed April 25, 2014) pg. 139.

these programs have led to greater stigmatization of the recipients for failing to find employment after receiving aid. Blamed for their failure to find a job and for being on welfare, yet quite often unable to acquire jobs because they are told they lack the proper IDs previously mentioned, the Roma have found themselves the victims of a classic Catch-22 dilemma.

The methods of aversive inclusion disguised as social welfare programs and the use of provisional IDs are just a few of the ways the modern nation-state has structured and influenced the lives and experiences of the Roma throughout Europe. State authorities have targeted the Roma specifically because they are conceived of as embodying the excesses of mobility—they lack permanent residence and refuse to attach themselves to any particular piece of land. Crucially, the right to freedom of movement is only bestowed upon financially secure individuals who can support themselves without recourse to welfare benefits, who are self-employed or have paid employment, and fit the standard model of the ‘ideal’ citizen in the eyes of the state. These aversive inclusion practices result in the stigmatization of the Roma as a ‘suspect and fugitive population’ and an overall lack of economic opportunity and social mobility within society.²¹

The Roma – An Illegible Population

The direct products of the stigmatization and criminalization of free movement and mobility have manifested themselves in forced evictions and expulsions, such as the controversial expulsion of Roma from France in the summer of 2010²² along with the efforts

²¹ Ibid. Engin and Seward, 136.

²² Fontanella-Khan, James, and Kester Eddy. ‘Roma: Moving target.’ Financial Times. <http://www.ft.com/intl/cms/s/2/27e2aa22-995f-11e3-91cd-00144feab7de.html#axzz2vDkjK3Ge> (accessed March 6, 2014).

to promote a sedentary lifestyle.²³ Free movement is acceptable to the state only for the ideal citizen – one whose mobility occurs between fixed residencies and whose existence is not perceived to be an existential threat to security.²⁴ The state believes that movement by illegible people, such as the Roma, constitutes an inherent threat to security and stability. They cannot be managed, which renders them a threat.

Security measures instituted under the Berlusconi government in Italy soon after the 2008 elections are an example of this.²⁵ During this time, Italy's government called for a 'security package,' with the intent of removing, forcibly if necessary, Roma populations from mainstream society and placing them in fixed camps. Since the Roma people appear to move collectively, the Italian government thus securitized them collectively.²⁶ Through the use of forced evictions and containments aimed at inhibiting their rights to freedom of movement and mobility, Berlusconi's government has been largely successful in addressing the Roma 'security threat'.²⁷ The result of Berlusconi's security package has been a severe curtailment in the Roma's ability to build social and political alliances within the country.²⁸ Furthermore, these forced evictions and containments have worsened the living conditions of the Roma as well as fortifying the negative views of the Roma as a suspect and fugitive population by making them a visible and politicized group in a highly problematic way.²⁹

²³ Ibid. Barker, 113.

²⁴ Engin and Seward, 139.

²⁵ Ibid. Engin and Seward, 139.

²⁶ Ibid. Engin and Seward, 139.

²⁷ Malcom Moore, 'Italy to fingerprint all Roma Gypsy Children,' *The Telegraph* (The Telegraph Company, United Kingdom), June 26, 2008, url: <http://www.telegraph.co.uk/news/worldnews/europe/italy/2200020/Italy-to-fingerprint-all-Roma-gipsy-children.html>.

²⁸ Vitale, T., "Contestualizzare l'azione pubblica: ricerca del consenso e varietà di strumenti nelle politiche locali per i rom e i sinti," In G. Bezzecchi, M. Pagani and T. Vitale (eds.), *I Rom e l'azione Pubblica*. Milano: Nicola Teti Editore, 24, 2008.

²⁹ Ibid. Engin and Seward, 136.

Interviews conducted with individuals who experienced these forced evictions in Italy attest to their adverse impacts upon the Roma population. As one individual remarked, the Roma, when evicted, simply 'go to another place and often end up living on the river banks in temporary and precarious conditions.'³⁰ The question of physical mobility for the Roma, a people lacking fixed/permanent residence, becomes intricately intertwined with the questions of social and political mobility. These forced evictions have led to an overall reconstruction of 'nomadism' as a new reality of Roma life, 'one that is characterized more by enforced (im)mobility rather than free movement,' as the vision of 'nomadism' would usually entail.³¹

Rejecting the Sovereign Territorial State & State Order

So far, it has been shown that the Roma are often regarded by mainstream society as being unfit for the 'normal' life of the ideal citizen, which is why the Roma are, in many ways, the 'quintessential minority' of Europe.³² They are viewed as being a primitive and backwards people who have failed to adapt to life within the state.³³ At this point, though, the following question may be raised: 'Have the Roma willingly and self-consciously chosen this 'backward' and 'primitive' lifestyle?' A closer examination of these peoples' own views and their actions indicates that the Roma are not simply the helpless victims of society, but are also political actors who have utilized their characteristic mobility, their subsistence style living practices, and the very number of linguistic dialects that they speak, to remain untethered to the sovereign territorial state and state order.³⁴

³⁰ Sigona, N., 2005. Locating 'The Gypsy Problem'. The Roma in Italy: Stereotyping, Labeling and 'Nomad Camps'. *Journal of Ethnic and Migration Studies*, 31 (4), 741-756.

³¹ Engin and Saward, 137.

³² Guild, Elspeth. *Immigration law in the European community*. The Hague: Kluwer Law International, 2001.

³³ Ibid. Scott, 33.

³⁴ Ibid. Scott, 39.

Coinciding with the state's attempts to render the activities of the Roma people legible has been a self-conscious effort on behalf of the Roma people to frustrate the state's ability to accomplish this goal. One such example can be seen through the failure of the public housing projects that cropped up in Romania during the 1990s to resolve the 'Roma issue.'³⁵ As an act of defiance to these housing projects, which were meant to normalize and standardize their style of living by promoting permanent residence, the Roma people either refused outright to inhabit these cramped living quarters or would move into the housing districts 'temporarily,' staying only long enough to take everything of value from the houses as a symbolic act of defiance to the state. An individual who helped build such houses for the Roma during this time provides an eyewitness account of these events:

The project [viz. the housing project] was carried out and all the houses were constructed and completely furnished with a kitchen, bathroom, washing machine, TV and all essentials for a *normal* household [italics added]. Families gladly moved in, or so it was our initial impression... Not even a week after the houses were built, all of the houses were completely stripped of electrical appliances and anything else that could be unhooked and carried away to be sold for scraps. So, the families continued to live in tents, but now with a lot of cash. So there you have it, it's their [the Roma] way of life.³⁶

Another example of the Roma's resistance to state-funded legibility projects can be seen through their efforts to become visible in the context of political demonstrations. For example, in Italy, the Roma recently came out of their camps as an act of defiance to the increasing criminalization and political attacks upon the

³⁵ Aradau, C. and Huysmans, J., 2009. *Mobilizing European Democracy: Mobility and Citizenship between Universal Rights and the 'Mob'*. Enacting European Citizenship (ENACT), European Union's Seventh Framework Program (Grant Agreement No. 217504).

³⁶ Online Discussion Forum: 'Why do Europeans hate the Roma so much?' April 7, 2013, doi: http://www.reddit.com/r/AskReddit/comments/d3hax/why_does_europe_hate_the_roma_so_much/.

Roma. The significance of these acts is conveyed by one group present, which claimed that:

For the first time a huge event such as this took place in Rome, in a big city, hence making the issue visible to institutions both in Italy and in Europe. It was useful because afterwards these institutions sent some commissions to assess the situation in the camps. Finally, the Roma exist as an issue of public interest.³⁷

Coming out of the camps could be read as an act of ‘European citizenship.’³⁸ The EU guarantees the right of free movement to its citizens, but the member states only give this right to those that are mobile between fixed residencies. The Roma then, offer a distinct political challenge to that interpretation of the EU’s supranational law. It is almost paradoxical that an allegedly stateless people invoke an alternative definition of EU *law* against the member states who reject their interpretation of mobility. The Roma simultaneously reject the mobility laws of the resident states by embracing the law of the EU.³⁹

This implicit invocation of supranational law is made explicit in Roma usage of the court system. In *Cazacliu v Romania*, 75 Romanian nationals of Roma origin, which included approximately 30 children and young people, appealed to the European Court of Human Rights and sued the government of Romania on grounds that their right to an education, a right which is guaranteed to all Romanian citizens, was violated when they were forcefully evicted from their homes, “which they had been living [in] for years,” and made to relocate at an old army barracks, “disused since the 1970s,” located next to a heavily industrialized

³⁷ Malini, Roberto, 2009. Activist and Representative of EveryOne Group. Interview with P. G. Maciotti, Rome, 24 October.

³⁸ Ibid. Engin and Saward, 136.

³⁹ Ibid. Engin and Saward, 137.

area.⁴⁰ Being located in such an inhospitable area made it nearly impossible for the Roma children and their young to attend school and so, many were expelled from the schools or were simply forced to abandon school altogether. In 2009 the Roma made their case to the European Court of Human rights and the Court ruled in their favor, claiming that the Romanian government had violated the Roma's right to an education as Romanian citizens and had also committed several human rights abuses by evicting the Roma from their homes and forcing them to relocate.

Thus, acts of resistance against the state vary between Roma populations. Some instances of protest are against the very idea of the nation state – stripping the housing project of its possessions is such an example. In the above court case, however, the Roma in that situation had occupied a permanent residency for years and were attempting to educate their children at the local school. The protest in this case was that they were ultimately denied access to the school because of their ethnicity. Even though they are attempting to play along with the legibility project of adopting permanent residency and utilizing public education, they are still viewed with hostility by the state.

This kind of protest further raises the question of whether or not the state genuinely wants to make the Roma legible, or if the very pursuit of these legibility projects renders them incapable of joining 'normal' life in the EU due to the racist and prejudicial undercurrents of the nation state. It also contrasts the differences within the Roma people – those that desire to remain stateless engage in stateless forms of protest, while those that attempt to integrate into 'normal' European life employ state-centered forms of protest (i.e., seeking redress in a court system).

⁴⁰ Interights – the international centre for the legal protection of human rights, "Cazacliu v Romania," Interights index, accessed April 13, 2015, <http://www.interights.org/cazacliu-v-romania/index.html>.

Hence, when analyzing the situation of the Roma in Europe today, the narrative cannot simply depict them as helpless victims of society. Their behavior in their everyday lives makes them autonomous political actors because they implicitly and explicitly engage with the authority of the state.⁴¹ In many ways, then, the Roma are more than a tribal or backward people left behind by society. They are 'barbarians by design' who chose an alternative path to life inside the confines of the modern nation-state.⁴²

Conclusion

On the one hand, the Roma are indeed the victims of society, being barred from economic opportunity and social advancement due to their characteristic mobility. On the other hand, the Roma are actively resisting efforts to normalize their living practices as seen through their refusal to inhabit the housing projects and their commitment to freedom of movement. The implications of each of these views of the Roma in relation to the state hold unique consequences for how we should seek to address the issue.

From a state and societal perspective, the incessant mobility and subsistence practices of the Roma present significant challenges and undesirable implications for the sovereign state. In attempting to find a solution to this issue, two alternatives arise: (1) either the Roma must compromise their values of free-movement and mobility and allow themselves to become coopted and monitored by the sovereign state order by moving into permanent residents; or (2) the State must forfeit a portion of its authority and control within its borders to allow for the meaningful observance of international laws protecting the rights of individuals to free movement and mobility. Both of these solutions, however, are problematic.

⁴¹ Ibid. Scott, 9.

⁴² Ibid. Scott, 9.

The first solution would likely become a prescription for further deterioration of the economic and social situation of the Roma within Europe: The state, no longer perceiving the Roma to be a threat, would inevitably continue to push the Roma further and further into the ‘bare peripheries of society,’ where state policies merely exercise population control and citizenship is disentangled.⁴³ The second solution would require the sovereign nation-state to make a fundamental change in its governing prerogatives by allowing the EU to override the state’s own authority and control within its territorial boundaries. By definition, this course of action would undermine the state’s own sovereign power. Furthermore, the EU, despite representing a supranational body where ‘governance is becoming increasingly a multi-level, intricately institutionalized activity,’ the locus of power in this international schema remains the state.⁴⁴ As William Wallace rightly claims about the nature of the European Union, ‘representation, loyalty and identity remain stubbornly rooted in the traditional institutions of the nation state.’⁴⁵

An intriguing issue that arises from these hypotheticals is, of course, the usage of the court system and its attendant laws against the nation state. It would be worth investigating whether or not the Roma truly desire to live free of statehood in its entirety, or if they are content to live within the supranational state of the EU so long as it does not impinge their ability to continue a lifestyle of mobility. It is not yet clear if the Roma genuinely identify as EU citizens with rights that cannot be usurped by the nation state, or if they strategically employ these institutions in order to maintain a truly stateless identity. It would also be worth investigating how the norms of inferiority that seem to guide the actions of these

⁴³ Giorgio Agamben and Daniel Heller-Roazen, *Homo Sacer* (Stanford, CA: Stanford UP, 1998, Print), 103.

⁴⁴ William Wallace, “The sharing of sovereignty: The European paradox.” *Political Studies* 47, no. 3: 521, Academic Search Complete, EBSCOhost (accessed March 7, 2014).

⁴⁵ Ibid. Wallace, 521.

nation states have been internalized by those Roma who seek to integrate themselves into 'normal' life within EU member states.

Inevitably, the Roma situation presents a complex dilemma for Europe. States can choose to uphold the traditional notions of territorial sovereignty born out of the Treaty of Westphalia, granting the state sole authority to control who comes in and out of its borders. Alternatively, the state can allow for an open and more diverse migratory system under the purview of the EU. It is not clear if the subsistence style of living and constant mobility of the Roma pose a burden to the wellbeing of others within Europe. The answer to this question will certainly guide any policy response. It may be possible to link the situation of the Roma in Europe with broader issues surrounding migration in the context of the modern nation state. Such an investigation would enhance scholars and political scientists' ability to analyze the situation on a different level and perhaps even generate new solutions.

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