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## Desafiando os Limites da Cidadania da União Europeia: As Disputas dos Grupos Roma acerca da (I) mobilidade

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**Challenging the Limits of European Union Citizenship:  
Roma Struggles over (im)mobility**

Dr Vicki Squire  
The Open University  
Walton Hall  
Milton Keynes  
MK7 6AA  
[v.j.squire@open.ac.uk](mailto:v.j.squire@open.ac.uk)

## **Abstract**

This article examines recent struggles over the mobility of Roma across Europe in terms of the insights that these provide into the limits of European Union (EU) citizenship. Showing how the struggle to deport and contain Roma citizens across Member States of the Union reflect a broader series of limits regarding EU citizenship, the analysis questions any simplistic assumptions regarding the progressiveness of European citizenship over national citizenship. Rather, it points to the constitutive tensions between citizenship as derivative of the nation-state and citizenship as formed through free movement provisions, and reads these tensions as important in understanding the conditions under which contestations of the limitations of EU citizenship emerge. Focusing specifically on the struggles of Roma and Sinti activists in Italy, the article goes on to suggest that questions of mobility are critical to the transformation of European citizenship through 'acts of citizenship' that contest the limits of an EU citizenship regime. This is not understood in the sense that free movement automatically or inevitably rights the wrongs of territorial or nationally-inscribed regimes by including those who are excluded. Rather, the article argues that mobilisations of Roma around mobility are important both in contesting the internal differentiations of EU citizenship, as well as in reconfiguring the limits through which such a regime is inscribed as such. This occurs through acts whereby exclusionary processes such as criminalisation are transformed into claims to social justice. Such claims might be said to take on new significance when developed at the European scale, since claims of social justice in this regard become 'transnational' in the scope of their enactment. However, the transnational cannot be understood in a fixed or spatially-contained sense when viewed through the lens of mobility, but is perhaps better understood as a means of questioning received ways of thinking and enacting politics that are confined to the individual or to the aggregate constitution of nation-states.

## Introduction

During the summer of 2010, hundreds of Roma settlements in France - often referred to as 'unauthorised camps' - were dismantled. In addition, hundreds of Roma EU citizens were 'voluntarily deported' from France to Romania and Bulgaria between March and September 2010 (otherwise understood as being forcibly removed). These relocations and deportations became the focus of an intense row between France and the European Commission during this period, when the EU Justice Commissioner, Viviane Reding, appeared to suggest a parallel between the actions of France and those of the Nazi regime. She said:

“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 a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War.”<sup>1</sup>

This comment was made by Reding following allegations about a leaked memo which suggested that the French President, Nicolas Sarkozy, had ordered French police specifically to target Roma groups for deportation in the destruction of unauthorised settlements. Under EU and human rights law such a move would clearly entail discrimination against a minority ethnic group, and French ministers virulently denied such a claim in mobilised strongly against Reding's accusation (see van Baar 2010).

The controversy over the French expulsions are significant in facilitating an understanding the tensions within EU citizenship, which have more recently been played out in France and Italy's questioning of the Schengen open border policy in light of migrations from Northern Africa.<sup>2</sup> The European Commission's position was considerably tamed after the row between Reding and French ministers, with the Commission later acknowledging that France had provided assurances that the measures taken in the summer did not target Roma specifically and that a commitment had been made to ensuring the non-discriminatory application of EU law. Nevertheless, the Commission also stated its intent to continue with legal action against France for its failure to transpose the 2004 Directive on Free Movement unless draft transposition measures and a full transposition schedule were provided. This legal action was in the end not required. Meanwhile, however, the European Parliament was critical of both the Commission and of France, calling on France to “immediately end all expulsions of Roma” and urging the Commission to “stand firmly and strongly behind the values and principles enshrined in the EU Charter of Fundamental Rights and Treaties”.<sup>3</sup> In the EU context debates around the Roma issue have thus been deeply fraught over recent years.

When it comes to an examination of the Roma in the EU it is clear that free movement and residence rights are not in any straightforward sense automatically or

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<sup>1</sup> Viviane Redding, 14 September 2004, [ref](#)

<sup>2</sup> In May 2011 a joint statement was made by France and Italy raising concerns about the implications of open borders in light of refugees fleeing Northern Africa. See [\\*\\*\\*](#)

<sup>3</sup> [\(ref\)](#)

evenly distributed.<sup>4</sup> While we might be tempted to get caught up with the question of whether an EU free of (or transcending) its national and statist legacies might prove to be more radical or progressive in nature in light of this controversy, this may well be a debate which takes us nowhere. Indeed, the case of the Roma casts doubts on the helpfulness of pursuing such a line of thought. It is certainly true that the Roma case can be seen as bringing to bear discriminations based on ethnic and national difference. The accession of Romania and Bulgaria to the EU (along with the initial limitations imposed on the free movement of Romanian and Bulgarian citizens in light of accession) point to the emergence of a divide between ‘the west’ and ‘the east’ within the EU itself, while one of the main criticisms of France over recent months relates to its a leaked memo in which the Roma are identified as a specific ethnic group to be targeted for deportation. Nevertheless, these discriminations are not simply the discriminations of a national or ethnic form. They can also be understood as differentiations of a socio-economic form (see Sigona and Trehan 2009). That such differentiations come into play in an EU of free movement and residence indicate a need for a further unpacking of the limitations or EU citizenship specifically as they relate to questions of mobility and immobility in social, as well as a physical, terms.

This article takes these concerns and struggles over the Roma as an entry point for understanding the limitations of EU citizenship in its current institution. The struggles of the French authorities (and others) to deport and contain Roma citizens from Member States reflect a broader series of limitations embedded in the institution of EU citizenship, which questions any simplistic assumptions regarding the progressiveness of European citizenship over national citizenship. Nevertheless, a consideration of Roma struggles across Europe indicates that the politics of this needs further consideration (see, for example, van Baar 2011, McGarry 2010, Sigona and Trehan 2009, Vermeesh 2004). Examining Roma struggles with reference to EU citizenship allows for a reading of the constitutive tensions between different forms of citizenship as important in understanding the conditions under which Roma groups potentially challenge the limitations of EU citizenship (where citizenship pulls between a regime of rights that is derivative of the nation-state and that is formed through free movement provisions). The article speaks specifically to debates regarding EU citizenship in this regard, questioning whether European citizenship necessarily implies a more progressive citizenship regime as some relatively early analyses suggested (e.g. Soysal 1999, Kostakopoulou 2001).<sup>5</sup>

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<sup>4</sup> While EU citizenship certainly opens up the scope for an extension of rights beyond the national scale, there are a whole series of relocations, containments and immobilisations that come into play in governing the mobility of Roma groups. For example, in the exploration of the situation of Roma groups in Italy the research on which this article draws uncovered a series of relocations, containments and immobilisations, including the relocation of Italian Roma in camps following the dismantling of Roma settlements, the deportation of both EU and non-EU citizens, and the containment of resettled Roma in isolated camps at some distance from urban centres. These criminalising practices through which what is conceived of as the ‘excessive’ mobility of Roma groups is governed raises critical questions about a citizenship of free movement as it has developed in the EU.

<sup>5</sup> Yasemine Soysal has pointed to the development of a human rights regime within the EU context that potentially enables TCNs to claim rights in terms equal to nationals of MSs. Others such as Dora Kostakopoulou (2001) have highlighted the potential for the development of a normatively-inspired post-national form of belonging in the European context. Free movement from this perspective is conceived of as a progressive force that might be mobilised in terms that open up an alternative to the national framing of citizenship

Indeed, the apparent appeal to the ‘progressiveness’ of European citizenship is a tendency that requires further consideration. European citizenship is a politically significant development from the perspective of recent histories of collective politics, and thus certainly worthy of further enquiry (Maas 2007).<sup>6</sup> Nevertheless, the limitations of an instituted regime of EU citizenship become apparent in addressing the struggles of Roma citizens, thus raising questions about the progressive potential of European citizenship more generally. If European citizenship is to be considered as potentially offering some openings for the progressive transformation of collective politics, we might propose those struggles contesting the limitations of its institutionalised regimentation to be the most appropriate starting point for addressing such reconfigurations. Roma struggles in this regard can be understood as important in both contesting the differentiations of an EU citizenship regime, as well as in reconfiguring the limits that inscribe instituted rights provisions as such. Going further, this article suggests that questions of mobility are critical in understanding the potential transformation of European citizenship, but not in the sense that free movement automatically or inevitably rights the wrongs of territorial or nationally-inscribed regimes by including those who are excluded. Rather, it is in the ‘acts of citizenship’ of Roma that the limits of EU citizenship as a regime are potentially contested, in particular through the transformation of exclusionary processes of criminalisation into claims of social justice (see also Aradau, Huysmans, Macioti and Squire, forthcoming). These claims to justice, the article proposes, might be understood as enacting European citizenship ‘anew’ by questioning ways of thinking and enacting politics that are currently confined to the individual or the aggregate constitution of nation-states (see also Aradau, Huysmans and Squire 2010).

## **European Citizenship**

Citizenship in the European Union is largely defined in terms of free movement, precisely because many of the rights associated with citizenship of the European Union are triggered when a citizen of a Member State moves to another Member State within the EU (Guild 2004). For example, the right to vote in a Member State other than ones own is a right which is irrelevant other than when a person moves from one MS to another. Similarly, a large body of social rights and fundamental freedoms that are associated with EU citizenship only become a matter for debate and enforcement at the EU level if a citizen of one MS moves to another. Indeed, the right of free movement (linked to the right of residence) is often seen as a defining right of EU citizenship. Although discussed in a more informal sense from 1974, the concept of European citizenship was only formally introduced with the 1992 Maastricht Treaty. This was important in extending the right of free movement and residence within the EU beyond a merely economic right, and is described as creating a European citizenship “over and above” national citizenship. It was at this point that the right to vote in a member state other than ones own and the right to consular or diplomatic assistance from member states other than ones own as an EU citizen abroad were

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<sup>6</sup> For example, Willem Maas (2007) claims that free movement has changed over the course of the integration process from facilitating economic relations between states into a set of rights that individuals can claim directly. This, he suggests, is indicative of a commitment on the part of European leaders to the political development of the Union, and serves as the bedrock for a re-interpretation of European citizenship as a specifically political project founded upon free movement.

introduced, for example. The Maastricht Treaty, in other words, institutionalised EU citizenship as a status with a distinctly political inflection (see Maas 2007).

Despite this political inflection, EU citizenship has been formally set up in terms that do not fundamentally challenge instituted regimes of national citizenship. This is evident in the legal definition of EU citizenship, which is articulated specifically in terms that are complementary to national citizenship. As Article 17 of the *Consolidated Version of the Treaty Establishing the European Community* states:

Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.

(EEC, 2002: 12)

EU citizenship in this regard is also articulated more as a *derivative* form of citizenship rather than as an alternative to national citizenship in any radical sense.<sup>7</sup> The principles behind the derivative definition of EU citizenship are that citizens of an EU MS are *automatically* granted the rights of EU citizenship and that they do *not face discrimination* based on their national citizenship status. In other words, EU citizens within any given member state are granted the same rights under EU law as national citizens of that member state, with such rights being triggered when an EU national moves from one member state to another.<sup>8</sup> The non-discriminatory character of EU citizenship in practice is highly questionable, particularly when it comes to the politics of the Roma, as we will see further through the course of this article. Indeed, questions of non-discrimination have formed the focus of a range of contestations over EU practices of managing citizenship through mobility across the Union (refs). What is important from the perspective of the analysis in this paper, however, is that the tensions between the constitution of EU citizenship in derivative terms and its constitution in relation to free movement provisions might be understood as creating the conditions under which ‘acts of citizenship’ that are more disruptive in their form come to bear in ways that open up and bring to question the very *limits* of EU citizenship as these play out in relation to the politics of the Roma.

It is here that an analysis which brings into focus both the instituted limits of EU citizenship *as well as* the contestations through which such limits are contested and reconfigured is critical (see Aradau, Huysmans and Squire 2010; Andrijasevic, Aradau, Huysmans and Squire, forthcoming). The concept of citizenship that I draw on here is a practice-based conception rather than an account that emphasises citizenship purely in its legalistic form. That is, it emphasises the importance of

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<sup>7</sup> Whether or not this definition holds in practice is a matter of debate and contestation, but the institutionalisation of EU citizenship in these terms remains important in understanding contemporary struggles around mobility and rights in this context.

<sup>8</sup> There are, however, significant limitations in terms of the rights granted under EU law that may lead us to raise some questions about the appropriateness of defining EU citizenship in terms of the principles of ‘automatic rights’ and ‘non-discrimination’. For example, welfare entitlements are not usually transferrable from one MS to another and EU citizens are often unable to claim social welfare other than in the Member State of which they are a citizen. In addition, rights vary across MSs, so for example gay partnerships – along with the rights of settlement according to familial relations – are recognised in some MSs and not others. Moreover, that EU citizenship is formally defined in terms that are derivative of national citizenship is indicative of a much more telling limitation: that of the limited rights of third country nationals within the EU.

approaching citizenship as a social and political process of enactment, rather than as a legal status that is pre-given (see Isin and Saward, forthcoming). However, there is an important distinction that this article brings to bear between an analysis of citizenship practices that constitute an instituted regime of European Union citizenship and an analysis of *acts* of European citizenship through which citizenship is constituted in its more disruptive terms. By focusing on the ways in which groups that are rendered precarious and invisible within the context of European Union citizenship mobilise to contest the limits of instituted regime of EU citizenship, the analysis in this article draws on the insights of Engin Isin's (2008, 2009) theorisation of 'acts of citizenship'. Isin in this regard argues that acts of citizenship create the scripts and subjects of citizenship 'anew'. This is important in developing an understanding of European citizenship that does not simply contest the discriminations of EU citizenship in order to widen the scope and evenness of its application, but that goes further in also challenging and potentially reconfiguring the limits of citizenship as this is currently instituted in the EU context.

### **Instituted limits of EU citizenship**

So how are we to understand the instituted limits of EU citizenship? Before going on to look at the Roma case more specifically, it is perhaps helpful to consider the lessons that an analysis of the position of Third Country Nationals (TCNs) in the EU provides for our understanding of the instituted limits of EU citizenship (refs). While the limitations of a derivative form of EU citizenship have been partly addressed in relation to TCNs over recent years, this remains a moot point for a form of citizenship whereby free movement serves as one of its defining features. This problem has primarily been dealt with by the extension of rights to those who are long term residents of an EU member state, but who do not have national citizenship. For example, in 2003 a Directive was developed to provide TCNs residing legally and continuously on the territory of the EU for five years with European resident status (Council of the European Union, 2003). Those qualifying for this status are entitled to certain rights of employment, training, welfare benefits, social assistance and benefits, freedom of association and union membership, and free movement within the member state concerned on an equivalent basis to citizens. Certainly the emergence of this Directive would seem to point to the potentiality of a form of EU citizenship that is more than simply derivative of national citizenship. However, there are significant limitations in terms of the ways in which this has been developed in the EU that would suggest we are far from seeing a radically inclusive or a distinctly progressive form of citizenship in this case.

There are four limitations that I want to point to here in relation to the extension of rights to resident TCNs, which might be understood as indicative of a failure to grasp the full implications of what it might mean to develop a form of citizenship based on mobility or free movement within the European context. These limitations hold despite the emphasis on residence over nationality, and despite the extension of rights to those who do not strictly qualify as EU citizens in the formal sense. First, there is the emphasis on *naming* TCNs as long-term residents rather than as citizens directly. This is not surprising given that EU citizenship remains formally wedded to nationality, but is nevertheless important to highlight in light of the fact that EU citizenship is also enacted through free movement. Nationality remains the point of

departure, and in this regard often continues to be privileged in the way in which EU citizenship is articulated at an institutional level. Second, there are the limitations imposed on *which* long-term residents qualify as such under the EU directive. Specifically, TCNs must have sufficient resources to live without recourse to the member state's social assistance system, and s/he must have sickness insurance. The type or *class* of migrant thus remains central in the formulation of who qualifies for the rights associated with EU citizenship. Third, long-term residents may be denied residence status by any given member state on the grounds of *public policy or public security*, and even if being granted such status they may have limited rights under certain circumstances on these grounds. The rights associated with residence are in this sense not guaranteed, but depend on the willingness of the member state to grant long-term residence and the rights associated with this status. The ability to deny TCNs of the rights associated with EU citizenship thus remains a prerogative of member states. Last, but not least, it is notable that residence status is limited to long-term residents rather than to those resident for shorter periods of time or whose status is under dispute. Students, refugees, season workers and those whose status is temporary or under consideration (such as asylum seekers and those with leave to remain or subsidiary protection) thus all fall out of consideration for qualification as long-term residents.<sup>9</sup>

We can see a similar series of limitations in relation to Roma who are citizens of member states of the EU, which is indicative of the ways in which these instituted limits are constitutive of EU citizenship as a regime. Although there has been an emphasis on addressing the discrimination of Roma groups in Eastern Europe in particular through minority rights policies, these have been limited and can by no means be described as priorities for the EU. Moreover, the deportations of Roma outlined at the beginning of this article indicate that the problem of discrimination is much more strongly embedded in the EU context. There are clearly a range of tensions crossing the case of the Roma deportations from France, which indicate the complexities of this issue. For example, tensions between member states and the Commission, between the Parliament and the Commission, divisions between Eastern and Western member states of the EU, all come into play here. What I want to draw attention to primarily in relation to this controversy, however, is that it allows us to see how the limitations mapped above in relation to developments around the rights of TCNs are also evident when it comes to the rights of some EU citizens. A series of limitations are inherent to the constitution of EU citizenship, it would seem, which suggests that this regime is far from the progressive ideal that many would seem to hope for.

So let us take each of the four limitations addressed in relation to TCNs in turn and see how these apply to the Roma in the case of the French expulsions introduced at the beginning of this article. First, there is the question of *naming* the groups that are

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<sup>9</sup> There have been developments more recently that open up the possibilities for certain types of migrants to qualify for extended rights even without qualification as long term residents. For example, the EU Blue Card scheme for highly skilled workers provides those qualifying with a series of rights that are similar to those qualifying for long-term residents (and includes the additional right to movement within the EU for the purposes of work). Nevertheless, only some qualify for such rights, which is indicative of a reduced commitment to the provision of free movement and residence rights within the EU. Moreover, even those who do qualify for this status face significant impositions on their right of free movement since they can be subject to removal if they fail to reside for 8 months within the MS granting status.

targeted for expulsion as ‘Roma’ rather than as EU citizens. It is by no means a straightforward process to define the deported under the heading of ‘the Roma’, since such a term actually encapsulates a diverse collection of groups that often do not identify with one another (the Roma and Sinti distinction in the Italian context is a case in point). Yet there is a complex politics at play here, which seems to be problematic on all sides. On the one hand, the naming of Roma groups as such by the EU is important in the struggle to challenge France on the grounds of discrimination. Nevertheless, as the European Parliament has been keen to highlight, those deported might equally be defined as EU citizens. A risk of course emerges here in affirming the distinction between EU and non-EU citizens, because of the strong tendency to stigmatise the latter in the European context. Indeed, France precisely defended itself against the charge of discrimination by highlighting its commitment to the fight against ‘illegal immigration’; a fight which the EU has been at the centre of over recent years. The process of naming such groups is thus highly politicised from various directions. For our purposes here it is worth emphasising that the naming of such groups under the heading of ‘the Roma’ serves to evade questions as to their eligibility for rights as EU citizens, although the shift to naming EU citizens is by no means a relief from the limitations of such a regime.

Second there is the question of differentiating between groups based on class or access to resources. Recall that TCNs are only eligible for residence if they can guarantee that they will not make demands on the social assistance and health systems of a member state. A similar argument was developed in justifying the French deportations of Roma groups, although there is a slippage from class differentiation to national differentiation in the attempt to distinguish free movement rights from the right of residence. As the French Minister for immigration, Eric Besson, stated:

“Free movement in the European area doesn’t mean free settlement. What has been forgotten is that each of the European countries is responsible for its own national citizens”

(Besson, cited in the *Guardian*, 13 September 2010)

Indeed, this ability to assess who can move and reside in a member state other than that of which the individual is a citizen is written into EU provisions, since there are limitations as to how long an EU citizen can reside in another member state without work or access to resources sufficient to remain independent of the social welfare system in the member state in question. In the case of deported Roma, the French authorities gave cash incentives to deportees providing they signed a statement to guarantee that they would not return to France in order to claim this incentive again. This effectively constitutes a class of EU citizens whose rights to free movement are reduced, although it should be noted that many deported Roma also expressed their unwillingness to abide by the statements that they signed. The critical point for the argument developed here, however, is that differentiations of a socio-economic form are highly sedimented in the EU, and moreover easily slip into differentiations of a national form in the implementation of law by individual member states.

This leads into the third question regarding the prerogative of member states to deny rights to certain groups or individuals based on public policy or security concerns. This has been a key claim put forward by EU states such as France in defence of the deportation of both EU and non-EU citizens, specifically in relation to questions of

public health, welfare policy and popular unrest. Indeed, the deportation of Roma groups is held up as legitimate by the EU on these grounds. While member states are impelled to respect the rules laid down in the 2004 Directive on Free Movement, the Directive explicitly writes into free movement provisions the MS's responsibility for, and entitlement to take, "measures to protect public safety and public order on their territory" (European Commission, IP/10/127). As we will see in relation to the Italian case, these caveats are central in member state's evasion of the full and equal application of free movement and residence provisions to all EU citizens.

Finally there is the question about the tendency to contain or tie down the temporalities of mobility within the European context, despite the practical enactment of EU citizenship in terms of free movement. Just as there are significant limitations posed on *which* TCNs are eligible for the rights associated with EU citizenship, the controversy over the Roma in France points to a tendency to contain those mobilities that are somehow deemed 'excessive' in a Europe of free movement (see also Aradau, Huysman, Macioti and Squire forthcoming). Often mistakenly assumed to be Europe's definitive mobile or 'nomadic' subjects, it is common for Roma groups to be conceived as embodying a dangerous mobility that needs to be curtailed. This is evident in as the European Council's response to the Roma controversy in September 2010, for example, in which discussions focused on how to target "mobile (itinerant [i.e. travelling]) criminal groups".<sup>10</sup> Limitations on free movement in this regard are not simply imposed through an emphasis on reducing and taming mobilities from the outside-in, but also through an emphasis on reducing and taming particular mobilities within and across the territory of member states (Ibid).

What this analysis indicates is that the limitations of EU citizenship do not hold for TCNs alone. Many of those who have a 'legitimate' claim to the rights associated with EU citizenship based on its more formal definition derived from national citizenship also face impositions on their free movement within the European area of 'freedom, security and justice'. This points to the limitations that are inherent to the definition of free movement as it has emerged in the EU and implies that the limits of EU citizenship do not in any simple sense result from the curtailing of free movement provisions by a commitment to national membership. Rather, the tensions between free movement and national citizenship are played out at the European scale in terms that differentiate between citizens of the EU in various, one might say *discriminatory*, ways.

### **Challenging the limits of EU citizenship**

While the French expulsions of Roma raised significant controversy in the EU context both in relation to anti-discrimination law and free movement rights, several observers at the time noted with surprise that such issues have not been addressed sooner by the EU. Indeed, France is by no means an isolated case.<sup>11</sup> Various member states have been deporting Roma EU citizens over an extended period of time, including Germany and Italy (see also Caglar and Mehling 2009). Indeed, some 10,000 Roma

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<sup>10</sup> European Parliament Joint Motion for a Resolution , 7.9.2010, accessed at

<http://www.statewatch.org/news/2010/sep/ep-roma-france-resolution.pdf> on 11.5.2011.

<sup>11</sup> For example, see news item "French expulsions now aimed at 'Romanians' and 'Bulgarians'", accessed at [http://www.enacting-citizenship.eu/index.php/sections/news\\_item/414/](http://www.enacting-citizenship.eu/index.php/sections/news_item/414/) on 11.5.2011.

were reported as deported in 2009 without such a response from the EU (ref). Moreover, there is what the European Parliament describes as “systemic discrimination” across the EU of the 10-12 million European Roma in terms of education, housing, employment and access to healthcare and public services (European Parliament, RC\829952EN). Along with the rise of far-right groups across Europe, all these trends would seem at first sight to leave us with a bleak picture of the situation of Roma in the EU today (see van Baar forthcoming).

Yet while those unfamiliar with Roma politics across Europe may have assumed that the issue was entirely new with the advent of the French controversy, there is in fact a much more established set of relocations, deportations and immobilisations of Roma groups in the EU context. Italy is an exemplary case in this regard. As in France, there is a strong public discourse against the Roma in Italy, which has been capitalised upon by local and national politicians and inflamed by the popular media at various points in time. In Italy, for example, the alleged rape of an Italian woman by a Romanian citizen in 2007 served as a pretext for a series of measures were pushed through targeting Roma groups for a series of relocations, deportations and immobilisations such as those outlined previously. Although it was later proven that the perpetrator of this crime was not in fact Romanian, this was only discovered after there was strong public mobilisation against the Roma in light of the incident. This stigmatisation of Roma groups has continued unabated since this occurred (ref).

The situation of the Roma in Italy has been particularly precarious over recent years. In April 2008, Berlusconi won the primary elections in Italy, and in May 2008 the new Government passed a Decree declaring the “Nomads State of Emergency” in the regions of Lazio, Lombardia and Campania. This granted to the Prefects of Rome, Milan and Naples extraordinary powers to carry out “the monitoring of formal and informal camps, identification and census of the people, including minors, who are present there, the expulsion and removal of persons with irregular status, and measures aimed at clearing ‘camps for nomads’ and evicting their inhabitants” (see Aradau, Huysmans, Maciotti and Squire, forthcoming). Berlusconi's security package on migration, in its first proposal, also contained a law aimed at limiting immigration from new EU member states, which was hidden under the title “Free Movement of EU citizens”. The proposed law maintained that EU citizens could only reside freely in Italy for three months, after which, they would have 10 days to prove financial security, the possession of a health insurance and that they lived an accommodation in line with hygienic requirement. It was argued that if they did not get on a register within 10 days, they would be removed on ‘public security’ grounds. This measure would clearly have affected those living in ‘temporary’ settlements: Roma and Sinti groups largely, if not exclusively. In this regard we can see how Italy’s attempt to impose limitations on who qualifies for free movement and residence rights emphasises the need for such limitations on the grounds of public policy and public security, while also linking the issue of the Roma to questions around free movement in terms that differentiates between EU citizens rather than solely between EU and non-EU citizens (Aradau, Huysmans, Squire and Maciotti, forthcoming).

So how did the EU and other European political actors respond to this move by Italy? The EU Justice Commissioner Jacques Barrot, the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, as well as a collection of MEPs called upon the 2004/38/EC Directive on Free Movement to protest against the

developments in Italy. Some of the security measures could not – and did not – pass the test of non-discrimination according to EU law, since many of the Roma concerned were Romanian and EU citizens as of 2007. Nevertheless, the Italian government drew on the limits to free movement that are incorporated in the Free Movement Directive itself. As we have already seen, free movement can be limited both on the grounds of public policy and public security. The challenge posed to Italy's policies on the grounds of EU law was, in this respect limited, although a series of legal challenges were posed by civil society groups on the grounds of human rights law. While the relocations, containments and immobilisations of the Roma were enacted by the Italian state rather than the EU directly, such practices nevertheless remain internal to free movement as it is institutionalised in the European context.

How are we to make sense of these relocations, containments and immobilisations in an EU of free movement? It is here that the importance of the *tensions* inherent to EU citizenship become important, namely the tensions that arise between a form of citizenship that is derivative of the nation-state and a form of citizenship that is defined by free movement. The inherent tension between free movement and nationality (or between mobility and integration) within such a formation has lent itself to a very specific rendering of free movement as a force for integration in the European context. This relates not simply to the demands associated with national citizenship legacy and the related imperative of constituting a demos. It also emerges internal to the market-driven conception of integration that emerged in the functionalist rendering of European integration, which historically invested in the formation of a collective European identity as a 'spillover' effect of market integration (see Aradau, Huysmans and Squire 2010). Yet one could also say that this emphasis on free movement cannot be entirely contained or tied down as a force for integration. This is because free movement is also tied up with mobility, which can be understood a much more complex and contested process or set of practices than the integrative story would suggest. Inherent to (though limited within) the market project and to the citizenship regime that has developed in part out of this, is the movement of people. The movement of people can rarely be understood simply as a physical or an economic form of mobility, but also entails a form of *social* mobility that is potentially political in the challenge implicitly posed to a hierarchical or uneven citizenship regime. If free movement is ultimately a productive economic force, it is also a force that is bound up with people's struggles to improve their life conditions and prospects. Viewed in this light free movement is not simply a right or freedom that comes with the privilege of EU citizenship, but rather it can be interpreted as a key *stake* in the struggles around and through which European citizenship is constituted. This more political reading of citizenship struggles in the European context is important because it potentially facilitates a perspective on the various relocations, immobilisations and containments of Roma in Europe in a new light.

Indeed, by returning to the limitations that were addressed earlier in this article we can further understand the uneven ways in which the tensions of EU citizenship play out through this emphasis on struggles over mobility and immobility. That member state impositions on those moving according to differentiations of a socio-economic nature and with reference to concerns of public policy and security is deemed legitimate in the EU context might be understood in this regard as indicative of the decidedly non-progressive dimensions of EU citizenship. This allows for an

understanding how the tensions internal to EU citizenship are opened up through the struggles of the Roma. When it comes to the issues of free movement and the Roma in the EU, justice would seem to be practiced predominantly through the lens of criminal justice rather than through a lens of social justice. This is not exclusively the case, of course, but is currently the dominant trajectory. The alternative trajectory of justice that an analysis of Roma politics points to might be understood as a trajectory of social justice. By bringing this emphasis on social mobility back into perspective as a critical dimension of Roma politics, we can read mobilisations around the various relocations, containments and immobilisations of Roma groups in terms of a politics of justice that challenges the limitations of an instituted regime of EU citizenship.

It is in this regard that an emphasis on a Roma demonstration in Rome on 8 June 2008 is critical (see Aradau, Huysmans, Maciotti and Squire, forthcoming). Here, groups of Roma and Sinti people took to the streets of Rome alongside their supporters and other activists in an attempt to challenge the ‘security package’ passed by the Berlusconi government and the laws and regulations that were increasingly felt to be discriminatory. ‘The Roma people come out of the camps!’ titled one of Italy’s main dailies *La Repubblica*. ‘I campi nomadi’ or ‘camps for nomads’ have been a semantic and spatial fixture of Italian political life since the 1960s, when they were set in place in response to the imagined nomadism of Roma populations, particularly those coming from Yugoslavia. As already noted, these camps have been key sites of relocation, containment and immobilisation over recent years, with the dismantlement of the so-called ‘unauthorised’ camps inhabited by the Roma, coupled with evictions and the relocation of some Roma groups to a smaller number of official camps located outside of urban centres (see also Aradau and Squire, forthcoming). The demonstration, alongside the debates about the ‘campi nomadi’ in Italy, thus posed an alternative challenge to the control of mobility as it pertains to the Roma where the institutional response at the EU European level was, in the end, relatively weak or ineffective.

As the analysis of Aradau, Huysmans, Maciotti and Squire (forthcoming) suggests, very act of coming out of the camps to demonstrate is important politically, because it entails an assertion of political presence through which activists constitute themselves as subjects with rights. Reflecting this, statements at the demonstration claim: ‘*Not being here today is like not existing*’ and ‘*An important day today. Rom folks themselves have risen up and begun to cry out: “Please, stop. That’s enough!”*.’ The important of asserting political presence is particularly important here in the context of the increasing criminalization of and political attacks on the Roma and Sinti. Thus, one group claims 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.*’<sup>12</sup> Nevertheless, the significance of the Roma and Sinti in enacting political presence through the demonstration does not simply serve to ‘bring the Roma back in’ as political subjects with whom to negotiate and dialogue. It also serves to challenge the limitations that render them invisible in the first place. As one activist described, to remain invisible for Roma groups is to remain as scapegoat for all manner of crimes. Asserting political visibility is highly ambivalent for the Roma in the

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<sup>12</sup> (interview with RM, Everyone Group)

contemporary context, not least because it entails the risk of being targeted for relocation, containment and immobilisation (Ibid). Nevertheless, it is in the Roma's struggle to transform processes of criminalisation to claims for social justice that this becomes critical for the purposes of the argument developed here.

Indeed, an appeal to the right of social mobility is evident in a range of claims made during the demonstration.<sup>13</sup> This is nicely exemplified in the following claim: *'we are here, we live here. You can't erase us'. 'Give us the chance to live with you'*.<sup>14</sup> Similarly, a photograph of the demonstration shows a similar claim to social mobility: *'No more camps, yes to social housing, yes to work, we want a better future for ourselves and for our children'*. Important from the perspective developed here is that these claims challenge a conception of EU citizenship that emphasises the importance of integrating the Roma as a minority. Although many of the claims that the demonstration entails might initially be read as simple requests for an extension of citizenship rights to include those who are excluded, the fact that the demonstration also entails a 'coming out' of the camps would seem to bring to bear a demand to partake in exchanges that renders the question of social mobility central. The Rome demonstration can neither be understood simply as a demand to free movement in the sense of a nomadic politics nor as a demand to integration in the sense of a minority politics, but is perhaps better understood as a demand to mobility (both physical and social) that contests the relocations, containments and mobilisations that haunt EU citizenship. Rather than calling for an extension of the rights associated with citizenship, which occurs in highly qualified terms at an institutional level, the Rome demonstration thus challenges the integrative impulse of EU citizenship by exposing and opening up the tensions of an institutional architecture that is pulled between nationality and free movement. In so doing it brings to bear an alternative conception of justice by which the criminalisation of Roma groups is challenged and by which questions of social mobility come to the fore.

## Conclusion

If one were to presume that a European citizenship based on free movement would inevitably or automatically lead to a more progressive regime of rights provision, then recent developments in Roma politics are likely to disappoint. Indeed, the EU context brings to bear a much messier – sometimes brutal – citizenship regime (or set of regimes), thus demanding a more subtle analysis of how mobility features as a *stake* in contestations around EU citizenship. In examining recent struggles over the (im)mobility of Roma in relation to EU citizenship, this article has shown how the struggle to deport and contain Roma across member states of the Union reflect the problem of the limits of rights provisions in this context. This troubles any simplistic

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<sup>13</sup> It is by no means clear that all of the claims made in the demonstration *necessarily* feed into a politics of social justice that challenge the limitations of an approach to free movement that is driven by an integrative impulse. For example, there were a series of claims by which activists demanded citizenship rights as members of a 'Roma nation'. These claims potentially feed back into a territorialising form of politics by setting the Roma as a homogenous ethnic group, and by framing demands to rights in terms of the logic of a minority politics – albeit a transnational minority – that is implicit to the project of integration. Nevertheless, there were a series of claims that can be interpreted as emerging from a series of exchanges that both expose the ways in which Roma groups are already embedded within the social fabric while at the same time making a claim to undertaking exchanges in more equal terms.

<sup>14</sup> [Adzovic, 2009]

assumptions regarding the progressiveness of European citizenship over national citizenship. Indeed, the analysis in this article has aimed to expose the constitutive tensions between citizenship as derivative of the nation-state and citizenship as formed through free movement provisions both from the perspective of citizenship as an instituted regime and from the perspective of citizenship as constituted through disruptive 'acts'. Acts of citizenship that intervene in the politics of the Roma across Europe, it has been suggested, emerge through the tensions that are embedded within an EU citizenship regime while at the same time disrupting such a regime by opening up its limitations. To speak of a *regime*, in this regard, risks presenting what is in fact a much more contingent set of instituted practices as totalising in nature. Emphasising the importance of struggle in understanding both the constitution and disruption of this regime in this regard is critical in providing for a more nuanced account of European citizenship as an instituted set of practices that are enacted as such through struggles that are by definition complex and multiple.

Focusing specifically on the struggles of Roma and Sinti activists in Italy, the article has in particular suggested that questions of mobility are critical in understanding how European citizenship is potentially transformed through 'acts of citizenship' that contest the limits of the EU citizenship regime. This is not to say that the constitution of citizenship through free movement automatically or inevitably rights the wrongs of territorial or nationally-inscribed citizenship regimes, nor is it to say that free movement provisions provide a means to straightforwardly include those who are excluded (even if such provisions were extended beyond our current potential for imagining these). Rather, this article has argued that mobilisations of Roma around mobility are important both in contesting the internal differentiations of EU citizenship, as well as in reconfiguring the limits through which such a regime is inscribed as such. This might be understood as occurring through acts of citizenship whereby exclusionary processes such as criminalisation are transformed into claims to social justice. Such rights claims take on new significance when developed at the European scale since questions of social justice in this regard can be understood as 'transnational' in their scope. Such an understanding of the transnational is not invoked here in a fixed or spatially-contained sense, or simply in terms of the ever increasing extension of rights provisions. Rather, the transnational here might be understood as developing through mobilisations of mobility that claim social justice in terms that disrupt the unevenness of current configurations while at the same time as questioning received ways of thinking and enacting politics that are confined to the individual or to the aggregate constitution of nation-states. This transnational European citizenship is perhaps less a promise to-come than one that is already evident, albeit in a fragmented and partial sense rather than in the progressive terms within which many accounts of European citizenship and the transnational would seem to invest.

## References

- Aradau, C., Huysmans, H. and Squire, V. (2010) "Acts of European Citizenship: A Political Sociology of Mobility", *Journal of Common Market Studies* 48: 4, 945-965.
- Andrijasevic, A., Aradau, C., Huysmans, H. and Squire, V. (forthcoming) "Unexpected citizens: Sex work and mobility in Europe", forthcoming in *Environment and Planning D: Society and Space*, 30(2)
- Aradau, Huysmans, Macioti and Squire (forthcoming) "Mobility interrogating free movement? Roma acts of European citizenship" in E. Isin and M. Seward, (Eds.) *Enacting European Citizenship*, manuscript currently under review.
- van Baar, H. (2010)
- van Baar, H. (2011b) "Europe's Romaphobia: problematization, securitization, nomadization" in *Environment and Planning D: Society and Space*, 29 (2): 203–12.
- van Baar, B. (forthcoming) "Review essay: Toward a politics of representation beyond hegemonic neoliberalism: The European Romani movement revisited", forthcoming in *Citizenship Studies*
- Cayglar, A. and Mehling, S. (2009) "The Roma and Third Country Nationals Enacting Citizenship in Berlin", accessed at [http://www.enacting-citizenship.eu/index.php/sections/deliverables\\_item/366/](http://www.enacting-citizenship.eu/index.php/sections/deliverables_item/366/) on 11.5.2011.
- Council of the European Union (2003) Council Directive 2003/109/EC. Accessed at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:016:0044:0053:EN:PDF> on 11.5.2011.
- EEC (2002) *Consolidated Version of the Treaty Establishing the European Community*. Accessed at [http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E\\_EN.pdf](http://eur-lex.europa.eu/en/treaties/dat/12002E/pdf/12002E_EN.pdf) on 13.5.2011.
- European Commission, IP/10/127
- European Parliament, RC\829952EN
- Guild, E. (2004) *The Legal Elements of European Identity. EU Citizenship and Migration Law*. (The Hague: Kluwer Law).
- Isin, E. and Seward, M. (forthcoming) (Eds.) *Enacting European Citizenship*, manuscript currently under review.
- Kostakopoulou, T. (2001) *Citizenship, Identity and Immigration in the European Union* (Manchester: Manchester University Press).
- Maas, W. (2007) *Creating European Citizens* (Plymouth: Rowanman and Littlefield).
- McGarry, A. (2010) *Who Speaks for Roma? Political Representation of a Transnational Minority Community*. (London, Continuum).
- Sigona, N. and Trehan, N. (2009) (Eds) *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neoliberal Order*. (Basingstoke: Palgrave Macmillan)
- Vermeersch, P. (2006) *The Romani Movement: Minority Politics and Ethnic Mobilization in Contemporary Central Europe*. (Oxford: Berghahn).