

CONTEXTS AND DEBATES

Migrations, citizenship and administrative borders: the Italian case

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Abstract

This contribution summarises the scientific discussions that developed during a one-year cycle of international and interdisciplinary seminars focusing on the relationship between migration and citizenship in Italy. We considered human mobilities in their relation to the politico-administrative institutions of the state and observed the latter's attempt to define and govern them. The relative marginality of the Italian case in the literature about state building, nation building and citizenship is an opportunity to examine these processes with fresh eyes. The first section is a critical analysis of the policies regulating access to Italian citizenship. The second examines the entanglement between external and internal migrations and how they are governed, considering various administrative borders and statuses such as Italian municipal residency. The third section addresses the role of different field actors (from street-level bureaucrats to legal practitioners and activists) in shaping or negotiating the borders of citizenship while implementing the law.

Keywords: migrations; citizenship; administration; state

To Josef Yemane Tewelde

Between September 2023 and June 2024, a group of scholars specialised in law, history and social sciences met for a series of seminars focusing on the relationship between migration and citizenship in Italy, hosted jointly by the École française de Rome (Department for Modern and Contemporary History and Social Sciences), University of Bologna (Department for Social and Political Sciences) and Roma Tre (Law Department and Legal Clinic on Immigration and Citizenship).¹

We adopted the distinction suggested by our first guest, Patricia Mindus, between 'mobility' – a merely empirical fact – and 'migration' – an institutional fact that gives physical movement a legal shape, and thus allows or impedes it. In our meetings we considered human mobilities as they relate to the state, broadly understood as the whole range of politico-administrative institutions, and we observed the state's attempts to define and govern these empirical facts. We also adopted an analytical and critical perspective on the legal

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and sociological categories that define human mobilities and construct them as migrations. Thus, our reflection was not limited to outward or inward movements crossing national territorial borders. Rather, we challenged the distinctions between ‘emigration’, ‘immigration’ and ‘internal migration’. We used the term ‘citizenship’ to refer to the plurality of socio-legal statuses governing individuals’ access to rights and political participation, including national citizenship (‘stateness’), the local registering practices of residents and voters, and all the legal and administrative devices that prevent or allow access to membership, rights and participation. We examined public policies at all levels with a specific interest in the law’s implementation by administrative measures and actors.

The choice of the Italian case arose from its heuristic potential for enlightening the nexus between migration and citizenship in original ways. Its relative marginality in the literature about state building, nation building and citizenship was considered an opportunity to examine these processes with fresh eyes. As developed further, two main characteristics of the Italian case are especially relevant for our scientific concerns. First, Italy has a very specific history of migration compared with most (European) countries. Italy has experienced one of the largest emigrations in history (with a peak of 13 million departures between 1880 and 1915). Between 1945 and 1970, Italians still accounted for the largest share of intra-European mobility (about 1.5 million). While harder to define, internal migration also represents a longstanding and still ongoing feature of Italy: in 2022 and 2023, 1,458,000 Italians moved across the country according to Istat (2024). Moreover, since the beginning of the 2010s, in public and political discourse, the country has been deemed a ‘gateway to Europe’² for non-European immigration – a highly politicised phenomenon even if the figures remain relatively low (fewer than 190,000 people entered Europe illegally in 2022 according to the International Organization for Migration). This specific national context led us first to reconsider the relationship between the state and human mobility; and second, to study citizenship and migration policies from a multiscale perspective, considering not only the central state but also a wider variety of political institutions at the supra and infra-national levels, as well as non-governmental actors that interact with them. The contrast between the wide possibilities for persons of Italian origin to acquire Italian citizenship from abroad and the restrictions imposed on some categories of individuals to register in municipal population registers (*registri anagrafici*) and obtain a status called municipal residency (*residenza*) shows that the borders of citizenship also lie beyond and below the borders of the nation state.

This perspective on the Italian case was strongly informed by internationality and interdisciplinarity. The seminars were conducted in a Franco-Italian setting: while many of the participants were affiliated with Italian research centres and universities, several had ties to French academia and had pursued doctoral studies or been employed in France. Others were based in different countries – Switzerland, Sweden, Israel and the United States – and shared a special interest in Italy. Even though comparison was not explicitly at the heart of their research, their transnational experience and their dialogue with international academic literature still informed their way of thinking about Italy and the unique features of the Italian case. This international perspective also led us to consider the Italian situation as a major component of the global and unequal citizenship regime, both in its (post)colonial and intersectional (gender, class and ‘race’) roots, and in its consequences on the way in which the different types of migration are categorised and filtered, and ultimately on how individuals gain access to rights.

Furthermore, the seminars were nourished by the dialogue between law, history and social sciences, thanks to the participation of anthropologists, sociologists and political scientists (Trucco, Russo Spena, Infantino, Hawthorne, Harpaz, Gargiulo, Dubois, Blanchard and Bargel), historians of migrations and/or colonisation (Gallo, Fusari, Donati, Colucci, Bottecchia, Bechini and Ballinger), legal philosophers (Mindus, Rigo and Caprioglio) and a legal practitioner (Remiddi). This meant that a variety of disciplinary

theoretical and methodological tools were deployed, including archives, life trajectories and biographical interviews, administrative ethnography and street-level bureaucracy studies, law case analyses, and critical studies of laws and administrative documents. The seminars were also open to scholars, practitioners, activists and citizens interested in the topics of the meetings on the condition that they actively participated in the debate; they were not intended to be public conferences in which ‘experts’ displayed knowledge to a ‘public’. Therefore, all those who attended the seminars, whether recognised specialists or not, senior or junior scholars, activists or lawyers, genuinely and critically enriched the seminars’ works. We sincerely acknowledge their contribution, even if we cannot name them all. Among the activists who brought their support and contributed to the collective reflection, we specifically acknowledge the late-lamented Josef Yemane Tewelde, from Black Lives Matter Rome, whose trajectory is emblematic of the seminars’ themes. Born and raised in Rome by Eritrean parents, he was never granted Italian citizenship. Despite this status, he devoted his life to advocate for a reform of Italian citizenship law, against racism and for freedom of movement. In this short account of the seminars, we want to add our names to the many who wish to pay tribute to his life and struggle.

While it is difficult to reduce to a few lines the discussions that were held during the entire cycle of seminars, we will try to summarise the main findings around three main themes, presented as distinct although deeply intertwined. For each of them, we will stress the links between the past and the present and highlight novel contributions. The first section presents a critical analysis of the policies regulating Italian citizenship defined *stricto sensu* as the legal definition of belonging to the Italian state as a citizen: that is, Italian state-ness or *status civitatis*. The second section examines the entanglement between external and internal migrations and how they are governed, considering various kinds of administrative borders and statuses such as Italian municipal residency. The last section addresses the role of different field actors (from street-level bureaucrats to legal practitioners and activists) in shaping or negotiating the borders of citizenship while implementing the law.

Italian citizenship policies from a critical historical and transnational perspective

While acknowledging the global dynamics behind the legal stratification of rights that grounds the idea of *denizenship*³ (Turner 2016) and post-national citizenship (Soysal 1994), the harsh reality of global mobility inequalities and the necropolitics of migration (Mbembe 2003) confirm the persistent ‘weight’ of national citizenship. National citizenship is an inherently unfair status, as described in his book *Citizenship* (2019) by Dimitry Kochenov, who also joined the round table in the seminars’ opening session. It is mostly attributed at birth and only a small minority of individuals acquire a different or second citizenship later in life. However, it widely determines the individual’s set of rights and liberties and condemns a large majority to heightened controls and restrictions, whether in their country of residence or when moving. Since Italy is a European Union member that delivers one of the strongest passports in the world according to the Henley Passport Index (which measures the number of countries passports give access to), its citizenship laws and policies contribute to shape this global regime of *status borders* (Gargiulo 2021) or *citizenship apartheid*, as provocatively stated by Kochenov (2019). A classical analysis of Italian citizenship policies highlights the contrast between the wide possibilities of transmission by blood and the narrow options of acquisition by soil. Such a policy is generally considered to reflect a familistic-ethnic conception of the ‘nation’ (Zincone 2006) often deemed obsolete. It may have been suited to the past reality of an emigration country but not to the immigration country Italy has now become.

First, the studies discussed during the seminars considered individual and collective trajectories that do not fit in this chronological and geographical dichotomy between

(mass) emigration (in the past) and (mass) immigration (in the present). Sabina Donati, whose work (2013) unpacks the laws, practices and debates surrounding naturalisation from 1865 to 1925, *before* Italy became a country of immigration, showed how Italianness was based on a mix of territorial and ‘ethno-cultural’, mostly linguistic, considerations. She further explained how an emotional bond to the country or a willingness to be included were never sufficient, and that most of the subjective eligibility criteria assessed then, such as economic integration or language proficiency, are the same today. The post-Second World War and post-colonisation mobilities studied by Pamela Ballinger (2020) and Giordano Bottecchia (2023) are additional examples of how arrivals on the Italian metropolitan territory raised the issue of inclusion in or exclusion from citizenry *before* immigration became politicised, regulated and governed as such. Valentina Fusari established connections between these studies and her own research on mixed-race children in the former Italian colony of Eritrea and their struggle to access Italian citizenship by descent (2018). In her words, a multilevel and relational approach to historical research unveils multiple attempts to ‘break through the floodgates’ of Italian citizenship and create ‘expansion boxes’ to allow more individuals to gain access to that status.

Second, the current transnational practices surrounding the acquisition of citizenship by ancestry show a more complex relation to mobility and access to rights than the simple continuation of emigration and its heritage. Placing the Italian case in a wider global framework, Hossi Harpaz presented his comparative work on dual citizens in Israel, Mexico and Serbia (2019), which underlines the need to consider the growing modes of citizenship acquisition by logics other than residence – such as ancestry, reparative citizenship for former colonised or persecuted minorities, and investment – and their impact on the transnational web of belongings, rights claiming and mobilities. Following this track, Melissa Blanchard discussed her field research on ‘return migrations’ – i.e. mobilities from Latin America governed through Italian national and regional institutional programs designed to attract incoming flows based on their supposed co-ethnicity (2020). Blanchard showed the limits of this ‘institutional myth’ and pointed to the socio-legal strategies adopted by persons categorised as ‘returnees’. This contribution was nourished by the dialogue with the works of Daniela Trucco on citizenship brokers (2023a), which pointed to intersectional inequalities among eligible claimants when it comes to accessing Italian citizenship by ancestry. The dialogue opened up new avenues for research on the complex entanglements between citizenship laws, global mobility regimes and migration control tools. Even the *ius sanguinis* regime is not as simple as it may seem (Trucco 2023b) and its actual implementation reveals the multiple methods – racialisation being one of them – used to rank incomers according to their desirability.

Migration policies in Italy between nation building and work regulation

Similarly, the seemingly obvious fact that nation states try to control and prevent the mobility of their citizens is not so simple when examined through the lens of the Italian case. The literature on the historical formation of the nation state based on the promotion of sedentarisation is largely grounded in the study of the French case (Weber 1976; Lehning 1995; Sahlins 1989). In the work of James Scott, illustrated by Lucie Bargel during the first meeting of the cycle, this attitude reflects the states’ need to control their populations, while mobility is a way for people to try to escape state control. The efforts of states to permanently settle mobile peoples – namely, to make them sedentary – ‘seemed to be a perennial state project – perennial, in part, because it so seldom succeeded’ (Scott 1998, 1). The history of Italy shows a different picture. The Italian nation state’s formation coincides with a massive emigration, and both processes are intertwined. The emerging Italian state did not try to stop emigration. Rather, it

developed a version of national identity that goes beyond its territory, according to which Italians abroad are no less Italian than the resident population. In another seminar, Stefano Gallo presented his new research project based on the biographies of exiles during the Risorgimento, which explores the link between nation and state in the process of unifying the country. By analysing the documents that describe the life of 2,000 migrants, Gallo showed how the experience of migration shaped the idea of the nation. He also pointed out that every insurrectionary movement on the peninsula produced exiles. Piedmont was the main destination of internal migration, and its intellectual and political elites used the recognition of exiles as members of the country as a means of promoting their region, presenting Savoy as a strong, wealthy and liberal state that recognised exiles as compatriots. Gallo's research placed the question of the regulation of human mobility within the broader framework of nationalism and nation-building processes and helped us understand how movement and belonging are closely intertwined.

From the turn of the twentieth century, the Italian state assisted its emigrants by organising access for them to assistance outside its territory and encouraging them to travel back periodically, to send money, and eventually to return permanently (Douki 2016). But this potential return was not a necessary condition: if Italians abroad retained a certain national loyalty, their presence all over the world was also considered an instrument of power for the Italian state. This historical perspective on the Italian state questions the relationship between state formation and the promotion of sedentariness. It does not mean that the Italian state never tried to control mobility, but rather that state policies regarding mobility varied depending on the historical context and must be investigated rather than postulated. Notably, the First World War and the period leading up to the Second World War changed the relationship between states and migration: protectionism extended from economic and social policies to human mobility, even in Italy. Control and regulation of population movements became the rule in Europe and became the instruments of a migration policy. This previously absent strategy, combined with labour measures, was aimed at closing off the national community from the outside world (Bade 2001). What Edward Carr called 'one of the most effective safety valves in the international order of the nineteenth century', 'the escape route always open to enterprising and discontented men' (Carr 1945, 36), was temporarily deactivated. Michele Colucci's contribution to one of the seminars urged us to look at continuities rather than discontinuities when studying the regulation of mobility. His analysis linked two different issues that are often considered separately: the struggle against the anti-urbanisation laws introduced by the Fascist regime, which until 1961 prevented internal migrants from being registered by municipalities, and the attempts in the 1990s to change citizenship laws. Specifically, Colucci showed that in both cases it was a question of controlling mobility in relation to the regulation of the labour market – especially in terms of the formation of an 'irregular' and 'undocumented' workforce.

This was also stressed and illustrated by Thibault Bechini and Maurizia Russo Spina, who discussed the contributions of Stefano Gallo and Michele Colucci and their extensive research on the history of Italian migrations (Colucci 2018; Gallo 2012). They highlighted how Gallo and Colucci – through an in-depth analysis of historical sources – have clarified the interconnections between internal and external migrations and stressed the importance of adopting a historical perspective to understand current issues regarding the regulation of work and migration in Italy.

Public and private actors shaping administrative borders

A third transversal aspect that arose as crucial in the cycle of seminars was the importance of focusing on how laws are implemented in practice and of not limiting analysis to

how legal texts are drafted. Administrative orders and implementation practices play an important role in regulating human mobility in many ways. Laws are translated into actual orders through administrative regulations, guidelines and circulars that specify the content of legal requirements. The production of this infra-law is particularly dense in the field of migration and citizenship policies, adding to the complexity and sometimes blurring the paths and devices by which foreigners can access their rights (Lochak 1985). Also, the study of street-level-bureaucrats has shown the extent to which lower-level state agents can play a political role by wielding their discretionary power when implementing the law (Lipsky 1980). By interpreting, opposing or implementing the legal decisions made by political organisations, bureaucrats play a strategic role in the socio-legal construction of reality. Studies on the implementation of migration and citizenship policies have pointed to the fact that room for discretion is even wider when it comes to determining foreigners' access to rights and statuses (Spire 2008). Non-state actors and other street-level organisations (Brodkin 2011) are also involved in the implementation of the law; again, this is particularly true in migration policies (Infantino and Sredanovic 2022). This perspective increases the relevance of a diverse range of actors, both public and private. Public actors include the technical staff of the ministry of the interior, prefectures, police forces, local authorities (including municipal officials, social workers, electoral commissions and local police) and actors in the judicial arena. Private actors are lawyers, trade unionists, association volunteers, private agencies, consultants and both online and offline religious and non-religious social networks (Bonizzoni and Hajer 2022). During the seminars, we explored how these actors introduce administrative barriers, often sharpening the filtering logic of the written law, but sometimes finding loopholes or trying to stem the administration's discretionary power.

The seminars explored how administrative regulations and practices perform social reality by regulating mobility and assigning statuses. Enrico Gargiulo's presentation deepened our understanding of the performativity of legal and administrative statuses and definitions by focusing on how municipal registration shapes the population (2023). More specifically, Gargiulo emphasised that, although municipal population registers are theoretically supposed to merely register social reality without influencing it, they have performative effects that are explicitly political by producing a legal status called residency, which is a precondition for the exercise of many rights, including voting rights. The performative constitution of population registers is mainly due to the actions of administrative officials, who, by using administrative tools, give their personal interpretations of the legal categories on which registration is based or introduce requirements that are not provided for by law. This linked his research to the studies conducted and presented by Vincent Dubois, who highlighted the ways in which lower classes are framed and treated by bureaucrats and who nourished the debate on how to study administrative power (2023). His contribution focused on the multiple and changing roles that public institutions play in restructuring the lower classes as a social group in different national settings affected by the neoliberal turn. Federica Infantino widened the discussion by including non-state actors based on her own work on border control policies (2023). Lucie Bargel enlarged the scope of administration analysis by examining how people are defined as members of the local community in France and in Italy by being included or excluded from electoral rolls, which are only partially dependent on municipal registration (2016, 2024).

On the topic of citizenship acquisition by naturalisation, legal practitioner Federica Remiddi's contribution provided insights on how legal practices and strategic litigation can, though not always successfully, limit the administration's discretionary power and prevent abuse. Her contribution, together with the active participation of legal practitioners attending the seminars and members of the Roma Tre Law Department and Legal Clinic, opened the debate on the opportunities and limits of legal action, and anchored discussions

in the current reality of law ‘in the field’. This was also the main perspective offered by the Roma Tre Legal Clinic on Immigration and Citizenship, which combines pedagogical efforts with legal advocacy for migrants’ rights (Caprioglio 2021).

Concluding notes: citizenship, post-colonialism and intersectionality – a call for research and action

By sharing disciplinary toolboxes and observations across time and space, the cycle of seminars called us to further grasp the entanglement between legal and administrative statuses and sociological lines of distinction and stratification intersecting gender, class and race. The aim to unpack and denounce the nexus between gender violence and the gender–race–class bias embedded in the stratified Italian national, transnational and local citizenship regime was reflected in the choice of having the anti-violence centre *Lucha y Siesta* in Rome host the final meeting, a round table bringing together researchers and activists.

Enrica Rigo, who participated in the whole cycle, gave a presentation during the final meeting. She explained how access to rights and the design of citizenry remain gender-based despite the recent abolition of formal discrimination in the acquisition and transmission of citizenship (Rigo 2022a) and helped us adopt a feminist gaze on the topics of the seminars. Her work shows how the European and Italian regimes of mobility are based on gendered categories and anchor rights in wage labour while disregarding reproductive labour provided by women (Rigo 2022b).

Since the entitlement to rights currently remains connected to territoriality, stability and ‘integration’, wealth and socio-economic inclusion continue to be blatant markers of citizenship: foreigners are required to prove sufficient income both for authorisation to stay in the host country and for naturalisation. Economic and social capital also plays a pre-eminent role in the capacity to navigate laws and procedures, alone or with the help of for-profit or non-profit intermediaries. This analysis, which was repeated throughout the cycle, also confirmed the deep nexus between the regulation of work, migration policies and individuals’ access to rights and statuses.

We found it crucial to examine the legacy of the segmented and hierarchised pre-republican citizenship regime that distinguished between *regnicoli*, *non regnicoli* and *sudditi* based on their presence in the national territory and their colonial status. Over time, while Italian colonisation expanded into eastern Africa, this regime included even more detailed layers between colonised subjects divided along the colour line. How do these divisions still influence the contemporary legal and symbolic citizenship regime? Can processes of social and legal racialisation be observed today when analysing laws and administrative rules and practices regarding individuals’ access to rights? The dualism opposing a rather generous *ius sanguinis* with a very restrictive *ius soli* cannot be the only answer to the question, and a more radical perspective on the current Italian ‘postcolonial situation’ is needed to investigate how racial boundaries are formed and how they legitimise legal and administrative borders. During the last session of the seminars, Camilla Hawthorne discussed her work on black Italian youth (2022) and opened up a dialogue on how the recent Italian social and legal mobilisations in favour of greater access to citizenship have shifted from a focus on the ‘worthy and integrated foreigner’ to embrace a more radical anti-racist perspective connecting different struggles (housing, visas, municipal residency, national citizenship, etc.) in a broader claim for ‘a right to have rights’.

Notes

1. See <https://www.efrome.it/it/la-ricerca/seminari/prossimi-seminari/incontri-migrazioni-cittadinanza-e-frontiere-amministrative-il-caso-italiano-da-settembre-a-dicembre-2022>

2. *Gateway to Europe* is the title of Mimmo Paladino's artwork dedicated to the migrants who have died crossing the Mediterranean in their attempt to reach Europe; it was unveiled on the island of Lampedusa on 28 June 2008. The label is often found in academic papers, books and NGO reports on the issue of migration by sea to Italy. The 'gateway to Europe' rhetoric has been used to back anti-migrant policies and discourses by the Italian government. See the statements by the Italian minister of the interior during his most recent visit to Lampedusa at <https://www.interno.gov.it/it/notizie/ministro-dellinterno-ha-visitato-commissaria-europea-johansson-lhotspot>, accessed 20 September 2024.
3. Based on the fact that long-term residents in a country benefit from social, economic and partial political rights without being citizens.

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Italian summary

Questo contributo riassume le discussioni scientifiche che si sono sviluppate durante un ciclo annuale di seminari internazionali e interdisciplinari incentrato sul rapporto tra migrazioni e cittadinanza in Italia. Abbiamo considerato la mobilità umana in rapporto alle istituzioni politico-

amministrative dello Stato e osservato il tentativo di quest'ultimo di definirla e governarla. La relativa marginalità del caso italiano nella letteratura sulla costruzione dello stato, della nazione e della cittadinanza è un'occasione per esaminare questi processi con occhi nuovi. La prima sezione consiste in un'analisi critica delle politiche che regolano l'accesso alla cittadinanza italiana. Il secondo esamina l'intreccio tra migrazioni esterne e interne e come esse siano governate, considerando i vari confini amministrativi e status, di cui la residenza. La terza sezione affronta il ruolo dei diversi attori sul campo (dai street-level bureaucrats ai professionisti legali e agli attivisti) nel plasmare o negoziare i confini della cittadinanza durante l'attuazione della legge.