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"A Finger for Berlusconi"
Italy's anti-immigration/anti-crime measures, Romanian realities, and the poverty of European citizenship

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1. Introduction

On July 17, 2008, the Romanian newspaper Cotidianul carried on its front-page under the headline "Fingerprinting of Roma: A finger for Berlusconi" a picture of a little Roma girl displaying an internationally well-known hand gesture: a downside up closed hand with an outstretched middle finger.[1]

At the time, tensions between Italy and Romania had reached a new high as Italy's new right-wing government began to step up its anti-immigration and anti-crime policies in an effort to assuage the Italian public's increasing concerns over immigrants and crime. One of the final measures in that effort, introduced in late spring, a registration of Italy's Roma population (dubbed a census), a population including many Romanian citizens, was to be implemented via fingerprinting, which explicitly was also to include minors.[2]

With the European Commission giving its assent to the Italian fingerprinting scheme in early fall 2008, the issue may appear somewhat moot. The Commission, it has been reported, declared itself satisfied that the fingerprinting scheme would only serve in instances where no other means of establishing a person's identity is available.[3] And, indeed, since those heady days of summer, even Romanian media and public attention to the policy measure have dwindled again as well.

Yet it bears to re-examine this intra-EU-European summer clash in a larger context. At issue in this intra-EU-European summer clash was, and indeed continues to be, the very meaning – and therefore the (potential) make-up – of a EU-European citizenship. As I will argue in the following, the central problem behind a EU-European citizenship, as evidenced in the summer clash between Italy and Romania, lies in the fissures between the construction of citizenship as a political identity defined by a nationally-framed "state" and "Europe" as topos of a historical-cultural and normative identity claim. To the extent that the EU continues to be associated not with protective functions and its enabling functions (which grant positive, as opposed to negative rights) have become associated with "externalized" threats, a EU-European citizenship will

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1   The line "offri un dito a Maroni" (the reference is to Roberto Maroni, Northern League, interior minister in the new Berlusconi government) is below the picture. The title page is available at http://www.cotidianul.ro/img/editions/pdf/editia_2008-07-17.pdf.

2   "Berlusconi unveils anti-crime measures for Italy", International Herald Tribune, May 21, 2008; http://www.iht.com/articles/2008/05/21/europe/italy.php; last accessed: September 13, 2008.

3   "EU gives blessing for Italy's Roma fingerprinting scheme", EUobserver, September 5, 2008; http://euobserver.com/22/26691; last accessed: September 13, 2008. "L'UE: 'Le misure italiane sui rom non sono discriminatorie'", Corriere della Sera, September 4, 2008; http://www.corriere.it/politica/08_settembre_04/nomadi_ue_misure_c277b0f0-7a70-11dd-a3dd-00144f02aabc.shtml.

continue to remain a mere formal sum of its substantive, namely member-state
based, parts. That the normative invocation of a common European identity at
the moment appears less and less able to muster the force necessary to check
the political allure of a return to the strong nationally-framed protective state is
therefore part and parcel of the larger crisis of institutional reform that presently
defines the EU-European project of regional integration.

The following critical analysis of the present state (pun intended) of a EU-
European citizenship in the light of the noted summer clash is divided into
two parts (2. and 3.). After providing an explication of the problematic of
citizenship and situating this problematic within its European context (2.), I
address Berlusconi's role in Italian politics today and analyze the vision behind
the security measures (2.1); this is followed by a discussion of the Roma as
a paradigmatically European, namely, non-national group (2.2); then I turn
to the (ethnic) Romanian (political) insecurities about both a national and a
European identity (2.3). The third part discusses the project of a EU-European
citizenship in the light of the fissures between the construction of citizenship
as a political identity defined by a nationally-framed "state" and "Europe" as
topos of a historical-cultural and normative identity claim (3.). Again, the very
elements of the summer clash between Italy and Romania are indicative of a
EU-European citizenship: its problems, prospects, and promise.

2. European Citizenship as Contested Terrain

Citizenship arguably has become the central watchword of European integration
in recent years. The well-known diagnosis of a democratic "deficit" ailing the
European Union could not live without it in both its analysis and prescription.
At issue in that diagnosis is the lack of institutional representation offered to a
European public, as European integration has remained an elite-level project
both in design and execution. It is the absence of such institutional representation
that (in this view) accounts for the (increasing and/or sustained) Euroscepticism
among member states' publics. To put it sharply, while an emerging European
public can be seen in the abstract via a common political space, this public
unfortunately has institutionally nowhere to go but (ironically) to blame an
abstract "Brussels" for its predicament (Gabel and Anderson 2004).

At the same time, the meaning of "citizenship" itself has become an
item of much debate in the political and social sciences. It has become quite
commonplace in the literature to distinguish two dimensions/meanings of
citizenship. On the one hand, citizenship is a legal-administrative construct

of "belonging". While granting certain rights or privileges and affixing certain responsibilities, it is tied to a specific – legitimate and sovereign – state entity. Citizenship here always has its own place – a territorially defined political community – and as such cannot be seen as devoid of a concrete political space (hence: debates about migration and citizenship in terms of how open a polity is to migration and how it defines the rights of non-members or not-yet members). On the other hand, and setting itself against the former view, citizenship has also become emphasized as a normative claim towards both emancipation and participation in any community or societal context; a claim that in the final instance recognizes all humans as global citizens. In this cosmopolitan conception, the values (rights and – to a lesser degree – responsibilities) that underlie and animate citizenship are neither defined nor contained by any territorial political entity, let alone by the concept of a nation-state (Nash 2007; Wagner 2007).

The European Union and by implication the entire process of European integration in this sense can be seen as articulating those dual meanings of citizenship. Indeed, depending on which side of the fence, so to speak, one might wish to champion, the Union and European integration either fall short of realizing (hence: a democratic deficit) or actually come to embody "citizenship" (Delanty 2007). It is therefore not far fetched to define EU-European citizenship as contested terrain: contested between two modes of belonging, the communitarian-national and the cosmopolitan-global, thereby expressing a struggle over the very meaning of European integration itself.

For the present purpose of explicating a European citizenship as contested terrain in this sense, it suffices to take a look at the European Union's formulation of citizenship in the Treaties (the foundational law and legal framework of the Union). Here is the relevant formulation from the so-called Treaty of Nice, which at the time of this writing continues to be the Union framework in operation today:

"Citizenship of the Union shall complement and not replace national citizenship" [Article 17 TEC] (European Union 2006).

If and when the revision signed in Lisbon in 2007 (the Lisbon or Reform Treaty), the revision made in response to the failed Constitutional effort, comes into effect (2009), the relevant passage will be the following:

"Citizenship of the Union shall be additional to and not replace national citizenship" [Article 20 FEU] (Council of the European Union 2008).[4]

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4 "EU gives blessing for Italy's Roma fingerprinting scheme", EUobserver, September 5, 2008; http://euobserver.com/22/26691; last accessed: September 13, 2008. "L'UE: 'Le misure italiane

In the first place it is interesting to note that "complement" has been replaced by "additional" in the Reform Treaty. Complement suggests completion: that something is missing from the latter (national citizenship) that the former (citizenship of the Union) remedies. Exactly this suggestion of national incompleteness has been taken away by the formulation in the Reform Treaty: as additional, EU citizenship serves the function of the cherry on top of a cake.[5] What might appear as splitting hairs needs to be seen in the context of what were tough negotiations in the wake of a failed "Constitutional" attempt. One of the central issues in those negotiations (and one of the reasons why the Reform Treaty was rejected in the Irish referendum) was the concern over the creation of a European (EU) "super-state". Key in the negotiations was to rescue what could be rescued from the failed Constitutional Treaty while assuaging national concerns. Thus, the Reform Treaty does pay tribute to subsidiarity, to an increasing role of the European and the national Parliaments – and, one can surmise, toned down the language of a EU-European citizenship in favor of firmly signaling that citizenship was to remain the prerogative of each national member state.[6]

This reformulation of the citizenship clause – again: at the time of this writing the fate of the Reform Treaty remains unclear – here only serves to emphasize the larger point: from a formal-legal standpoint, a EU-European citizenship does not exist. One is a citizen of a member state and only by virtue of the respective state being a member state of the European Union can a citizen consider him or herself a citizen of the EU (any EU passport will tell that story: the issuing authority is no EU bureaucracy…).

However, it would be wrong simply to conclude that absent such formal-legal claim and recognition, no EU-European dimension to citizenship exists. Much like the rest of European integration, namely, the creation of what some scholars have dubbed "multi-level governance", a considerable EU-European dimension to citizenship has come about by "stealth": through the fact that fundamental normative commitments (including the four freedoms and the common market) were transformed into concrete policies and the spill-over

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sui rom non sono discriminatorie'", Corriere della Sera, September 4, 2008; http://www.corriere.it/politica/08_settembre_04/nomadi_ue_misure_c277b0f0-7a70-11dd-a3dd-00144f02aabc.shtml.

5   The point remains even when looking into different language versions. 1) TEC in German: "ergänzt …, ersetzt sie aber nicht"; in Italian: "un complemento … e non sostituisce quest'ultima"; in French: "complete … et ne la remplace pas"; [no official text in Romanian]. 2) FEU in German: "tritt … hinzu, ersetzt sie aber nicht"; in Italian: "si aggiunge … e non sostituisce quest'ultima"; in French: "s'ajoute … et ne la remplace pas"; in Romanian: "nu inlocueste …, ci se adauga".

6   The latter is of course an empirical question, and I hope to have an answer to it relatively soon.

effect of such policies into other policy-areas; backed initially and subsequently by the accepted and legally-enforceable doctrine of "direct effect" of EU regulations (Kohler-Koch, Conzelmann, Knodt 2004; Majone 2005).

The dimension of EU citizenship that has thusly emerged "has grown out of the rights of Community nationals to free movement as economic actors" (Guild 2004, p. 82). As workers within a unified market area (the EU's common market), citizens of EU member states enjoy the right to free movement and residency within the entire EU area. Like goods, people have become freed in this sense. Yet exactly this process – another part of what has come to be viewed as "integration through law" – has also come to confine the notion of EU citizenship in two important ways. In the first place, member states have retained the right to define that freedom and confine residency, including in fact the use of deportation, by virtue of an acknowledged public policy prerogative based, in the last instance, on notions of public safety and security. Non-national residents, in short, can be treated differently than nationals by a member state. This difference (for example restricting the freedom of movement of a non-national within the territory of a member state) also accounts for the fact that administrative law is allowed to apply to non-nationals in instances where criminal law (and its procedural protections) would have to apply to nationals (Guild 2004, pp. 89-91). One should also note that in the cases of the late Eastern enlargement entrants, Romania and Bulgaria, a labor market safe guard clause in the ascension treaties has effectively curtailed the freedom of movement and residency by restricting Bulgarian and Romanian workers' access to the labor markets in most of the older member states.[7] Furthermore, the vision of a EU citizenship as a potential "source of rights" (N. Reich) in reality continues to lack the social dimension, the social rights associated with citizenship today. Once again, the noted national prerogative when it comes to public policy making has "structurally constrained" the development of a EU citizenship (Aziz 2004, p. 112).

Nevertheless, to the extent that the common market rule of "non-discrimination" has begun to determine the actions and interactions of member states when it comes to their peoples (nationals and non-nationals alike) and the fact that social services and social insurance are made available across the EU territory regardless of nationality and residency, one is able to note the slow development of a EU-European social space, a EU-European society, if you will. Add to this the continuing pressures in the services and taxation areas

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7 At the time of this writing, the restrictions continue to exist in the UK, Ireland, Germany, Austria, Luxembourg, Netherlands, and Belgium for another three years. "Three EU states open up to Bulgarian, Romanian workers", EUobserver, January 2, 2009; http://euobserver.com/9/27339.

for increasing coordination and unification via either harmonization or at least mutual recognition of standards and services, and an evolving EU-European dimension of citizenship, despite set-backs, cannot be denied.

Thus, what has emerged since the founding of the Union (Communities) in regards to citizenship reflects the integration problematic itself. The notion of citizenship shares with the proclaimed ideal of an "ever closer Union" a contradictory and enabling dynamic. Contradictory, because the key to the development of both continues to lie with each national member state. Enabling, because the dynamic of integration exposes and transcends the limits of the nation state as the existing form of political community (the polity) today.

It is this dynamic that the reader should keep in mind as we begin to discuss the concrete case in question. Beginning with contemporary Italian politics, we will see that the assertion of the national state principle increasingly reflects rather anachronistic conceptions of the relationship between state and citizenship. Furthermore, while national state actors find themselves caught in a EU-European web of their own making, non-national (sub-national and transnational) actors are finding it increasingly enabling, not to say emancipatory, to rely on European integration as both a normative reference point and a policy context.

2.1 Bringing the State back in – Berlusconi style

On April 13-14, 2008, the Italian electorate voted with a clear majority for Silvio Berlusconi and his new party, The People of Freedom (Il Popolo della Libertà; PDL), and even provided the Berlusconi led party alliance, consisting of The People of Freedom, Northern League (Lega Nord) and the new Sicilian Movement for Autonomy (Movimento per l'Autonomia del Sud), with an overwhelming victory and clear majorities in both Chamber of Deputies and the Senate. Silvio Berlusconi, thus, now leads for the third time as elected Prime Minister an Italian government (Grasse 2008).

It is fair to say that most of the rest of Europe's public opinion greeted the Berlusconi IV government (IV because of the reformation of the government without new elections in 2005) with an exhausted and befuddled sigh of "not again". Ever since Silvio Berlusconi appeared as a serious contender for the Prime Minister office on the Italian political scene, his attraction, his victories, and his comportment in office have led to serious questions about the state of Italian democracy. Berlusconi's rise as entrepreneur – he is now one of the richest Italians and, arguably most importantly, the owner of Italy's most

private television stations – has been attributed by some to Mafia connections. Since the 1990s, he has been dogged by various corruption charges and attempts at prosecution. Indeed, his late calling as politician has been seen by critical observers as an attempt, and a successful one at that, to stave off prosecution first via immunity and finally by rewriting laws. His gaffes in office, in turn, have become quite legendary. Arguably the most legendary one occurred during a session in the European Parliament when he "jokingly" told the German social democratic/socialist MP, Martin Schulz, who had questioned Berlusconi's democratic credentials, that he, Schulz, would make a great overseer (Kapo or capo) of a concentration camp.

The disastrous session in the European Parliament (as Italy's Prime Minister, Berlusconi then held the rotating Presidency of the EU Council) points to the most important question mark surrounding Berlusconi's political role. His business dealings and behavior in office are in fact the least of his critics' concerns. From the very beginning, his political party, 'Forward Italy' (Forza Italia), was not just a vehicle for his own personal ambitions. Berlusconi clearly positioned himself and his movement on the right of Italy's political spectrum. From the very beginning – Berlusconi I – he relied on a coalition with Italy's two major right wing parties: the (regional) Northern League of Umberto Bossi and the National Alliance (Alleanza Nazionale), whose main founding component was the Italian Social Movement (Movimento Sociale Italiano) of former Mussolini supporters, with Gianfranco Fini at the helm. For the 2008 elections, Berlusconi's Forza and Fini's Alleanza created the PDL as an electoral alliance, but with the prospect (now scheduled for March 2009) of creating a new party out of it. It is this clear positioning on the right, including neo-populist, even neo-fascist elements and dimensions, that has led critical observers to sound an alarm regarding Italian democracy and that has led many European politicians, including center-right conservatives, to keep their distance.[8]

There are of course many explanations for Berlusconi's rise and subsequent victories in Italian politics. His rise and prominence in Italian politics can be seen as a result of the collapse of the Italian political party system in the wake of the large-scale corruption scandal, the massive popular protests against and judicial investigations into political corruption (Mani Pulite) that gripped Italy in the very early 1990s. In this sense, Berlusconi initially used the opportunity that the crisis in Italian politics offered at the time and many Italians reacted positively to him and his candidacy precisely because both his wealth and his

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8 It should be noted that while Fini has managed to disassociate the Alleanza from its fascist roots, the PDL continues to have far right currents and members in it.

political outsider status were seen as signs of independence from a corrupt system and as guarantors of a new beginning. As noted by Alexander Grasse in assessing Berlusconi's third victory,

> [Berlusconi's] still unresolved conflict of interest between his political, mass media, and business interests is viewed by many [Italians] not as a problem, but instead as the very guarantor of stability and decision-making power – and thus as the solution to the problems (Grasse 2008, p. 58).

Yet the problems alluded to by Grasse in the above are not the continuing problems of the Italian political system itself and are not directly related to the Italian publics' continuing disappointment in its political class. Berlusconi's third victory, I like to argue instead, is the result of a profound sense of insecurity associated with social and economic transformations and challenges that the Italian society is facing today. In the first place, accounting for Berlusconi's third victory by pointing to the continuing disenchantment of the Italian populace with the political system as such appears less convincing because 80.5 percent of the Italian electorate still went to the polls. While certainly not a sign of reigning satisfaction when considering that Italian elections once upon a time used to have a participation rate of 89 percent, 80 percent is still a far cry from the kind of disengagement-levels one finds in other European countries, let alone the United States of America (Grasse 2008, p. 55).[9] Furthermore, it is also remarkable that the combination of Parliamentary, regional, and municipal elections on the same day did not favor, as was expected, the Left. Berlusconi's PDL was especially strong in Italy's south and also was able to be victorious in the region of Friuli-Venezia Giulia and won the mayor position for the city of Rome (Grasse 2008, p. 57). Indeed, judged by analysts' expectations and also by an outwardly lackluster campaign, Berlusconi's third victory must appear in its clarity as quite a surprise.

Again, if one wishes to account for Berlusconi's third victory – and arguably for the role that Berlusconi plays in Italian politics today – pointing to a crisis of the political system and its politics as usual, although such a crisis

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9 Even the much-touted (historically significant and internationally admired) 2008 Presidential election in the United States, while drawing the highest turnout in forty years, amounted only to a 61.1 percent electoral participation rate (and as a side note: the popular vote for Barack Obama was essentially 53 percent of votes cast). Megan Thee-Brenan, "Election drew highest turnout in 40 years", The Caucus Blog, The New York Times, December 15, 2008; http://thecaucus.blogs.nytimes.com/2008/12/15/election-drew-highest-turnout-in-40-years/?scp=1&sq=Presidential%20election%202008%20voter%20turnout&st=cse
Election results 2008, The New York Times, November 14, 2008; http://elections.nytimes.com/2008/results/president/explorer.html

exists, does not provide the necessary leverage. One needs to link the surface (Berlusconi) to the deeper currents that at present animate Italian concerns. In public opinion surveys, Italians regularly claimed unemployment, low wages, and high taxes as central concerns. The central issue for the majority of Italians (arguably: the average Italian) can be summed up as a concern with social and economic security in an economically adverse environment saddled with a public environment that is seen as corrupt and inefficient.

This structural problematic and its concomitant feeling of insecurity gained some concrete "faces" during 2007-2008. Corruption and inefficiency became enshrined in the sprawling garbage heaps lining the curbs and spilling into the streets of Italy's southern towns and cities including, most famously, Naples. Another representation became the murder of a 47-year-old Italian woman by a young Rom on October 30, 2007. Suddenly, the issue of immigrants, and especially of Italy's Roma population, gained a heightened urgency and Italian citizens (and the tabloid press) began to ask questions in terms of "us" versus "them". Walter Veltroni, then mayor of Rome where the murder had occurred and who would soon become the national candidate of the Center-Left coalition in the elections, coined the term "Romania emergency" and warned Romania that if it wanted to remain in the European Union it should stop the flow of those immigrants. At least one attack on Roma by neo-fascists was reported in the international press as immediate reaction to the October murder.[10] That Italy has become one of the major destinations for Romanians (already in the past but now in the context of EU membership and with Italy one of the few older EU members granting full freedom of movement), that Italy has a Roma population, that extreme poverty exists and encourages (mostly petty) crime, and that Italy is also one of the central destinations for illegal immigration to Europe (south/southeastern route via the greater Mediterranean area), and last but not least, how migration in general has impacted and transformed Italy's society and economy and the actual plight of most migrant workers – all of those rather complex issues and questions suddenly became reduced to a security threat and had a "face", the Roma (Andall 2007).

Thus, while insecurity and doubt about Italy's present state of affairs did not rank high themselves in Italians' responses to questions about their concerns, Berlusconi's third victory is the result of the Italian public's pronounced uneasiness in the face of rather complex challenges. Challenges, one should

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10 Alexander Smoltczyk, "Italien: Krieg gegen die Hütten: Nach dem Mord an einer Spaziergängerin entdecken die Italiener den 'Rumänien-Notstand': Einwanderer aus Südosteuropa, die Dank großzügiger Gesetze im Land sind", Der Spiegel, 46/2007 (November 12, 2007); http://wissen.spiegel.de/wissen/dokument/dokument-druck.html?id=53621840&top=SPIEGEL.

note, that are mediated by the Italian Republic's continuing modernization problematic as a national state with two broad regional cleavages, North and South, yet that are rooted in the contradictory and problematic history of modernization in Italy throughout the 20th century.[11] While the Democratic Party (Partito Democratico) with Walter Veltroni as its candidate actually had fundamental change as one of its campaign slogans, such fundamental change is neither easy for many Italians to understand nor in fact to condone. Berlusconi's personalized politics, his entertainer charm (or, depending on one's view, his pathetic attempts at such), in this sense is his major asset. Voters are free to associate him, il Cavaliere (the Knight), with their own conservative longings and to remember only the good parts (such as his singing and tax cuts), while easily blocking out the blunders and the continuing problems.[12]

And as such, Berlusconi's third term as elected Prime Minister, like his two terms before, advances a rather symbolic politics.[13] But this "symbolism" should not be viewed as without any foundation or purpose. Quite on the contrary. Berlusconi's symbolism is markedly on the far right, emphasizing security versus insecurity, blaming the Left for everything, and marshalling a vision (however ill defined) of Italian greatness. In short, what has already been pointed out in the above needs to be emphasized again: Berlusconi has decidedly positioned himself on the right in Italian politics and his coalition, with the exit of Casini's Union of Christian and Center Democrats (Unione dei Democratici Cristiani e di Centro) more so than before, is a coalition of the Italian far right. (That this coalition is explainable and works in terms of the destruction and absence of the organized traditional center, i.e. Christian Democracy, in contemporary Italian politics is a different story).

At the first cabinet meeting, several policy measures were introduced that combined aimed to present an anti-crime package. Among the measures were tougher immigration laws allowing for the incarceration of illegal immigrants and DNA testing of immigrants wishing to join family members already living in Italy. Moreover, as the International Herald Tribune noted, the new measures

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11   There is a distinctly southern European problematic of modernization at work here which links in Rokkanian fashion the cleavages of town/country, religious/secular, agrarian/industrial, communal/national, tradition/modernity. A problematic perhaps best characterized as an unfinished modernization in a postmodern context.

12   In attempting to explain Berlusconi and his (strange) attraction, I have been reminded numerous times of former US President Ronald Reagan, which Berlusconi would probably take as a great compliment. Both certainly share an appreciation of the theatrical element in politics; Berlusconi's theater, however, is not the Hollywood sound stage.

13   First cabinet meeting was held in Naples to demonstrate concern with the southern garbage crisis; one might call the meeting an attempt at "consecration".

would also negatively affect citizens from other EU member states residing in Italy, as they would now have to prove that "they have a job, health insurance and adequate living conditions."[14] Berlusconi introduced the measures with the following words:

> "The state has to return to being the state … The security measures will allay the fear that citizens have … It is their [citizens'] right not to be afraid anymore."[15]

The reader should note that the programmatic message actually advances a definition of citizenship, the state and their relations. At first glance, the message might appear simple, namely, the national state as protector of its citizens. However, as such, the national state also defines citizenship in terms of who is/is not a citizen. As is well known, in the European tradition of national-state formation, that definition is based on the idea of a national "people". I will return to this point below. What one might overlook in Berlusconi's pronouncement is the particular relationship between citizens and state.

Citizens have the right "not to be afraid", to feel secure. The state has the duty to "ally the fear", to protect its citizens. While the citizens by implication are identified as nationals – namely as citizens of the Italian state – the vision of citizenship advanced is solely a passive one. Conversely, the state in this vision is the active entity – it is the absence of activity that constitutes the absence of the state – and its activity is clearly viewed as concerning "law and order". It is perhaps unfair to read too much into (any) programmatic statement. Nevertheless, I would like to stress that underlying Berlusconi's wording, whether he would agree with it or not, lies an entire tradition of political thought on the state and its (non-)relation to citizenship.

The tradition upon which Berlusconi, again perhaps willy-nilly, draws can be identified as Hobbesian. It is characterized by a strong vision of the state as the provider and enforcer of public order. In this tradition, there are in fact no citizens, only subjects. The right that Berlusconi invokes – the right not to be afraid – is the Hobbesian right of subjects as wardens of the state. In order to fulfill the role of a warden, the state, in turn, must be the guarantor and protector of security; it must itself be a "security state".[16] There is a clear divide here

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14 "Berlusconi unveils anti-crime measures for Italy", International Herald Tribune, May 21, 2008; http://www.iht.com/articles/2008/05/21/europe/italy.php; last accessed: September 13, 2008.

15 "Berlusconi unveils anti-crime measures for Italy", International Herald Tribune, May 21, 2008.

16 In its classical Neo-Marxist formulation, the term security state designated the articulation of "welfare" and "surveillance/policing" functions of the state in late Fordism (Hirsch 1980).

between "citizens" and "state". The central function of protection and security provides the state with absolute defining power in this regard. Berlusconi's advocated return is one in which the state turns into a "pater familias" (head of the household) and citizens are returned to the status of frightened children. The family context, in turn, does not allow other meanings of citizenship to enter the vision and the state is clearly defined in time and place. The implication, some might call it the logical conclusion, is that the state ends up defining its role only in terms of itself. The provision and enforcement of public order turns into the state's interest in its own stability and survival. This should give one pause when considering the democratic credentials of the nation-state in this regard, a point to which I will return shortly.

It is therefore quite logical that Berlusconi's advocated return of the state has as one of its central policy measures a census of the Italian Roma population. While censuses are today mostly seen in the context of data gathering for public policy making (a state needs to know about the population living within its territory), there has always been the suspicion that this type of population data gathering also can be used to control a population. In this more critical view, the administrative state is closely linked to the surveillance state (the "big brother" of 1984) and by implication to the Hobbesian security state tradition. Public order in order to be achieved needs "objective" information (the facts). Those facts are especially needed about all that is or could be potentially threatening to the public order.

For the Roma to become the quasi-catalyst for and addressee of this vision was not at all accidental. There is, so to say, a foundation to build on and it is to this foundation that I will now turn.

2.2 The Roma paradigm

It is estimated that there are around 150,000 Roma living in Italy today. Of those, it is further estimated that "about half of them are Italian citizens, while 20-25% are from European Union countries, chiefly Romania. Most Roma live in the Northern parts of the country" (European Roma Rights Center 2008, p. 9). Italy's entire population today is estimated at almost 60 million. To put the Roma population number even further into perspective, there are anywhere between 6 to 11 million Roma, Sinti, and Travellers living in the world, about 5 to slightly over 9 million in Europe, with the largest EU-European

Roma population, anywhere from 535,140 to 2.5 million, living in Romania. Whichever number one reckons with, Italy's Roma population is clearly among the very smallest.[17]

Yet numbers or "hard data" – reality (or rather: realities) – have never been the issue in the relations between Roma, Sinti, and Travellers and the societies they travelled through and lived in. It has always been the assumption of a certain "presence", encapsulated in the evocative term "gypsy", that has guided those relations. Thus, in order to come to terms with why an estimated 150,000 people in a population of almost 60 million have elicited such a strong response, it is fruitful to ask what exactly has made and continues to make Roma, Sinti, and Travellers into both such an identifiable and identifiably "different" population.[18] Indeed, when asked about the then existing tensions between Italy and Romania, some (ethnic) Romanian interview partners maintained that the Roma were in fact "a European problem".[19] And there is some truth in that assertion. However, that truth, as will become clear below, can hardly serve as an excuse for the Italian government's measures and the Romanian government's initial lack of concern about those measures. While I will address in the next section the Romanian context, the present section aims to come to terms with what is behind the so-called "problem".

The very language of a "problem" one should note underlies and legitimizes policies of "othering" – from neglect to abuse and beyond – and as such in fact

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17 It is notoriously difficult to provide an accurate headcount of any population. The difficulties are compounded in the case of ethnic identification, which is usually done via self-identification in census data collection and therefore turns even more problematic in the case of Roma, Sinti and Traveller populations where the identity clearly carries a stigma within the broader society (Zamfir and Zamfir 1993, pp. 52-56). If one uses official census data or highest estimate numbers, Turkey has the largest Roma population in Europe and therefore the world (yes, this author counts Turkey as European). For Romanian data, see table 40, Recensământul Populaţie şi al Locuinţelor 2002, available from the Romanian National Institute of Statistics (INSSE) at: http://www.insse. ro/cms/files/RPL2002INS/vol1/tabele/t40.pdf. A good overview of the population data (census and estimates from various sources) is provided by the Wikipedia entry for "Romani people" at http://en.wikipedia.org/wiki/Romani_people. As usual, even with serious Wikipedia entries data and numbers should be rechecked. The 3-5 million estimate given at one point in the entry write-up for Turkey is a fantasy number: the Christian Science Monitor article cited in support uses this estimate on its page 2 without any indication where that number came from, see: http://www. csmonitor.com/2008/0609/p20s01-woeu.html?page=1.

18 The term Roma refers to a specific community (albeit the largest one) within the larger population and will continue to be used exclusively for the purposes of this paper, unless required by context and/or analytic point to be made (see text further below).

19 That one was able to notice considerable exacerbation in the voices of my ethnic Romanian interview partners when asked about the issue should be noted already as a sign of what will be discussed in this paper further below.

obfuscates the complex realities that are at issue. In the first place, one needs to point out that all European societies have historically not been hospitable to "the gypsies", with suspicion and persecutions as the norm, leading in fact to one of the (almost) forgotten chapters in Germany's National Socialist population control and extermination policies (Fraser 1992, pp. 257-270). Furthermore, hidden from view through this othering are the people themselves, their actual existence, the existing differences, and the specific problems. What has been termed "the gypsies" and the individual figure of "the gypsy" (either in its male or female version) as identity templates actually refuse to accept difference. The designated/labeled population in reality falls into numerous groups, tribes, and families whose members can and do live under a variety of circumstances. Besides the broad distinction between Roma (eastern and southeastern Europe) and Sinti (western; mostly German speaking areas) one encounters the Manouche (France and French language areas), the Calé and Gitanos (Spain and southern France), the Ciganos (Portugal) and various smaller groups in Western and Northern Europe and a pastiche of smaller (Roma) group-divisions across southeastern Europe (including Hungary). Dialects, family relations, settlement patterns, and vocations account for and mark the differences that the Romani people acknowledge among themselves (Fraser 1992, pp. 290-299). This variety can and does include various degrees of what is referred to as "integration" – in its usually simplistic fashion: the condition in which individual members are not (easily) recognized anymore as members of a specific group identity and/or in which the group identity has become a folkloric pastime. In this sense, the process of othering creates a monolithic entity out of multiple presences, their realities, and their specific problems.

The truly unsettling power of othering, however, lies in the fact that it is the basis for prejudicial views that in the event become enshrined in attitudes and public policies, and thereby create prejudice-reinforcing realities. Historically, this mechanism is of course well known and documented in all cases of so-called minority groups. In the case of the travelling families, dubbed "gypsies" in English, who entered west-central Europe from the southeast and east in the early to mid 15th century, the then existing socio-economic institutions assigned to them particular leftover roles that could not help but reinforce the imagery of the "fahrendes Volk" (travelling people):

> …the guilds regulated crafts and trades, commerce was also tightly controlled,
> and peasants were not in the habit of employing casual labour, so what
> was left for Gypsies as a livelihood was limited to small services and minor
> trading and entertainment (Fraser 1992, p. 81).

The particular socio-economic place assigned to those travelling families, while reinforcing the imagery, does not in itself explain the political-cultural impact the families had on those societies, an impact that led to the creation of the gypsy image and imagery. What is missing from the socio-economic diagnosis of "leftover roles" is the realization of the profound changes that had begun to transform the western European political and socio-economic landscape at the time. For present purposes, it is enough to remind the reader that the early to mid-15th century, the late Middle Ages leading into the Renaissance, was a period in which the pastiche of Medieval "overlapping authorities" (H. Bull) gave way to centralized states, settlement patterns became differentiated into town/country fault lines, a new commercial order was on the rise, and an age of discovery was about to be ushered in. After the rather tumultuous 14th century, the 15th century saw Europe not only recover, but, at least in its western parts, set out on the road we now associate with the term "modernity". It is in the context of these crucial changes that one needs to place the advent and "discovery" of the travelling families.

For centuries, "Europe" had been a wide-open space, defined and made by successive waves of migration, fluctuating internal settlement patterns, and decentralized (not to say disorganized) political authority. The curiosity with which the travelling families were initially viewed, the defining question of their religious belonging (heathen or baptized), the letters of protected passage they (usually) received from authorities, all attest to the fact that they initially were not seen as completely alien in their way of life. Indeed, the travelling families themselves were able to claim the conventions of the times (pilgrimages, atonement) for being accepted, for receiving safe passage, and for receiving money (given as alms to them). Even the initial imagery itself drew on what Europeans thought they knew at the time: the "eastern lands" as point of origin, and the Tartars as closest (and, of course, negative) comparison in appearance. Although the comparison to the Tartars already points to a decidedly negative impression (but one should note the historical difference – the invading, powerful "God's scourge" – in this sense), magic and especially future telling did not negatively impact the impression. On the contrary, at a time in which Christian belief, science, and magic still interacted freely in an everyday manner, fortune telling was an accepted activity and was highly, even officially, sought out (Fraser 1992, pp. 60-84).[20]

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20 For a general history and discussion, see Kieckhefer (2000).

The encounter became unsettling to the western Europeans, the more they began to see themselves as settled, the more spatial boundaries became politically-administratively accepted, and the more political authorities were actually able to create and enforce a public order on their territories. What had been seen before as part of a lived experience became alien, even threatening: an echo of a past that western Europeans were leaving behind. Moreover, in the centuries that were to follow the first encounters, not being settled, having no "home" in the sense of a continuous place of settlement, and travelling freely the countryside instead became associated with the worst aspects of life experiences: war, brigandism, crime, and poverty. It did not help that the accepted, lived relations between Christian belief, science, and magic became shattered and were replaced with a rationalized (purged) Christianity, on the one hand, and an adherence to a rational, empirical scientific method, on the other. Magic became trickery and as such was regarded either with shame (by those who still consulted a fortune teller) and disdain and was persecuted (purged) by the authorities. The idea of a public order and the perceived and experienced threats to that public order began to determine the image and imagery of "gypsies". Physical differences, especially the dark skin, became the outwardly visible signs of, and a powerful trigger mechanism for, the imagery itself.

This development of the image and imagery of "the gypsies" and "the gypsy" in relation to the public order only intensified with the three "revolutions", the democratic, the national, and the industrial, of what E. J. Hobsbawm has called "the long nineteenth century". With the creation of national states and industrial societies, there was no social space anymore for travelling families: national states drew on a recognized and united territory with stable populations for legitimacy and support, while the new capitalism created class relations based on ownership, markets, and contracts. Rationality and reason, in turn, became the cultural foundations of the new public order. While in earlier centuries, the western European imagination could still draw on some lived experiences for some instances of recognition and acceptance, the new public order that developed in (western and central) Europe cast "gypsies" and "the gypsy" into the role of the complete other.

Thus, what "the gypsy" life represents today is an alternative paradigm to the nationalized and modernized existence in the European political and social space. The act of travelling in this context signifies more than just a mere movement from a point A to a point B. It is outside of the recognized time/space linearity with its defined reasons (the business trip, the pleasure cruise) and as such represents a challenge not only to the existing political and social

boundaries, but to the very conception of what it means to be modern and what it means to be European. The contemporary Italian view underlines this, as "nomads" has become an often-used term, including in government circles, to describe the Roma population.[21] As nomads, the Roma are seen as having more in common with African tribal herdsmen than with Italian citizens. The Italian policy-reaction in this sense not only can be seen as drawing on the Hobbesian tradition of the security state, but in fact also reproduces some of the key measures in European national state formation: population identification and control via a census and assertion of control over a defined territory as social space via policing, all in the name of public order and security (Silver 2005).

At this point, the interrelations of the argument developed thus far begin to crystallize. As noted, the European Union has become a united and as such wide-open space in which the national boundaries in principle, but depending on policy area, have ceased to exist. The development of a EU-European citizenship in this wide-open context relies heavily on non-nationally bound forces: normative commitments, market relations, multi-level governance, and integration through law. It would therefore be tempting to conclude at this point that Berlusconi's advocated return of the state is a deeply anachronistic and as such flawed construct and that the Roma in fact are part and parcel of what it means to be European today, including the challenge that their non-nationalized identity presents to the still existing national-state framework within the Union. The historical irony in this development should not be lost. Indeed, before going into a general concluding perspective, it bears to discuss the Romanian side of the Roma paradigm. As will be shown, the historical irony only deepens.

The non-nationalized, non-modernized identity – again: an alternative paradigm in the creation of a European political and social space – one might simply suppose also guides the (ethnic) Romanian response to the Roma as a "problem". As the EU-member state with the largest Roma population, one might surmise that in Romania the dynamic of othering is especially relevant and potentially especially virulent in its negative impact on Romanian/Roma relations. While this is the case, it is not all that needs to be pointed out in the Romanian case. What follows is a discussion that aims to explain both: the initial lack of a national-political response to the Italian measures and the way in which the Romanian response was finally framed.

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21 "All'UE anche il rapporto sul censimento dei campi nomadi – Rifugiati: il governo approva il decreto" (also therein cited Interior Minister Maroni using the term nomads), Corriere della Sera, August 1, 2008; http://www.corriere.it/politica/08_agosto_01/rifugiati_decreto_ue_0d29b4fe-5fb4-11dd-8d8f-00144f02aabc.shtml.

2.3 Romanian realities

Romanian President Traian Basescu's response to the Italian measures came at a press conference after his crisis visit to Rome:

> Romanian citizens, irrespective of their ethnic background, are citizens of the European Union… They [Roma] are our citizens… Romanian citizens are citizen of the European Union and are to be treated according to the standards of the European Union.[22]

At first glance, the response might read wonderfully inclusionary, full of that peculiar European promise which has animated the debate about European integration in general and the EU's eastern enlargement in particular. However, upon closer inspection, one cannot help but realize a peculiar double formulation, which the speaker apparently deemed necessary in order for his claim to be properly understood. First, Roma receive their identity and rights only by their identification as Romanian citizens. Furthermore, in its paternalistic formulation ("[t]hey are our citizens" [emphasis added]), the identification cannot help but turn Roma into wardens of the Romanian state and not citizens in the modern, active sense of the term. Indeed, throughout the press conference, Basescu in his responses accepted that there was a "Roma problem", even to the point of offering the Italian government help in dealing with it.

At the same time, Romanians themselves apparently are in need of a larger identification in order to justify and achieve an identity and protective rights: "Romanian citizens are citizens of the European Union and are to be treated according to the standards of the European Union". To put it more sharply, not only do Roma receive their identity and rights in the context of a granted belonging, but also the very identity and rights of Romanians as citizens of the European Union has to be asserted in order to make the claim for the Roma population in question.

This double formulation, I now wish to argue, points us to a peculiar Romanian political-cultural insecurity about the claim/status of Romanian membership within the Union. As discussed in the above, from a formal-legal standpoint a European Union citizenship simply does not exist. Citizenship continues to be based in, defined and legitimized by each member state as a

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22 Press conference with Berlusconi during Basescu's visit in Rome, July 31, 2008; http://www. presidency.ro/?_RID=det&tb=date&id=10108&_PRID=ag. "Roma – Basescu: Romania does not approve Italian Measures," AGI News On, July 31, 2008; http://www.agi.it/english-version/italy/ elenco-notizie/200807311756-cro-ren0084-art.html.

matter of a decidedly nationally defined sovereignty and membership. However, citizenship has also become part of "integration by stealth" (Majone 2005) and both Community and intergovernmental regulation have spilled over into the dimension of citizenship as defined through rights.

If the policies related to and based on the four freedoms within the Union can be said to ground a EU-citizenship, then Romania (and also Bulgaria) received from the beginning a rather exclusionary treatment in this regard. Romanian citizens do not yet enjoy the freedom of movement and residency in respect to the majority of older EU member states that all other member state citizens possess. Furthermore, Romania was placed under monitoring in Justice and Home affairs matters as widespread and high-level corruption in conjunction with organized crime were identified by the Union as issues lacking crucial initiatives and reforms. And besides corruption and organized crime, the treatment of orphaned and street children and the position and treatment of ethnic minorities in Romania have been and continue to be key concerns in Romanian/EU relations.

(Ethnic) Romanian interview partners were quick to point out that they did not experience or are not experiencing prejudicial treatment within the institutions and the policy process of the Union, and I see no reason to completely distrust that response. For by and large, the institutions and the process are known to be more Europeanized than they usually receive credit for. Policy- and expert-driven in its internal dealings and consensus-oriented at the national level, there simply is no room in Brussels for a personalized venting of prejudicial, let alone racist, attitudes. Such attitudes would in effect immediately disqualify their proponent, making it harder, if not impossible, to influence process and policy-outcomes. Also, to be clear at this point, Romania, even almost 20 years after the toppling of the Ceausescu regime in 1989, continues to be plagued by fundamental problems. Corruption in Romania exists at the highest levels and is in general a debilitating problem for the country. As one of the by far poorest member states, all social services in Romania continue to suffer, which obviously continues to affect negatively all those in society that need help the most. There can also be no question that the Roma as an ethnic minority group continues to suffer from both neglect and prejudice, with poverty and acts of violent treatment by both ordinary citizens and public authorities as consequences; a status that differs fundamentally from the status of other ethnic minority groups in Romania. In short, an objective dimension to the treatment of Romania as a new member state within the EU exists that needs to be at least acknowledged before passing any concerned judgment about prejudicial and exclusionary EU measures against Romania in this regard.

Having acknowledged that there is an objective dimension to the issue of Romania's treatment as a new member state, one is still left with a peculiar dimension to the issue. It has been easy, all-too-easy, in this case for older member states and European Union policy-makers to claim special concerns. From the very beginning, namely the "bloody revolution" of 1989 that toppled the Ceauşescu regime, Romanian/EU-European relations were conducted under the shadow of a decidedly problematic, negative image that Romania had acquired over time in the western and central part of Europe.[23]

The basics of this negative image – indeed: the very imagery – are well known. Since Bram Stoker's confused geography and topography and his Victorian transformation of folklore, not just Transylvania, but Romania have come to stand for the "Balkans" itself as "one of the wildest and least known portions of Europe" (Stoker 1979, p. 10) replete with strange cultural practices, superstitious peasants, and abject poverty (and, naturally, those bloodthirsty monsters). In the historical process of getting to know Romania better, the initial, Victorian imagery was easily transferred onto the plane of developmental differences and as such became part of what was seen as differentiating the "Balkans" and the entire "Eastern Europe" from the West (Wagner 2002).

What needs to be emphasized about this negative imagery for our present purposes is the imagery surrounding the people itself. Popular imagery in Central and Western Europe did not make any distinctions between the "gypsy" type and a Romanian type. If the first encounters with the travelling families (see above) were governed by the negative physiognomic image of "Tartars", the type of the dark haired, dark skinned, "swarthy" (or Moorish) people was quickly extended to the Romanians (or in its original historical use: the Vlachs) as well. This image in fact has kept itself alive and well even after the fall of the Ceauşescu regime and the opening of the Cold War border. Indeed, as numerous instances of mass media coverage and the popular imagination have proven, the monolithic image connection gypsy/Romanian continues to be made. This, of course, again counters the realities and the differences behind such a term as "gypsies". But this identification has also proven to be a (traditional and recurring) thorn in the self-image of Romanians.

The "gypsy" has become the negative "other" in this sense, the bearer of all negative associations, and as such the reflection of the imposed (and enforced) otherness of Western making. Demarcating a Romanian identity from the "gypsy" image is therefore, willy-nilly, a recurring topos in Romanian politics and culture. This relationship does not excuse the treatment of the Roma

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23   It would really go beyond the concerns of this essay to provide a detailed historical account of the development of Romania's peculiar image.

population in Romania. However, it helps to decipher the Romanian reaction to the Italian policy-measures against the Italian Roma population through the cultural context in which the reaction took (had to take) place.

At issue for and in the Romanian reaction was the constitution of a "people". The Italian Roma population was not immediately recognized (even in parts) as Romanian citizens. The differentiation between a Romanian identity and a "gypsy" identity has made it difficult to acknowledge citizenship as such an acknowledgement would retransfer the negative "other" into the self. Yet the Italian policy measures ultimately forced such an identification precisely because they concerned and threatened the rights associated with citizenship and thereby in effect did not make a distinction between "gypsy" and "Romanian". As President Basescu's noted reaction points out, the Italian measures questioned in the end the Romanian citizens' standing inside the Union as co-equals to the citizens of all other member states and the Romanian state's ability to protect its citizens both in bilateral relations and in EU affairs.

Given the problem of the constitution of a people in the Romanian case, the Romanian reaction transferred the problem onto the EU-European plane. While the national identity-discourse is (still) unable to acknowledge the Roma as members of the national community, citizenship as a EU-European rights discourse grounded in Treaty obligations was able to sidestep that difference and to assert the principle of non-discrimination. At the same time, reverting to citizenship as a EU principle allowed for the difference to be reasserted as a matter of substance. Citizenship for Romanians could be protected and the "Roma problem" could still be acknowledged – as a European problem, thereby avoiding any (all-too-close) identification with Romania and Romanians.

The Romanian case thereby leads us quite naturally to a general (re-) consideration of citizenship as part and parcel of the European integration project. For if citizenship tied to each national member state presents us with political-cultural limitations grounded in the principle of the national as an essentialist interpretation of a "people", the Europeanization of citizenship, instead of threatening nation-state capacities, could be considered a way out of what is an increasingly anachronistic contraption.

3. Conclusion: The Poverty of European Citizenship

This essay began with a clash between Italy and Romania during the summer and early autumn of 2008 over the treatment of Roma in Italy. The notion of citizenship clearly played the decisive part. Both Italian Prime Minister Silvio Berlusconi and Romanian President Traian Basescu, as quoted already in the above, summoned the term in defending their respective interventions, Berlusconi to defend the policies, Basescu to criticize them. Yet in their respective responses, one finds two different reference points. For Berlusconi, citizens are clearly nationals; Basescu, in turn, emphasizes the European Union as context and standard-bearer of citizenship. Both, however, unfortunately were not far apart in their respective assessments of a Roma "problem". The difference in their reference points and the shared view of the Roma brings out a fundamental fissure in the construction of a EU-European citizenship.

The Italian policy measures that triggered the clash were taken in response to increased concerns by the Italian populace over issues of crime and immigration. Yet the Italian policy measures relied on a Hobbesian vision of the security state and targeted a specific population group exclusively and therefore both vision and policy are at odds with a dynamic of EU integration build on transnational normative commitments (including non-discrimination), market relations, multi-level governance, and the rule of law. That the Roma became the exclusive target was, however, no accident – it was the logical outcome of a historical relationship that, in word and deed, continues to make Roma into a specific "problem": a population defined essentially as (at least potential) threat to a public order. The belated Romanian reaction only underscores the view of a Roma "problem", yet one also encounters another dimension in this case. If the view of the Roma as a "problem" is shared, in the Romanian case it is also a view defined by Romanian political-cultural insecurities about a second-class citizenship for Romanians themselves; bluntly put, the "other" in this case hits too close to home.

I would now like to drive the argument a bit further. This necessitates putting the discussions above into an even larger perspective. It also necessitates noting some issues that need to be addressed, issues that some might find too problematic. But flinching in the face of complexity and/or controversy has never been part of the occupational description of the political and social sciences.

Among the most powerful and recurring criticisms of the European Union is the charge that the Union suffers from a democratic "deficit". At issue in this diagnosis are two interrelated dimensions that are routinely identified as

creating democracy in the contemporary polity: popular sovereignty as the only basis of legitimate government and popular representation as the only basis of securing the people's voice and interests in day-to-day governing decisions. Both dimensions are seen as deficient in the Union. There is no European populus as such, critics proclaim, that would fit the bill of a sovereign. Instead, the European people continue to be, and see themselves as, divided along national boundaries (the British, the French, the Germans, …). And for exactly this condition, the existing representational mechanisms within the EU system are either problematic or simply (still) too weak. The Council structure in this view only confirms and reproduces European integration as an elite-driven project and the European Parliament continues to be too weak in its role and influence.

While one can (and should) dispute the characterization of EU institutions, there is actually a sleight of hand at work in the democratic deficit criticism. The central assumption on which the argument is based and from which all of its persuasive force is derived, is the assumption that the national state is and continues to be the only legitimate and the only functioning form for a democratic polity. Historically, the argument appears to be sound, if one forgets about all those instances in which nationalism (or patriotism) ran amok. The great historical achievement of the idea of the nation-state and its reality, the national-state, in this sense (and again discounting the negative) has been to create and integrate a "people" and to provide it with both the philosophical-ideational and the institutional sources and resources for democratic rule. Nations made modern citizens and national-states made modern democracies. It is the implicit comparison between national-state and European Union, a comparison in which the Union is then explicitly found lacking the key democratic credentials of "people" and "representation", from which the democratic deficit criticism derives its force.

Yet one needs to ask today if national states, and especially including EU member states, are so much better at providing and caring for democracy. As Bob Jessop has suggested:

> if there is a democratic deficit in the European Union, it may be linked to
> the contemporary form of statehood more generally, with deficits on different
> scales reinforcing each other (Jessop 2004, p. 56).

This essay, if anything, has certainly made Jessop's case for a larger and as such more problematic democratic "deficit". In the first place, we have seen that the central point on which both Italian policy measures and Romanian reaction converged and hinged on is the vision of a national state and its

people. Yet in both cases, the vision itself was found to be highly problematic. In the Italian case, the state protects at the price of key democratic principles: non-discrimination and an emancipated citizenry. The Romanian case, in turn, serves to remind us that the very conception of a people relies in its essentialist conception of a national identity on a mechanism of inclusion/exclusion that compromises the democratic principle itself.

An answer that emerges from this essay is therefore that the solution to the democratic deficit in the European Union is not to be sought in the realm of member state competencies. Instead, the solution to the democratic deficit lies in the continuing Europeanization of citizenship. To strengthen democracy in and across the EU area, a EU-European notion of citizenship has to be taken up in earnest, defended and extended – precisely in defense of democratic principles against their undermining by member states and against a nationalized policy process that still values political-administrative elites over citizens. In short, the solution in this sense lies in Brussels, and not in London, Paris, Berlin, or in Rome or Bucharest.

This, in fact, is a lesson that so-called minority groups, including Sinti, Roma, and Travelers, have learned through experience and practice. The normative web that has been spun around European integration in order to rally populations, legitimize public policies and (yes) also in expression of the vision of a united, peaceful Europe, is now the web that member states find themselves in when creating and administering rights. It is a web that enables both citizens and minority groups to challenge national policies by taking their case to Brussels (or, not forgetting, to The Hague). For a heterogeneous group such as Sinti, Roma, and Travelers, Europe has certainly proven to be a rallying point. One might even propose that the new Europe is actually aiding in the creation of something like a unified identity in this case.

Yet the Europeanization of citizenship also has its price. And we can again turn to the Roma dimension of the essay, indeed to the dimension of the "travelling families", in order to see this price clearly. The opening of traditional national borders in the context of European integration should not be misconstrued as a return to the European space of the Middle Ages (pace H. Bull). Instead, as noted, the openness presented is the result of and as such regulated by market mechanisms; the four freedoms are not political freedoms, but socio-economic freedoms. Only the consequences of those four market-centered freedoms can be said to have led to the slow emergence of a EU-European citizenship in the strictly political sense of the term. Whatever may or may not be said about EU-European citizenship, it is a child of capitalist democracy. And therein lies the specific problematic in the case of Sinti, Roma,

and Travelers. The question that needs to be addressed is to what extent Sinti, Roma, and Travelers can and wish themselves (!) to be covered by a notion of group rights that aims to preserve a specific identity, an identity that is clearly at odds with the social and economic space defined by capitalist democracy. This is not about fighting prejudice or preserving a cultural heritage, both of which are valid and necessary aims worth fighting for. It is about the consequences of policies aimed to combat poverty, exclusion, and loss of life chances. Even if all possible/potential precautions for the preservation and acceptance of "difference" in different institutional settings such as schools and workplaces were taken, the lived experience of difference in the end would not be the same. A "hybrid" identity inevitably would develop even under the best of circumstances (and it already exists for many). I venture to say that this would not be bad, as Europe and all Europeans are by definition "mutts" (to use US President Barack Obama's self-description), even if nationalistic discourses would like to maintain otherwise. But this is clearly not for me to decide.

There are, I am afraid, no easy answers to the issues raised in this essay. The European Union and the process of European integration thereby only share in the present conundrum of democracy and governance, wedged as they are between local loyalties and cosmopolitan aspirations. I simply hope that this essay has at least pointed out what is at stake in the choices to be made.

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