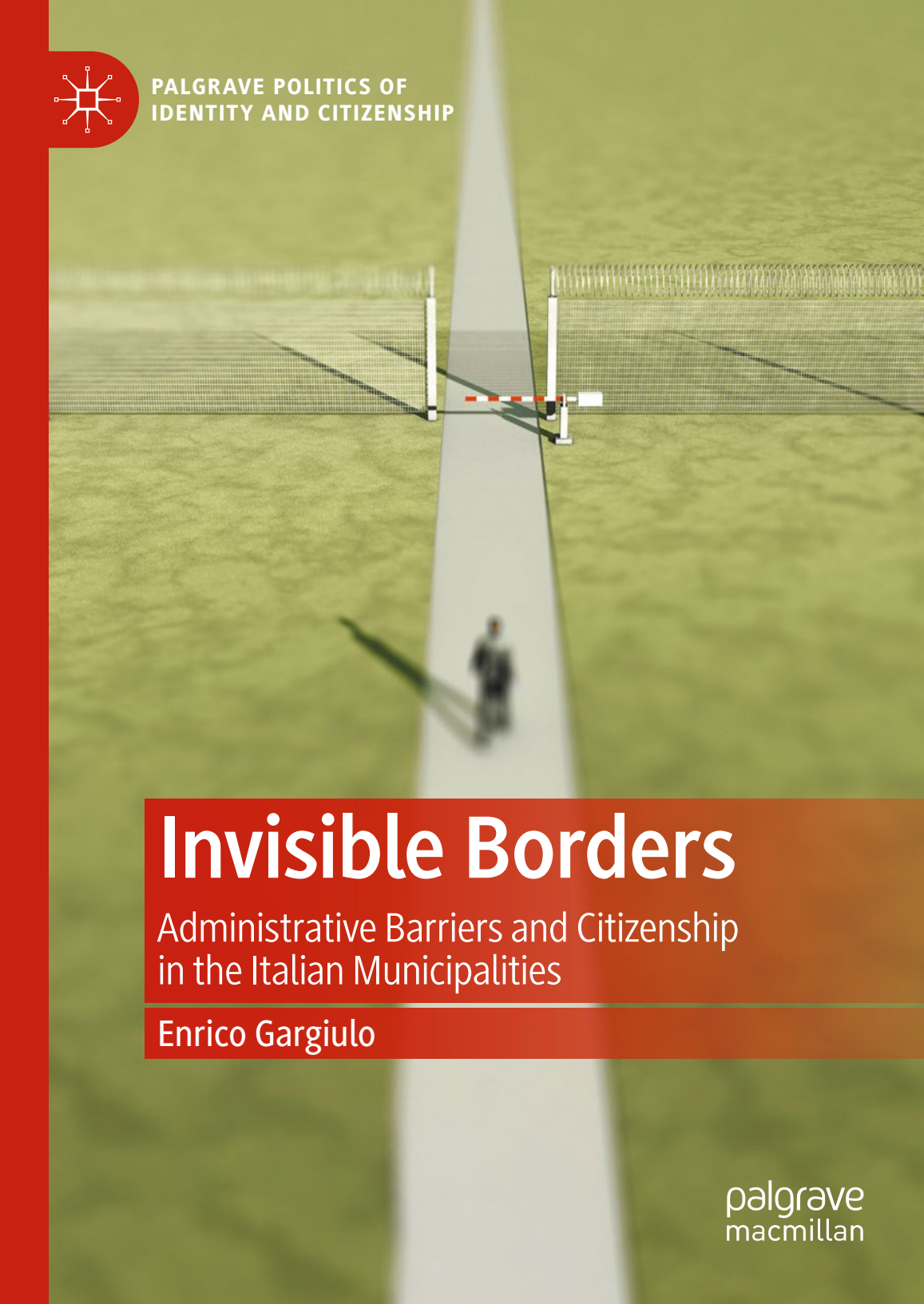
PALGRAVE POLITICS OF
IDENTITY AND CITIZENSHIP
Invisible Borders
Administrative Barriers and Citizenship
in the Italian Municipalities
Enrico Gargiulo
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Enrico Gargiulo

Invisible Borders

Administrative Barriers and Citizenship in the Italian Municipalities

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macmillan

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Palgrave Politics of Identity and Citizenship Series
ISBN 978-3-030-53835-4 ISBN 978-3-030-53836-1 (eBook)
https://doi.org/10.1007/978-3-030-53836-1

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To Anna, everyday

Acknowledgements

I would like to thank all those friends and colleagues without whom this book would not have been possible. During the years of my research on residency, some of them have read my works and offered suggestions, others have criticised them, and still others have 'simply' dedicated me their time by listening to my research obsessions, chatting, and sharing ideas. There are many of them, too many, and so I cannot mention all by name to tell how grateful I am for their support. I am sorry for this.

Writing this book would not have been conceivable without all the people I have interviewed, observed, read, and listened to. I am particularly grateful to the members of the pro bono organisations that defend migrants' and homeless people's rights with whom I have been in touch during these years, as well as the political activists and occupiers who struggle day by day for a better world. Their tireless hard work has been an example and an inspiration for me.

I am extremely grateful for the help and the patience shown by my editors at Palgrave Macmillan—Sharla Plant, Poppy Hull, Ruby Panigrahi—and the series editors of Palgrave Politics of Identity and Citizenship Series: Varun Uberoi, Nasar Meer, and Tariq Modood. I am thankful as well to the production team and Project Manager Vanipriya Manohar at SPi Global for their excellent work during the final stages of proofing, editing, and printing. A special thanks to the two anonymous

reviewers who took the time to read and comment on the proposal form and the first draft of the manuscript.

Moreover, I am obliged towards John Bruce Leonard for his linguistic help and consultancy.

Last, but not least, I want to thank my partner, Anna, my parents, Armando and Mirella, and my brother, Alessandro: without their long-standing encouragement, this book, as well as a lot of other things, would not have been possible.

Praise for *Invisible Borders*

"While the legal concepts of (un)authorized presence and citizenship in bounded territorial states govern how we envision "immigrants" and debate their treatment, this perceptive book raises novel issues. Local residency registration, studied with rich material from Italy, regulates access to socially distributed resources and shapes stratification of labor. The case made in this book is original, penetrating, and theoretically insightful. Scholars of migration will want to read this exceptional work."

—Josiah Heyman, *University of Texas at El Paso, USA*

"Enrico Gargiulo has made an important addition to our sociological understanding of the ways in which states and individuals relate to one another. The humble, often taken-for-granted status of "resident" turns out to be a major pathway to rights and privileges for individuals who have it; those without it may be legal non-persons who barely exist in the eyes of the state. This book is a major contribution to our expanding appreciation of the many kinds of borders, both physical and conceptual, that shape our relationships with the social and political world."

—John Torpey, *Presidential Professor of Sociology and History, Director, Ralph Bunche, Institute for International Studies, CUNY Graduate Center, USA*

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1

Introduction

In Italy, all persons legally present on the national territory have the duty to declare their presence in the registration offices of the municipality in which they live; at the same time, they have the right to be enrolled in those same offices and to obtain their residency. On paper, this is a simple and rapid administrative procedure and does not reveal many elements of a political character. At a superficial glance, residency thus appears to be a status of secondary importance. One's having been enrolled in the registration office of a municipality is normally considered a banality and is almost taken for granted: all people—one tends to believe—are residents in the municipality where they live, at least so long as they do not decide of their own spontaneous determination to maintain enrolment in a place different from that in which they pass the better part of their existence.

A person's relationship with the municipal institutions that manage the registration offices is consequently a matter of almost total indifference, or at most of discomfort, such as manifests when a person believes that he/she needs to—or else perceives himself/herself constrained to—modify his/her registrational status, and thus faces probable queues at the offices of the local administration. Realisation that the full enjoyment of

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E. Gargiulo, *Invisible Borders*, Palgrave Politics of Identity and Citizenship Series,
https://doi.org/10.1007/978-3-030-53836-1_1

a vast range of rights depends on the recognition of residency is generally rare, if not altogether non-existent.

However, indifference or discomfort rapidly transforms into unease and worry when, in the face of one's request, one's application is rejected or revoked. In this case, the relation between the civil registry and rights emerges in all its dramatic evidence: the consequences of a lack of civil registration can manifest immediately, translating themselves into difficulty in accessing the National Health Service, the care of by the social services, the assignment of public housing, the granting of economic subsidies, etc.

To a more attentive gaze, therefore, residency appears to be a strategic and central legal institution in the daily life of a great many individuals. Its absence is equivalent to the negation—through legal or often simply bureaucratic channels—of fundamental rights recognised by state and regional laws. One's enrolment in the registry office, contrary to what is widely believed, is therefore not to be taken for granted.

There is another question relative to the function of residency which is neither banal nor obvious, despite any appearances to the contrary. Rarely does one inquire as to the ends of this institution, which is to say, the social and political objectives it permits one to attain. Usually, reflections on this question are considered only by "experts", or else by those who are unfortunate enough to personally experience the bureaucratic barriers to civil registration and, consequently, who are forced to realise that the condition of resident constitutes a necessary step on the path to accessing rights. In these cases, the principal—if not the only—aim that one tends to attribute to the municipal registries is precisely that of granting access to benefits and services which are legally guaranteed by Italian law, or else of voting in the political and administrative elections.

And yet, the civil registry did not emerge to guarantee the exercise of social and political rights. It was rather introduced in order to gather information on the population and on its characteristics, above all in terms of population mobility—which is to say, in order to study the composition and movements of the population. The original function of the institution of the civil registry, in other words, was that of monitoring individuals and the way in which they are distributed over the territory.

Within the Italian system, residency is therefore a necessary instrument for the construction of a path of individual "autonomy", but, at the same time, it is a provision for control, and, as such, limits the possibilities of individual action. Residency therefore has an ambivalent character: its lack makes it impossible for a person to exercise his/her rights, while its possession represents a potential restriction of freedom. Moreover, the registry offices have a profoundly "political" nature: while they appear to be a technical-administrative measure, indifferent to questions relative to the priorities and the founding principles of a society, in reality, they substantially condition societal structures, producing effects in terms of justice and equality.

More specifically, the intrinsically ambivalent constitution of the registry offices renders their "political" use problematic. These registries are a central part of the organisational machine of the state, itself a political entity firmly lodged within the capitalistic system. This system is characterised in a structural way by inequalities which are socially considered to be legitimate, which have their origin at the level of production and which, at least in part, are compensated for by institutional mechanisms of redistribution—a redistribution, in turn, effected by a welfare system, which is ever more in a state of crisis, both in Italy and elsewhere.

In a context like this, the institution of residency is expected to carry out a function of statistical and administrative monitoring of the territory and of the population, such as is necessary to contain the effects of social and economic asymmetries. Identifying those who live in a determinate space permits, on the one hand, better allocating and redistributing the resources of welfare, and on the other, preventing, or simply repressing, phenomena of "deviance" also connected to the structural conditions of economic deprivation. To carry out this function, the registry offices must perform in a correct manner: this is to say, *de jure* residents must coincide with *de facto* residents.

The ambivalence of the civil registration thus intertwines with that of social policies. Monitoring and aid are superimposed on top of one another, to such an extent that it is difficult to distinguish between the two. As we will see more clearly below, with regard to certain categories of people, the procedures of enrolment perform not only a function of spatial control but also an activity of social control which simultaneously

influences both mobility and individual behaviours. For homeless persons, for instance, aid is conditioned on a person's continuous presence in a territory and on his/her readiness to exhibit an attitude which is considered "adequate".

Moreover, guaranteeing full correspondence between the *de facto* population and the *de jure* population is not always a priority for local administrations. In the most recent decades, numerous municipalities have effected more or less explicit and direct—if wholly illegitimate in legal terms—strategies to deny civil registration to individuals who, on the basis of state laws, have the right to it. In this way, municipal administrations have impeded the effective exercise of fundamental rights. The objective of these municipalities—which are not obstructed and sometimes are even abetted by central powers—seems to be the *selection* of the residents, realised by avoiding enrolling "undesirable" persons in their registries.

The selection of those persons who are authorised to enter into a territory, to stay there and to obtain legal recognition there, is a phenomenon which has acquired growing importance over the course of the centuries. Up until the beginning of the modern age, there was a good deal of freedom of movement in space, above all in Europe. While entrance into cities, the centres of political and economic life, was often subject to restrictions, the requirements for entrance were not founded on the possession of legal status, but on the physical, economic and social characteristics of individuals and groups. With the beginning of the modern era, and then with the development of the capitalistic system, selection became ever more important. The proliferation of physical borders proceeded in tandem with the diffusion of status borders, which were less visible and menacing but not for that less effective in regulating the movement of persons. Membership statuses consequently acquired relevancy: mobility and the entitlement to rights progressively came to depend on the possession of a specific legal status, irrespective of other characteristics.

Citizenship is surely the most important status, insofar as it represents, both symbolically and materially, the centrality of states in the modern world and in the capitalistic system. But it is not the only status: in the course of the twentieth century, other forms of membership arose, forms

less solid than citizenship. Stay permits, reserved by the states to foreign persons who intend to enter into their territories, constitute forms of partial legal recognition. The relevancy of these legal statuses, which was manifested over the course of the twentieth century, and in particular after the Second World War, reveals the ever more detailed control that the states have attempted to exercise on the freedom of movement of persons and on the recognition of rights to those who are not formally their members. More recently, other forms of membership statuses appeared on the scene: supranational citizenships, and in particular European citizenship, add a further level of regulation to the management of individual mobility and to the recognition of rights.

While state and supranational citizenships are more or less stable legal conditions, albeit revocable ones under certain conditions, other types of membership statuses are rather characterised by structural impermanence. This impermanence, historically, represents a strategic element: to render the legal condition of certain categories of persons unstable implies a restriction of their possibilities of autonomy. The *casualisation* of membership statuses constitutes therefore a key resource from the point of view of selective management of spatial mobility and of integration on the part of political actors.

From this perspective, residency, as compared to other forms of membership, constitutes an interesting window for observing the processes of inclusion and exclusion. Residency is indeed an intrinsically precarious status: it is connected to a person's simple presence in a municipal territory or to the existence of significant interests on the part of that person within the same, and it disappears whenever the person in question abandons the territory or his/her interests there cease. Its precariousness, however, does not seem to be relevant on the political plane, since residency is the mere administrative recognition of material presence.

The refusal to grant residency, however, produces profound effects which are much broader than might appear at a first glance. Those persons to whom residency is denied, though they are not explicitly forced to leave a territory, are in any case induced to seek in another territory that recognition which they do not find in the municipality in which they live; or else, should they decide to remain there, they will be deprived of rights which they formally possess. Since they are deprived of

municipal membership, their connection with the state and with the European Union is weakened: in the absence of civil registration, full access to healthcare or social services cannot be granted through the possession of a specific stay permit, or even of Italian citizenship. The legal statutes defined on the central and supernational level, therefore, can be emptied of their contents at the local level.

This book focuses on residency, employing it as the lens through which to understand wider processes. The use which various political actors make of civil registration in Italy is indeed very relevant to a number of subjects. The first of these is the question of borders. As can be seen from border studies, borders are not merely physical lines dividing politically diverse communities; they can also assume immaterial forms. This work intends to show how a certain use of civil registration produces *administrative* borders, *embedded* in persons in such a way as to "follow" them, obstructing or abetting their movement and regulating their access to rights. The study of how residency is concretely managed in Italy thus contributes to the study of what forms and what effects status borders—which is to say, borders of a non-territorial type—might assume and produce.

Moreover, this book adds elements to the analyses on the concept of urban citizenship. In Italy, there exists a legal status of local membership, presenting very clear characteristics on the legal level, and presenting very often specific functions as well. This notwithstanding, this status is often employed in a discretionary manner by the local authorities and has been subject over the years to attempts on the part of central governments to change it, all of which threatens to distort its original function. The Italian case, however, shows what are, in theory, the functions and the objectives of local citizenship, and what are, on the other hand, the practical uses and abuses that the ruling governments, both national and local, might make of it. In this way, the analysis of residency in Italy carries concreteness to a rather vibrant theoretical debate.

Finally, this book furnishes analytical elements for studies on the mechanisms of control of mobility and on the effects that these mechanisms produce on the social structure. More specifically, the legal and administrative technologies for regulating residency form measures that exacerbate the level of civic stratification and facilitate a differential

inclusion. As we will see more clearly further on, the persons to whom civil registration is denied, being deprived of the status of local citizens, see their state-level status of recognition weakened along with it: two foreigners who have the same stay permit, and who are therefore equal from the point of view of their condition of semi-membership in the Italian state, find themselves occupying different positions on the scale of stratification if one of them is granted residency and the other is not. These persons, moreover, if they continue to live in the territories in which they are not formally recognised, find themselves in a situation of inferiority and of potential subordination, being deprived of access to services and benefits to which they have the right.

At the time I was concluding this book, the COVID-19 emergency exploded in Italy. The reaction of the Italian government and public institutions turned—as in other countries—upon severe limitations of personal liberties and freedom of movement. Urgency decrees and ordinances have been issued to this end: the health emergency has immediately been confronted through the juridical logic of legal emergency. The political and legal actions which have been carried out in this period of time—and which, very probably, will be conducted in the next months, or in some cases will become permanent—concern issues such as shaping people's behaviours and monitoring and tracking their movements, and consequently involve devices like registers and residency, raising important questions about the relation between political power and individuals.

Methodologically, the book contains a theoretical analysis of several concepts, focusing primarily on "status borders" and "memberships statuses". In this, it follows a historical-sociological approach, accounting for the meanings of these two categories by stressing their historical functions and showing what is at stake in their use.

Furthermore, this book thoroughly analyses the legal status of residency existing in Italy. To this end, it follows a research path based on processes of exclusion from residency at the municipal level. The material is rather varied and has been obtained through a range of investigative strategies: the analysis of political discourses (from official documents and media releases), the analysis of documents (ordinances, circulars and by-laws), interviews and telephone conversations (with key informants—lawyers and members of *pro bono* organisations—local civil servants,

occupiers and activists of housing right movements) and relevant data pertaining to the municipal level.

More specifically, the research underlying the present work began in 2010 with a focus on the procedures of exclusion from civil registration adopted by numerous municipal administrations since 2007. Procedures of this sort, which were often very visible and widely advertised by the media, became particularly common after the issuance of the so-called Security Package in 2008, which increased mayoral ordinance power.

At this stage, my research chiefly concerned the content of the measures and provisions adopted by local administrations and the categories of subjects involved. Given the lack of any complete and official catalogue, I collected the texts of ordinances, by-laws and mayoral circulars relating to the issue of residency, partly by drawing upon the work previously carried out by another researcher (Lorenzetti, 2009). In this way, I was able to peruse the texts of around 100 provisions and documents.

No specific geographical criterion was followed in collecting these texts. However, it soon became clear that the overwhelming number of texts came from municipalities in Lombardy and Veneto. I therefore chose to focus my attention on these two regions.

The focus of my research then shifted to the actual application of these measures and provisions for exclusion. The question became: do these ordinances and other policies serve exclusively as a tool of propaganda—despite their potential indirect material repercussions—or are they meant to concretely exclude people? In an attempt to answer this question, I contacted ninety-five of the municipal administrations that had issued by-laws, ordinances or circulars concerning residency. Forty-five replied and provided the requested information, namely, the number of rejected applications for enrolment in the civil registry in the years 2007–2013, the provenance of the applicants, the reasons for their rejection and the paperwork used for the verifications.

In order to better interpret this data, telephone calls were made to civil servants and employees from roughly half of the municipalities involved. The municipal staff were asked to provide details concerning the procedures followed for the recording—or non-recording—of the rejections. At the same time, interviews were carried out with eight key informants:

trade unionists, members of organisations and lawyers who were active in contrasting the measures of exclusion carried out by the municipalities involved in my data collection.

Later, I enlarged the number of interviews by talking to four occupants and activists who were denied registration on the base of Art. 5 of the Housing Plan of 2014. I selected them on the basis of their active involvement in contrasting the effects of this law. In this way, I have had the possibility to explore the coping strategies of people facing the lack of residency.

After the introduction, this book is divided into other six chapters and conclusive remarks. The second chapter delves into the question of borders, illustrating the various meanings of this term. It takes as its object above all the distinction between territorial borders and status borders. Subsequently, the concept of territorial membership is defined. This concept indicates a formal status that establishes a relationship between a person and a territory, producing a status border which, however, has implications for a person's relationship with space. The functions of membership statuses are then described. More specifically, attention is focused on the procedures of registration, identification and control of mobility. The concept of civic stratification is then introduced—a concept used as a key to understanding the foremost dynamics connected to residency and to its denial. Finally, the ways population has been historically shaped through demographic devices and submitted to a policing activity are illustrated.

The third chapter focuses on the concept of local citizenship. In the first part, the multilevel system of membership statuses that characterises the European context is described. Immediately after, it is shown how this system, characterised by an elevated level of civic stratification, includes persons in a differential manner. There follows a dedicated analysis of the politico-economical reasons for this kind of inclusion, describing the basic traits of the regime of statuses that has taken form within the capitalistic system. The second part focuses instead on the concept of local citizenship, its various meanings and the historical experiences of internal mobility and of formal recognition of persons at the municipal level.

The fourth chapter takes as its object the forms of membership statuses in Italy. After having illustrated in detail the legal functioning of residency, we focus our attention on the extra-legal meanings and contents of this status. Subsequently, the slow process that led to the institution of a civil registry in the Italian state is retraced, departing from the first origins and arriving at the recent novelties introduced by the Salvini Decree. In conclusion, the discourse moves to the dispute surrounding the meanings of the legal categories and their application, from which enormous effects derive in terms of the recognition of persons.

The fifth chapter analyses the functions of residency in Italy. Specifically, it is shown how civil registration corresponds to a duty and, at the same time, a right for the better part of those persons who are present on the territory or who have significant interests within it. Subsequently, this chapter illustrates the reasoning governing the pathways of registration and the implications of civil registration. This chapter proceeds then with a description of the chain of command in the procedures of civil registration, underlining who are the key actors and what is their formal role. The last part emphasises how residency is an instrument favouring welfare and, at the same time, how it is an instrument consenting control of the population.

The sixth chapter illustrates the administrative borders that have been created in Italy on account of the control of residency. In the first place, it is shown how civil registration contributes to population design and how it is used by the institutional actors for a variety of reasons and toward a variety of objectives. The history of exclusion from residency is then briefly recounted in the context of Italy over the past few decades. We turn our attention then to the mechanisms of exclusion from the civil registry: their function is analysed in detail, and characteristics of the individual forms of denial of civil registration are also emphasised. This chapter concludes with focus on administrative discretion and on the role that technico-administrative measures have in pursuing political objectives.

The seventh chapter concentrates on the effects brought about by exclusion from residency, and on the forms of resistance that excluded persons might effect. The first part analyses the objectives of the administrative mechanisms and highlights the social categories which are

subject to discrimination, illustrating in detail the kind of separation that is produced. Subsequently, our focus moves to the reaction that exclusion from residency arouses in the denied persons themselves. Towards the end of better clarifying the broader scope of the regulation of local citizenship being carried out in Italy, the second part of the chapter then presents a brief excursus into other states, highlighting the way in which residency is regulated, and the institutional actors involved in civil registration in contexts like China, the United States and Spain. In conclusion, the diverse principles and issues which are at stake in the regulation of residency are precisely stressed and synthesised.

Conclusive remarks highlight the two main stakes in the control of residency. The first concerns the legal formalisation of the relationship between individual and territory on the local level. The second relates to the visibility and the invisibility of certain persons and to the implications of a variety of related choices surrounding that.

Reference

Lorenzetti, A. (2009). Il difficile equilibrio fra diritti di libertà e diritto alla sicurezza. In A. Lorenzetti & S. Rossi (Eds.), *Le ordinanze sindacali in materia di sicurezza pubblica e sicurezza urbana. Origini, contenuti, limiti* (pp. 191–266). Napoli: Jovene.

2

Varieties of Borders

2.1 From Territorial to Status Borders

Borders are very important in the contemporary world. Of course, they have been important in other historical periods as well, but the way they shape space and human relations now is quite specific. After the discourses and analysis on the end of the state and national divisions which were widespread during the nineties (Badie, 1995; Derlugian, 1996; Kennedy, 1993), we currently face a global political environment strongly made of boundaries at different levels.

In the European context, the borders of the European Union are segmented and not always visible, but they are pervasive and effective nonetheless to people from non-European countries who try to cross them. In other areas of the world—*Cono Sur*, for example—similar obstacles to movement prevent migrants, both from other parts of the same continent or from other continents altogether, from reaching the states that are part of the alliance. At the state level, walls or other kinds of barriers are often put up against migrants. These borders act both in a physical and in a legal way, by preventing people from entering the territory of a state or making it strongly difficult to them to remain within it. At the local level,

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https://doi.org/10.1007/978-3-030-53836-1_2

registration devices are in some cases used to recognise irregular migrants and to give them rights, while in other cases they are utilised to exclude even regular migrants from the actual enjoyment of benefits and services to which they are entitled according to supranational and national laws.

The division lines mentioned here are quite different from one another and take various forms and characteristics (Heyman & Symons, 2012; Tazzioli, 2019; Yuval-Davis, Wemyss, & Cassidy, 2019). Principally, they are *material* means of separation. Visible and tangible obstacles, such as fences, barriers, barbwires, often supplied with technological systems of detection and surveillance, are spread across the entire globe and perform various functions. Their main purpose is to separate spaces and communities which are held to be mutually exclusive. In this way, they give shape to a territory by surrounding and distinguishing it from others.

Modern states, territorially delimited and internally sovereign, are the strongest and most evident manifestation of this power of separation and distinction (Tilly, 1975). The affirmation of state borders is the result of a slow process, one which unfolded between the Middle Ages and the Modern Age and assumed a stable form in 1648, with the peace of Westphalia. This diplomatic act ratified the recognition of states as legitimate actors in governing and administering territories and populations.

But modern states are not the only agents to have recourse to material separations. Supranational political actors can also put up barriers against people coming from outside (Rigo, 2005; Walters, 2002). In this case, borders are drawn by their peripheral states, working as an external protection for the entire union. In the past, local political actors, particularly cities and towns, were also delimited by boundaries, which often took the form of a wall and were aimed at keeping out undesired people.

Division lines, moreover, can be immaterial, drawn by *legal* tools. Laws and regulations concerning the entry and stay of non-citizens within a foreign territory, defining their status and governing their obtainment of citizenship, act as borders. These legal boundaries establish who has the partial or total right to formal inclusion within a community. They do not have to do with the space itself, but rather focus on the people who live within it. Immaterial division lines can also be made of *administrative* tools. Provisions, acts and simple bureaucratic practices produce effects similar to those provoked by laws and regulation, even though they are

not supposed to directly affect the rights of non-citizens. Thus, these administrative lines contribute to shaping the legal condition of people.

More generally, borders make up a key tool in governing a territory and the people linked to it. As an effect of their presence and action, only some individuals are authorised to cross the line separating one political community from others. Such authorisation is realised under specific conditions, and is established and defined by the authority that is sovereign on that territory. Those who satisfy the requirements provided for by laws and regulations obtain a formal title allowing them to enter and/or to lengthen their stay, while others do not obtain this title. Borders, therefore, more than being rough means that produce a blunt separation, act as filters or membranes, which separate the desirable from the undesirable, the genuine from the bogus, the deserving from the undeserving (Anderson, 2013; Bonizzoni, 2020; Chauvin & Garcés-Mascareñas, 2012, 2014; Mezzadra, 2001).

In doing their work, borders reveal a two-side nature: they can be *territorial* or *non-territorial* (Cuttitta, 2015). Recovering the concept of "exclusivity of space" proposed by Georg Simmel, Paolo Cuttitta distinguishes the social formations that "have an exclusive relationship with a clearly delimited territory; therefore we can't even imagine the co-existence of another social formation of the same kind on the same territory at the same time" from those which are not in themselves "related to any territory in a way that excludes the co-existence of other formations of the same kind on that territory" (ibid., p. 242). According to this scholar, non-territorial social formations "include any category whose members share the same status, the same condition, be it state citizenship, juridical status, ethnic origin, religious faith, economic condition, education, familial status, professional or language skills, etc." (ibid., p. 243). Basically, all these immaterial lines "are therefore nothing but status borders: the borders represented by individual or collective conditions (for example working position and financial status can determine whether a national from country A will be granted a tourist visa to enter country B), or the borders defining such individual or collective conditions (for example the rules specifying what jobs and what income levels should be taken as a reference to determine whether to grant a visa or not)" (ibidem).

Status borders play a strategic role in the contemporary world. Indeed, although they might not spatially separate people, they nonetheless cause social segmentation and stratification (Bigo, 2014; Paasi, 1998; Rumford, 2006; Salter, 2008; Van Houtum & Van Naerssen, 2001; Walters, 2002). But not all status borders produce the same consequences: some are more effective and pervasive, while others are less powerful in stratifying and segregating. In other words, status borders are not a homogeneous set of things. There is a huge difference between social positions formally established by some law or regulation, on the one hand, and social positions defined rather by norms which have no juridical meaning, on the other.

This book aims to focus exclusively on formal status borders, stressing their uses (and abuses), their manifest and hidden purposes, and the effects they produce on certain categories of people. The starting point for reflection on the devices analysed in this work is that even though they do not delimit space, they are still able to prevent people from moving freely within it. In other words, territory is at stake in the functioning of those status borders which express a territorial membership.

More specifically, territorial memberships are status borders that, however, also have spatial relevance: since they furnish legal recognition, they also grant freedom of movement, either in a broad or in a restrictive sense. In other words, by legally distinguishing between different individuals, they control the mobility of the same, given that the availability of a certain status is connected to the possibility of moving from one territorial area to another.

These measures therefore mark a particular kind of perimeter, which is both legal (directly) and spatial (indirectly). The definition of territorial membership introduced in Chap. 1 places space at the centre, as a criterion of cohesion, even with reference to persons who are displaced elsewhere.

Two different kinds of borders therefore influence territorial memberships. The first delimit the space on which the authority conferring membership exercises its jurisdiction, and they take on either the semblance of physical or legal barriers that impede free circulation or of requirements for entry and stay. These measures, rather than circumscribing a membership in a strict sense, delineate its territory of reference by specifying who, and under what conditions, can enter it and stay within it. The second

kind of borders define the criteria that define the recognition of the member's status, translating concretely into legal and administrative instruments that grant a certain formal status and the exercise of rights. These measures directly circumscribe membership, insofar as they legally permit a clear separation between who is within and who is without, establish the extension and intension of society, delineate its criteria of access and clarify the rights and duties of members.

Overall, these two types of borders are extremely different from one another: a wall, a fence or barbwire[1] appear as "objects" which differ from an entrance permit; while an entry permit, in its turn, does not particularly resemble the administrative regulation which defines requirements for the conversion of a stay permit from the status of "temporary" to that of "permanent". All kinds of borders, however, manifest an explicit degree of formalisation, as they are the product of legal regulations. Yet, their concrete functioning can differ from the same: the mechanisms in which they arise often follow a different reasoning than the legal.

2.2 Territory and Membership Statuses

Every person who is linked to a territory is subordinated to the authority that rules over it and administers the activities necessary to the reproduction of the society which is located within its borders. Such an authority is exercised on both space and people. In other words, governing the territory and governing individuals are not two distinct expressions of political power, but are rather interrelated forms of it (Elden, 2013; Williams, 2006).

First, to manage the relation between territory and people means to confer on individuals a status establishing that they are formally members of a political community. This status may assume different gradations, being more or less limited, both in terms of obligations and recognitions, and may have various durations. Furthermore, the relation between territory and people can take various forms, *material* when individuals are physically present, or *virtual* if they are at a distance. Indeed, in order to obtain formal membership, a person is not obliged to be spatially located within the territorial area under jurisdiction. One can be a member of a

community without having crossed its borders, just as one can spend years within it without obtaining recognition of one's membership.

Second, to govern the relation between territory and people means to confer rights on some categories of individuals while denying them to others. This selective process can be inspired by two opposite ways of thinking: binding rights to the status of full membership on the one hand, or, on the other, recognising them regardless of the ownership of this formal position. Concretely, the two ways of thinking tend to overlap. Some rights are reserved to the full members of a community—for example, the right to vote, or the right to be voted for, in political elections is a prerogative of citizens—but other rights are extended to people who have a partial membership—especially, civil liberties and social provisions and benefits—and even to those who are not recognised at all—even irregular migrants are usually granted emergency health assistance. Moreover, the attribution of rights might or might not be linked to a person's mere physical presence within the territory: for a citizen, moving away from the space of the community of which he/she is part could entail the maintenance of the right to vote but, at the same time, the (temporary) revocation of the right to full health assistance.

The authority exerted by political actors therefore defines itself symbolically and becomes material by conferring on people a certain legal status and linking a given set of rights to that status. It means attributing to each individual a specific formal recognition, namely a *territorial membership*. This is a juridical relation that links a person and a territory when he/she becomes part of the political community located within it (Dinelli, 2011). Territory thus forms the criterion of cohesion, even when membership is independent from a person's material presence on that territory. In other words, formally "entering" a political community does not necessarily mean standing in a material relation with the spatial domain over which political institutions exert their jurisdiction. As an effect of the application of the *ius sanguinis* principle, one can be recognised as a citizen of a state even though one has never been within its territory. Similarly, according to some state regulations, it is possible to be recognised as a formal resident by a municipality without living on a constant basis within its borders.

There are several kinds of territorial membership. Within the modern world-system (Wallerstein, 1974)—that is a space occupied by states which are sovereign in a mutually exclusive way over terrestrial portions of the globe—national citizenship is the most important form of territorial membership. It legally formalises the closer relation between a person and a state. At the same level, there are other forms of state membership—or better, partial membership—which are neither as strict nor as stable as citizenship. The different kinds of stay permit granted to non-citizens are less lasting forms of recognition: since they are basically temporary—even though they can be converted into permanent permits under certain conditions—they can be revoked for security reasons.

Territorial memberships can also be supranational and local. The former formalise the link between an individual and a macro-regional territory wider than that of a single state. Among this kind of membership, the most articulated and solid is located in the European context; it is called *EU citizenship*, and embraces all the citizens of the states that make up the Union. This is an *additional* and not a *substitutional* status: it does not erase national memberships, but rather integrates them. More specifically, EU citizenship does not strictly define the relation between a person belonging to a European state and the macro-regional political entity, but regulates their status with respect to the other countries which are members of the EU (Dinelli, 2011, p. 247). More than a form of citizenship, it is a formal condition of being a "privileged foreigner" (Cartabia, 1995, p. 3).

The exclusivity of this status becomes clearer if one looks at the composition of the European polity. Its members are those belonging to a state, regardless of their place of residence, and not those who merely reside within EU territory. Therefore, the country to which a person belongs is absolutely qualifying in determining his/her condition as an EU member. In other words, EU citizenship is a status grounded on state membership and not on residence within EU borders. The logic sustaining it is formal rather than material, stressing the legal fact of citizenship in certain countries and not the substantial fact of living in the European territory. EU citizenship is thus a sort of exclusive club. Its members are people who have already been selected by the single European states,