WOR(L)DS WHICH EXCLUDE

THE HOUSING ISSUE OF ROMA, GYPSIES AND TRAVELLERS IN THE LANGUAGE OF THE ACTS AND THE ADMINISTRATIVE DOCUMENTS IN EUROPE

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wor(l)ds which exclude

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BOOK EDITION

INDEX

WOR(L)DS WHICH EXCLUDE

A brief overview on the project

http://weproject.unice.fr

WE

Why?

The project stems from the empirical experience and studies of the partners as well as from the comparison of the results of research at European level on the issue of housing conditions of the Roma and Travellers people, and of the housing and settling policies related to them.

On the basis of the common features arising from the European context – unacceptable housing conditions, discrimination, forced evictions, widespread antiziganism – we have asked ourselves about the existence of a possible stereotyped social description of the Roma and Travellers people, which has become a common element and tradition in European public discourse. This description would then take on local forms linked to the specific context and to the relationship created between certain Roma and Travellers groups and a given territory, becoming a platform on which projects and policies are designed.

What?

1. Research

The focus of the project is on the language used by institutions, and the main action is to analyse the documents produced by national and local Public Institutions (laws, regulations, plans, acts, resolutions etc.) concerning – directly or indirectly – Roma and Travellers, both in regards to language used and the measures proposed, Housing Policies in particular. On the issue of housing, the policies of social inclusion play a certain role, and "Romafobia" is essentially the fear of having the Roma and Travellers close by. Stereotypes can be used for trade or in situations of conflict in which questions of identity are played out. The analysis of language and institutional measures include the study of the reasons and sources of the language utilized, of the measures and actions proposed, and it could clearly show what the stereotypes in action are, and how they produce effects on reality and on the everyday life of Roma and Travellers.

2. Recommendations

The second action is that of making the results of research a heritage of those who work in Institutions in the administrative and political sector.

The result of this action will be a booklet with recommendations to fight and possibly eliminate stereotypes and mis-knowledge that can negatively influence the elaboration of actions and policies aimed at improving the housing conditions of the Roma and Travellers, by respecting their rights and culture. The elaboration of these recommendations by the partners includes involvement and exchange with the Associations formed by Roma and Travellers people.

The recommendations of each single country will have a common part with all the involved countries and a specific part on every national background. They are written in the language of the country and in English. In order to make this tool actually adopted by Institutions, the partners have organise a participatory dissemination initiative by holding round tables, seminars and focus-groups.

3. Ethnographic film

A third cross-cutting initiative is envisaged, based on a visual anthropological approach and aiming at making an ethnographic film on the housing conditions and testimony of the Roma and Travellers groups present in the partner countries of the project.

NOTE

The English term "Gypsy" has two meanings:
1. it indicates a population that has historically lived in Great Britain and has traditionally called itself *Romanichels* or *Romani people*, but also accepts to be defined *Gypsy*;
2. it translates the terms from other languages such as *Gitans, Bohémiens, Tsiganes* and *Tziganes* (French), *gitanos* (Spanish), *ciganos* (Portuguese), *z/Zingari, gitani* and *zigani* (Italian), *cigányok* (Hungarian), *ţigani* (Rumenian), *Zigeuner* (German), *cigani* (or similar spellings in so many Slavic languages), *yiftoi* and *atsinganoi* (Greek), etc.

All these terms are written with a capital letter or lower case letter according to the spelling rules of each language or whether in the same language they are intended as the name of a people (eg. *G*ypsies) or as a derogatory term due to their social condition (eg. *g*ypsies). In any case these are hetero-denominations or allo-denominations, that is, names given by those who don't consider themselves as such and are in a hegemonic position that enables them to give names to other people. In some cases the hegemonic hetero-denomination has had the power to persuade the people involved themselves to be called by that term, as happened in Great Britain or Spain, where the terms "Gypsies" and "gitanos" are not rejected a priori as self-definitions. In other contexts, instead, these hetero-denominations are rejected because considered as stigmatising names. The self-denominations, on the other hand, are many according to the countries, but undoubtedly the most widely spread is *Rom* (pl. *Rom* or *Roma* or *Romá*, according to the linguistic variants). Due to its popularity, and in line with a *politically correct* practice, the term "Rom/Roma" today tends to replace the general term of "Gypsy/Gypsies" in the official documents in English. However, this practice erases many denotations and especially the connotations linked to the national terms and to the different self-denominations. For this reason, in drafting this text devoted to the performative capacity of language in administrative documents, even if written in English, we decided to keep, wherever applicable, the terms of the national languages and the self-denominations such as those used by the people involved.

UK

EAST MIDLANDS

London

KENT

PT

Lisboa

ES

Madrid

ANDALUSÌA

IT

LIGURIA

VENETO

TOSCANA

Roma

CAMPANIA

HU

Budapest

SOUTH TRANSDANUBIA

NORTHERN HUNGARY

RO

Bucarest

NATIONAL LEVEL

REGIONAL LEVEL
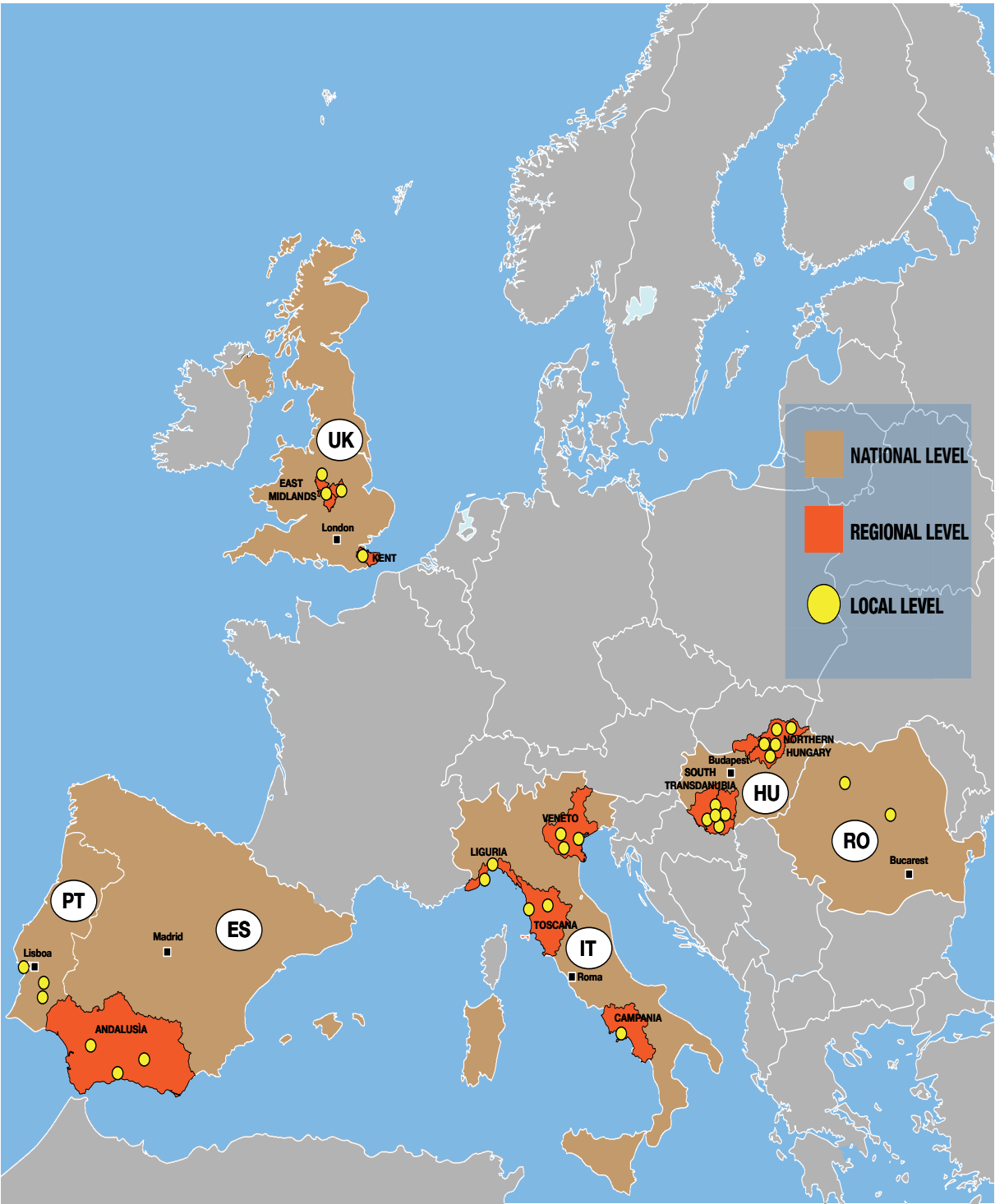
LOCAL LEVEL

Tab 1. Documents collected: National, Regional and Local level
Tab 2. Resume of documents collected (total number: 1.346)

National Level	N. Docs	Regional Level	N. Docs	Local Level	N. Docs
ITALY	13	Liguria	4	Genova	45
				Savona	3
		Veneto	5	Legnago	36
				Cerea	9
				Venezia Mestre	9
		Tuscany	59	Florence	387
				Viareggio	28
		Campania	11	Napoli	82
				Provincia di Napoli	11
UNITED KINGDOM	49	South East		Kent	33
		East Midlands		Leicester	18
HUNGARY	29	South Transdanubia	5	Pécs	122
				Siklós/Sásd	6
				Gordisa/Mágocs	2
		Northern Hungary	1	Miskolc	54
				Edelény/Encs	11
				Szakácsi/Szendr lád	4
PORTUGAL	14			Lisbon	7
				Beja	34
				Vidigueira	7
SPAIN	9	Andalusia	12	Sevilla	40
				Málaga	44
				Granada	42
ROMANIA	-			Cluj Napoca	43
				Sfântu Gheorghe	19

	National Level	Regional Level	Local Level	Total
ITALY	13	68	621	702
UNITED KINGDOM	49	2	51	102
HUNGARY	29	6	199	234
PORTUGAL	14	-	48	62
SPAIN	9	12	126	147
ROMANIA	37	-	62	99
TOTAL	151	88	1.107	1.346

A COMPARATIVE VIEW OF THE NATIONAL RESEARCHES

WE

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1. Legal language and standardization in the "Europe-System"

The term "Europe-System" (Figus 2011) refers to an institutional arrangement that works, over and above an official juridical sovereignty, by means of continual processes of renewal and feedback. As part of a supranational legal system, the question of language is presented as fundamental: with respect to the translation of institutions and concepts, functional for social and economic policies, for coordination between member countries as well as for public information and communication. Language undergoes a continuous structural adjustment, thanks also to the balancing efforts of legal comparativism. However, the affirmation of cardinal principles such as units of dialogue and common measures does not correspond, on an operational level, with their homogeneous distribution within the geo-political and institutional Community. The WE Project is part of this context, gathering discrepancies between different national systems and Community law in the official language adopted to regulate the "territoriality" of Roma people. The attention paid to *words*, when they take on a formal role that is able to affect, in reality, the way of life and inhabitation of an area of a large part of European society, usually defined according to criteria focused on ethnicity, culture or "deviance", constitutes the mission of the Project.

In the *mare magnum* of "Acquis communautaire" (the regulatory platform – including EU treaties and international agreements, second degree legislation and the decisions of the European Court of Justice – which form the essence of the entry agreement of a country in the Union) we find, for each area, legal relations that EU law aims to standardise. Strategies and policy interventions contained therein that affect this research, in the variety of the documents gathered, refer to a series of Community law principles: basic rights of the human person, socio-economic rights, freedom of movement, health, and safety. In the area of housing, the EU, in addition to recognizing the importance of the sector through a "regional" policy of development and urban regeneration (social and environmental protection of the areas where poor, "fragile" and excluded people live), has approved a Regulation in 2010 (no.437) which provides for operational criteria and allocations of up to 2% of the total ERDF provisions "in favour of marginalised communities".

For matters affecting administrative organisation and procedure, there are a series of principles, established by Community case-law, with which the national systems of the Member States should comply: impartiality and fairness, rationality of terms, mandatory justification of the measure, defendant's right to be heard, responsibility and good faith (on the contractual model between private parties), precaution (with regards to stopping hazardous activities), as well as the fundamental principle of proportionality, which requires the administration to justify the use of the means employed to achieve a specific purpose.

The problem of excessive power is therefore referenced, a "structural" constant amongst the irregularities of the act's legitimacy. In the case of the documents covered by our research, such disparity emerged as early as the level of enactment: for how they were written, the texts concerning the living conditions of the Roma are indirectly or overtly discriminatory, reserving, in similar situations with respect to other individuals, a "special" treatment for them.

Moreover, the need for uniformity in institutions' linguistic rendering should be "functional", defined starting from the relationship with actual cases, rather than modeled on "predominant" national legal traditions. **17**

The same consideration can apply to both non-technical words characteristic of everyday language, and specific or exclusive terms of a single legal system. As an example, one considers the problems posed by the translation of "race" (a term avoided in the continental legal context) or "equity" (which in common-law corresponds with a specific institution) or to concepts such as "nomadic", "integration", "sanitization" and "enforceability" (of a measure).

The debate orientated towards Roma as part of the Europe-System is focused on the balancing of different situations and institutions: the logic of development (providing for "regional" based Structural Funds and a Fund for Rural Development), connected to that of social assistance to vulnerable people, stands beside the nominal recognition (albeit not exclusive) of those entities (individuals and groups), placing its focus on the rights of the person and minorities, as well as the fight against racist tendencies and segregation. As general non-binding acts, despite the complexity of the desired interventions, European provisions formulate substantial equality objectives with a clarity of purpose (we allude to the Communication text 173/2011, referred to in point 2), that is not always respected in national processes of feedback – especially at local level. The fortunes of the Roma in each country, in terms of long-term presence, of political geographies and human relationships constitute, first and foremost, an European history (Piasere 2004). Precisely in the scope of our research, regarding the functional efficiency of an institutional system, the cybernetic metaphor shows its limits. On the one hand, self-regulating mechanisms provide a centralized system (a "brain") with which, in European terms, a supranational legal system – capable of regulating the legal systems of the states or an automatic series of transformations in institutions and relationships which are therein regulated at a national level – cannot conform. Instead, except in cases of binding acts of secondary Community law (for instance, Regulations – directly applicable), the adjustment to plans, recommendations, strategies and other acts of international *soft law* can be made at the discretion of each Member State.

Despite the crucial importance of a rights policy common to all UE countries, social relationships are never perfunctory, reflecting, on different scales, the tensions within official discourse with more or less visible tangible instances.

2. The balancing of legal sources governing relations with the Roma in national systems: levels, aspects of content and "statutory force"

In the legal and institutional framework of the countries participating in the Project, the question arises: *who* is in charge of relations between the Roma and the society to which they belong?

The legal sources systems follow, with their respective differences, a combined distribution involving territorial levels and legislative competences. However, the housing issue affecting Roma people, starting from the dichotomy between 'nomadic' and 'sedentary', has only been developed in some of these countries. Insofar as being approximate, this distinction does not hold, due to specific historical and political reasons, for Romania, Hungary and Spain (we refer only to the housing situations formally recognized in the documents).

Among legislative acts at a national level, a separate mention is reserved for the Caravan Sites Act 1968, granting *Gypsies* and *Travellers* the exclusive right to stationing in 400 pre-defined areas. In addition to being largely unapplied for repeated administrative breaches, it will be substantially repealed in 1994 by a "police" act on the prevention of crime and maintenance of public order. Remaining in the English context, the Housing Act 2004 seems to provide, in detail, more for a series of sanctions than of public duties, moreover receiving a deferred and highly discretionary implementation at local level (municipalities are reluctant to grant land needed for social housing).

The Planning Act 2008 on the planning of infrastructure development, giving broad powers for reviewing statements and selecting the most "appropriate" areas to the Secretary of State, has done nothing but reinforce this trend towards uncertainty inherent in the current welfare system.

In Portugal there is, however, an explicit intervention from the government: the Decree-Law no. 310/2002 assigns municipalities the competencies necessary to authorize the ''occasional encampment", a prevision implicitly intended for the *Ciganos*, while a regulation in housing "in favor of marginalized communities" will be directly applicable in accordance with EU Regulation 437/2010 (see *hic*, point 1); the latter, being directly binding in individual states, may become an instrument of housing support for "communities living on the margins of society (including Roma communities), even in rural and provincial areas." Nevertheless, despite the foreseen extensions to protection, the selection of criteria for the allocation of ERDF resources is left to the political discretion of each State. In Portugal, funding is subject to projected purpose (in other words, bound) according to the territories, and there are no regulatory instruments that provide for the possibility of creating a specific funding guidelines for particular categories or groups. Such rules are supported by a clear system of programs for combating social exclusion and providing housing assistance, also intended for the *Ciganos* ("National Plan of Action for Inclusion 2008-2010"; "Choices Program" created in 2001 and renewed several times), followed by an adoption of ministerial decrees that define the principles and criteria for its implementation or approve its contents. With the Resolution of the Council of Ministers no. 25/2013, the Strategy for the inclusion of the *Ciganos* was finally adopted at national level.

Hungarian legislation (in terms of housing rights and equal treatment) is linked to policies in need of financial aid. It is the case, for example, of the program "Roma Decade 2005-2015", "prepared" by the Government Decree no. 1021/2004, which deals with social integration and development of infrastructure in areas densely populated by Roma. When, in soft-law, they do not appear as a *target* group (recipients expressed, but not exclusive, with the exception of the National Strategy), one speaks of people "of a low socio-economic *status*," or young people in need of subsidies for the right to housing, living in "segregated areas." This commitment is undertaken, not only by the government's Plan for Economic Development ("Széchenyi Plan," 2010-2013), but also by the above-mentioned EU Regulation 437/2010 (with explicit but not exclusive reference to Roma and prevision for new homes, even in rural settings). A main act, in terms of guidelines, is still the National Strategy, in which the word "adjustment", in the sense of "remedy" and "change", was preferred to that of "inclusion". This is an example of the reaction to linguistic homologies that do not entirely coincide with the understanding of social policies in the respective countries. Reports from both Hungary and Romania significantly emphasize the novelty of the use of an European institutional language by the bureaucracy. **19**

In Romania, where the debate on Roma, considered a "historic" minority, has "blossomed" in the last 20 years (in other words, from the decline of the socialist regime), the legislative framework includes references both expressed and implied. Statutes on housing approved in the second half of the 90s (Nos. 114/1996 and 145/1999) are complemented by social programs and official discourse is now concerning "poverty", "vulnerable groups" and "fight against exclusion" (Statute no. 116/2002). As in the case of Hungary, the National Strategy aimed at "Romanian citizens belonging to the Roma minority" is not an absolute novelty, despite the introduction of a common conceptual language in Europe: the Romanian Government, as well as uniting with other States for the "Decade of Roma Inclusion "(2005-2015), approved, already in 2001, a strategy "to improve the conditions of the Roma".

Spain, with a devolutionary provision at constitutional level (Art. 148.1 of the Charter of 1978) confers exclusive competence in the field of housing to the Comunidades Autónomas, which in their own statutes provide for criteria of "decency" and "adequacy", in addition to equal access to property and land and partial control over municipal urban plans. This system, as opposed to the governmental centralization in Romania (which in its Strategy appoints a dozen relevant Ministries), does not provide expressed legislative recognition to the target groups. However, a series of social and urban development Plans at national and regional level directs the actions taken in the respective territories: urban "regeneration" and "rehabilitation" affects people on low incomes and "vulnerable" groups with the significant requirement of legal residence, which automatically excludes anyone who tries to get it and those who live in *chabolas*, intended for "eradication" (most of these people are *Gitanos*).

While remaining within the scope of a redistributive social policy, we find some nominal exceptions within structural planning acts: the two Plans "for the Development of the gypsy people" (the first launched in the late eighties with the allocation of funds to the Comunidades, and that of 2010-2012, later replaced by the more comprehensive National Strategy) and, in Andalusia, the "Integral Plan for the Gitano Community 1997-2000", concerning only Gitanos "at risk of social exclusion" in municipalities with more than 20,000 inhabitants.

Having known – unlike the country just mentioned – a gradual decentralization, Italy has implemented, with the Legislative Decree 112/1998, a complete transfer, in matters of public residential housing, to the Regions, with the allocation of funds and specific competences relevant to housing grants and fees definition. However, like the states that took measures to regulate the presence of "nomads" in their territory, the housing dimension involving Roma has been the subject of *ad hoc* regional provisions that have accentuated the ethnic stigma as well as their exclusion from urban space. In some ways, this effect brings Italy closer to Spain, where, however, the problem of nomadism is not felt and there are no "camps", despite some strong similarities between the research selected areas in the two countries. At the national level, the Strategy's adoption has corresponded with the end of "Nomad Emergency" (declared "unlawful" by the State Council), decreed by the Government with the provision of special external administrative commissioners in some regional capitals. This policy has been strengthened not only by the current legislation on public safety (Legislative Decree 112/1998, Legislative Decree no. 267/2000, Statute no. 125/2008) but also by prefectural "Pacts for urban Security".

With the exception of the United Kingdom (where a Ministerial Working Group has produced, in April 2012, a "Progress Report on tackling inequalities experienced by Gypsies and Travellers"), we find included in the legal system of each Project partner country, with their respective adaptations (national target groups, conceptual nuances), the "National Strategies". While not having statutory force, they set up, in detailed terms, a social policy of support aimed specifically at entities to be "included". As noted in the Romanian Report (p. 18), these interventions are independent from the moment of entry of the respective States in the Union, although they also create a suspensive condition for accessing the funds, which may explain the greater "language compliance" recently showed in some national contests. The structural quality of these documents is already guaranteed by the style of the European Communication 173/2011, which is logically clearer with regards to the legislative language and the acts of secondary legislation of the various countries. It is a matter, despite the wide range of projection, of a discourse conceptually specific in its genesis, which draws on the language of positive recognition and human rights, and develops a concept of "social inclusion" relevant to the *relations* (legal situations) to be safeguarded, rather than to the "group" under its ethnic intension.

The regional or sub-regional level functions as a "passageway", not always provided with decision-making powers, in which the general contents coming from primary regulation are "cooled" by implementing provisions of recall and coordination for the local authorities. In some cases (Portugal, Romania) the leap in level appears, beyond the bureaucratic frame, directly and fully, sometimes contrasted by unofficial means by construction *lobbying* phenomena (Hungary). In the Italian case, in the eighties and nineties, the Regions have started a process of territorial legislation designed to "protect" or "favor", according to the headings of the various acts, "Roma and nomadic population" (or even, in the same semantic confusion: "Gypsies", "Gypsy population", "Roma and Sinti", "Romani" or "nomadic culture", "nomadic minorities"). In fact, that "protection" consisted of enforced segregation within "camps for nomads", without leading, in the next two decades, to an organic national legislation. Recently, given the implementation of both the Communication referred to above and the National Plan ("Strategy") for inclusion, after the Conference of the Regions and Autonomous Provinces approval (24/01/2013), some "*Regional Tables for the inclusion and social integration of Roma, Sinti and Camminanti*" have been established, with competences relating to local integration and Structural Funds 2014-2020 coordinated organization Plans.

At this point, considering a comparison of the different national experiences, gaps in the law and the lack of a legal recognition contained in primary sources are not "random" aspects due to (only) technical inefficiency of the systems or lack of regulatory petitions; the gaps integration takes place with different acts, most without statutory force, leaving organization and management aspects to the local authorities.

The binding nature and the specific content of an act, at first glance functionally unrelated, are linked by virtue of mechanisms of action-feedback specific to each legal system. This may also be in a variable way with regards to individual national experiences, from an overall look at the research a general tendency emerges which confine a balanced statement of substantive principles of equality and protection of cultural diversity within the so-called "soft-law" acts, in other words, without a binding force for legal entities (such as individuals, institutions, communities, minorities, associations), both public and private.

The jump from the language of rights, contained in general provisions, to administrative action at a peripheral and local level produces, in varying degrees, a frustration of the system, perhaps more for violation of constitutional rights than for technical and structural deficiencies. This is not at all intended to minimize practical difficulties of an organizational, operational and financial nature, nor those related to interaction with the entities involved; rather, the lack of coordination, as well as being a direct consequence of an officers communication failure, is due to the low level of local society involvement and the weak (when non-existent) participation of those directly affected by the measures. The overlapping of *other* priorities also leads to the widespread phenomenon of "abuse of power", which consists in a different treatment of similar situations. With reference to the legal sources system, it has seemed only right to use this brief and incomplete review. In addition to European legal instruments, primary legislation constitutes, despite all the loopholes in the law, the framework of a legal order, and there are no other formal guarantees to mitigate risks of arbitrariness and abuse of power related to the exercise of administrative activity.

3. The "variations on the theme" of public discourse

"Targetism" and subjective "migrations"

In this collective work, flexibility in the choice of terms is required, with the knowledge, gained in the respective national contexts, that the definition of a "romani group", however imperfect, would like to avoid the paralyzing effects of infinite labeling, where the boundaries between auto– and hetero-denomination are not always clear (without mentioning the phenomenon of fictitious self-denomination with the purpose of gaining a social advantage). The Communication 173/2011 expresses the need for integration policies at various levels (national/regional/local), that "focus on Roma people in a clear and specific manner and address [their] needs [...] with explicit measures "(p. 5). The *target* or "aim", a military term then successfully adopted for marketing (Bassetti 2008), here does not identify this or that group in particular, but a composite of social realities related to a differential historical relationship, born from the encounter between groups of people who "escaped" from the imperatives of political and territorial control and social systems that abided to the same imperatives with a force of apparatus. Now, in juris-political language inspired by pluralism, there is a real and relatively high risk of social division, which mainly manifests itself in two ways: the reification of cultures, on the one hand, and, alternatively, the logic of human capital to "raise awareness" of pre-defined categories of citizens and to direct choice to the "consumption" of subjective legal situations. On the other hand, the *ratio* of recognition politics (which runs from the affirmative actions undertaken in the United States from 1961 until the Treaty of Nice, in 2000) should correspond to an urgent need: a re-balancing of constitutional rights, therefore *already* existing and, in no way, exhaustible, "consumable" or preferable in the same way as a market product. In this sense, the concepts of "redistribution" and "recognition", in contrast to social policy trends practiced nowadays by national governments, are not at all antithetical.

The Directive 2000/43/EC on the "equal treatment among persons irrespective of racial or ethnic origin" follows this line, addressing, despite references to ''ethnicity" and "race", "social" rights guaranteed to the Roma as to any other EU citizen. This is an overt act against direct and indirect discrimination (in the case of

apparently neutral measures) that takes place during access to employment, access to goods and services, and social benefits.

To cite a local English example, instances of "positive discrimination" are at the core of the TESS (Traveller Education Support Services), an English association for equality in Travellers and Roma children's right to education, based in Romford (Havering).

In relation to access to housing, it is important to note that the most frequently cited Communication does not put social housing on a preferential level (as part of an integrated system of guaranteed public services): access to appropriate stationing areas, addressing "the specific needs of the non-sedentary Roma", constitutes another somewhat valid solution (*ibid.*, p. 8).

The national acceptances of that programmatic European Act (with possible calls to a regional and local level) are more ambiguous, inevitably depending on the state of the policies pursued in each of the member countries. In the Italian context, for example, the Strategy has been introduced with the idea of overcoming of the (problematic) anti-Gypsy emergency phase, promoted by central Government between 2008 and 2011.

In that case, however, and even more in the British experience, the degree of influence on normative and bureaucratic language from Brussels' recommendations has proved to be weak, in contrast to a strong convergence carried out by public discourse in the Romanian and Hungarian contexts.

At the risk of sounding redundant, we shall say that the choice of the formal channel suitable for regulating such a delicate subject on a political and social level, is everything but negligible: it is the very nature of the legal source that gives us a measure of the binding force that wants to be attributed to the relationship between the Roma and the society of which they are part. Guidelines can be circumvented, ignored or misinterpreted without too many consequences; this does not apply to a statute or an equivalent act.

The regulations consulted reflect the cultural orientation of different national policies: according to the situation, Roma are viewed as a "national" (Romania) or "ethnic minority" (Hungary, Portugal), as "people" or "community" that can enrich the national cultural heritage (Spain), as "*N*omads", often ignoring their strategies of spatial mobility (Italy, Portugal), as an "ethnic group" [*G*ypsies], or defined by the work carried out as expression of a contingent "lifestyle" [*g*ypsies, Travellers] (Great Britain, in both cases).

These are the official attributes of diversity, which in public discourse tend to combine depending on emerging situations: personal records *status* and origin in the recognition of citizenship, socio-economic conditions and penal certification in the access to housing and employment (for which even the so-called "traditional activities" are detected), mobility in access to stationing areas, orality in schooling, the alleged level of responsibility in the recognition of fundamental "social" rights and the "tendency to deviance" in protecting public and urban safety. Except in the case of the UK, national housing experiences are oriented, with some temperaments (national or regional non-binding documents aimed at the express protection of Roma) towards universalist redistributive policies, in which a largely equal treatment of all parties prevails within composed categories referring to socio-economic *status*. Because of the way in which these policies are managed, the protection of Roma as European rightholders is weak or nothing at all, because intensive planning is not matched by primary legislative acts that can restrain administrative discretion existing at governmental and local level. While the Regional Acts and "emergency" Italian Decrees, "recognizing them",

have excluded "Gypsies" from any social life, the British case is, in hindsight, perhaps the only one where we can speak of "recognition" in a strong sense. In addition, primary legislation is in line with a pronounced "visibility" of Gypsies and Travellers, similar to that experienced by territorial minorities nationalisms without a State (one alludes to the effect – until 2006 – on the processes of law-making of the "Gypsy and Traveller Law Reform Coalition", heir to a tradition dating back to the guilds of the late Nineteenth Century), a feature that we do not find in the other (partners) national contexts.

From the Race Relations Act 1976, as amended and then finally replaced by the Equality Act 2010, ''ethnic origin'' is officially protected by law, and strengthened by the culturalist approach adopted in an earlier judicial document (Commission for Racial Equality Vs. Dutton, the Court of Appeal, 1989); from another point of view, there is already a legislative act in 1960 that defines Gypsies as "persons of **nomadic** habit of life **whatever their race or origin**". This definition, taken from a circular and from a Statutory Instrument (No. 3190, also including Travelling Show People) in 2006, later merged, in 2010, into a planning document, has built a purely socio-economic *status* of *g*ypsy (initial in small letters), based on the mobility of labor (especially for men), which may also belong to Travellers. Depending on specific cases, the identity representations of G/*g*ypsies and Travellers will fluctuate along this dual perception, with a logical bias towards spatial instability for documents regarding housing matters.

In Hungary, the Act LXXVII of 1993 on the "Rights of National and Ethnic Minorities" (effective from November 2005) recognizes the importance of the historical and cultural value of minority traditions "in the interest of the Hungarian nation" (see Preamble). In Article 1.2, a minority is defined as "ethnic group that lived in the territory of the Republic for at least a hundred years." The attributes "national" and "ethnic" are equivalents, depending on the existence or not of a geo-political entity of origin: for example (respectively), the Greeks or Armenians unlike the Cygànyok. The latter are officially separate in Roma and Beas (in the National Strategy one mentions instead Beas and Lovari as linguistic groups, without reference to the Vlach and Romungro groups – see Hungarian Report, p. 15). In a partially similar manner to the Spanish case, the force of attraction of the national ideal makes minorities a varied set of tiles that enrich the cultural mosaic of the Republic. Beyond the political rhetoric, we find ourselves before a very detailed act on matters that cover a broad spectrum of social relations: from the right to personal data processing, political and cultural non-discrimination until to initiatives of self-government subject to legislation for the election of their own representatives and organs at various levels (Arts. 5 and 6) and the related provisions on logistics and management. With regards to housing, albeit indirectly and being a matter of general regulations to be adjusted in detail, Art. 4.3 states that "in planning for economic and urban development [...] the Republic must take account of local conditions, relations, economic interests and traditions of minorities." Hoping for a more concrete translation, submitted to a real will and political consciousness of welfare, we consider this act a valuable tool to be placed in operational synergy with the dictates of the National Strategy.

If in soft-law and in cases of express constitutional and legislative recognition (Romania), in an ethnic (Great Britain) or "ethnicizing" (Italy) sense, social entities appear nominally as a stand-alone category, with regards to housing regulation, we witness, with the exceptions of the United Kingdom (Housing Act, 2004 – National Report, p. 22) and Romania (Government Decision 1237/2008 – National Report, p. 20), a "disappearance" of

the *target* group. In the national or regional plans, this can be named as a non-exclusive recipient of the measures to be taken (Hungary, Portugal – PNAI 2008-2010), or not be named at all (Italy, Portugal), even when a large majority of families belonging to that group (*Gitanos* in Spain, *Ciganos* in Portugal) may inhabit the areas involved.

It can be said that new welfare is dominated for the most part by the trepidation of not stigmatizing nominally, instead making extensive use of the metaphor of social weakness (cf. the next section). Such result is reached by the recent Italian legislation on Integrated Social Services, which has sometimes led to the repeal of regional regulation on stationing "camps". Moreover, the new category of fragile / very poor / vulnerable / at-risk / low socio-economic income citizen, contributes to resurrecting a predefined concept of "social class" (Hungary) which invalidates, with its requirements, a real redistribution: in Spain, for example, urban "regeneration" plans place legal residency as a necessary condition for potential beneficiaries, automatically excluding the Gitanos who reside in sites that are otherwise considered degraded.

With regards to European recommendations and their national translations, we find instead a balanced dosage of recognition and redistribution: on the one hand there is the policy of inclusion, with a tendency to *automatically* insert the Roma in the varied group of entities needing assistance (foreigners, the elderly, single women, poor persons), despite proposals to overcome, in addition to the ''Roma emergency", an "assistance approach [...] and implement appropriate and specific measures" (cf. the Italian "Strategy", p. 7); on the other hand, the language of civil, social and solidarity rights directs the policies of the member countries that adopt the Strategy towards an explicit consideration of the Roma "as Roma", open to their cultural instances and practical needs (we allude, for example, to the recent "resurgence of Roma" in Spanish regulations).

"Loaded" words, representations and metaphors in public documents

In official discourse, especially that of administrative measures, moments of great freedom can be found with respect to reasons for intervention in the context of the lives of the Roma. One of the "specialties" of bureaucratic language is the use of words borrowed from an open series of domains, depending on the subjects that it addresses: a law of society, delegated to regulate the most various relations in their factual concreteness, so as to talk of "sectoral non-specialist language" (Sobrero, 1993: 237). This receptivity, concealed by the technicist style of the documents, gives them an appearance of scientific rigor that can hide several gaps and/or confusion of meaning (for example, the overlap of a process such as the ''exclusion" to the status of "marginality" – Italian report, p. 55). The circulation and repetition of words fill in the gaps: in the media noise, representations operate providing, in contrast with "boundary" realities, an idea of order, of spatial and housing security (to the benefit of the Roma's neighbours), of right conduct and "distance" in private and public user relations.

If the use of metaphors is a vital component of language, their abuse in a text with direct executive power (that is, the power to produce real effects with those words) means conferring administrative responsibility to subjective allusion and emotional content. These processes tend to create, along an axis that runs between a fuzzy information (the presence of Roma families on the territory) and the vacuum of knowledge, an arbitrary image based on a series of shortcomings towards the established order. Words, then, come to "weigh"

in their own untarnished *normality*, in normal occurrences never aided by interpretation, broken down or explained (how does one "explain" a metaphor beyond analogies that are prefabricated on suggestion?). This discourse, made up of images that distinguish or outdistance for reasons that seem inherent to *being Roma*, moves within spheres of hetero-ascription of identity imbricated with one another under the spectrum of public order. Let's look at some key issues.

A) The new poor

Poverty, an ambiguous category which now tends to conceal ethnic representation, is understood as not only a material "shortcoming", but also a lack of moral conscience, education and dignity. It is bound on the one hand, to the needs of *modernisation* of "traditionalist" subjects (cf. the Romanian "Strategy") or expressly "pre-modern" (cf. The Italian Senate "Report") for which an "*awareness*" is necessary (pedagogical metaphor approach adopted in Spain – Report, p. 63 – and, in equivalent terms, Portugal – Report, p. 91); on the other hand, to the more general need for overcoming the current conditions of housing segregation (Hungary, Romania), hygienic risk and "degradation" (Italy, Portugal). On a categorical level, there are no poor and non-poor Roma: the Roma person is the one who lives in "complete" poverty, a condition that covers every aspect of his social life.

This structural hazard differentiates them from other individuals that make part of the macro-category of "vulnerable", who have a specific shortcoming (for example, women, the disabled, the elderly, street children, young people out of protection institutions, the homeless, the unemployed with low income and "foreign immigrants"). The areas "renewal" is accompanied metaphorically by that of people who – as "nomads" – have to become "good citizens" (Italian Report, p. 54). This would be done through a process known as "empowerment" of the person/user who, rather than experiencing it, *coincides* with his own discomfort (*Ibid.*, p. 58; Portuguese Report, p. 70). Moreover, the very fact of overlapping discrimination based on ethnicity, which denies access to legal positions, or the social "weakness/frailty" worsens the stigma regardless of intents (Portuguese Report, pp. 37-38), in the sense that the ''social exclusion" that everyone fights against would already be ahead of the feared risk. At this point the "natural deviance" of the Roma reappears strongly, associated with an "animal" lifestyle as opposed to that of a responsible citizen, with widespread crime and, sometimes, with unlawful practices of "ethno-business" to take advantage of public subsidies for housing (cf., for example, what happens at sub-regional level in Hungary following the privatization of Real Estate – Report, pp. 52 and 54).

B) Areas/Environments

From the segregated area to the "colony" of the Roma (Hungary, Romania); from the degraded area (Italy, Spain, Portugal) to the urban ghetto (Romania, Hungary); from the "Nomad Park" (zoological metaphor formalized in Coimbra, Portugal) to the village or camp (Italy), to the barracks (*chabolas*) and caves (Spain). All these types of space can exist according to the type of people who live there, for a unique analogy between the place and its inhabitants. In this sense, those spaces are also "environments", even though, on the contrary to "Landscape", they are not protected, but removed, cleared, passed or eradicated. This leads to an ambiguous

socio-environmental discussion based on aesthetics (UK), purity and decorum (Italy): qualities far away from the Roma, who become the symbol of "social seclusion" (in Hungarian, "zárvány" is a term borrowed from geology and used in industrial chemistry, referring to intrusive waste substances or products).

The aesthetic emphasis, when addressed to the Roma, produces a naturalization emphasizing the segregative character ("Park [for] Nomads," "Village [for] Sinti") or a refusal, typical of the abuse of power, to recognize a social right. Therefore, despite the legal instruments that provide authorization for stationing, inertia to concede it and *ad libitum* prolonged denial for "inappropriateness" reasons produce effects of localized "democratic despotism" in England, avoiding value expressions through a discreet and potent discrimination which is described in the British Report. Here the democratic motion results in the protection of local communities (where Gypsies and Travellers are tacitly excluded), holders of exclusive rights on *green belts*, a political and territorial institution for the control of urban development. Claiming to want to overcome the language of ethnic multiculturalism (which in Hungary is considered a cause of inner anomie in districts to be rehabilitated), the English rhetoric of *sustainable* development combines with the dictates of the Localism Act 2011 (in the European context, one of the more exclusivist legislation in recent decades). Local authorities (political and technical), have the power to block the "inappropriate" development of *residential gardens*, that is when this can "cause harm to the local sites" concerned (where the "gardens" in question are areas and/or stationing places for Gypsies and Travellers – British Report, p. 40 ff.).

In other contexts, the institutional language loses its elusiveness in favor of direct verbal violence: this is the case of Spain, where one officially alludes – with a tribute to botany – to an "uprooting" of the peripheral barracks and every irregular home (Report, p. 59). The same metaphor is also found in Portugal, even if only on the level of argument (and as such, non-binding – Report, p. 50).

C) Impurities

This concept, which socially marks the boundary between the *possible* and *forbidden* (Douglas, 1966) results, in bureaucratic discourse, as a constant attribute in the history of the Roma: their dangerous *dirtiness*. Despite the apparent de-ethnicization of local intervention contexts, the hygienist paradigm resists the passage of time and is successfully renewed in Italy (as requirement for *extra ordinem* mayoral orders of evacuation – Report, p. 80), Portugal (sometimes taking a militaristic role – see the example of the "urban cleaning town patrols" Report, p. 80) and Hungary (integrating the concept of "instigators of disorder" Report, pp. 48-50). The main reason for the success is that the fact of being dirty, unlike other critical reasons, is presented in documents as an objective fact, detectable by a technical inspection, even if the reasons given are generic (unlivability, unsustainability of the situation) and related to neighborhood complaints or interaction problems with the public management of areas, not to a *natural* feature. In addition, in terms of symbolic efficacy, physical dirtiness is communicated to the moral sphere, and therefore to public insecurity (degradation, delinquency), confirming the idea of the anti-social Gypsy that was used successfully under the nazi regime to legitimize the elimination of "Aryan degenerates".

The "contamination" of places occurs even in situations of "normality." For several Italian cases of public housing allocation, too many people, even relatives, cannot be received in the assigned apartments nor

acoustically "pollute" the tranquility of the building – although there are already specific regulations for all flat owners. In that legal system, the concept of "decorum" may encompass, in time of measures execution, aspects of landscape protection, individual qualities and urban safety always marked out in "public order". Rejecting applications for permits within settlements (British Report, p. 26) then becomes an elegant way to curb marginal situations in society, to be defended as if from a disease. The price of inclusion is abandonment of the "margin", "de-ziganisation", which can be established by signing a "pact of responsibility" (Portugal, Italy). Similarly with the *castellanos nuevos* during the Spanish Enlightenment, Roma will lose their true or false attributes to become "new citizens" belonging to "vulnerable groups". Meanwhile, it is necessary to continue with the "sanitization" of inhabited areas, by exercising a power of government over human bodies with a primarily technical role (Foucault 1976: 118), in order to prevent damage from ''contact exposure with nomads" (Report Italian, p. 95 and pp. 116-118).

D) Lifestyle and culture

The living environment in which we find the Roma is always referred, eventually, to the "style" or "lifestyle", expressions that can be found in legislation, provisions and technical reports gathered by the Projects teams in the respective national contexts. In addition, the renewed *temporary nature* of measures (Italy) seems to support an alleged precariousness of the "manner" in question rather than looking for stable solutions.

If "lifestyle", on a national level (Italy, UK, Portugal – and contrary to the language of international and European rights) prevails for some time over the "minority culture", it would not appear to be a casual action: in the new redistributive logic, a style can be changed; for culture, understood in a static sense, it is more difficult, unless it is only a matter of dialectal differences (Hungary) that power can downgrade as folklore elements and museum heritage.

Weakened in a similar sense, or rather emptied of meaning, is the ethnicized culture of "nomads" (cf. Italian regional acts) when nothing is done to recognize the reality, yet is frozen in an abstract legal device. As mentioned above (see Para. 3.1), in the United Kingdom, except in the case of (Romany) Gypsies (for which the reference to ethnicity is valid), lifestyle is reinforced by the concrete search of employment, a criterion that can inform the definition of *G*/gypsy and Traveller.

In contrast, when a cultural minority reality is rebuilt by government propaganda in a specific historical moment, unique effects are produced, from which Spain has not yet been liberated: characteristic of a language that reflects, in contrast to other contexts, representations spread evenly to various source levels, Spanish discourse makes the pueblo gitano one of the elements of national culture. It is not a question of social rehabilitation, but rather a legacy of the Franco regime, which employed, without hesitation, stereotypes established as a glue to achieve consensus in the ideological fabrication of national unity (Rothéa 2008). This one was affirmed by leveraging on the idea of "cultural heritage", a mixture of absorbed elements, with a romantic effect, into the Spanish people. Thus, by retrieving part of the imaginary product in that long parable of regime, the Gitanos of El Vacie, for example, are presented as culturally "gregarious", living in "clans" where the woman plays the role of family pillar, and tending to help each other (an internal solidarity which is assumed as common to all groups – Report, pp. 73-75). With this, not even Spain renounces that

diffuse paternalism towards the vulnerable/poor/fragile that we have already seen to be a new attitude of general governance.

Conclusions

Despite the biases assumed in individual contexts, the words enquired constitute, from a topical set to another and in their metaphorical force, that system of communicating vessels that form the "structure of the exclusion". The "weight" of words depends on their ability to be kept intact and built from one domain to another (thus generating chronic misunderstandings), to travel through relation areas without being overly eroded. The weight, as was said above, "makes noise" and fills the gaps of the welfare state, concealing the causes. For example, amongst the "reasons" for the European socio-economic crisis, we find, on the same stage, a social presence without rights, due to being perpetually foreign, and the rise of housing due to privatization, which causes deficiencies in housing policies (one can see more on the subject in the various Report references): both are perceived as objective impediments, but the subtext is equivalent to say that, without the former, the latter would be felt less.

From the point of view of the new "integrated" social system, the justification of "taking care of the weak", entrusting services to private individuals responsible for the various sectors (hence "targetism", in the political sense, becomes businesslike once more) implements a type of Foucault pronouncement. In contemporary society, to "govern" means being able to decide the ways of life and the social entities relationships: *how* one can die, *what* is allowed to be known, *how* one should live, especially when it is considered unable to adapt to social change beyond a coercive measure or penalty.

Acknowledging that the local and national implementation of a joint strategic policy turns out to be generally less transparent than that envisaged by the Communication 173/2011, the implementation of European guidelines finds itself interacting, on the one hand, with the state of the singular national rules; on the other, with the interpretative guidance of the texts as founding part of the bureaucratic culture of each country. From the in-depth analysis of all the collected documents, the question, on multiple occasions, has arisen: *is a housing dimension for the Roma really conceivable from a public authority?*

Let's consider for a moment the last of the 10 items approved at the Meeting of Cordoba in 2009 (cf. footnote 36 of the Communication just quoted): *Is Roma participation in decisions about their existence –* we ask again *– really possible?* The response is conditioned by a mental inversion of the political subjectivity, for which it would be necessary to begin from the "difference" as a product of an unbalanced relation rather than by its idea. In eviction records, and those of forced relocation, and in any decision that affects inalienable rights, there is no reference to a concerted and fair consultation of the parties involved (for example, preventive requests for information and authorization to households). In addition, without prejudice to the problem of political representation, how many of those who speak *for* the Roma live *as* Roma sharing the same interests in the same social space?

Nor can it be said, in all cases considered, that legal instruments and formal acts of recognition (we allude especially to the United Kingdom and Hungary) are lacking; rather, it is a fact of widespread perception

capable of seeping, in a far-reaching way, into the processes that lead to the formulation of a binding enactment. In terms of administrative power, these mechanisms generate chronic misunderstandings and "copying", leading to a bureaucratic conservatism without control.

In order to prevent automated and chain reactions, the analysis presented in the National Reports of the countries involved in the Project would be presented as an invitation to a reasoned action, capable of combining respect for inalienable rights, of which *inhabiting* is part, with social and material aspects of a real "cohabitation".

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THE HOUSING ISSUE OF ROMA AND SINTI IN THE ACTS AND ADMINISTRATIVE DOCUMENTS IN ITALY

IT

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1. Quantitative general view of collected documents

In this first paragraph we give a brief overview of the documents collected [1]. The total number of them is 702, divided geographically as follows:

National level	Regional Level	N. Docs	Local Level	N. Docs
ITALY 13	Liguria	4	Genova	45
			Savona	3
	Veneto	5	Legnago	36
			Cerea	9
			Venezia Mestre	9
	Tuscany	59	Florence	387
			Viareggio	28
	Campania	11	Napoli	82
			Provincia e Prefettura di Napoli	3+8

We can see that the City of Florence is the predominant territory for the highest number of institutional documents produced.

With respect to Tuscany, in fact, there are some important elements to consider. The Municipality of Florence has a very high number of documents because the research has been careful to probe the weight of the administrative apparatus by a meticulous collection of the chief executive officer documents (management measures, *provvedimenti dirigenziali* – the researchers knew here in detail the actions and housing projects carried out).

It is the chief executive officer documents to make the quantitative difference of the total of the documents produced between one year and other. The 2003-2004-2005-2006 are the years during which both lots in the temporary village of Poderaccio were built. In 2006 there was a significant decrease because the first lot was finished in 2005, with the allocation of housing units to the families.

The Municipality of Viareggio has always been concerned by the presence of the Roma especially transit, because the city is located on the coast of the Tyrrhenian Sea. Italian Roma, Sinti and Roma foreigners, particularly from Spain. A direct interest of local institutions took place, however, with the latest migratory flow of Roma in Italy, namely the Roma from Romania, and in particular since 2007. After an attempt not completed, due to the shift of the City Council, of housing assistance projects and of so-called social inclusion, Viareggio has built a nomad camp, despite the regional Law 2/2000 declaring the end of the "policy of the camps".

About Campania, we have instead favored the city of Naples and the documentation produced by the Prefecture of Naples in the person of "Deputy Commissioner for nomad community settlements emergency in Campania". Precisely for this documentation from the Prefecture, from 2009 emerge other local areas as well as the City of Naples. So, because of the issue of the competent authority in the territories, we have divided the documents in the area to which they relate and in accordance with the institution that issued the document.

About the Regions of Liguria e Veneto, as the others territories, we have covered the last ten years, but with a few significant exceptions because of their importance:
- regulations of Camps in Bolzaneto (1988) and Cerea (1997);
- Regional legislations about "nomads / gypsy / Roma people": Liguria (1992), Veneto (1984; 1989);
- one Municipal Assembly's Resolution (1991) defining the guidelines for interventions affecting about "nomads / gypsy / Roma people" at the municipal level (a sort of "gestation" step in sight of the Regional Act of 1992).

In the selected areas, we find a leading role played by the different City Councils (resolution power), together with an important intervention of the Officers, especially in the Cerea-Legnago municipalities areas.

Moreover, we should not forget the special power granted to mayoral authorities and their technical staffs regarding the eviction orders issued for public security due to the "hygienic-health emergency".

Topics of the Documents

The list of topics was obtained a posteriori from the analysis of the documents [2]. It seems appropriate to stress that the research is focused on the housing issues and therefore the topics not directly related to it (number 4, 12b, 13 and 14 in particular) are inserted into the table just because they appear in the collected documents. Of course, they are largely underestimated compared to all the documents produced by the institutions. With this clarification, look at the distribution of topics in the areas of our research, a distribution that seems interesting to the differences that expresses it (see also annex 2 of the Italian Report).

In Tuscany Region (Region and Cities of Florence and Viareggio) the topic n. 2 "Routine and Emergency Maintenance of Camps" (156) is the highest one, then n. 3.8 "Use of shelthers, relocation of families in shelters" (80), n. 4 "School and extracurricular services" (55) and n.6 "Evacuation/Eviction" (45). This is because the managements measures are predominant in the City of Florence: the topic n. 2 is in fact under the responsibility of the administrative field, producing a high number of chief executive office documents (management measures).

In the Campania Region (all territories), topics n. 2 "Routine and Emergency Maintenance of Camps", n. 4 "School and extracurricular services", n. 6 "Evacuation/Eviction" and n. 113 "Social Inclusion" are equivalent. In Liguria (all territories) the "Realisation of the camps" is the highest, and are relevant also the n. 6 "Evacuation/Eviction" and 7 "Vigilance".

In Veneto Region (Region and cities of Venezia, Legnago and Cerea), the highest topic is the n. 3.7 "Housing assistance , housing solutions , relocation of the families in the houses" (then n. 4). This is because of the

Italian	English
2. Manutenzione Campi ordinaria e straordinaria	2. Routine and Emergency Maintenance of Camps
3. Soluzione abitativa	3. Housing
3.1 Realizzazione insediamento	3.1 Realisation of the settlement
3.2. Realizzazione campo e acqusto di roulottes in campo già esistente	3.2 Realisation of the camp and purchase of caravans in camps already existing
3.3 Realizzazione residenze temporanee/soluzioni intermedie di rilascio/assegnazione moduli abitativi	3.3 Building temporary residences / housing intermediate solutions / assignment of housing units
3.4 Concessione d'uso e rinnovo, canone noleggio casette	3.4 Granting of use and renewal fee rental houses
3.5 Realizzazione centro di accoglienza	3.5 Construction of shelters
3.6 Ristrutturazione immobili e impegno di spesa per immobili (acquisizione o ristrutturazione)	3.6 Restructuring and property financial commitment for real estate (acquisition or restructuring)
3.7 Accompagnamento (abitativo), sistemazione alloggiative/in alloggi, trasferimenti in alloggi	3.7 Housing assistance, housing solutions, relocation of the families in the houses
3.8 Uso di strutture di accoglienza, trasferimento in strutture di accoglienze	3.8 Use of shelthers , relocation of families in shelters
3.9 Bandi ERP	3.9 Calls for Social Housing
4. Scuola e Servizi extrascolastici (compresi Laboratori per i minori e sostegno extrascolastico)	4. School and extracurricular services (including workshops for children and school assistance)
5. Protocolli di Intesa e Leggi	5. memoranda of understanding and Law
6. Sgombero, allontamenti collettivi, ad personam (con contributo economico o senza)	6. Evacuation / eviction , collective or da personam moving away (with or without a financial contribution)
7. Vigilanza	7. Vigilance (of service)
9. Piano Sociale di Zona	9. Social Plan
10. Tavolo Regionale	10. Regional Table for Roma inclusion
12. Forniture	12. Supplies
12 a: forniture riguardo gli insediamenti e l'abitare	12a supples related settlements and living
12 b: altre forniture	12b: other supplies
13. Inserimento sociale e lavorativo	13. Social Inclusion
14. Servizi Sanitari/Salute	14. Health Services / Health

case of Legnago (see infra paragraph 6). Also interesting the topic n. 3.1 "Realisation of the settlement" because the documents are related to the Mestre Village.

National level

In the last decade, in Italy we have a few but significant number of national sources (13 in total), in particular: one Statute, three Legislative Decrees, a Senate Committee Report (2011), and a "National Strategy for the inclusion of Roma, Sinti and Camminanti" produced in 2012 by the UNAR, a governmental body working against social forms of racial discrimination.

But we have also the Government Decree 21 May 2008, known as "Nomad Emergency Decree"), which was extended in 2009 and 2010, by wich declaring the state of emergency in relations to the "nomad camps". This Decree is based on Act No 225 of 24 February 1992 on the establishment of a national civil protection service, which empowers the Government to declare a state of emergency in the event of natural disaster, catastrophes etc. Though this Act contains no reference to situations arising from existence of "ethnic" groups, the issue of the Roma and Sinti has been considered like a natural calamity or catastrophe! And so must be trakled with extraordinary means and powers.

So, about te "State of emegency" we have:

– 3 Presidency of the Council of Ministers Decrees (2008, 2009, 2010);
– 1 Presidency of the Council of Ministers Order (2009).

Fortunately, the Decrees were annulled by State Council in its judgment no.6050 of 16 November 2011.

With the declaration (2008) and the extension (2009, 2010) of the "state of emergency", the Prefects of Venice and Naples (following the same process occurred for the other Regions) were appointed Deputy Commissioner in order to achieve the final overcoming of the so-called "nomads emergency" within the regional boundaries. The emergency, as stated in May 5th 2008 Decree, was definitively ended when the Supreme Court, in 2013, confirmed its illegitimacy, already declared by the Administrative Supreme Court with Decision n. 6050/2011. Please, note that some documents, although relevant, are not part of the collection, which deals with Government, Parliament and administrative acts in force, therefore excluding judicial decisions and draft legislation (such as the national "Norme per la tutela e le pari opportunità della minoranza di Rom e dei Sinti" of June 30th 2010, or the venetian "Regolamentazione e disciplina degli interventi sulla presenza delle popolazioni nomadi sul territorio veneto" of February 22th 2007).

2. Social housing in Italy. A general view

Massimo Colombo

The social housing issue that in our national context is almost exclusively represented by Edilizia Residenziale Pubblica (ERP, Public Residential Building), appears as a fundamental component of welfare state, likewise a crucial part of economic, social and political history, common to most part of European countries. In particular, it is one of the few opportunities to access to an accommodation by a more and more relevant part of the population, excluded from building market.

Its development constituted undoubtedly a fundamental aspect of architecture and city planning, as well as, of transformation processes, through which the contemporary city took shape and identity, in Italian Regions, in the not always successful attempt of facilitating "the realization of an acceptable housing and social context, within which it might be possible, accessing to not only an appropriate accommodation, but also to rich and meaningful human relations (Social Housing Foundation, 2009).

Although the "social" connotation has always been the one that, in legislative efforts, strongly characterized the role of interventions, the feedback of this vocation had different chances, throughout the years. Together with interventions, able to guarantee a housing offer, not-limited to provide an accommodation, but also all that might facilitate the establishment of relations, social participation, integration, in many realities, it was observed the realization of building stocks, without any connotation, but the one of mere housing containers. Even by creating initiatives, not always coherent and linked among them, public intervention in the field of residential building was anyway one of the most relevant sector of Italian social legislation, which could not, nevertheless, understand and interpretate the developing transformations, concerning, in particular, emerging issues from new profiles of social discomfort.

In fact, while in past decades, huge housing plans of public residential building mainly were addressed to medium-low economical level families (workers, employees and artisans) with no particular profile of social discomfort, since the '80s, the widespread and structural reappearance of poverty and discomfort phenomena has had a direct impact on social composition of ERP areas. Further, the concentration of buildings of public residential building industry, in areas, where urban infrastructures and social opportunities were scarce or inexistent contributed to mark those settlements as problematic suburbs, of neglect and urban insecurity.

The historical insufficiency in the offer, represented by the Italian public residential building (less than 4% in Italy and in Tuscany, in comparison to 19% in France, 21% in England, 35% in the Netherlands), especially the lack of appropriate policies concerning housing aspects, impeded, in fact, that ERP areas could present that necessary social mix, in our territory, to avoid the effects of concentration and of segregation of poorer and more disadvantaged populations. In particular, since the '80s, in Italy, likewise in other European countries, the economic recession pushed governments towards the objective of reducing inflation and public expense, involving, as a consequence, social housing policies. This produced: several effects of withdrawal by the central State and of decentralisation of housing policies; alienation of public housing patrimony; reduction of public resources; liberalisation of rental market, consequently reducing the percentage of social housing and, most of all, of recipients.

Only recently, when the link between economic uncertainty and difficulty to access or to keep a house got evident, as a central element in the fight against social and poverty exclusion, the resource increase for social housing came back as a priority for many countries.

Nevertheless, the social housing sector must currently face complex change processes, which are involving urban territories and societies. The request of social accommodations is, first of all, subject to the pressure of social and demographic dynamics. Life expectancy is longer, fertility rate diminished, and, as a consequence, European population is getting older. The dynamic, seeing a reduction of family unit sizes does not only concern anyway older people, but the society in its whole: the percentage of units made up by just one person is increasing, and, simultaneously, it is increasing the number of family units requiring an accommodation. This happens independently from the fact that population might augment or diminish. To the augmentation of population – or to counterbalance the decrease – it contributes the high level of immigration towards European countries, in particular, to Southern and Western Europe. The availability of an appropriate accommodation becomes, for these persons, an essential condition to avoid a destiny of social exclusion in destination countries. Immigrants and ethnic minorities express, thus, in their turn, new housing requests, also exercising pressure on social housing sector. On the basis of these social and demographic dynamics, therefore, the profile of social housing's users is changing: it is no longer the traditional family model and, instead, the so-said atypical families increase (extended families, one-member units, single-parent families).

It is also registered a strong immigrant presence. Social housing must, therefore, respond to all these new requests and needs.

3. The Juridical Frame

Virgilio Mosè Carrara Sutour

Decentralisation and subsidiarity

The national juridical scenario is historically grounded in romanistic tradition, foreseeing a constitutional structure, which is centred on the "State of right" (the formal model enlivening the European juridical culture) and on separation of powers. This entails a supremacy of primary legislation over secondary sources (governmental regulatory acts, acts issued by territorial administrations) and jurisprudence, that plays – excepting the United Kingdom – a relevant interpreting role on primary sources (Constitution, constitutional laws, law enforcing acts). In a late implementation of the constitutional requirement (arts. 117 and 118), Italy faced a first phase of regionalisation, during '70s, that, anyway, did not involve local authorities (Provinces, Municipalities). A re-order of bureaucratic structures will take place only twenty years later. Since mid-'90s (D.Lgs. 77/1995 and cc.dd. "Bassanini Acts", nr. 59/1997 and nr. 127/1997), we assist to a strong opening, in autonomic sense, in favour of local bodies. The realised decentralisation is not only of financial and administrative order, but it involves the whole bureaucratic structure. We are facing a "social" and strictly politic fact, which is useful to understand the change of direction and of value, conveyed into the administrative discourse, being the object of our research.

This important abandonment of state functions coincides with a translation in the new principle, for our set of rules, of subsidiarity, stated by the following amendment of the Constitution (Consitutional Act n. 3/2001). By a perspective overturning, the new combination – stated in arts.114, 117 and 118 – foresees that State has functions, expressly reserved by law, while local authorities (intended *lato sensu* [3]) have an "open" competence in administrative functions, related to citizens' needs, in their territorial environment.

In line with the neo-liberal orientation of the reform [4], the model of duties' separation asserts itself, dividing acts into political and technical-administrative ones: if the first ones specifically pertain to political and executive organs of bodies (for example, expressed objectives in a committee resolution), officers, whom financial, instrumental and human resources are allocated to, can act in total autonomy. Further, a residual power is reserved to managers to issue acts, not pertaining, by law or statute, of government organs of the body. By exercising their functions and competences, local administrators will have to adjust to impartiality and of good governance principles (art. 77, clause 2 of TUEL [5]).

About regional autonomy subject, we remind the opening provision of third clause, art.118 of the Constitution, according which state law can delegate administrative functions to Regions, also in immigration, public order and security issues, i.e., also in issues that are of exclusively competence of the state (Const., art. 117,2 lett. b and h).

The so-said "second reform" of local bodies, implemented by Act nr.265/1999 ("Regulation on the issue of local bodies' autonomy and set of rules"), focused on the variety of involved public subjects, by strengthening their statute authority. In this way, the definition of a body's nature and its functioning are today regulated by the related statute and no longer by law.

As a retroactive direct effect, in the current system, the bureaucratic language has partially changed, too, having taken on, as a model, the one of private business, with regard to managerial aspects. Private business subjects, together with Third Sector organisations, are often called to manage resources and to provide services, on behalf of public bodies (outsourcing phenomenon; adhocracy [6]). In this new vision about localised governance (it is no longer talked about "regionalisation"), the profile of active citizen-client emerges: no longer as merely recipient of services, but as social actor, taking part to the definition of political space, in function of own needs. The wished citizen's centrality is translated, since the Framework Act nr. 328/2000, in the forecast of the so-said "integrated systems", i.e., of coordinated performances in different sectors of social life, able to integrate services to the person and to the family unit with eventual economical measures. At organisational level, "active paths" can be identified, which are able to optimise resources, avoiding overlapping of competences or fragmented responses to "fragile" subjects' needs (people living in poverty conditions or with incapability or with physical or psychological disabilities or with insertion difficulties into social life and in job market). The integrated system gets, so, a universalistic character (Maggian: 2001) and it is conceived as a sort of "organic collector" of expressed needs by a territorial community.

At this point, within the limits of our objectives, it is legitimate to wonder where Roma people can be placed, in such a system and if they can be active part of the above-mentioned "community", or not. Meanwhile, we can observe that, while in '80s and '90s, the Roma person constituted a cultural isolation, on the basis of ethnicity – although unknown, as a minority – nowadays, in several "integrating" legislations safeguarding

citizenship, he/she totally [7] disappears or re-emerges, under the pressure of European policy and as main recipient of addressed acts.

Provisions

Let's conclude this brief excursus, by listing the specific characteristics of an administrative provision, constituting the official founding act, to the scope of our investigation, by widely referring to the file excel attached). As a final outcome of an administrative procedure, the provision represents a formal manifestation of will, by the authority, in the exercise of its powers. It distinguishes itself from instrumental administrative acts (for example, a science declaration or a technical evaluation) by the following specific characteristics:

– Typicality: its validity is subjected to an expressed forecast, by the set of rules;
– Nominativity: each provision serves a precise public politically pre-determined interest, to whose care the administrative function is addressed;
– Authoritative nature and one-sidedness: the act displays just one will and it acts independently from its recipients' consent (differently from the agreements between P.A. and privates);
– Enforceability: it translates into effects the principle of administrative auto-safeguard (according to which the set of rules recognizes to P.A. the authority of unilaterally intervene in any issue of own competence). On the basis of it, the provision is directly and immediately executable, without the need of a jurisdictional preventive verdict;
– Incontrovertibleness: after deadlines for a jurisdictional or administrative appeal proposal, the act can no longer be appealed by interested subjects.

Finally, the typical structure of a provision (for example: resolutions, authorisations, expropriations, ordinances, no impediment to, decrees) follows the classic dispositio, not casually based on the perspective of the issuer (Fortis: 74):

Dispositio	Example (from the Order by the Mayor of Venice nr. 994/2009).
Heading (issuing authority):	"The Mayor".
Foreword (elements of right, on whose basis the act is adopted):	"Considering local hygiene regulations"; "Considering art. 650 c.p.".
Motivation (factual circumstantial elements and related evaluations):	"Granted that, in the place (…), a community of Sinti ethnicity is present"; "Verified […] the serious conditions of the population, […] the proliferation of mice and other animals".
Mechanism (verb of will, followed by appropriate provisions):	"Orders…".

4. The qualitative analysis. The documents collected as "regulative texts": methodological aspects [8]

Giuseppe Faso

1. Although jurists and linguists reaffirmed, far-back, that "the rule does not exist, independently from a proportion describing it" (Silvestri 1989: 238), the analysis of juridical language, of law and administrative documents, has not received a particular analytical and methodological attention, for decades, in Italy.

Until two decades ago, in fact, even best handbooks, introducing to the linguistic analysis of law texts, rested upon – on the linguistic science side – only two pillars. From one side, there was the "parallelism of jurisprudence and language", because both of institutional and systematic nature; and, from the other one, the first steps towards the analysis of the perlocutive function of enunciations, thanks to the inputs, originated by Austin's famous Oxonian lessons, on linguistic acts' performativity.

An evolution of analysis and interpretation methods began, only in 1900, mainly thanks to the input of a series of contributions, by Francesco Sabatini, former President of Accademia della Crusca, a venerable institution of linguistic studies, which was modernised, during that time, benefiting by the alternation in the Presidency of Nencioni and Sabatini. The scientific debate was, thus, renewed and, today, we can rely on a series of first contributions, collected in two useful works of written synthesis: Mortara Garavelli 2001 and Fortis 2005.

2. Retracing this path, someway just started, allowed this research team to go beyond the valuable incentive, deriving from semantic and pragmalinguistic studies, and to acquire enlightening indications for our analysis. These indications are formulated on the basis of an original attempt of including the consideration of juridical and administrative texts, within a *typology* of linguistic texts (Sabatini 1990 and following).

It was a hermeneutic path, which developed together with the analysis of many collected, catalogued and read texts. After having retrieved, by texts reading, evident cases of differentiating expressions and of easy explanatory principles, qualitative analytical observations were developed. By comparing these outcomes, researchers tried to focus on other emerging characters, from the empirical analysis of texts that constituted interesting discards, in comparison to typical textual bonds of regulating texts. These discards consisted in expressions and real *lapsus,* due to the action of common sense expressions and categories, as well as, to unconscious phantoms.

Although it is sufficient a knowledge on own rules of linguistic system (morphosyntactic and lexical-semantic ones) and a careful attention about *lapsus* and false steps, in order to realize the eventually existing stereotypes in a text, it has also to be recognised that such a knowledge is not enough to seize the communicative peculiarities of a text, having its purpose, its objectives, a situation context and a juridical tradition background. Therefore, a text is subject to further precise rules, specific of the communicative act, that are "determined by the variety of intentions, preconceptions and conditions, which are preeminent for that act" (Sabatini 1990: 280).

In other words, the differentiating expression or the use of improper explanatory principles leave a mark, it is true, as a revealing scar. This is not an impartial attitude, towards Roma population and it derives from strongly stigmatising common sense knowledge. This often affects the institutional characters themselves, whose normative texts are bound to, rendering them, therefore, ineffective or deteriorating their effects.

3. The validity of recent research on language and juridical texts also depends on the identification of "marks of surface" (Sabatini 1990: 294), characterising different kinds of texts and allowing elaborating parameters for a typology of texts. Sabatini himself elaborated, then, a parameter system of "rigidity-explicitness" VS "elasticity-implicitness" (Sabatini 1999). This allowed to offer a textual typology, according to a scale from "very binding texts" (among them, the juridical ones) to "few binding" ones (among them, the poetic ones or strongly allusive advertisement texts). The multiplication of synonymous, the reference to inexplicit preconceptions, the use of an easy and not rigorous language, emerging from the analysed texts, often disclose a self-absolving awareness. These elements contradict the rigidity of bonds, also realised by a highly codified language, typical of the normative text (Sabatini 1990: 291). "In the juridical normative text", in fact, "the use of the historical-natural language reaches the highest grade of tension towards semantic univocity" (Sabatini 2001: 341).

The abandonment of the necessary rigour is often functional to a strange inversion of basic rules of texts that, conceived for law communication and, also, being rules, themselves, must order the elements of a demonstration. What has to be explained cannot be used as an explanation, especially in a perlocutive text, thus, with a strong debating bond.

See, for example, doc. N. 102 Tuscany Region in Annex 3A: "By acknowledging the presence [...] of many Roma and Sinti subjects, as well as, of other communities [...] whom, due to their cultural roots, contrasting with social integration, require the assistance of the Health Service only rarely". If we try to re-order it, as recommended to the writers extending those texts and by linguistics dealing with it (Sabatini 1990), we can order totally "normal" sentences, without an inversion of tense and without advancing explanations. So, we will have:

A. In a territory there are many Roma and Sinti and "of other communities" people; how many of them, we do not know: more or less of regular average? What are the eventual particularities of above-mentioned presence due to?

B. It seems that these people make just a too few use of the Health Service (nevertheless, this impression is not elaborated into data, statistics, analytical validations),

C. An explanation is needed for such a supposed attitude.

Instead of this simple procedure, we have an explanation, also advancing information: *whom*,

A. Due to their cultural roots,

B. Contrasting with social integration,

C. Require the assistance of the Health Service only rarely.

It has to be observed that, in this formulation, a fundamental rule is violated, concerning the preservation of text clearness, according which, in Italian, two relative clauses cannot be closed one into another (*telescope clause)*. There is a relevant coincidence between this negligence and the recourse to the more frequent *explanatory principle* (Bateson 1976: 75-98) of differentialism. There is a recourse to an explanation in terms of *cultural belonging,* also ascribed to heterogeneous groups, having in common just a preconception of *indistinct and open alterity* : "and of other communities": un example of how a juridical provision should not be written. It is particularly serious the judgement about the supposed cultural roots (a metaphor that naturalises a complex social phenomenon) of the mentioned population, contrasting the *social integration* action, addressed by this administrative text. A short circuit exists, as measures are declared, in advance, as invalidated or, at least, contrasted, while they are *perlocutionarly* implemented by this normative text. So that, from one side, there is an institution, knowing what is good for society and for Roma people, from the other one, Roma people, having a supposed and naturally expressed cultural reason, hampering, impeding, invalidating the decided positive measures, whose failure and ascribed responsibility are declared, in advance. The observation about the infrequent use of the Health Service is not supported by any evidence and it seems not functional to the deliberation, having as its object the health assistance, instead of confirmed rejection events. Signs for understanding unexpressed preconception can be found at page 2 of that document, where it is mentioned, at point 4, to involve ASL in projects to assure a periodical and continuative access that their "cultural roots" would impede. The recourse to "cultural roots" confirms that sense of misplaced concreteness, notoriously leading to fallacious results, according to Whitehead, cited by Bateson. This great epistemologist reaffirmed (Bateson 1976: 104; Bateson 1997: 108, etc.) that classificatory discourse categories, including "culture", are abstractions, whose constructed character is forgotten every time, in which a *real effect* is ascribed to it. What needs to be explained, i.e. culture, becomes a comfortable and even usual *explicative principle*, able to provide supposed or convinced explanations, but, in its turn, inexplicable.

4. The recourse to explanatory principles radically contradicts the characters of strictness and explicitness, characterising normative texts. Nevertheless, it is a matter of frequent fallacy, in texts involving Roma people. We can provide some samples of such a tendency. For example, in a document of the Tuscany Region Committee, the resolution n. 66/2003, while talking about "Struggle path against social exclusion", it is added: "able to allow a reduction of Roma families concentration in Florentine territory". This formulation must have been considered as appropriate to a following series of texts, regulations, conventions (see for example doc. N.35 on *Olmatellino* camp, paragraph 3 in Annex 3A), in which it is repeated, as a cut-and-paste. No diligent officer could think that, here, the means-aim relation is overturned. This relation should be stated in normative texts, by the greatest precision, in order to legitimate the perlocutive force of the text itself. On the basis of texts' titles, the purpose is to outline *a struggle path against social exclusion:* a worthy purpose of social inclusion, a principle to be obviously shared. Nevertheless, immediately after this generous and encouraging title, an expression starts to indicate the purpose of the previously expressed action: "*able to allow a reduction".* The declared aim of the above-mentioned title is subjected to another purpose: this can only contradict the "rigidity-explicitness" parameter.

The possible reconstructions of this argumentative trap can be two. In the first one, the identification of a means-aim relation is overturned. Is the purpose that of struggling against social exclusion or of reducing these presences – being deemed as thorny – in a territory? It would be sufficient to be honest and state the second purpose.

The second trap shows an unsaid preconception, in an underhand manner unsaid (Ducrot 1980: 1087), by a thoroughly studied movement, by pragmalinguistics. Here is the syllogism, whose reconstruction is left to the reader:

A. *If we* need to fight exclusion;

B. *And if* Roma families, by living close to each others, strengthen their cultural identity and auto-segregation mechanisms;

C. *Then*, we have to manage it, in a way that not too many Roma families can leave together. In both cases, we can observe unsaid impressions, undeclared purposes or preconceptions: but, the game of *dire et ne pas dire* (Ducrot 1979) breaks the strict rules of explicitness, identified by linguists, who are specialists in juridical language (Sabatini, Mortara Garavelli, Fortis). The relation between struggle against exclusion and "reducing" the "concentration" on the territory of Roma families develops through a series of avoided reasoning in a text that, by definition, must rely on maximum explicitness and cannot be based on not-clarified preconceptions.

5. The parameter of explicitness is not even respected, in particular, where statements of opening and acknowledgment principles can be retrieved. They are declared in total abstraction and without mediations, allowing identifying the stated rights by practical actions of concrete acknowledgment. In the "2007-2010 Regional integrated social plan" (mentioned in doc N. 92 Tuscany Region in Annex 3A) for example, it is mentioned the "[…] realisation of a plural and cohesive society, allowing everybody to strongly keep own origins and connected values". In Italian, it is quite difficult to explain the meaning of *strongly keep own origins etc.,* in particular, when lacking of any orientation on concrete measures that should be provided by the administrative text. Law 2/2000 of Tuscany Region begins affirming that "The present law provides norms to safeguard identity and cultural and identity development of Roma and Sinti people, to foster communication among cultures". Then, it is mentioned the *safeguard of nomadism,* which would seem a concrete application, although, this moves from an ascription of nomadism to Roma people that is detached from any historical-social consideration of the involved population, who is mainly made up by Roma people, coming from former Yugoslavia, and who settled down since generations, or even centuries. Anyway, later on, and in the administrative documents, referring to the above-mentioned law, as in the doc N. 89 Annex 3A, this "right" finds itself in a period that seems making no sense. In fact, the document aims at " the safeguard of identity and of cultural and identity development of Roma and Sinti people, to foster communication among cultures, the stopover and sedentariness". There are also proclamations of abstract rights, like: "identity, cultural development, intercultural communication" and of daily rights, also turned into abstract ones, like:"stopover, sedentariness", because deprived of a context. On top of everything, there is the risk of an ambiguous reading of the text, because "stopover" and "sedentariness" are aligned, at syntax

level, with "intercultural communication": these are all heterogeneous "things", not further detailed, to be fostered. In addition, even here, by exchanging means by aims, as observed in other texts, the safeguard of identity is declared as *finalised (in the purpose of …)* to communication (and, apparently, to stopover and sedentariness). Anyway, a reading is possible, to restore a possible unsaid meaning of such a confused formulation. We pass from identity to *development* (that would be needed by *their* culture), and the purpose will consist in the *stopover,* after ancestral nomadisms. The synonymous *nomad,* often intended in common sense as a *politically correct* euphemism for *Gypsy* (but what is, it is not, because the ascription of nomadism is stigmatising), emerges in many of these texts, contradicting another principle of textuality pertaining to juridical written works. This principle is the one of *avoiding synonymy:* the semantic bonds are in fact delegated, in juridical texts, "only to repetitions, substitutions or hyperonyms", but no symonyms that might produce arbitrary interpretations (Sabatini 1990: 295).

6. The intellectual and civil misunderstanding, leading to these statements, so contradictory with rigor issues in juridical language, probably originates from another typical movement of such principle declarations. The observance of subjects' rights is confused by the acknowledgment of supposed values of belonging, and not according to the implementation of the human rights universal declaration.

The respect for a Roma person, as a subject, is not a formulated or suggested principle in these texts. On the contrary, they repeatedly plunge people in a categorising denomination. In this way, already in several provisions' titles, like in doc N. 33 Annex 3A, it is not mentioned a welcoming of persons, but a "welcoming of "Roma ethnic group", and in doc N. 204 Annex 3A it is mentioned "Roma ethnic group temporary residences" (referring to a chief executive office document – *provvedimenti dirigenziali* – of the Munucipality of Florence 15/02/2002). This is like if residences would not be for persons and families, but for *ethnic groups,* a difficult ghost, to be hosted in a text, pretending linguistic precision and high grade of codification, but useful because, as an *explanatory principle,* it substitutes the unpronounceable *race* (Rivera 2007).

Other terms, retrieved from imprecise and stigmatising common sense language, unfiltered by the bonds of juridical language, are, for example, "neglect" (doc. N. 94, 89, 35 Annex 3A), a word that, in Italy, has been used, during the last twenty years, to indicate a decrease of *decency* (another misused term) in public places, generally due to immigrant and Roma workers, "infesting" them (Faso 2010: 52-3). Further, the term "clandestine" (doc N. 94 Tuscany Region Annex 3A) is used to define persons in situations of administrative irregularity, subsequently converted into crime, under proposal of the xenophobic party of Lega Nord (Faso 2010: 43). In the same text, it is even more serious the ascription of dangerousness and of "neglect" to the presence of political refugees. It is not known, here, if a discriminatory will prevails, in contrast with all laws of the Italian Republic, whose statement is respectful of asylum-seekers, or it is simply a matter of linguistic neglect, the same neglect leading to write, in a resolution of the Florence Municipal Committee, doc. N. 34 Annex 3A, "they keep out", a low level expression, definitely far from bureaucratic and legislative language. Such a border, between inacceptable neglect in a juridical text and common anti-Roma alarm expressions, is continuously crossed, producing several improprieties, vulgarities and visible scars in the redaction of documents, requiring a high, precise and unambiguous language. So, it is called "proposal" that one, which

is clearly an enforcement (doc. N. 34 Annex 3A). Generally, who does not accept such unilateral impositions loses all his/her rights. The right is shifted, it is no longer a person's right, but the right to accept what it is imposed to this person. In a decree, it is mentioned the "minimum level of integration" (doc N. 80 Tuscany Region Annex 3A – refers also to a decree of the 12.05.2009), taking also the measures to promote "the associated management (of) social assistance services and for the integration of foreigners, stateless or nomads (minimum level of integration). Thus, the term *integration* reveals to be what it means, indeed, in the usual sense: a linear path, with unilaterally measured levels, and not a holistic framework, allowing achieving balance and bilateral transformations (Faso 2010: 75-6).

In many documents, there is a reference to a Regional programme of development (es. Doc N. 79 Tuscany Region Annex 3A) "foreseeing [...] the contrast to social exclusion, *also* with regard to situations of extreme disadvantage". The word *also* is suspicious. It has widespread in laws and in administrative decrees, during the last years. This leaded, in other contexts (a Government decree on "security", enlarging police competence of mayors), to a declaration of unconstitutionality, by a verdict of the Constitutional Court nr. 115 of 2011, specifically pointing out the abnormal use of the term *also (Guazzarotti 2011)*. Wisdom suggests that if contrasting social exclusion, not *also,* but rather, it will have to include, even more so, situations of extreme disadvantage". Likewise in other cases, it might be said that the linguistic misleading is a track of the trend to totally ascribe the exacerbation of disadvantage to Roma people. In the same document, this is revealed by a word on the "increase of marginalisation" , that, in a context lacking of any reference to the historical-social situation, can only indicate the increase of a supposed auto-segregation: no other responsibility can be, in fact, identified in marginalisation mechanisms.

The last observation concerns the not infrequent use of a rhetoric element, the oxymoron, consisting in the convergent approach of two words, whose meanings are strongly antithetic, in our case: "sedentary nomads" and similar (see *infra* paragraph 5.1). It is a matter of intellectual paradox that, in poetry, produces a cognitive tension, but it is suspect of *mala adfectatio*, and its use is recommended just in presence of a strong will of *estrangement* (Lausberg 1949: par 389.2). Outside poetry, it remains the *mala adfectatio*. In the case of a regulating text, it violates the binding principle of semantic univocity. Nevertheless, it was noted by a jurist (Staiano 2006) that the oxymoron element systematically reappears in the Italian legislation on immigration.

7. It is possible, although respecting all the foreseen rules by a juridical text, that the obsession for some words, the ascription, and the fallacy of a misplaced concreteness might lead laws, newsletters, regulations and administrative provisions, to contribute in building, in a determining way, an image of Roma people, which is consensual, discriminatory and stigmatising (Maneri 1996). The element of surprise for researchers, during their analysis, has been, nevertheless, the trend to weaken the textuality of the mentioned written texts, to violate particularly rigorous rules, probably, because pushed by an aligned unconscious to the most reactionary common sense. Paradoxically, in this way, it has been possible to become aware, once more, of the possibility of laws to avoid defining shortcuts, subordinating stigmatisations, dehumanising categorisations, by respecting at best the bonds that a long civil negotiation produced in the juridical language.

5. Qualitative analysis of the documents

The previous chapter has opened the qualitative analysis of the documents, in particular, through the instruments of semantics and pragmalinguistics, which allow us to emerge from the documents keywords, topics and explicit metaphors (see also the "Introduction to the National Reports"), together with the Decisions adopted (order, advice, delegation, mechanism, pratice, apparatus). This part of the report, therefore, explores the documents by analyzing the meanings, stereotypes and knowledge that are below the texts. We provide a list of keywords, explicit topics, metaphors and pratices/apparati extrapolated from documents . This list has guided us along the analytical work. We chose, therefore, to group them into "families of concept" which should represent the units discussed in the following paragraphs.

5.1 Nomads and Camps
Sabrina Tosi Cambini

In Italy the public discourse about Roma people has been built on a deep misunderstanding: Roma=nomads. Their supposed nomadism is considered, in fact, their main socio-cultural identity feature, and the variety of Roma and Sinti groups is assumed inside the generic category of nomads, in which we can find again ascribed communities that, since centuries, do not practice any form of itinerant habit, nor they show features linked to the so-said peripatetic communities [10] (Rao 1987, Piasere 1995).

Nevertheless, this category is not certainly naïve. By reflecting, in fact, on assigned locations to nomad camps, if it is might be possible, to bear them in mind, as a photographic sequence or as cartographic survey, it could be possible to easily deduce the adopted parameters, so common everywhere to appear as norms of a reverse city planning (cf. Fondazione Michelucci: 1999), the one to be defined "city planning of scorn" (cf. Brunello, 1996): areas identification, in fact, often concerns spaces, aggregate to various big infrastructures, uncertain spaces of conurbation, former dumps. Far from everything and from everyone.

Besides the fact that 80% of Europe Roma people are currently settled down (Piasere 2004: 14), in institutional and juridical language they remain *nomads,* as nomadism is considered embedded in their Roma identity. Nomadism does not represent a "life style", but rather the affirmation of an irreducible distinction between "settled down/civil" – corresponding to "we", the majority – and "nomads/uncivilized" – i.e., "they", the minority as "interior foreigner".

This contributed to build, with regards to Roma groups, a differentiating treatment and it can be understood, thus, from one side, the reason why very few Roma people, when migrating towards Italy, following Balkans' conflicts, could have recognised their juridical status of refugees and, from the other side, the centrality that the nomads theory had in many Regional laws, focused on creating "equipped transit and stopping areas". This contributed in supporting the orientation of institutional policies in considering Roma and Sinti groups, as subjects without a country of origin, to be substantially addressed in terms of containment. So, the model of the "nomadic camp" has spread like apparatus (Foucault) that produces the "institutional exclusion" of the Roma and Sinti and a continuous control against them.

The abolishment of differences among several groups and the reductionism implied, while considering Roma people, just a public order problem or just a poor and social excluded issue. These are the supporting elements of camps' policies. The latter built throughout the years an extraordinary and exception state, by creating real paradoxes (*the camps,* in fact), sustained by oxymoron that can be retrieved in institutional documents. The most representative is the one that we can define of stable temporariness: documents are full of terms and sentences like: "temporary residences", "temporary home", "extraordinary reception", "extension of extraordinary reception", "temporary residences", "temporary displacement".

The Institution creates a negative circle, by responding to a situation of hard housing challenge (for example, shacks along a river) and of inappropriate accommodations for people's and families' lives (separation of family units in hosting centres, roulettes, containers). This kind of solutions should last for a very limited time (because they are considered, by the Administrations themselves, as extraordinary accommodations to respond to an emergency condition). Nevertheless, they last for years, sometimes for decades, re-defining people's lives, within a situation of permanent temporariness, uncertainty and – consequently – of housing uncertainty.

This institutional origin of extraordinariness and of exceptional nature can appear sometimes in following wide programmes, addressing the "overcoming of camps" – in which it is also affirmed a generic acknowledgement of a culture (but, which one?) and/or of an identity (but, whom do they mean?). It disappears, instead, from all those documents, in which a politically correct "*mea culpa*" is not needed, but it is needed, instead: decision-making, funds allocation, designing administrative, political, and of social work mechanisms. On the contrary, in those documents people are placed in a marginality condition, of which they would be responsible for the most part (without specifying not even whom the other part of responsibility should be ascribed to, despite the several European admonitions [11]).

The fluctuation between public order issue and social issue, in 2007, following a public anti-Gypsy discourse (at the same time, sustained by mass media and by several political representatives) focused on first one: at national level – with strong impact on local level (see 5.3 *infra*): *nomads and dangerous classes* become the same issue, whose correspondence at spacial level is constituted exactly by the camps.

From 2007, and, in particular, from the 2008 to the 2011, in Italy we can find acts in which, if it is clear the effect of indirect discrimination, their direct discrimination nature is also visible: the Government Decree 21 May 2008, known as "Nomad Emergency Decree", which was extended in 2009 and 2010, was also a declaration of the state of emergency in relations to the "nomad camps". This Decree is based on Law No 225 of 24 February 1992, on the establishment of a national civil protection service, which empowers the Government to declare a state of emergency in the event of natural disaster, catastrophes etc. Though this Law contains no reference to situations arising from existence of "ethnic" groups, the issue of the Roma and Sinti has been considered like a natural calamity or catastrophe! In this way, it must be tackled with extraordinary means and powers.

After this Decree, the Prefect of Naples (with the Prefect of Rome and Milan, and after in 2009 also the Prefect of Venice) has been designed Special Commissioner for the Roma and Sinti emergency, granted extraordinary powers to carry out the interventions in his region (OPCM n.3678 of 30 May 2008). The specific powers include

the monitoring of formal and informal camps, identifications and census of people, measures aimed at clearing "camps of nomads" and evicting their inhabitants, as well as the opening of new formal "camps". We have collected some documents from the Prefecture of Naples and from the Municipality of Naples, about the actions and projects linked with those "specific powers". Fortunately, the Decree – and subsequent extensions – was annulled by State Council in its ruling no.6050 of 16 November 2011. Subsequently to this, the Prefectures had to stop the ongoing interventions. The Prefectures will have to restore to the Ministry the financial resources not committed, yet, which then will be re-assigned to complete the work, which is not yet finalized.

After a few months, at the end of February 2012, A "National Strategy for the inclusion of Roma, Sinti and Camminanti" is produced by the U.N.A.R.(a governmental body, working against social forms of racial discrimination) as the implementation of the European Commission Communication n.173/2011.

By diachronic analysis of these documents, it emerges that, during the time, the term "nomads" has progressively lost its reference to a supposed lifestyle, becoming, more and more – and explicitly – a personalogic aside category. This is a categorization process, finding its completeness in the "*Patti per la sicurezza*" of 2007 [12], in which dangerousness is the central trait of this category. It is this dangerousness to become the only justification for defense measures that majority society must pretend towards nomads. This process will lead, on the following year, to the already seen Presidential Decree.

5.2 Words of reception/treatment
Sabrina Tosi Cambini

From analysed documents, the perspective of Institutions emerges, towards Roma people, seizing different dimensions of the encounter between majority and minority, in which the first one consider having to face a "Gypsy issue", whose declensions can be summarised in this outline:

– Social exclusion/inclusion, marginality, "at-risk" categories. This also includes a sort of ethic and moral "recovery", through, in particular, paid work and children's education. In this sense, we can have, from one side, a misleading overlapping of being a Roma person and being a poor (with all the sociologic implications of the "poor"); from the other, a latent certainty that Roma inclusion will not happen only through the social autonomy, made up by a house and a work, so much pursued in projects of assistance and in social contracts, but also through the consideration of an educative action, able to transform them in "good" and "civil" citizens/adults.

– This second aspect is deeply linked to the construction, by Institutions and by a wider society, of a Roma identity, categorised as nomad, according to the dichotomy settled down/civil – nomad/uncivilized. Even where policies admitted the "guilt" of the nomadic paradigm, while facing relations with Roma people, this approach keeps on circulating even in most official contexts (cf. Tuscany Region Council member). The term nomad seems, thus, as decayed, mainly for reasons of politically correct language, rather than for a real change in mental patterns addressing Roma people. By that, we could explain, maybe, also the fast spread, in Italy, of Roma categorization as "pre-modern", so that it became a new scientific stereotype,

immediately included by Institutions in their texts (cf. Senate). This would also explain why Roma people are sometimes considered without a culture and sometimes with a *C*ulture, having never had any declension. For it, its acknowledgement can be declared but impossible to be practiced (how can we recognise what we do not know?). Sometimes they are bearer of cultural traits, built in antithesis with our presumed culture (scarce parent attitudes, misogynists)

– Being *poor* and *nomad* (nomad is the foreigner par excellence), they are, thus, *dangerous,* by definition. Therefore, the "Gypsy issue" has to be intended, also or mainly, as a public order issue: control mechanisms – including *camps* and operations of identification and registration -, moving away, evacuations.

Social exclusion and marginality

As a matter of fact, it is inside these two huge "box-notions" that Roma, as a great number of *different* persons, are located. Even being a sociological age-old custom, the second notion is nowadays often used in an exchangeable way with the first one by Institutions, mass-media and all those who – with different roles and points of view – are committed to social issues. We should at least remember that by "social exclusion" we indicate a process, while by "marginality" we indicate a status. The exchangeability that emerges from the documents, first of all denotes, in our opinion, a diffused confusion, by which the social phenomena are named and the tendency to crystallize the life situations of people in troubles, i.e. identifying the first ones with the second ones.

In a long debate [13], both of them are undoubtedly the priority references of the policies (of contrast towards social exclusion, of contrast towards marginality, etc.) and of consequence of projects and interventions: people think to have to work with marginal and excluded persons, giving low attention to put these notions under discussion.

Either the word marginality or the one of exclusion rely on spatial metaphors that are focused on two dichotomy couples: centre/periphery, inside/outside. The space is the social space; the space relation spreads the power relation that is embedded, then, in the representation itself that one has of the social space in a specific historical-cultural context [14].

These dichotomies actually create two alterities in which the first one executes a power (cultural, economic or political) on the second one that tends to maintain the dichotomy itself: who is "inside" or "in the centre" decides for himself/herself and for those being "outside" or "in the periphery".

If it is true that since about twenty years, we observe an increasing worsening of social inequalities (the well-known "scissors" differential), it also true that, at the same time, – obviously, the two things are closely linked – we assist to the weakening of a whole system, which made a person be somebody who was "secure", "inside", "in the centre" (and this is the process that mostly destabilises). The so-called "vulnerability" is by now a condition in continuous movement, in which millions of people in Europe are actually involved. People who are not related to "histories" of poverty, that we could define generational and that have been shift into a new definition (the one of "new poverties") or fluctuate very near to them. On the contrary, either exclusion or marginality are notions that denote very different images: as a matter of fact, they outline clear borders, they act as a watershed, they create a "rupture". Using great sharpness, Robert Castel has compared the

current centrality of the increasing rate of precarious employment to the centrality of nineteen-century pauperism in the first industrialisation dynamic [15].

Talking about marginality, saying social exclusion, at an operative level sets a great problem by now: the one of indicating nothing, and on the contrary of hiding a situation that concerns the whole society (who is at its centre!) and the relevant processes of change.

Concerning Roma people, risks of an uncritical use of exclusion and marginality categories, leaded to a substantial overlapping of being a Roma person and being marginal/poor/excluded. For example, it can be read: "In Campania, some big groups of the society are at-risk of exclusion: unemployed of long-term, young people with a low education level, families with occasional revenues, immigrants, Roma and Sinti people" (Social Plan of Campania Region, chapter 9. Vulnerability, discomfort, integration: policies of contrast against poverty, p. 113), and "[...] to promote special inclusion and combat poverty [...] better emphasizing the struggle for youth employment [...] and for the creation of opportunities for most disadvantaged individuals and groups, *like* Roma people" [...] (ibidem, our *italics*). Cited texts have no discourse on antidiscrimination and/or anti-Gypsy, as a reference, but they only refer to poverty, where the justification of Roma people as an aside category is justified in itself (sometimes it is joint with the one of immigrates), and, in addition, it is used in a paradigmatic way. Their families, with occasional revenues; their young people, with a low education level, etc., could not be included in above-mentioned cases, instead, they constitute something aside, to be explicitly distinguished, only by the Roma word. Further, not only Roma people are considered all the same, ascribing them an "ethnic" uniformity and abolishing, so, differences among the several groups, but it is ascribed them also a status uniformity, as there would not be (and it would not be possible to be) any social stratification, inside their groups. It is like if Roma people could be defined in an assertive way (who they are, or better, who they are supposed to be) only when they become visible, through the typical welfare categories.

Autonomy, making responsible for and social contract [16]

When facing these keywords, explicit topics (autonomy, making responsible for) and the related mechanisms (now we will see, in particular, the "social contract", then, "the assistance"), let's begin by a sentence: "A sanitising [*sanabile*] family or not". This appears in the evaluation criteria, belonging to many administrations' documents, concerning projects, carried out by them, through, in particular, social services and/or delegated services to bodies of the Third sector (thus, social operators of associations and cooperatives).

The metaphor is strong, it picks up again the dominant medicalizing discourse and it is at the base of the so-said individualised "treatment" of families.

Besides the typical categorizing way of the classic *welfare,* at least from the Nineties, we assisted to a progressive fragmentation of the services, corresponding to a body control (Bergamaschi, Fassin etc.). Among the elements at the base of that mechanism, there was certainly the one of reductionism, too: the reduction of the person to the own "hardships", somehow "diagnosticable", like to say a "social diagnosis" (together with a medical-sanitary one) or also a socio-sanitary one (such as in the case of drug-addicted persons). If the medicine reduces the patient's body to its "corporeity", the social assistance/social operator acts in the same way: disconnects the person from his/her socio-cultural *milieu,* till the point of ignoring his/her reality

of social person (cfr. Collière 1992), making him/her to coincide with his/her "hardships" represented by a social problem, corresponding to a series of possible services. At this point, people who, more than others, show those "symptoms" (here is the medical language: the symptomatic uneasiness and a– symptomatic…) that can be reconducted to already determined "social problems" are called as "multi-problematic".

The interpretation inside the pathological order – most of all psychological and psychiatric – is often used in paths and practices to which we do not compare, inside which we often do not know how to find a sense, and therefore, we end to find a certain support in the medical-psychiatric categories.

Pierre Aïach sets a phenomenon to the base of it, that is historically and sociologically relevant and that refers to all the industrialized countries: the medicalization. He identifies four forms of expression of it, among which we highlight some aspects of interest:

– The extension of the medicine's competence field, and of everything related to it that nowadays relies on the formidable scientific legitimacy, by which it benefits; the health integrating elements of the social field that, since that point, were escaping, offers to the medical *expertise* new dominations of activity.
– The propensity –highly interiorised – to declare, at first, light symptoms, health and disease problems. This phenomenon can be analysed as a product of many factors that are translated in a modification of the problems and symptoms perception threshold.

The medicalization is a dynamic phenomenon – Aïach explains – that marks our society in depth that orientates the economic development, the social practices, the expectations and the satisfactions/dissatisfactions starting from the objectives and purposes about the health if understood as supreme value. The use of the medical-psychiatric categories to reflect on the more different social situations is not only accepted, but it is also considered aprioristically legitimate. According to Pierre Aïach, the ps500isation occupies a place apart in the more general process of medicalisation/sanitarisation, due to the fact "that there is a heavy tendency to respond, by a psychological approach, to the several social problems, whose solution depends by politics of opening, demanding considerable resources, an aim and a political willing that those people who govern us do not have" (2006:73).

In France (and in the United States, too) this dynamic is more evident in comparison to the Italian context, either because people often go to the psychologist as a much more widespread praxis, or because there are many governmental records clearly foreseeing the introduction of such a professional profile in the équipe of treatment. In Italy, the ps500isation is less institutionalised (even if not so much, anyway…) and, at the same time, less subject to a critical look. Nevertheless, it is strongly present in the usual procedures and in the approaches. We can just think to the higher and higher demand by the social operators of psychological or psychiatric kind of interventions, to the fact that cases arriving to and taken in charge by the mental health services, are cases in which the psychological problem does not exist (not even the psychiatric one), to the increasing recourse to the individual "development" and "auto-determination" paths, to the so-said *empowering* approach, to the abuse of the suffering language (not the social one, a critical approach that we will see later on), to the education of the social operators, that does not develop a critical and political interpretation of the social issue, etc.

More than twenty-five years ago, Robert Castel – referring back to Elias' thought about the civilization process as a process of rationalization and psycholisation, and to the Foucault's analysis of the psychiatry – theorised the emergency of a new psychological and relational culture as a further form of totalitarianism.

Such a culture distinguishes itself from one side, for an over-investment of the relational practices and, from the other one, for being strictly linked to a psycho-analytic approach: "psychologies and relationalities play the role of substitute of a social in crisis" (Castel 1981:197).

The management of the risks is shift on the development of psycho-relational techniques and of intervention on people, that does not represent a reinforcement of the already existing systems, rather a completely new strategy of managing diversities, fragilities and risks, working on the "human potential" (*potentiel humain*).

The author, then, registers the advent of fresh forms of treatment for social problems, starting from the management of the person's peculiarities and affirms the evolution of the society towards a "post-disciplinary" order, where different strategies co-exist. Among them, there is, just, the administrative policy of "handling the risks", that distributes people *à problèmes* inside specific circuits. In his analysis, the social work finds itself re-positioned to the edges of the psychiatric expertise, of the sanitarian action, and of the "therapy for normal people": the diffusion of the psychological and relational techniques participates not only in the management of the social, but in the manipulation of people, too.

Starting from Castel's thought and from the autonomy issues, of the modern, hypermodern or hyper contemporary person construction, Didier Vrancken (2006) suggests that rather than talking about psycholisation of the social intervention, it is much more important to elaborate the hypothesis of an in-depth transformation of the social policies, starting from the extension to several sectors of treatment way and of intervention on people (2006: 27). A re-orientation that comes true by the "individualisation of the socialisation ways concerning social risks" (ibidem:29).

It is this "individualisation" that – according to the Institutions and the Third sector – includes Roma people inside a social work of that kind. According to them, it is not the psychological aspect to be addressed, but the cultural one – or, even better – the absence of culture, of which they are *bearers*, in an analogical way that can be compared with the psychological pathology. It is like if their (non-) culture would be embedded in their bodies – as Roma people – like a disease is and/or like a psychological discomfort of majority society members. Which are, in fact, principal parameters to evaluate if a family unit is sanitizing or not? Or, in general, on what can be *the families' integration measured?*

– The juridical status of its members, in particular, of those coming from former Yugoslavia countries, if they have their documents or not, and, in case, if this can have a solution or not (and likewise) but mainly;
– If they have or could have, by a support to a working activity search;
– If they have or could have, by a support to the chance of paying a housing rent or not.

The parameters are those of economic autonomy and this becomes the objective of the social action (for example, "assistance to the autonomy of family units" etc.) inside a precise institutional cultural idea concerning work – which must be a paid work– and that has to be an ordinary housing. According to the Institutions, these are the exact perspectives lacking among Roma people.

In fact, inside Institutional projects (delegated to Third sector or not, which seems to be not only adjusted, but also supporter of this approach), focus is never only on housing and/or working problem solution, but also on educative action towards Roma people that seems to be inseparable from those public order problems. It constitutes the pillar approach of these projects, exactly because Roma people – according to this perspective – must be educated to be citizens.

The new ways of social intervention, in fact, are accompanied by the idea of "protagonism" of the person, the one of his/her "responsibleness" concerning the own situation. It is a very widespread praxis (unfortunately, as a "good praxis") that the person – holding rights – becomes part of the contract of assistance, negotiated with the institution, where the mutual duties are written. The praxis, about which we are talking, as a matter of fact, incorporates either the logic of the contractuality, or the one of the user as consumer: so, logic of market. Further, and even more important, if such a contract – as Vrancken notices – is inspired to the contract of work, nevertheless it would be misleading to render them comparable: "the contractual relation is not an authentic relation of negotiation or of market between equal *partenaires* " (2006: 30), the two parts are not juridically equals and the public strongly predominates. What comes out is a simulacrum of a real contract, like if the parts were really come to an agreement after a negotiation, like if the willing, the wishes, the thoughts of the two parts had been expressed freely, like if the contract would be the result of a voluntary agreement. Here is, thus, how the person is led to take a role of protagonism, of direct participation in the own project/programme and also – corollary of moral order – having got responsible i.e. responsible for the own path. The mechanism is very subtle: the public institution gets concretely and in substance to modify slightly its own way of looking at people in hard difficulties but, at the same time, shifts the responsibilities of the "inclusion" or of the "insertion" path on the person. To this double advantage of the public, an ambiguous re-positioning of the "user" corresponds. And there is another parallel shift of responsibility: from the institution to the one of the individual operator.

Let's look more carefully: the public recognize to the user the status of subject of right; it makes a contract of assistance with him/her in which its own power dominates in the objectives, in the praxis and in the timings; the "user" has a strictly reduced margin of negotiation; the two contractor subjects are both responsible for the undertaken commitments: the public substantially for what concerns the resources, the subject in practice for his/her willing of accepting. The public intervention often takes form in the so-said service of accompanying: an operator (or a small équipe) becomes the interlocutor of the user (the family, in our case). The operator often finds him/herself alone in welcoming the expectations and the wishes of the user, or alone in supporting him/her in the search of a job, of a house, etc. Yes, because in most cases, the famous individual project (vs. the standard path of the former kind of assistance) becomes just a gasping search of a work or of a house, in which the operator beats against the macro-structural variables (as the "Tuscany Roma Project" showed). So, first shift:

– the users (in our case: the Roma families, in particular the "capofamiglia") are responsible of their own path,

– these persons are considered as follows: in the bluff of the juridical system as citizens holding rights and duties; concretely, as marginal, excluded people, but also as people who are unable to establish

relationships by the rules that the services and the market require, without a "culture of work" (modern, wage earning, fordist – post-fordist, but also, in general, of work as "struggle", in banal affirmations of many institutional representatives that can be summarised, as follows: "they are parasites, They are not willing to work"), without the supposed awareness, typical of a citizen, without the appropriate cultural basis to live, according to the supposed cultural models of the majority society,
– the intervention is wholly shifted on the person/family: in primis it is the person, who has to be modified.

Second shift:
– the public/institution puts the resources,
– thus, the public willing exists,
– the one belonging to the person? The old but crucial issue of the user willing – shadowed by the juridical system – comes out again.

Third shift:
– the public/institution models the intervention via the operator, who accompanies the user in his/her own path,
– the responsibility of the public shifts on the operator's or on the équipe's shoulders.

What does it happen at this point? The Institution delegates its own mandate to the Third sector (social cooperatives, associations). The operator (or, in best cases, the équipe) has a pragmatic vocation, his/her intervention is strongly focused on being able to find work opportunities for the assisted person/family, together with housing facilities, and a special attention by the operators to minors regarding their schooling. Difficulties and contradictions emerge:
– the rents of the estate market are too high (not just for Roma!);
– from the work grant (often built by facing complex administrative-bureaucratic passages) there is no link to an effective work;
– the operator feels like a sort of Don Quixote, who fights against the windmills: the "accompanied" person has not a house, nor a work and has crossed different worlds than those of the operator – sometimes he/she understands him/she, sometimes not;
– the operator feels his/her social mandate as not so clear, the objective – the autonomy of the subject – is too hard to be reached. The life situation of people are too complex; the resources at disposal for the operator in the end are always the same (work grant, training course, dormitory..); he/she observes then the vanishing of his/her intervention, because he/she finds himself/herself in front of the work market wall;
– the operator feels the whole load of the person's path on himself/herself; he/she feels as complex the responsibleness of the "user", there is something that does not make sense…it is not easy to deal with the marginality… with Roma…
– the critical elements of macro and micro nature end to be the same at the sight of the operator… **55**

sometimes, the second ones go far from the first ones: the actual situation is hard for everybody, the "precarious" situation is widespread, but the persons to whom our intervention is addressed are particularly weak;

– the operator gets, obviously, in confusion (i.e. "They don't tell the truth", "they are note collaborative");

– the "user", who was not concretely involved in decision processes, remains stuck in various spheres of different nature: with the operator develops a personal relationship mainly good, with the Services maintains a more or less inexistent or bad relationship. The person knows that nothing of what he/she thinks about himself/herself or about his/her wishes has been taken into account by the public; in the fictitious space of equality of the parts, in the assistance contract or in the personalised "programme", anyway tending to his/her "responsibleness", for the person "it is, thus, important, [...] to try and keep control of oneself and of the situation, to try and cope facing who intervenes" (Vrancken 2006: 31).

The difficulties encountered in bringing forward the above-mentioned "contracts" are interpreted, in our case, as a scarce commitment/unwilling (unwilling to adhere to the project) of the person/family.

About Roma, the individualisation of social problem leads, thus, to a shift of reading about such problems, of the praxis and of the policies connected to them:

– the interpretation of the issues is not linked to social inequalities, to difference of levels in the power, to physical and symbolic violence present in the society,

– this means "to ethnicize" the problems and,

– somehow "to naturalise" problems,

– creating an ideological production mechanism of false interpretation about the situation and about legitimating powers,

– the response to social problems occurs in a depoliticised way, renouncing to an effective transformation of the reality,

– a neo-liberal ideology asserts itself, in which we find three fundamental points: "1. The need of giving back to the individual persons/family/group (vs. the large collectivity) their own responsibility in handling risks; 2. The idea that the risks can be evaluated, therefore foreseen, thus, assured; 3. A concern itself of the assisted persons as people at risk for the maintenance of the social order" (Sicot 1996: 72).

5.3 Security and Public Order

Virgilio Mosè Carrara Sutour

The barometer of the system: an open container (considerations on "public order").
In the collected administrative documents' text, there are several mentions on "public order", likewise in other official contexts (we allude to existing references in legislation or to acts, issued by judicial authorities). The fact that it is a matter of an aside category and not of an establishment, regulated in precise and defined terms, is evident from the constant absence of definitions or clarifications, accompanying each single reference. The act reading (the linguistic con-text) hardly helps to shed light on meaning, as perhaps it might

emerge from the detailed motivation of a verdict: administrative provisions do not contain reasoning of facts and of their link to norms and principle of right. More in general, public order appears to be something that does not need of definitions, an untouchable placed superstructure. In effect, it shows itself as an absolute limit of compatibility with the system and its principals. In absence of univocal definitions by the normative corpus, we cite a recent contribution, from the so-said "living right":

For the civil Cassation, public order is *formed by a set of principles, inferable from the Constitutional Chart or, anyway, if not finding place in it, [...] able to characterise the attitude of the system itself, in a determined historical moment and to form the cornerstone of the ethic, social and economic structure of the national community, giving to it a well identified and unmistakable character* [17].

The "open" nature of the category makes it take shape through the safeguard, by the system, of distinguished interests, going beyond the sphere of individual freedom. From a combined reading of the Constitution, *public order* intervenes in reducing personal freedom, in limits of preventive detention (art. 13, 5), freedom of circulation (jointly with the safeguard of public *health,* art. 16, 1), freedom of gathering (jointly with public *safety*, art. 17, 3); good habits constitute instead a blockage to freedom of the press (art. 21, 6) and of religion (art. 19). Each one of these interests can be considered as a sectorial or thematic declension of public order, implicitly emerging by other norms, too (for example, art.18 about freedom's limits of gathering, defined by penal law). Given its general and virtual open-endedness, it expresses a compression on all fundamental freedoms, from the personal one (the principle of legality in penal area has, in fact, a formal nature – art. 25, 2 Cost.) to civil and economic freedom [18], constituting for any internal or external juridical system, the barometer of system's legality. Concerning the absence of definition, documents addressing Roma people that, as such, have an enforceable and not interpretative nature, do not make any exception: we won't find in them any inherent reasoning to public order. Here is a textual example, from a municipality in Verona's area:

> The Mayor, considering the Municipal Regulation on the management of the stopping-camp (art.2); considering that, following some effectuated checks, some impediment elements subsist, concerning the safeguard of public order and of good management of the Camp, also in consideration of the situation of overcrowding that would be determined, does not authorise Mr. [...] to any temporary stop, with his family unit, inside the Camp [...] [Municipality of Cerea, Mayoral Provision nr. 16694/1997].

In Art.2, Clause 3 (regulating camp's availability) of the cited "Management's Regulation", we can read: *[...] same allotments might be temporary reduced, because of the safeguard of hygiene-health or public order,* while the first Article ("Object") closes with a reference clause, *concerning here not-included items , [...] under state, regional and municipal in force norms [...] in the field of civil right, of public order safeguard and of safeguard of hygiene-health.* Considering its meta-juridical and structured nature, it is legitimate to wonder, which discipline of public order, the present regulation refers to, also observing that it always results approached to another common good (in this case, Health) concretely more "visible".

The first legislative definition of this concept, intended as an establishment of administrative[19] right, can be found in D.lgs. nr.112/98, re-defining the structure of Civil Protection, in compliance with the principles of subsidiarity (vertical and horizontal), which took place in the second half of the '90s. In Art.159, 2, we can read that *public order* [has to be] *intended as the whole of fundamental juridical goods and of primary public interests, on which the regulated and civil coexistence lies on, in the national community, as well as, the security of institutions, of citizens and of their goods.*

The security of any legal entity (either physical persons or social structures, public institutions or private citizens) is both physic (value of safety) and patrimonial, while "primary public interests" are, in the interpretation of constitutional judgment, *only those interests that are essential to the observance of a regulated civil coexistence* [20]. In order to understand the role of public order, with regard to housing policies of settlement or enforced moving away from an area, by Roma and Sinti families, we should search for its contents, in the profile of public security and of its foundations, taking into account that it exists as many "public orders" as the fields of interventions of public authority in the safeguard of specific social guarantees.

Roma people and public security

When the first decree was issued by the chief of government on "nomads' emergency" (2008), the Municipality of Genoa renewed (with the Prefecture, the Province and the Region of Liguria) the "Agreement for a Safe Town" 14/07/2007 [21], by programming, upon initiative of the in charged Assessor, a series of interventions and following integrations to safeguard urban security. Common commitment was based on contrast, through prevention, to *criminal phenomena, producing a widespread state of uncertainty among citizenship (…), mainly connected to […] illicit behaviours, generating social alarm* [among which] : *[…] presence of nomads and irregular immigrants, unauthorized housing occupation by the latter, phenomena of social discomfort and urban neglect (damages, arsons, garbage neglect […]* [Municipality of Genoa, City Council Resolution nr. 264/2008]. It has to be observed that, in this case, the mere "presence" of classified persons, according to a supposed, as well as, undefined housing modality (also, when the "irregular" adjective is referred to them, assimilating the condition of "nomad" to the one, also controversial [22], of "clandestine foreigner") is significantly equalized to a series of crimes like: theft, robbery, drug trafficking, damages. It is also referred to behaviours like: "unauthorized commerce" (i.e., crimes of falsification or piracy) or "widespread street prostitution" (serious evidences of inherent crimes of exploitation and aiding and abetting). On closer inspection, the two sets can partially coincide: the "nomad" might be somebody, who immigrates to stay; instead, differently from the "immigrant" and according to a stereotype not extraneous to the bureaucratic environment producing the above-mentioned act, the nomad results "unstable" in space due to nature or culture, both when he/she is included in temporary housing solution and when he/she is "unauthorized". Coming back to the already cited D.lgs. 112/98, the identified subject as "security police" (preventive safeguard from acts in contrast with the sources of set of rules, safeguard of public order and security) is covered, for public interest, control and unity reasons, by state reserve of law, as specified in new Article 117 of the Constitution [23]. At the same time, the functions of regional and local administrative police (instrumental and ancillary with regard to the substantial functions of active administration) are defined and regulated at Art.159, Clause 1.

The security police is centred on the concept of "prevention", to safeguard people by direct intervention of public power, on the basis of primary collective rights and interests, related to the coexistence context. Prevention has, in itself, guarantee and limits: "positive" freedoms *of* citizens-clients (so-said "social rights") and security *of* subjects (individuals, social units, institutions), through the restrictions, produced by interests of public order. Later, we will see how, in current neo-liberal and of State decentralisation policies, the two levels ("security from" and "security of") blur, with regard to "nomads", in an anomalous way.

Concerning the related concrete translations, there are two channels of intervention in preventive activity. The first one deals with objective situations of danger or of beginning of penal illicit activity, through surveillance, controls, authorisations, licences issued by the Prefect or by the Mayor, as local authority of public security. The second channel aims to identify supposed subjective conditions of dangerousness, reported by the police (in charged authority), on the basis of a judgement of value, concerning people usually involved in crime activities or living by related income; it is a matter of crimes against minors of age (physical or moral integrity), public health, security and serenity (it has to be noted how the link between the two levels, regulated by distinguished disciplines, can constitute only an eventuality, despite in the agreed official discourse – "Safe City" – or of emergency – Decrees on nomads –sometimes tend to overlap).

About the emblematic case of evacuation, public order acts, even when not mentioned, in the way of public security and safety safeguard (jointly with "health").

From the order of evacuation to "restore" the ex-Camp in Foce of Genoa neighbourhood, in the *narratio* of this act, it is considered that, besides the usual parameters of public health and hygiene, *it appears no longer acceptable to prolong a situation, which is considered source of danger in terms of security and safeguard of people,* considering necessary a *civil arrangement of those family units elsewhere.* Further, in the mechanism, among the delegated duties to the police headquarters (Questura), it is included the support *for all interventions and compliance of pertinence by public security authority, which might be necessary to implement the present order.* This is a clear evidence of a wide discretional margin [Municipality of Genoa, Mayoral Order nr. 190/2006].

Imperative reasons of public safety and security, assumed in the expressed s*afeguard of public order,* still sustain the urgency of the evacuation of a civic property building, located in another territorial section of the same city (Molassana). This is object of *unauthorized occupation by a consistent number of nomad subjects, of Romanian ethnic group, using these premises [...] in situation of overcrowding.* Further, *repeatedly elaborated measures, by in charge Offices, to inhibit the access to the structure and to avoid damages to other people, are not sufficient to guarantee public safety* [Municipality of Genoa, Mayoral Order nr. 55/2012].

Security is here threatened by dangers of structural (places and settlements condition, limited availability in comparison to the number of people) and hygienic order. It is of interest observing the building, as a particular object of safeguard, also physically "aggressed" by unauthorized occupying people *because the particular morphology or this structure allows the entrance from several points.* This happens despite *interventions to close accesses to it* [ibidem] and the fact that only third parties must be protected from danger, i.e., whoever lives (or happen to be) close to the building, health and safety, totally disregarding "unauthorised nomads".

As a temporal manifestation (deriving, in concrete, by urgency) of public order, security also comes from physical "cleanness" and from spacial "order", sometimes loosing materiality and assuming a moral

connotation of "neglect" or a social one of "discomfort". In "emergency housing situations", the threat to the safeguard of primary interests contributes, at municipal level, to define the classification for the assignment of ERP accommodations to Roma and Sinti people. Acting within his/her technical-administrative functions and on the basis of objective effectuated surveys, an officer can declare that *a building is not in conformity with standards (…), it is occupied in an unauthorised way, without any title to it […] as lacking of security, health-hygienic and structural requirements, as well as, a system compliant with legal standards […] to safeguard private and public safety.* [Municipality of Legnago, Managerial measure ("Order"), Prot. nr. 35613/2012].

According to the interpretation provided by the Home Office Ministry, *by public safety, it is intended the physical integrity of the population and, by urban security, it is intended a public good to be safeguarded by defense activities, in the area of local communities, in compliance with norms regulating civil life, and to improve life conditions in urban areas, as well as, civil coexistence and social cohesion* [24]. In terms of urban security, as meant by the authentic interpretation of the above-cited Decree, the living condition of a Roma settlement is always doubtful, even when it is conceived and authorised by a Regional law, with all local specific amendments (the regulations of Molassana and Bolzaneto Camps are always "temporary"). Besides this factual premise, other less clear and less measurable reasons allow to consider coexistence and social cohesion more as an obligation, rather than the effect of possible choices, by those people, who suffer an evacuation.

"Return to the order" (conclusions)

Objectively untouchable values of the system, besides playing a prevention role in positive freedoms, also protect (no longer from State, but) *from* "objective" dangers, themselves, but concretely measurable and subject to census, but able to resist, anyway, to the imposed change. The presence/emergency of Roma people, their problematic "impurity", released to the power of special commissioners and to the (extraordinary) power of mayors, is a particular form of this resistance: the couple of terms of "not-contingent and urgency", equally as in public order, does not result elsewhere defined [25]. Roma and Sinti people are perceived, as such, as a public order issue, due to the fact that every aspect of it involves them.

The "return to the order", wished for Roma people and foreigners, through "integration", corresponds in the first case to an inversion of values: if, from one side, Roma people, in order to remain so, practice strategies, rendering them invisible among non-Roma people, from the other one, to access to the effective safeguard of fundamental rights (formally already acknowledged) and to become visible to the non-Roma society, they should renounce to behave "as Roma people". This inversion is symmetric only in an abstract sense, corresponding to a loss for people with their past. The fact is that "society" includes both Roma and non-Roma people, which does not seem evident to the administrators, not even in phase of proceeding (i.e., that formal path to the act's issue). The inclusion in the name of order can, thus, involve a rooted division, which is a mirror of the politic imbalance of an entity that continues to auto-define itself as "national community"[26]. It remains the doubt on the fact that even tacit allusions to public order and security act, in the *ratio* of public officers, within the conceptual limits of their historical relativity, being able to be subjected (especially the first establishment) to judgment of value, based on common feeling (not really corresponding to general principles of the system, although they might be flexible) and, exactly for this, to arbitrary extensions.

5.4 Decorum and Hygiene

Virgilio Mosè Carrara Sutour

Decorum

> *Residents are required to comply with the rules of hygiene and public health, dignity and decency of the area, daily cleaning of the pitch assigned. [...] The residents who cause disorder in the camp with [...] vandalism against equipment or towards third parties will be immediately removed, except for the assessment of facts, for which we will proceed also by law, in relation to their gravity* [Municipality of Genoa, City Assembly Regulation n. 1792/1988, Art. 7, paragraphs 4 and 6] [27].

> *Users are required to occupy the housing unit completely according [...] to the current Regulation of Urban Police, and in particular to the relevant requirements of cleanliness, decorum and order, as well as the peace and safety of the whole residential area. [...]* [Also] *they must not improperly use or occupy the public green and the streets with various materials and objects nor let animals free to vacate* [Municipality of Venice, Regulation's Scheme annexed to City Council Resolution n. 634/2009].

In both the documents mentioned above, rather distant in time and respectively directed to "nomads" and Sinti, we can find explicit references to "decorum". Then, the question arises about how perspectives have changed: despite a quite apparently similar practical content, there are signs of changing towards a more structured regulation firmly focused on urban safety.

In the older Regulation, the mentioned provision takes an aesthetic-stylistic nuance in relation to housekeeping obligations, traceable by analogy in Art. 1120 of the Civil Code [28], covering the structural changes made to a residential block. At this point, it is important to remark that "decoration", "decor" and "decorum" are three distinct concepts, but in italian language are denoted by a single word: "decoro" – this fact can actually produce semantic overlappings and confusion.

In the architectural sense endorsed by the case-law [29], "decorous" means "in harmony with the style of the building." It begs the question of what was the "style" of Bolzaneto camp in the late 1980s. Conceived as a temporary accommodation, the camp included the prohibition of making permanent changes to the structure, cleaning obligations and the respect (about number, positioning and perimeters) of each "stall"[30] assigned.

Moreover, we can notice the most significant difference looking at the safety duties inside / outside of the area, for which the Venitian document refers to the Municipal Regulation on Urban Police [31]. According to Artt. nn. 12 and 13, this last measure sanctions practices that are considered to be against decorum and decency (going bare-chested in public places and on public or private transportation means, damaging the urban space, including public parks and private buildings).

Briefly coming back to the repeatedly mentioned Ministerial Decree (of May 8th, 2008), we find here the recent meaning of decorum as a public interest expressing the quality of urban life, in the same sense taken by the Venetian Regulation:

The Mayor takes action to prevent and oppose [...] any conduct causing the deterioration of urban quality [...] [and] any situation altering the urban decorum (Art. 2, letters b and d), which are, after all, the same expressions of decay already seen.

Again, in the same provision we find public "decency" and '"carelessness" (i.e. the lack of care for the everyday environment), also relating to decorum and clearly reflected in the local measures. This subject, although symmetrical with respect to decay, seems to involve, in addition to public space, those actors (and only *those*) being outside the settlement areas: the third parties injured, for example, by abandonment of dangerous objects at the roadside, by the *continued presence of nomads*[32] just beside a sports complex or by caravans parked near a commercial establishment, juridically harming its "image"... The question remains whether the references to "aesthetic and environmental aspects" (the "Landscape"[33]), contained in the above-mentioned Resolution[34], are dictated more by image concerns (also referable to territorial institutions[35]) than by the need of a civil coexistence with the camp inhabitants. Therefore, the concept in analysis lends itself to considerable ambiguities, arising from a growing imbrication of different sectors and disciplines, which emerges in local executory measures; this aspect generates interpretations that are not always clear and consistent, involving at least three meaning "areas":

– the aesthetic force of its etymology (which we shall talk about in conclusions), with the resulting inclinations towards landscape and the protection of a territorial image, in accordance with the Regional Plans; it is the language concerning "beauties", the "traditional aesthetic value", the environment-landscape becoming an "heritage of identity resources" (Clementi 2002), from which "nomads" would seem logically cut off;
– the legal system of urban safety (as discussed in the previous paragraph), combining the material conditions of inhabited sites with an urban space's ethic oriented against "deviance" phenomena: the lack of decorum is a sign of both moral and social decay. An "indecorous" life will therefore be contrary to "decency", because its lacks of values shared by the rest of society;
– starting from this second sense, the external features of decay/decorum transfer, at times, directly to the occupants of urban space as a result of a spread meaning, close to the person's "honourability", which exists in our penal context [36].

As we have seen, decay has to do with the local deterioration and the brutalisation of persons, taking a moral, sometimes aesthetic nuance, in opposition to decorum. Etymologically, it designates the descent below a minimum threshold (of liveability, of dignity) which provides a "place" in society, thus it constitutes a "loss". In contrast, the Latin term *dècus* connects "convenience" (from which the noun "decency") connects "convenience" to "beauty" and personal "honour", until they will find consecration in "glory" or, at least, in the orderly and *civil coexistence* within the citizen's "own" public space. Often abandoned in historical town centres more than in suburban areas, this space is perceived as an environment loaded of dangers, where the management of essential services is privatized and citizens become "customers", under a predefined system of information and access to goods and resources.

At the perceptive level, decay arises from administrative texts more as a defect in *living* than featuring the inhabited space, pervading the places occupied (legally or not) by "nomads".

Hygiene: the good fortune of a social metaphor

Among the active stereotypes against Roma and Sinti in Italy, the hygienist paradigm played – and still plays – a central role.

The Ottawa Charter (1986) identifies, in the subjective rights (i.e., as directly claimable) to housing, schooling, environmental health, healthcare service, a pre-requisition to the exercise of the "right to health". Despite the widespread references, in national and regional sources, to the international set of rules, the texts issued by local administrative bodies adopt another language, which is very less structured. Here, Roma and Sinti, instead of being entitled to those rights, become "physical" obstacles to their exercise.

The Gypsy, as a dirty person, besides that biologically convoluted and socially deviant has allowed the Western Europe political systems to shape themselves, on the basis of a "fully" negative representation and of a total non-involvement towards public order values, defending the state. The national identity, in order to define itself with respect to Roma people existence, needed two components: a powerful metaphor and an absolute disownment of juridical subjectivity.

The stereotype range addressed towards Gypsy was wide and tested, already during the Ancien Régime, by the idea of a separate "race of people", also "unruly" and without "history" (Piasere 2009: 52-53), sustained by the myth of damned stocks (Cain and Cham) and by the collective imagination and, later, by the modern positivist "raceology". These interlinked images work in a non-linear way to the conservation of an unbridgeable distance, between the majority society and the Roma people: the Gypsy, even when living nearby, still remains a "foreigner" and his/her taking roots appears as a contradiction. Nature's supremacy is, thus, invoked, as an objective guarantor, to validate irreducible differences. To this end, politics and biology joined forces to provide exact demonstrations of antisocial behaviour of individuals and human groups. After being discredited, at a scientific level, the reasoning, at the base of the existence of genetic defects, inferior races and criminal minds, was run out. By commutation, i.e., without losing the initial repressive requirements, it comes back, as effective for Roma people, an ancient element, something of "prosaic" and material (consequently, less likely to be attacked by anyone seeing in it a source of discrimination): the garbage, their living as "dirty" people, in the dirt.

Etymologically, the Italian term "sporco" (dirt) comes from the Greek *pèrkos*, "of dark colour, blackish, mottled by spots" and, backwards, from the Indo-European root *parc-, sparc-*, "to touch, to sprinkle, to spritz". Farback, Mary Douglas shed light on the declensions of *impurity* and on how the act of violating hygienic provisions and interdictions related to physical contact, ingestion, sexual relations, can lead individual actors and the whole society to a situation of insecurity and danger (Douglas 1966). Concretely, even touching a Roma or *Romní* person has always been a disgusting action for many people. Like forbidden food (for example, the pig, between two prototypes, as from Douglas' ethnography), borderline social realities, escaping from the existing cosmological order, are, from one side, potentially dangerous (if we would live as gypsies, the system would get into a crisis), from the other, classifying objects, behaviours and persons as "marginals" is

63

useful, exactly through their interdiction, to strengthen the society, by structuring it. Concerning possible connections, between the Roma community and the dominant society, to the "fluid" taking roots, by the first, through a scattering on the territory, corresponded, during the last two centuries, an "exclusivist" political identity, enmeshed by social control in the fight for real or unreal threats. A question can be raised: *what* can constitute a danger for current societies?

To recall an historical example, In Chadwik's London, sustaining public health reform (La Cecla 1993: 17), the urban lack of healthiness was associated to "social pathologies" (revolution included) and to forms of "neglect", a smoky concept, which is very trendy, in Italy, nowadays, particularly in local administrative acts, addressing "nomads". The fact that "irregular marginals" like Roma people, by their mobility, could create problems of public order, emerges by the police reports, of that time, stating an increasing control, accompanying to the border and expulsions, between 19th and 20th Century. Although, European Roma people's history can be interpreted as a travel along a series of geographical (changeable) and ideological (scarcely negotiating) "borders" (Piasere 2004: 63), their juridical subjectivity is systematically denied. Deviants by nature, accompanied to borders and expulsed, they are not entitled to legally stopover in a territory. They are a social "plague" (i.e., an incurable harm) and they do not form part of a juridical relation with the public authority. Here is the eternal anatomic metaphor of a society, suffering from murky harms: the path to recovery of a sick body will need a definitive surgical solution – a "final solution".

Very close to the first welfare policies, the italian Statute n. 1423/1956 on "Measures for prevention from dangerous people, for security and public morality", offers an effective tool to the police, in order to expel Roma people stopping over the municipal territory (see also: Piasere 2012: 68). Among the affected people, there are also those, who, on the basis of factual elements, are considered as habitual offender "those, who offend or put in danger the physical or moral integrity, health, security, or public calmness" (Art. 1).

In Art.5, about special monitoring cases, the "idle" and the "tramp" are compared to "the person who is suspected to live by crime's income". As it can be observed, public security, morality and hygiene are strictly related and dirt is a hardly decomposable attribute, between body and mind. Beyond the regional laws issued in serial sequence to regulate the stopping over of "nomads" in the municipalities, the issue related to the legislative silence, addressed to Roma and Sinti people, seems not to be an obstacle to public powers. On the contrary, it facilitates their action. The hygiene paradigm has been functional to inclusion or rejecting reasoning, like settlement evacuation for apparent public hygiene and social security reasons, the "state of emergency" declaration, disinfection campaigns addressed to Roma children, considered as lice– or other parasitic-bearers in school environments (among the many existing cases, see the case of the School Institute of Via Baccano in Roma or the project "Water and Soap", promoted by a public school for minors of age in "Campo Tribolino", Milan). In the second case, to the discrimination accusations, it is responded that it is a "simple matter of personal care", an obligation towards the collectivity's interest: *collective* measures, adopted towards a "*simply* dirty" collectivity, in favour of another one. By the legislative Decree "Bindi" (n. 299/1999), modifying Statute n. 833/1978, establishing the National Health Service, mayors do not manage the health service in own territories, any longer. Nevertheless, they still have a planning and an evaluation power on Local Health Centre (ASL) director general's performance. Further, they can adopt provisions, in case of

"intolerable environmental conditions" or of "incumbent dangers", by the obligation of informing people, about the risks to which they are exposed to. It is up to ASL to define the framework of hygienic and health conditions of a housing settlement: when operators consider them as "alarming" or "(absolutely) inconsistent with human life" (this was the opinion of ASL, in La Spezia, last September, with regard to the evacuation of "Campo di Boschetti"), the technical advice is sufficient to indirectly produce an enforcing act.

An example, in this sense, is the evacuation Order n. 944/2009, by Venice's mayor of that time. The Local Community Health Centre (ULSS) note, requiring a "necessary hygienic-healthy reclamation", is accomplished by a prescriptive act. This is issued in the purpose of avoiding the risk of a "natural" human disorder. Besides "serious conditions" and "very serious hygienic inconveniences", we can read the "proliferation of mice and other animals, rendering necessary an immediate disinfection", the "outdoor everyday life", with "out-of-control fires" and "the spread of diseases". Such a framework constitutes a "serious danger for nearby inhabitants' health, for people in settlements, themselves, and, anyway, for the whole collectivity" (italicized by us). Differently from the person living on the street and his/her personal conditions, Roma people are considered dirty in their whole and their ethnic dirt safeguards, first of all, the border with the neighbours, living outside (the "real" collectivity).

The dump, as an abusive or legitimate "field" is often considered, exists, starting by people occupying that space. So that, in Liguria, while Roma people of Molassana work for the Public Multi-services for Urban Hygiene, in the separate collection of rubbish, at "Campo di Boschetti" (La Spezia), resident people of the quarter regularly get rid of their rubbish. If it is so, garbage remains untouchable and it has nothing of evident: to go around a dump means to hazard into the territories of the sacred.

The other relevant etymology, to investigate the gaps of a so-guarantist political talk (playing on the combination of the following affirmations: "in the end, it is true that they are dirty!", "the interventions are addressed to improve their conditions"), is exactly that of the Italian word "*mondo*" (clean, pure), from which we get the Italian word "*immondo*" (dirty). Its root is the proto-Indo-European *mand-*, meaning "to adorn", "to shed light (where it is lacking)", "to shine". Who is "*mondo*" (i.e., clean, pure) is bright, clean, tidy; so, it will be, also for the Pythagoreans, the space in which we live, ideal of order and beauty. To reject Gypsies into the sacred dark, from which they came, is a power's duty, negative source of their impurity. The democratic *rumor,* meanwhile, develops its function of servant: "The *im-mondizia* (dirt) is an objective fact, it has nothing to do with ethnical prejudices!".

6. Case study: Cerea and Legnago [37]

Leonardo Piasere

Differently from what we decided about other places – being also research objects of the present Report – concerning Cerea and Legnago, we searched and retrieved a documentation, covering a time frame of forty years, in order to explore eventual changes, intervened in the bureaucratic terminology, which is the focus of our research. Cerea and Legnago are two small cities in Western Veneto Region. They constitute the focal point of the so-said Southern province of Verona. These county seats are at 8 km from each other

and their municipalities are neighbouring territories (see Figure 1). The Municipality of Cerea's population census passed from 14.878 inhabitants, in 1971, to 16.251 inhabitants, in 2011, while, in Legnago, during the same period, went down from 25.967 to 24.992 inhabitants. Economically similar, they present a strong agriculture development in rural areas (plantations of corn, wheat, soy, beet, grapes, fruits and vegetables, besides cattle breeding) and a marked development of small and medium-sized enterprises, in urban areas. There is a prevalence of specialised business in heating systems and in mechanics, in Legnago, and of furnishings industry (period style furnishings, in particular) in Cerea. These two cities are also politically similar, having faced, since the '80s, an almost regular alternation, between Centre-right and Centre-left administrations (with some prefectural compulsory administration). However, it shows the characteristic of presenting a discrepanced alternation, because, when a municipality is ruled by Centre-right, the other one is ruled by Centre-left. This confusion was somehow reduced, during the last fifteen years, which could see two periods of common politic: between 1999 and 2007, they were both ruled by Centre-left and, between 2009 and 2014; they were ruled by Centre-right.

The Administrations of the two Municipalities developed parallel, although not coinciding, social policies, during the last thirty years, towards Sinti families of Southern Verona area. They represent, in our sample, the situation that we can find in many small cities of the Valpadana, a region with a centuries-old Sinti presence. First, ancient Italian States (see Fassanelli 2011), and, later, the United State (Illuzzi 2007) engaged an also centuries-old fight against "Gypsy" nomadism, and Sinti from Valpadana directly suffered from these policies, including transfer and internment policies of Fascist period (Trevisan 2013). Some of them were activists of the partisan movement of 1943-45 (Karpati 1962). Collected documents show how the fight to nomadism, during the last forty years, was substantially delegated by the central State to peripheral administrations, especially to municipal ones, which, in their turn, often tried to delegate it to charitable associations, particularly from end of '90s onwards. This fight essentially involved families of the so-said from Veneto Sinti, whose family networks spread in all Verona province and to the groups of Lombardy, Emilia, Trentino and Friuli. The situation in the two Municipalities shows different images of such devolution to the *process of enforced settle down, by administrative measures.* Let's indicate the distinct phases in the two Municipalities.

Cerea

Documents indicate that, in the area of Cerea, it was set up one of the earliest areas for stopping of "nomads". It was in 1969, when, in Italy, the issue about nomadic area was just beginning. That area lasted very few, as, in 1974, a Mayor Order banned "nomads" from the whole municipal territory. Nevertheless, in 1976, there is already another area that is the only space in which "nomads" are allowed to stop. These are the years in which Northern Italy administrations feel pushed, from one side, by the tradition, originating in anti-vagrancy laws, allowing them to chase away "nomads", to their liking, and to spread signs in municipal territory, saying: "Forbidden stop to vagrants". From the other side, there was the Home Office Ministry newsletter of 1973 (ex pressing new sensitizations against anti-nomads prejudices) banning those signs and inviting Municipalities to set up stopping areas for "nomads". Facing these two kinds of pressure, the Municipality of Cerea's

administrations were caught in the "anti-Gypsy territories" trap that characterized many Northern Italy administrations of that time. In order to protect themselves from Gypsy presence, municipal territories become anti-Gypsy ones and they can structure themselves in four modalities (see Figure 2): a) the centre of the county seat, or the whole county seat is forbidden to Gypsies (anti-Gypsy protection of radial kind); b) the whole municipal territory is forbidden to Gypsies (total protection); c) only some places are forbidden to Gypsies (here and there scattered protection); d) only the stopping camp is allowed and the rest of municipal territory is forbidden (segregating protection) (Piasere 1991). The Municipality often passes, alternatively, from a (b) to a (d) kind of territory, during those years. The situation gets stable, in 1997 (Centre-left administration). Since then, the stopping camp receives a stable location, a definitive form and a regulation establishing it and managing its presences. Such situation corresponds to the current one, with the difference that, during the last years, another settlement of Sinti people appears, living in mobile housings, in a tolerated area by municipal authorities. The "Management Regulation of stopping camps for nomads" derives from similar regulations, elaborated since the '80s, in different Northern Italy cities (v. Piasere 2012). It specifies that it is a reserved space for no more than 50 people and that no more than 15 mobile homes can stop ("roulette, caravans or similar housing units"). During the last years, further, two families ask for the assignment of a council house, due to the existence of a disable minor of age or for health problems: one of them is allowed in 2008 (administration of Centre-right). At the beginning 2000, the Municipality ask for moderate funds to Veneto Region, on the basis of Regional Law of 1989 ("Interventions to safeguard Roma and Sinti culture") to provide school sustain to fifteen minors of age (enrolled in nursery, primary or middle school) or for camp restructuring. The fund request for an ethnographic research-action, jointly presented with the Municipality of Legnago, seems having received no feedback. It does not seem that administration delegates any kind of action to charitable association; minors of age with school difficulties benefit from a service centre, established by the Municipality itself. Municipal social services elaborate a yearly report on the state of Sinti families, with regard to children "school attendance", "economic dependency", "work and legality", "older people" "housing". The location of the Sinti camp is adjacent to the regional railways line and it has to be noted that, during this research time (March 2014), a two-year child temporary escaped from mother's control and entered in the track, through a hole in the enclosure, dividing the camp from the railway. He was run over by a train and immediately died. Exactly a few days in advance, a Sinti women's delegation had met the Mayor of Cerea to lament the state of the camp.

Legnago

From analysed documents, it emerges that, during the '70s, also the Municipality of Legnago was involved in that previously mentioned "anti-Gypsy territories" trap, building territories of (c) or (b) kind, for the whole decade, concerning "nomads tribes" passage.

Nevertheless, the prolonged presence of some Sinti families begins to be tolerated, whose situation can be precisely retrieved thanks to the documentation, provided by the Municipality Social Services, who used the Regional Law of 1984, since the beginning.

To part of those families (about ten people), it is allowed to occupy the premises of a disused municipal

property, in 1981-82; in 1985, the Municipality allows the residence registry to 39 persons, for a total of 6 families, 2 of which living in roulette, 4 in council housing.

It is since then that the Municipality of Legnago begins to activate a focused policy towards those Sinti people, facing the following steps:

1988	Moving away of families to an area for mobile housing and, at the same time, deliberation to build an "equipped stopping camp" of 2000 square meters;
1992	Places assignment in the new equipped camp "S. Francesco Village" (Committee of Left). Some places are reserved to "families in transit". Also this camp, like the one in Cerea, is located next to the railways line. A not-formalised "Nomads Commission" is constituted;
1996	A series of Orders invited the camp's inhabitants to keep it tidy (Committee of Centre-right);
1997	Idea of a socio-educative project addressed to minors of age and adults, only partially realised, with the establishment of a roulotte-school in the camp. The roulette will be burned in a few years;
1998	Abolishment of reserved places for "families in transit";
1999	Actions start to wash children, attending school. Children's washing take place at school or in a senior centre.
2000	Now Sinti people, living in the camp, are more than 50 and a planning begins to assign them council housing. Some Sinti people work in gardening cooperative.
2001-2002	First two assignments of council housing (Committee of Centre-left).
2003	A collaboration between the Municipality and voluntary associations starts, to sustain school and extra-school attendance, parenthood, etc.
2003-2006	Another camp of 2-4 families is pointed out, located in a private property.
2006	There are about 130 Sinti people in Legnago (inhabitants of authorized camp, of unauthorised camp, council housing) (Zanella 2006).
2004-2007	The assignment of council accommodations to Sinti families continues. They leave the camp, little by little. At the end of 2007, Sinti families are scattered in the municipal territory (see Figure 3).
2007 (4 July)	By the scattering of families, the Municipality considers as "concluded, the first phase of social integration" and it disposes the closure of the equipped camp (proposal of the administration of Centre-left, unanimously voted by the Municipal Council).
2007 (12 July)	The Municipality warns 14 Sinti families, living in a house, to respect shared apartment block rules, in particular schedules of quiet, and to avoid an excessive number of "friends and relatives" visits.
2004-2009	Collaborations between the Municipality and voluntary associations continue, to sustain school and extra-school attendance, parenthood, etc, by different origin funds. On the basis of available documentation, between July 2003 and January 2009, the Municipality allows a total of 160.592 Euros to associations, in particular, for socio-educative actions addressing Sinti people (Committee of Centre-left).

| 2009 | Ongoing – After the constitution of a Centre-right Committee no fund allocation appears in the documentation. |
| 2012 | Order of evacuation for 4 Sinti families, occupying the disused premises along the railways line. No disposition foresees their re-accommodation (Committee of Centre-right). |

Administrative Language

As we can see, in these two near Municipalities, which are similar for many reasons, the adopted social policies are quite different, with regard to culturally and historically similar Sinti families, present in this territory, since decades, and showing strong kinship bonds among them. In the case of Cerea, there is a long-term policy (since 1969), acknowledging the stopping-camp, as a Sinti space. Such acknowledgment does not go together with an intense socio-educative work, by the administration (independently, from the political party) that, throughout the years, preferred to – as written by the in charged officer of Social Services in 2007 report – "limit the relations with resident nomads, in Cerea, within the borders of reciprocal appreciable communication", i.e., keeping a segregating but not invasive coexistence. In the case of Legnago, instead, it developed, in particular by the Centre-left administrations, an "integration process" that foresaw the steps: 1) acknowledgment of Sinti presence since the '80s, 2) set up of a stopping camp, with a somehow relevant socio-educative services assistance, also thanks to the creation of an ad hoc voluntary group, 3) assignment of council accommodation, and consequent scattering of families, with continuation of ad hoc socio-educative actions, 4) interruption of any intervention, by the constitution of the last Centre-right administration.

Now, these parallel and different histories enough reflect in the applied terminology of administrative documents. We could say that the Municipality of Cerea's documentation gets little by little ethnicised, while the one of Legnago gets more and more de-ethnicized, to become more "social". Thus, the terminology of Cerea's documents shows an evident continuity with the one still used in the '70s, when it was insisted on nomadism and on its culturally subversive character.

Therefore, they spoke about "nomads' caravans" (*carovane di nomadi*) and of "nomads' groups" (*comitive di nomadi*), to be moved away and to be segregated in a camp, although the leanings to 'bureaucratise them' allowed creating funny expressions like "travelling nomadic staff" (*personale nomade viaggiante*) or "nomadic staff, travelling by caravans, roulottes, etc" (*personale nomade viaggiante con carovane, roulotte etc*). In more recent documents, like the "Management regulation of stopping camp for nomads" (*Regolamento di gestione del campo di sosta per nomadi*) of 1997 (Committee of Centre-left), it is now mentioned "contingents" (*contingenti*) of nomads. Roulottes are mentioned, but the reminder of ancient caravans is expressed by "caravans of similar housing units" (*carrozzoni o simili unità abitative*). This expression, from one side, renders even more ancient their nomadism, and, from the other one specifies it, in a world in which also many not-nomads use roulottes for tourism. The process of administrative ethnicization is:

– *Terminologically* evident, when from the term "nomads", in theory defining a condition, we pass to the term "Nomads", in which the capital letter tries to acknowledge an "ethnic" identity, even to include totally transparent expressions, like: "nomadic ethnic group", "(Sinti) Nomadic ethnic group", "of Sinti origin nomads";

Figure 1. Municipalities of Cerea and Legnago   Figure 2. Anti-Gypsies territories (Piasere 1991)   Figure 3. Roma Families in Legnago

Figure 1

ANTI-GYPSIES TERRITORIES

a)

b)

c)

d)

○ **Forbitten territory**
● **Permitted territory**

Figure 2

Figure 3

LEGNAGO MUNICIPALITY

⊗ CAMP 1992-2007

✕ DISPLACEMENT OF FAMILIES IN SOCIAL HOUSING

○ CAMP IN PRIVAT PLOT OF LAND
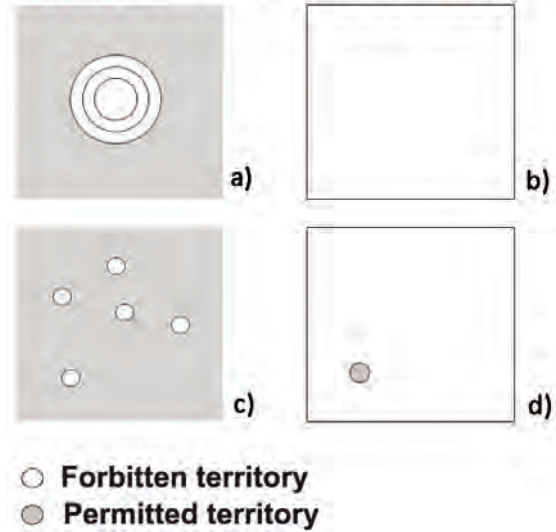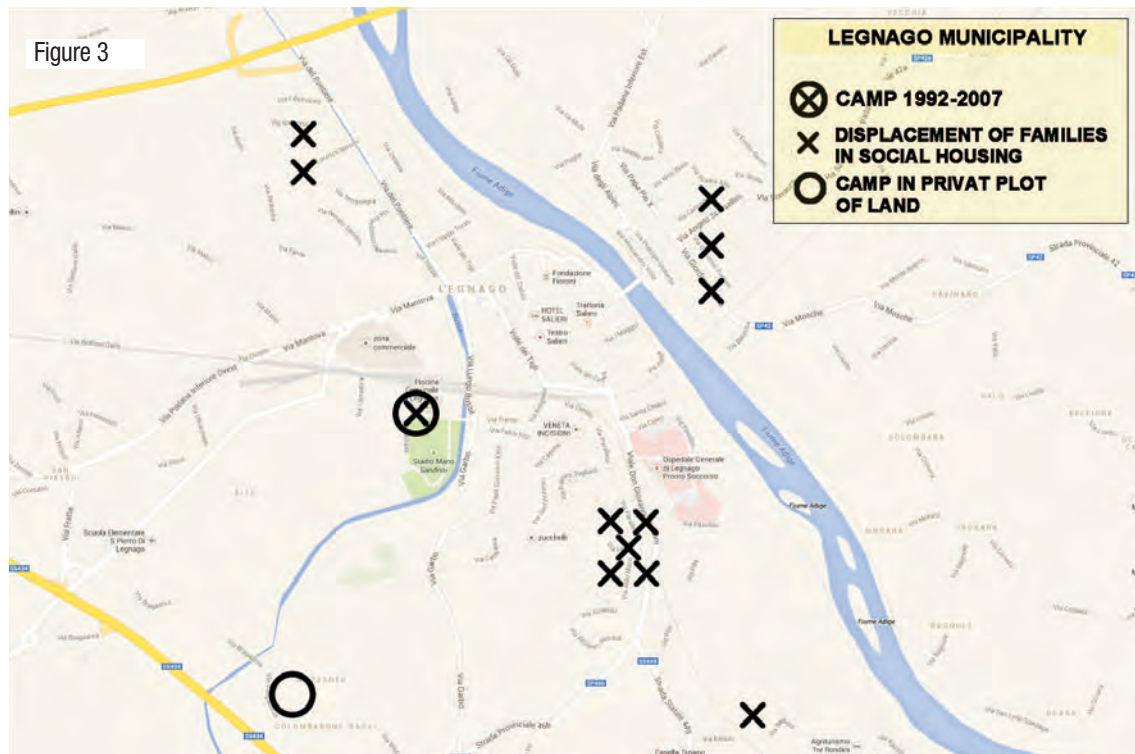
- *Politically* evident, as the provided documentation has shown us that all funds are requested to the Veneto Region, on the basis of the Regional Law "Actions to safeguard Roma and Sinti culture";
- *Taxonomically* evident, when it is insisted on nomadism, while it is evident that often the trait characterising it is totally lacking, i.e., the mobility on the territory. Thus, in the Camp Regulation, we find mentioned: "resident nomad families", nomads in "situation of real settling down", "settle down kind of stop", "yearly renewable stop".

The tautology becomes, thus, a political-administrative construction with performing capability, even when it is recognized that nomads are citizens: "The main part of citizens that can be classified as "nomads" lives, in this Municipality, in Nomads Camp of Via Firenze, as decided and arranged by the Municipal Administration" (from the report of Social Services Office, 2007).

In Legnago, too, during the '70s, it was insisted on "nomads' tribes" or on "vagrants' groups" and on "nomads' caravans" and it is on the characteristic of nomadism that the "nomad camp" is built, precisely, in 1992. It already foresaw, anyway, an appropriate area, inside, for "housing emergency", constituted by prebuilt elements. The documentation shows that the camp "handling", by the administration, will never be easy and the inhabitants are often invited to clean it, to keep not too many animals, to respect the assigned spaces, etc., together with some events, often noted elsewhere, of attempts by the stronger family network to "take possession" of the spaces, managing from inside, both the presences and the spaces. It is a fact that the administration and the volunteers identify internal dynamics, as a result of marginalisation, social discomfort and poverty. Social actions, consequently, are proposed by a never strongly ethnic terminology and, apparently, more and more de-ethnicized, in which, disappearing the characteristic of nomadism, only remains the indication of social precariousness. Meaningful is the totally aseptic terminology of assignment acts concerning "housing of public residential building", issued by the administration and involving the former inhabitants of the camp. Anyway, it is essentially an operation of bureaucratic rhetoric that can be observed in many other contexts, affected by the "anti-Gypsy democracy" (Piasere 2012) that in reality builds the Sinti community, as a target-group, characterized by marginality-deviance-maladjustment-poverty. Interventions are never planned, as community enhancement acts, but always as acts of containments-recovery-prevention. Sometimes, documents' writers cannot avoid remembering the cultural belonging of target-people, so that, some expressions appear, as: "schoolchildren of Sinti-Veneto ethnic group", but always in contexts of foreseen actions of social recovery. It is meaningful, for instance, that some Managerial Determinations pass from talking about "(ex-nomad) Sinti families in situation of discomfort" to "families in situation of discomfort", in a few months and without any problem of interpretation, as the target is implicitly clear. In administrative documents of Legnago, it strongly results the importance of the unexpressed implicit, with underlying explicit, trying to come out. Thus, the frequent use among Sinti people, to give to their children the mother's surname (nowadays, a recognised right at EU level, strongly sustained by Sinti people, first!) has been, if not criminalised, at least, stigmatised, for years. This happened even by simply joining a convention of Verona Province, concerning "social interventions for minors of age, only acknowledged by the mother", addressing "poorest bracket of the population" like: "single mothers, prisoners,

women coming out from prostitution, separate women". The Committee Deliberations, following the above-mentioned Convention, rapidly passed from "social interventions for minors of age, only acknowledged by the mother" (2003) to "Educative sustain and of parenthood for unmarried mothers and Sinti families" (2005, 2006, 2008). Considering that, in Legnago, Sinti families were the only target of the Convention implementation, Sinti mothers were, for many years, taxonomically compared to "single mothers, prisoners, women coming out from prostitution, separate women"...

From this point of view, the case of the three-sequence phases is transparent: free stationing in roulotte → camp construction → delocalisation in apartments: the apartments' assignment and the definitive dismantling of the camp are considered as the conclusion of "the first phase of the social integration path". Here, the term "integration", often substituted by the one of "insertion" (always foreseeing an "entry" in broader society that nomadism is considered to hamper-impede-forbid), is clearly indicated as "assimilation-integration", in some documents concerning "sustain to Sinti minors of age". As resulting by a precise study, during the years of the delocalization to the apartments (Zanella 2006: 100), the whole operation was carried out without considering the family organization of the Sinti community, based on what the anthropologists call the "nuclear family of bi-local proximity", i.e., the model foreseeing the autonomy of nuclear family, tending however to live next to other bilaterally related units.

The "sintinosis"

The dose of politically correct rhetoric, emergency inside the ethnic element, transparency in real intentions, is evident in the central idea linking the expulsions of the '70s and the integrations of 2000: the hygiene. Experts say that hygiene is the result of interaction between environment and human health, for it, the risk of damages due to an extended exposure to environmental agents, is identified as a hygiene risk. In particular, the exposure to the risk of contracting illness from animals is called zoonosis. In union orders of the '70s, it was evident that the moving away was done in the name of hygiene.

It has to be recognized that, Legnago authorities in that time were still transparent and they intended "hygiene" in its double meaning of cleaning and police. However, while the expulsion for police issues, about "cohabitations lacking of stable home [that] are of danger for the community, due to their impatience and rebellion manifestations against the provisions of in-force juridical system" (as mentioned in the evacuation orders of 1976 and 1977), was more and more difficult to be legally sustained, the expulsions for cleaning have never had any obstacle, due to the high decisional and discretional power of the health officers in the Italian system (Piasere 1991). For instance, an evaluation by the Health Officer of Legnago, in 1977, required to move away a camp of nomads, because, as "the hygienic situation of nomads and caravans results precarious", it was getting "source of danger for public health". In that time, it was not reflected on having to safeguard "nomads" health, but that of the other citizens, infected by nomads. Similar to the concept of zoonosis, we can say that all those deliberations created what we can call the *nomadnosis* or *gypsynosis* syndrome: the idea of hygienic risk, deriving from exposure to nomads and Gypsies. The already mentioned Order of the Mayor of Venice, in 2009, (see paragraph 5.3) which was cleverly analysed by a Roma student (Jovanovic 2012), is totally based on *Gypsynosis*.

In particular, concerning Sinti people, in Venice likewise in Legnago, we can more specifically talk of *sintinosis*. The fact that the "hygienic way" is a "pretext" for many administrators, the only way or the less problematic way allowing them to decide for an evacuation, a prohibition, an intervention chance, does not minimize, instead, it reinforces the cultural consolidation of *nomadnosis/sintinosis*.

It is undeniable that, throughout the years, the *sintinosis* seems having be reduced, in Cerea and Legnago documents. In the Cerea's camp Regulation of 1997, simply appears that the health vigilance pertains to the ULSS of the territory that must point out "to the Mayor, all situations and needs of intervention, related to the hygienic-health safeguard of the Camp and of people" (art. 12). Ten years later, however, in the report of Social Services Office of 2007, it is pointed out that "problematic issues still remain in the hygienic-health control" and that Municipality keeps on safeguarding the maintenance of the place to guarantee "most decent life conditions", while it is immediately specified that Municipal Police and Security Force "monitor the situation".

It comes out again that combination of cleaning/police, which is typical of traditional *sintinosis*. Also in Legnago the "hygienic way" has never been totally abandoned. The hygiene issue remains a permanent feature in administration concerns about the life of "S.Francesco Village", and often, Sinti people are warned to keep the area tidy and empty.

In the report of the association, funded by the Municipality by an allocated amount as "various expenses for nomads' camp", in 2005, it is stressed among "strategic objectives", the elaboration of a "Monthly report on hygienic-health conditions of the camp".

On the other hand, as punctually informed by the *Dossier on Sinti community in Legnago, from 1981 to 2004* (Lonardi 2005) in 1999, a case arose about Sinti children "smell" at school. For them, likewise in many Italian schools during the last fifty years, moments of cleaning and shower will be established, by the help of assistants, sometimes in the attended school itself.

The idea of *sintinosis* is so transmitted also by/in the education institutions. At the right moment of camp dismantling, in 2007, fearing that some other families could settle down there, the Municipal Committee establishes that, while the camp was still occupied, "there are no longer not even the minimum needed hygienic-health conditions for the residence in the camp of eventual other new family units". The "hygienic way" is a *passepartout*: it can build a camp and it can demolish it, it allows moving away "nomads", gathering them all together or scattering them, depending on the moment.

The "hygienic way" can be used as a pretext or real need, but, then, we can no more understand when a pretext or a need do exist. The observer meeting Sinti people the year before the definitive camp dismantling leaves a proof that makes us understand the sense of sterility of deliberating documents, assuming the function of a impeccable doctor, trying to keep the distance between own body and that of patients, surrounding him:

> "The state of neglect of S. Francesco Village is determined by the presence of disused *roulottes* and of urban solid garbage widespread everywhere, by the lack of water and electric services. The first ones are substituted by rubber canes (frozen in winter, hot in summer) and, concerning the second ones, by detachable wires, with serious risks for health and safety of residents. The neglect of this space is also

determined by a gravel road with big holes; high grass, growing around the *roulottes*; by dogs, full of ticks, going around the camp; by big mice looking for garbage; by a lot of flies, mosquitos, wasps and insects. During the observation period [2005-06], as testified by residents, too, it was never done any disinfection, never a control by the health authority; only during these days ecological operators arrived, taking some of above mentioned dogs to the kennel" (Zanella, 2006: 99).

The sterility, the de-ethnicization of the terminology are, thus, the new mask, behind which th cronic *sintinosis* seems to hide.

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[1] Referring to the excel files attached to the Italy National Report for the complete list and additional tables and figures, cf. Carrara Sutour et al., 2014.

[2] See in Carrara Sutour et al., 2014 the topics assigned to each document.

[3] This category includes: Regions, local territorial bodies, local non-territorial bodies (for example, Chambers of Commerce) and instrumental public bodies (like ISTAT or other special organisations).

[4] Besides the wide abandonment of state functions, it has to be considered the new measures of simplification of administrative proceedings (L. 127/1999), the privatisation of some public bodies and of activities, previously subject to authorisation, the frequent recourse of PP.AA. to outsourcing, the deregulation in work relations (L. n. 133/2008), the liberalisation of commerce (D.Lgs n. 114/1998).

[5] "*Testo Unico sugli Enti Locali*", i.e. D.Lgs. 267/2000, partially amended by L. 125/2013 (pursuing urgent objectives of rationalising and limiting flexible work in PP. AA.). It is a sort of "code" for local autonomies.

[6] It concerns a flexible system of management, as theorised by W.G. Bennis (1968) and, later, defined by A. Toffler (1970). It is based on decentred management and non-hierarchy of instruments and resources by a part of specialised and de-structured teams.

[7] See the relevant example of Liguria that by L.R. 12/2006 abolishes the previous law on stopping-camp of 1992 ("Interventions of safeguard of gypsy and nomad populations").

[8] For all the Annex cited see the National Report (Cf. Carrara Sutour et al., 2014).

[9] Cf. Italy National Report (Carrara Sutour et al., 2014: 44-49).

[10] Cf. Rao, 1987: by this expression, we refer to wanderer groups, with an endogamy social structure, practicing a kind of economic activity, consisting in providing services to clients. Nevertheless, not all Gypsy communities adopt wanderer strategies, as well as, not all wanderers can be classified as Gypsies.

[11] I.e. in 2002, by the European Commission against Racism and Intolerance (ECRI 2002), which condemned the deplorable living conditions of Roma people, in Italy, and the clear division between these communities and the rest of the Italian society.

[12] See Simoni 2008, Tosi Cambini 2009, and *infra* paragraph 5.3.

[13] See at least studies of : Robert Castel, Pierre Rosanvallon, Serge Paugam, Jacques Donzelot.

[14] To these dichotomised couples, Fassin adds the one of on/under which is typical of the notion of "marginalidad" (1996:38). It is important to remember that Bourdieu defined the sociology also as social

topology, referring to the possibility of representing the social world as a built space on the basis of the differentiation and distribution principles (1984).

[15] According to the author, we are in front of a new social issue: it is the failure of the salaried society to put under discussion the principles of the social cohesion and the basis of the social status.

[16] This paragraph draws on Tosi Cambini 2010.

[17] Civil Cassation, Sect. I, Verdict nr.27592, 28.12.2006. Object of the examined case was the principle, according to which, whoever affirms to be the father of somebody always is provided with the guarantee to act for the related verification, in court.

[18] To this end, see references to *general interest* and to *function* or to *social usefulness* included in the limitations to freedom of emigration, in first case, and to the economic initiative and private property (Cost., Title III).

[19] It can be, in fact, relevant as an establishment of private law (cf. Art. 31, disp. Prel. al Civil Code, as well as, Law 218/95 – *hic*, note 4) or penal one (see, to this end, Book II, Title V of Penal Code "About crimes against public order").

[20] C. Cost., sent. nr. 290/2001.

[21] It concerns one of the 16 "Agreements for Security", subscribed by the Home Office Ministry and by representatives of local institutions.

[22] In addition, in serious terms, no accused person for the crime of "illegal entrance and stay in the territory of the State" (so-said "clandestine state"), introduced in T.U. on Immigration (D. lgs nr. 286/98) of Art.10-bis L. 94/2009 (so-said "Security Package"), can be incarcerated only for that behaviour, integrating a violation sanctioned by a monetary penalty (from 5000 to 10000 Euros).

[23] In Clause 2, same Article, as so substituted by Art.3 L.Cost nr.3/2001 (reforming Title V of the Constitution, reserved to public territorial Bodies), among subjects for which State has an exclusive legislation, public order appears, jointly to security, "exempt local administrative police" (lett. *h*).

[24] Ministerial Decree of 5/08/2008, Art.1.

[25] See Art. 50, clause 5, of TUEL. (Testo Unico degli Enti Locali, D. lgs. nr. 162/2000.

[26] On the matter of security, see the Decree, at note 13.

[27] Concerning Genoa, it is the first "Provisional Regulation for the management of a stationing area for nomads in Bolzaneto – Via Santuario NS della Guardia", the only one before the new ("provisional") Regulation signed on december 16th, 2010.

[28] The last paragraph of Art. 1120 states that "Innovations which can undermine the stability or safety of the building, [or] alter the architectural *decoration*, are forbidden (…)".

[29] See the national Supreme Court, Decisions nn. 851/2007 and 8830/2008.

[30] *Sic* : Art. 6, first paragraph.

[31] That is contrary to the general reference to "vandalism" and "damage to third parties" contained in the genoese Regulation. It should be noted that vandalism does not constitute an autonomous kind of crime, being able to integrate other conducts specifically regulated (see, for example, Art. 639 of the Penal Code).

[32] Expression reported from a reminder (Municipaliy of Genoa, Traffic Department Office, September 8th, 2006).

[33] Today, the protection of the landscape assets is regulated by Legislative Decree n. 42/2004 (the so-called "Urbani

Code"). The concept of "landscape" includes goods belonging to the cultural and environmental heritage.

[34] See the previous paragraph: Municipality of Genoa, City Council Resolution n. 237/2005.

[35] National Supreme Court, 3d Civil Section, Decision n. 4542/2012.

[36] See the case of "Insult", as set out in Art. 594 of the Penal Code. "Decorum" here includes every element that makes the victim worthy of a positive opinion on the part of his social *entourage*. In a distinct way, Art. 595 ("Defamation"), sociologically significant, protects the interest in *reputation* arising from that opinion.

[37] Many thanks to Vasco Zanella and Patrizia Lonardi to give us aid to the research of the institutional douments.

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BETWEEN ASSIMILATION AND HERITAGIZATION. THE LINGUISTIC CONSTRUCTION OF GITANOS IN SPANISH HOUSING POLICIES

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Introduction

Spain is widely recognized in the international political arena as a model for the inclusion of the Roma (or *Gitano*) population [1]. Nonetheless, with the exception of some recent evaluation reports (Bereményi and Mirga 2012; Laparra et al. 2014), there are hardly any studies that analyse how policies for *Gitanos* are designed and implemented. Under the scope of the larger European project "WE: Wor(l)ds which exclude", this chapter aims to contribute to the research on policies for *Gitanos* in Spain. Its main goal is to identify and describe, using qualitative text analysis techniques, how the *Gitano* minority is constructed and represented in legislative and administrative documents drafted by Spanish public authorities.

The first two sections describe the methodology implemented, the characteristics of the sample of analysed texts and the three territorial contexts that have been selected as case studies. Section 3 introduces the situation of housing in Spain and Andalusia, with particular focus on the *Gitano* population. Sections 4 to 6 gather the main results of the text analysis, focusing on the words, metaphors, and analogies used by the selected documents to talk about the target population. Section 7 presents how the linguistic dimension of the texts relates to the actions regulated by legislative and technical documents. The last section describes a specific case study.

As we will see, the examined documents use a careful and respectful language when it comes to *Gitanos*, especially when compared to the language used both in the media and in political debate (Granados et al. 2013; Unión Romaní 2013). However, as a result of a long history of discrimination, these texts keep using, (both in explicit and implicit ways) stereotyped descriptions, prejudices, and conceptual mismatches regarding *Gitanos*, generating a negative effect on the implementation of housing policies aimed to this population.

1. Quantitative overview of gathered documents

Prior to the construction of the sample of documents, we selected three territories located in Andalusia, where local policies aimed to Gitanos could be clearly identified (see paragraph 2.2).

This criterion gave some guarantees that the administration drafted a minimum corpus of documents with indication or explicit references to the specific territorial context where *Gitanos* population effectively live. The sample comprises the decade of 2003 to 2013. We started our research using ad hoc keywords and looking into local and regional official gazettes (which are all available on the Internet) that were published between 2003-2013. At the first stage, each document taken from the local and regional gazettes was considered as the node of a network of other legislative, administrative or technical documents. On one hand, this approach allowed us, to identify those documents that represent the legislative or administrative framework that generates the 'node' document (at an equal or higher administrative level); and on the other hand, it helped us identify all the administrative and technical documents that have been drafted based on the 'node' document (at an equal or lower administrative level). When these documents were not available on the Internet, we requested them to the local authorities or NGOs in charge of their implementation.

Figure 1. Gathered documents by issuing date (all primary documents)

A total sample of 392 documents was finally obtained: 146 of them were classified as 'primary texts', 246 as 'para-texts'. The first group includes legislative and technical texts that meet all of the following criteria: (a) being issued by a political institution and successively approved by the competent administrative body; (b) being implemented or used as regulatory background for other measures that have been applied; (c) affect the target population or territory of this study in a very direct way.

Para-texts were classified as those documents that did not meet at least one of these requirements. Qualitative analysis has been completed only on primary documents, following the grounded theory approach (Glaser 1992), with the help of the qualitative data analysis software ATLAS-ti. Para-texts have been generally used as a conceptual framework that supports the analysis. Nonetheless, regardless of the abovementioned criteria, some of them have been included in the primary texts sample, basically because of their influence on other primary documents and/or the implemented policies. This is the case, for example, of inter-administrative action plans that have not been approved by all the administrations involved, but have been funded and implemented anyway.

The largest number of documents proceeds from the local level (275), followed by regional (80) and state (37) levels. The documents issued by the local administrations specify the action lines defined at higher levels of government, and represent the majority of the technical documents, which are those documents that regulate the policy implementation process. Only 16% of the documents target exclusively *Gitanos*; 26% if we consider those documents that mention this population in addition to other beneficiaries. With respect to the periods that were comprised by the primary documents, most of them date back to years 2009/2010. Documents prior to the decade of 2003-2013 were taken into account when they were still in force or were needed to interpret other texts (see Figure 1).
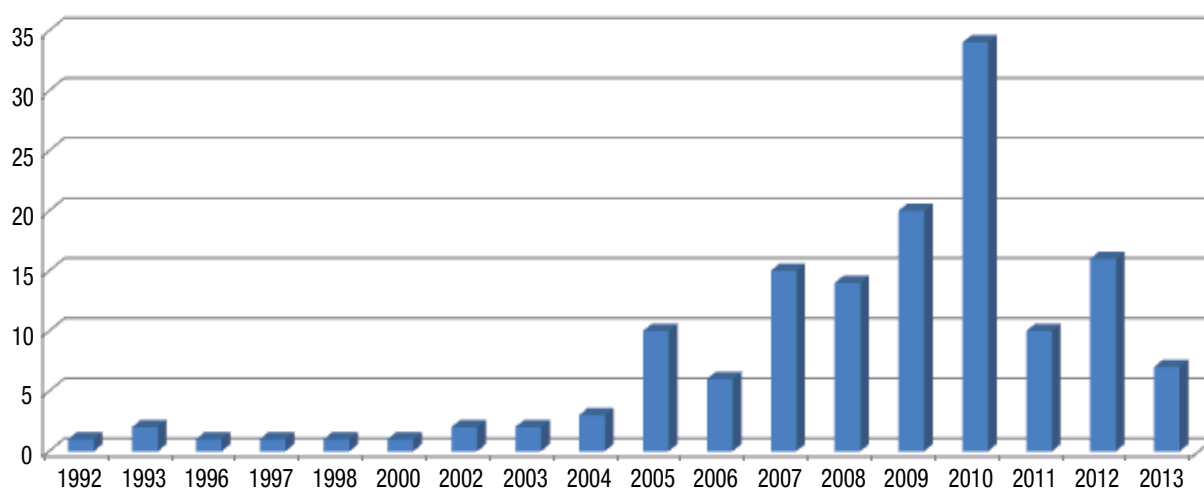
2. Territorial contexts

The 'Gitano people' in the Spanish and Andalusian identity processes

The Spanish Constitution (1978) recognizes that the Spanish nation (*nación*) is made up of different peoples (*pueblos*). Based on this consideration, article 143.1 regulates the right to establish autonomous communities, to "[those] bordering provinces with common historic, cultural, and economic characteristics, [as well as] islands and provinces with a historic regional status". In other words, the right of the Spanish *pueblos* to govern themselves has been essentially shaped by the principle of territorial contiguity.

According to Baumann (2004), these relations are defined through a 'segmentary grammar'. This model states that some segments of a certain population may identify or even merge with other segments, if they undergo a process that dissolves the distinction between 'We' and 'Others' at a higher level of identification, where a common 'Us' is artificially built. The Spanish quasi-federal state is an emblematic example of this process: based on the territorial criteria, the statutes of autonomy of the autonomous communities refer, for example, to the Andalusian people, the Catalan people and the Basque people. Nevertheless, based on this principle, in Spain the 'grammar of identity/alterity' does not apply to those *pueblos* that are scattered around rather than concentred in a territory, which is the case of the *Gitano* population.

Now, in spite of their territorial dispersion, *Gitanos* are also referred to as a *pueblo* in many policy documents. This circumstance reflects the highly ambiguous relationship that exists between the (so-called) 'Spanish culture' and the (so-called) '*Gitano* culture'. Unlike most Roma minorities in other European countries, *Gitano*s in Spain have an important symbolic role in the rhetorical construction of both national and regional identities (Gamella 2008). For instance, some documents often refer to the contribution of the '*Gitano* culture' to the "common cultural heritage" (see MSSSI 2012b) or recognize it as a "shaping element of the Andalusian cultural identity" (Junta de Andalucía 1997). Paradoxically, also Spanish nationalism, exacerbated during the Franco regime, described the '*Gitano* heritage' as a shaping element of the 'Spanish national culture'. In the words of Baumann (2004), and despite territorial criteria contained in the fundamental law, the Spanish authorities have also adopted an 'encompassing grammar' towards the dispersed *Gitano* population: although *Gitanos* are recognized as culturally different, these differences are not strong enough to deny their Spanish cultural identity.

During the last three decades, Andalusian political elites have been engaged in the development of regional 'identity politics'. In fact, their emphasis on the 'historical uniqueness' of the region and the separated cultural identity of the Andalusian people, enabled the regional government to demand for further political autonomy and negotiate with the central state under the same conditions as the rest of the Spanish 'historical nationalities' (Catalonia, the Basque Country, and Galicia). Within this ideological framework, one of the strategies adopted in Andalusian ethnopolitics has been to provide a differentiated picture of 'what is Andalusian' with respect to 'what is Spanish' (Dietz 2004). This operation has been carried out using three types of cultural resources: the 'festive legacy', especially symbolized by the catholic Holy Week; the '*Gitano* legacy', which has been strongly linked to flamenco; and the 'Morisco legacy', which relates to an alleged ancient Andalusian multiculturalism. We are in front of a double metonymic displacement: the '*Gitano*

people' is the archetype of 'what is Andalusian' and, at the same time, 'what is Andalusian' is an icon of 'what is Spanish' (Gallardo Saborido, 2010).

Our case studies

Taking into account the aforementioned rhetorical elements regarding the *Gitano* population, we selected three territorial contexts to use as case studies for our research: *El Vacie* shantytown (Seville); the slum *Los Asperones* (Malaga); the *Sacromonte* neighbourhood (Granada). These territories were picked out because they *all* meet the following criteria: (a) they are located in Andalusia, the region with the larger proportion of *Gitanos* in Spain (Gamella 1996); (b) they have a high rate of *Gitanos*, or rather, are targeted by policy documents that make a large use of this ethnic category; (c) they are characterized by the problematization of housing in political and media debate; (d) they present substantial differences in terms of history and urban features.

El Vacie and *Los Asperones* are characterized by substandard housing. The former is a 40-years-old spontaneous [2] shantytown and the latter is a slum made of pre-fabricated constructions that resulted from the 1980s plan carried out by the local administration to temporally rehouse the people living in shacks Malaga's old-town. In both cases, public action was led by the need to improve housing conditions, regardless of any ethnic criteria. The situation in the *Sacromonte* is totally different. During the last decades, this historical neighbourhood has been involved in a process of gentrification characterized by the progressive heritagization of the typical cave-houses of the area. The grammatical model used to describe *Gitanos* living in this area is completely different compared to the other two cases: here, public authorities use an exotic image of *Gitanos* in order to attract tourism. It is the 'orientalist grammar' (Baumann 2004).

El Vacie. A shantytown in Sevilla

El Vacie is located in the northern part of Seville, near the *San Fernando* cemetery. It consists of 50 shacks and 90 prefabricated dwellings. The latter was placed by the local administration and is inhabited by 930 people (225 family units). The area is delimited by the wall of the cemetery, two country roads, and the morgue. *El Vacie* is one of the oldest shantytowns in Spain. It appeared during the first quarter of the 20th century as a temporary housing solution consisting of self-constructed shacks. Until the 1960s, its population was mostly formed by newly arrived peasants that moved to the city seeking to improve their living conditions in a post-war context (Ayuntamiento de Sevilla 2007). Later on, people escaping from the floods that affected Seville in 1960/1961 also settled in this area (Vázquez 2007). In the 1970s, the construction of new neighbourhoods for the working population did not affect *El Vacie*, which remained an isolated space, hidden between the cemetery and the surrounding trees (Torres 2011: 72). During this decade, the *Gitano* population was generally excluded from public re-housing plans and many of them ended up living in shantytowns (Río Ruiz 2004: 137). It is in this context that *El Vacie* began to be characterized by the cultural and ethnic homogeneity of its inhabitants that still continues today.

The regional government and the municipal council decided to intervene in the area only in 1989, when they agreed to the construction of 35 stable dwellings (Ayuntamiento de Sevilla 2007: 14). This commitment

resulted in the installation of 90 prefabricated dwellings between 1992 and 1994. The idea was to fix, on a temporary basis, the housing problem of *El Vacie*, which, at that time, had worsened with the arrival of new families from *La Chapina* shantytown [3]. Regrettably, in the absence of any further decisive intervention, the *Vacie* continued to receive an increasing number of people evicted from other shantytowns of the city (ibidem)[4]. The prefabricated dwellings lost their temporary function, and new shacks were built.

Since the approval of the 1997-1998 Comprehensive Plan for the Eradication of Shantytowns in Andalusia, the regional government and the city council signed periodical agreements aimed to coordinate the interventions regulated by the Plan, and also to share the costs of the re-housing initiatives. However, it was not until the beginning of the 2000s that public authorities returned to *El Vacie* with a proper strategy that mainly included: (a) prohibiting new shacks; (b) conducting a general census, with the goal to control the population and prevent the settlement of new individuals; (c) developing the 2007 *Plan de Actuación en El Vacie* [Action Plan for *El Vacie*] (Ayuntamiento de Sevilla 2007), that aimed to eradicate the shantytown. This Plan also envisages the creation of monitoring and evaluation instruments, including a strategic desk formed by non-profit organizations and the public administration [5].

Today, most of the 900 inhabitants of *El Vacie* are *Gitanos*. They are distributed in the area according to the regional origin of the family groups (most of them are from Andalusia, one is from Extremadura, another from Portugal) (Defensor del Pueblo Andaluz 2005). Approximately 92% of the population has been classified as poor, as 70% of the total workforce is unemployed. The subsistence of approximately 90% of the adult population (18-65) relies on social benefits (Ayuntamiento de Sevilla 2007).

Local authorities are present in the area with a kindergarten and a working unit of the municipal social services. The *Consejería de Igualdad y Bienestar Social* [Department for Equality and Welfare] of the Andalusian government is currently funding the social intervention in the area through: (1) the subsides granted in the framework of the Comprehensive Plan for the Andalusian *Gitano* Community; (2) the subsides granted for the development of social intervention projects in the so-called 'Areas with Needs for Social Transformation' (see paragraph 5.1); (3) the financial support of non-profit organizations; (4) the purchase of apartments for re-housing families by the *Empresa Pública del Suelo de Andalucía* (EPSA) [Andalusian Land and Housing Public Company].

Los Asperones. A slum in Málaga

The slum of *Los Asperones* is a good example public administrations' failure in the attempt to ensure the access of vulnerable people to decent housing. It was "well-intentioned in the beginning, but then caused strong processes of ethnic re-segregation" (Gamella, 2011: 58) [6].

The construction of the neighbourhood started in 1986, based on a pilot project developed in the framework of the Municipal Plan for the Eradication of Shantytowns. The goal of the municipal council was that of provisional rehousing of the families living in substandard housing or shacks located in Malaga's old-town. Therefore, three groups of prefabricated dwellings were progressively built in *Los Asperones*. In the meanwhile, the municipal administration started to process applications to access social housing submitted by each family.

Although the life expectancy of these prefabricated modules (as well as of the whole project) did not exceed three years, today, 30 years after, most of the original families still live in these archaic accommodations. Furthermore, both the enlargement of the family units and the arrival of new residents have worsened the housing problem: new shacks have been erected close to the original dwellings, and the initial problem that this pilot project was supposed to solve has instead been reproduced.

According to the last census carried out by EPSA in 2008, the slum is inhabited by 966 people (295 family units), out of which 98% are of *Gitano* origin. They live in 174 prefabricated dwellings and 40 shacks, divided in areas called 'phases'. Each phase is formed by several courtyards surrounded by prefabricated dwellings and shacks. A kindergarten and a primary school are located in one of the phases. In 2006 EPSA established an office, which became the seat of social workers and other professionals working in the area. Some NGOs (such as the *Fundación Secretariado Gitano* and *Caritas*) are carrying out social intervention projects aimed at labour insertion. With the exception of some irregular family-market, there are no commercial activities in the slum.

Although *Los Asperones* is not *stricto sensu* a shantytown (*asentamiento chabolista*), in many surveys as well as in many analysed texts, it is considered as such. This is due to the fact that the main goal of the public administration is still the 'eradication' of the area (on the use of this expression, see paragraph 5.2). Inter-administrative agreements have been signed with the intention to coordinate a stepwise re-housing plan, characterized by training activities aiming to prepare the so-called 'shantytown people' to 'the life outside the slums'. Up to 2012, 37 family units were relocated: 14 of them moved to social housing apartments, while the rest went to private housing purchased by EPSA. During this process, some rehabilitation works have been carried out, and the families living in shacks were progressively relocated to the prefabricated dwellings abandoned by relocated families.

El Sacromonte. A neighbourhood in Granada

The *Sacromonte* is a characteristical neighbourhood of Granada known mainly for its cave-houses. It belongs to the district of the *Albayzín*, which was declared a World Heritage Site by UNESCO in 1994. In the 19th century, the *Sacromonte* attracted many Romantic writers and travellers, who spread out the image of the local *Gitanos* as exotic people living in these caves. In fact, the presence of the *Gitano* population in this area has been documented from the 16th century onwards, after the *Reconquista* of the Muslim Kingdom of Granada.

As the touristic business began in Granada, the *Sacromonte* became, together with the *Alhambra*, the icon of the tourist imaginary of the city. Since then, the cognitive association among caves, *Gitanos*, and flamenco, was at the centre of the tourism-related discourse of the local administration. Nonetheless, most of the original *Gitano* population of the neighbourhood does not live there any longer: they were rehoused in other districts after the heavy rains and the earthquake that hit the area at the beginning of the 1960s. Nowadays, the number of residents that identify themselves as *Gitanos* is not greater than in other areas of Granada (Duque Calveche, 2010; Lorente Rivas, 2001). Furthermore, during the last decade, the *Sacromonte* has undergone a slow process of gentrification. Nonetheless, it continues to be introduced as the 'authentic'

Gitano neighbourhood, and ethnic categories are used by the local government as a tool for the heritage valorisation of the neighbourhood and to attract tourists. The binomial caves/*Gitanos* reveals itself above all in performative documents (para-texts), such as touristic guides issued by the public administration. But also primary documents tend to reproduce this touristic imaginary.

For instance, the *Planes Especiales de Protección y Reforma del Albayzín y el Sacromonte* (PEPRI) [Special Protection and Rehabilitation Plans for *Albayzín* and *Sacromonte*] emphasize the "ethnological value of the cave habitat", and propose different formulas of revitalization and revaluation, including the creation of an "ethnological park of the caves" (PEPRI/05) or the creation of new cave-hotels (PEPRI/08). As we will analyse in section 8, the alleged protection of the traditional image of the *Sacromonte* is also used to hide some conflicts that take place in the area.

Nevertheless, it is important to highlight that the three selected local territories represent extreme cases of the general housing conditions of *Gitanos* in Spain. They have been selected because the discourse surrounding them shows, in a really explicit way, those social representations surrounding the *Gitano* and housing in Spain that in other contexts remain implicit and unsaid. Therefore, these case studies are representative, precisely, because of the exacerbation of a discourse that is generally, but often implicitly, assumed.

3. Social housing and Gitano population in Spain and Andalusia

A brief history of social housing in Spain

The 'housing issue' in Spain begun immediately after the Civil War (1936-39), when the country started to experience a strong migration flow from the countryside to the main cities.

The blooming of shantytowns in Spain "initially begun as an inter-ethnic fact, but later, starting from the 1960s, it gradually became an ethnic-related phenomenon" (Río Ruiz 2009: 6). In fact, due to the lack of housing, many migrants started to live in self-constructed chabolas (shacks). In response to this new phenomenon, during the 1960s, the Franco Regime set forth a large-scale re-housing policy. Unfortunately, most of the *Gitano* population did not meet the basic requirements to access social housing, such as holding identity documents and having work contracts. This circumstance, coupled with the institutional racism of the Regime, excluded a large number of *Gitanos* from the re-housing policies of that time (San Román 1994). Later on, the more inclusive and extensive housing policies undertaken during the 1970s and 1980s improved the living conditions of several Spanish citizens, including many *Gitanos*. Recently, the shift from a model based on the construction of social housing areas to more de-segregated policies, has ensured the access of many vulnerable families to so-called 'normalized neighbourhoods' (Laparra et al. 2014).

The unprecedented economic development experienced in Spain in the 1990s gave rise to a profound transformation in the private housing market, which suddenly became the cornerstone of the Spanish economic boom. According to Vallvé (2009: 10), the lack of a real public policy on housing gave power to private entrepreneurs on the housing market with very little state control. Due to private enterprise speculation, and despite the increase in the number of new buildings, the price of housing rose significantly.

Then, after 2006, the private housing market underwent a marked decline (Sánchez-Mora, Clavero, and Manzanera 2013: 72). In addition to this, the construction of social housing decreased progressively, although not exceptionally, between 2002 and 2010 (ibidem). Finally, in 2010, the state subsidies for the promotion of social housing dropped by 40% (Ministerio de Vivienda 2010, cited by Piemontese 2011: 10).

Today, in a context characterized by high unemployment rates and the lack of affordable housing, the reduction of public resources is resulting in a slowdown of re-housing policies, which were the main mechanism for promoting desegregation and improving the housing conditions of most vulnerable groups, including *Gitanos* (Laparra et al. 2014: 27, 29; Corés Alcalá 2005, cited by Sánchez-Mora et al. 2013: 72).

The housing situation of the Gitano population in Spain and Andalusia

Housing is one of the most relevant problems affecting the *Gitano* population in Spain. Nonetheless, detailed state-wise quantitative information is limited to three surveys carried out between 1991 and 2011 (FSG 2008a; Grupo Pass 1991; Laparra et al. 2011). The gathering of information on the housing situation of the *Gitano* population, carried out by these studies, has been hindered by the legislative impediment to recollect data on ethnic origin (Jefatura del Estado 1999). Thus, the final data is the result of a comparison with data on the general Spanish population, which also includes the *Gitano* population.

In general terms, there is an overall agreement that both the more comprehensive social housing policies undertaken during the 1970s and 1980s, and the most recent change in the pattern of the re-housing process (from social housing neighbourhoods to a more de-segregated approach) have set the basis for a significant improvement in the housing situation of the *Gitano* population in Spain (Laparra et al. 2014: 27). Nevertheless, the impact of housing policies in this process should be understood at least as somehow relative. Although some improvements are directly linked to the development of both a state and regional housing plan (FSG 2008b: 8), the impact of these policies on the *Gitano* population and other vulnerable groups has been traditionally considered as weak (Vallvé 2009).

Furthermore, the current decline in public investment is disrupting all the progress made until now. In addition to his, improvements regarding the housing situation of the *Gitano* population cannot be separated from the access of *Gitano* individuals and families to adequate housing on the free housing market (MSSSI 2012a: 15–16; FSG 2008b: 8; see Figure 3). This process was fostered by the general improvement of the socio-economic conditions that the *Gitano* population underwent during the last three decades. This process, more than based on the development of specific policies, is mainly due to: the inclusion of *Gitano* low-skilled workers in the prospering 1996-2006 Spanish labour market; the change in important demographic parameters in *Gitano* families; the relative consolidation of the Spanish welfare state (Bereményi, Piemontese, and Mirga 2014; Gamella 2011).

The housing situation in Spain

According to the *Map on Housing and the Gitano Community in Spain* (FSG 2008a), which analysed in 2007 the housing conditions of over 90,000 *Gitano* households, approximately 88% of the *Gitano* population lives in standard housing, while inadequate housing represents a serious situation for about 12% of them. Compared

Figure 2. *Gitano* households in Spain by type of building (FSG 2008a: 75).
Figure 3 (at bottom). *Gitano* households in Spain depending on the means of accessing housing (FSG 2008b: 8).
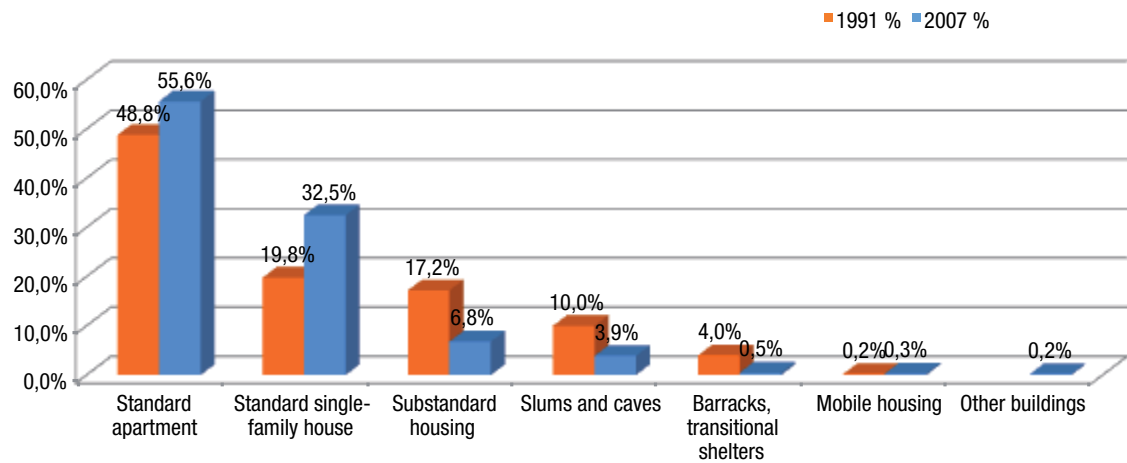
to the previous survey of 1991, when 10% of *Gitanos* lived in slums, and 21.4% lived in substandard or vulnerable housing, this data shows a strong improvement of housing conditions (see Figure 2) [7].

In general terms, the housing situation of the *Gitano* population in Spain is much better than the one of other Roma minorities in Europe, and its not different, at least in terms of availability of space and amenities, to the one of the majority of the Spanish population (FRA and UNPD 2012: 23). However, despite these improvements, great differences still persist both in terms of property and quality of housing, as well as with regard to the situation of the neighbourhoods where the *Gitano* population lives (MSPSI 2010). For instance, although half of *Gitanos* families are homeowners (CIS 2006; Laparra et al. 2011), this rate only represents a little result in comparison with the 82% of the overall Spanish population (Vallvé 2009: 27); specially if we consider that 30% up to 50% of *Gitano* homeowners acquired their houses as a consequence of social housing programs (FRA 2009: 59; Vallvé 2009: 27) (see Figure 3).
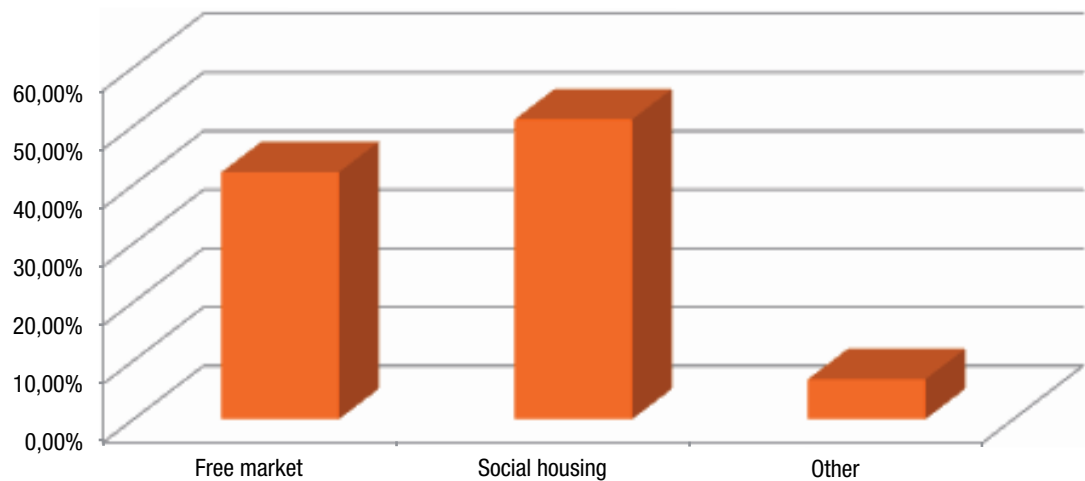
Problems related to the access to private market housing persist and are due mainly to: the lack of sufficient financial resources, the difficulty to meet the official requirements to access housing (i.e. employment contract) and direct discrimination (Laparra et al. 2014: 28; MSPSI 2010) [8]. The current housing-related challenges of the *Gitano* population in Spain mainly include: quality of the equipment and facilities, deterioration of the urban environment, residential segregation, and persistence of slums (Laparra et al. 2014: 27; MSPSI 2010: 42; MSSSI 2012a: 16). The current housing situation of the *Gitano* in Spain cannot be understood without taking into account the contemporary socioeconomic domestic context. Although housing prices are slightly lower compared to the first years of the crisis, during the last years access to housing on the free market became a challenge for many families. This is due basically to a decline of their purchasing power (related to unemployment, reduction of salaries and subsidies) and the difficulties to get access to bank loans. The economic crisis leads to a general setback in the situation of the *Gitanos*: in 2009 alone they suffered a decrease of 35% of the recruitment rate, which is nearly twice as much in comparison to the entire Spanish population (MSPSI 2010); between 2005 and 2011, their unemployment rate increased by 22.6% (FSG 2011: 64), compared to the 10% of the entire population; as a response, the index of self-employed increased up to 34.7% (ibidem: 72). In a context characterized by the decrease of public investments and a growing demand for social housing, the *Gitano* population is suffering the re-emergence of old problems, such as an increase in substandard housing, overcrowding, evictions, and illegal occupation (Laparra et al. 2014: 28).

Housing situation in Andalusia
According to the *Map on Housing and the Gitano Community in Spain* (FSG 2008a), more than 35% of *Gitano* households are located in Andalusia. About 56% of the 33,722 households surveyed in Andalusia were not purchased or rented on the free market but came from social housing programs. Similarly (and although this data is not completely comparable) the previous 1991 survey revealed that 31% of *Gitano* households were located in social housing neighbourhoods (FSG 2008b: 8). The 'Map on Housing' directly associates the improvements in the housing condition of the *Gitano* population to the 1997-1998 Comprehensive Plan for the Eradication of Shantytowns in Andalusia (Junta de Andalucía 1998a), as well as to the 1999-2002 Plan for Housing and Land in Andalusia (Junta de Andalucía 1998b). As a matter of fact, between 1991 and 2007 the housing situation of the *Gitano* population in Andalusia improved in a considerable way. The population living in slums and caves decreased from 7% to 2.2%; similarly, the *Gitano* households located in segregated neighbourhoods passed from 8% to 4.1% (see Figure 4). In addition to this, there is now general access to basic amenities: 95% of *Gitano* households are now provided with waste collection, sewage, electric power distribution, tap water, lighting and pavements (FSG 2008a).
Despite these figures, the *Map on Housing* (FSG 2008a) states that housing policies aimed to *Gitanos* are still insufficient. Approximately 11.5% of *Gitano* households in Andalusia are inadequate (very deteriorated housing, slums, substandard housing, barracks, and caravans). Furthermore, the survey explicitly condemns the situation of very segregated and vulnerable areas mainly inhabited by *Gitanos*, including *El Vacie* (Seville) and *Los Asperones* (Malaga), which have both been included in this study. In the previous sections, we showed

Figure 4. *Gitano* households in Andalusia by type of building (FSG 2008a: 78)
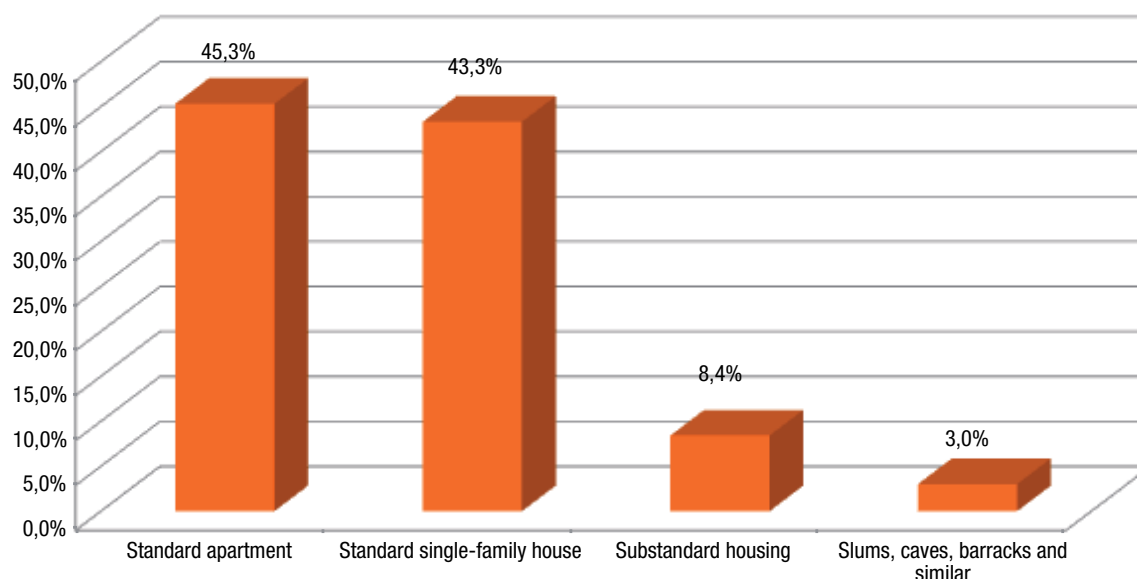
the complex relation that exists between the *Gitano* population and housing issue in Spain, and highlighted the exceptional nature of the selected case studies. In the following pages, we will present the main results of the qualitative analysis of the documents sample that was considered for this study (see section 1).

4. Keywords used to refer to the target population

4.1 The invisibility of Gitanos and the role of Gitano associations

Despite the expectations that may arise from the generalized discourse (without a scientific basis) on the 'Spanish model' for the inclusion of the *Gitano* population (see Bereményi et al. 2014), the policy documents that clearly address *Gitanos/Roma* in Spain are very limited: they represent only 23% of examined texts for this study.

Gitanos are not listed among the groups 'with the right to preferential protection' (*grupos con derecho a protección preferente)* that housing, as well as other social policies, are usually meant for. According to the 2005-2008 State Housing Plan, the "collectives with greater difficulties to access decent housing" are:

> "(a) People that accede to home ownership for the first time; (b) youths up to 35 years old; (c) people over 65 years old and their families; (d) victims of domestic violence and terrorism; (e) large families; (f) single-parent families; (g) people with disabilities and their families; (h) other groups or at risk of social exclusion" (Ministerio de Vivienda 2005: 24944)

People belonging to ethnic groups, such as Gitanos, have the right to preferential protection on the sole basis of their inclusion in the abovementioned categories. Moving from the recognition of such legislative lacuna

– which comes from the gap between the formulation of specific policy frameworks for Gitanos and a rigid universalistic legislative framework – the 2010-2012 Plan de Acción para el desarrollo de la población gitana [Action Plan for the Development of the Gitano Population] (MSPSI 2010) claims the incorporation of "Gitano families" and the "shantytown population" in general among the preferential beneficiaries of state housing plans.

As we mentioned earlier, general policies are somehow complemented by other specific plans aimed to compensate the historical social inequalities suffered by the Spanish *Gitano* population.

The implementation of these plans is normally financed through the launch of calls for grants to non-profit organizations and local governments, for the development of projects addressed specifically to this population.

Under these circumstances, both *Gitano* and pro-*Gitano* associations are essential for the development of targeted policies. Unlike other attributes ensuring the access to preferential protection measures (such as age, disability, and income), the so-called *gitaneidad* (or 'what is *Gitano*') cannot be certificated by any public authority.

Nonetheless, this grant system, that channels the implementation of the *Gitano*-specific policies through NGOs, delegates *de facto* the task to these entities of 'certifying' the ethnic belonging of their beneficiaries. In this way, the state can both ensure its fundamentally redistributive orientation and take compensatory measures of ethnic recognition, but also avoid the troublesome, essentialist, and ever-dangerous task of establishing objective criteria for ethnic identification.

Pueblo gitano	*Gitano* people
Comunidad gitana	*Gitano* community
Etnia gitana / cultura gitana	*Gitano* ethnic group/ *gitano* culture
Colectivo gitano	*Gitano collective*
Familias gitanas	*Gitano* families
Población gitana	*Gitano* population
Los gitanos y las gitanas	The *Gitano* men and women

4.2 "Población gitana", "comunidad gitana", "colectivo gitano", etc. About the multiple ways to name the Gitanos

The semantic formulas used in the analysed documents to refer to *Gitanos* are very heterogeneous and, moreover, arbitrary. In most cases, the term *Gitano* is used as an adjective:

Titles and preambles usually use the terms '*Gitano* people' and '*Gitano* community'. The first expression is commonly used at a state level: the '*Gitano* people' is recognized as a substantial entity that takes decisions and provides itself with policy tools, such as comprehensive plans and political participation organs, such as the *Consejo Estatal del Pueblo* Gitano [State Council of the *Gitano* People]. The expression '*Gitano* community' is then very common in the Andalusian legislation, while it is rather uncommon at a state level.

Except for the titles and preambles, the most common expression is the demographic locution '*Gitano* population'. It is preferred to others due to its neutral character, which simply refers to an aggregate of individuals with an alleged common culture that are living in a certain territory. However – and not with respect to ethno-nationalistic discourses currently taking place in Spain – the term '*Gitano* people' is used sometimes in the local context, due to its more pronounced political and scientific nuance:

> "Preparatory and on-going training for teachers and professionals intervening with the *Gitano* people: with the aim to enhance awareness, knowledge and respect for different minorities and, in particular, the *Gitano* culture" (Ministerio de Trabajo y Asuntos Sociales 2006: 16).

As it can be observed in this excerpt, the wording '*Gitano* people' works mainly as an ontological metaphor (Lakoff y Johnson, 2007) that turns *Gitanos* into a *wholeness* on which practitioners can intervene. But the paragraph also contains a second metaphor: the 'Gitano culture', that through a simplified and homogeneous representation is meant to be transmitted by and to qualified/expert practitioners.

However, as we mentioned above, the use of one term over the other is not a rational choice, but rather an arbitrary one. In the same paragraph we can find the indiscriminate use of several expressions that are apparently meant to avoid redundancies and repetitions:

> "Se aprobó el Plan Integral para la *Comunidad* Gitana de Andalucía, que se constituye en el instrumento de integración y coordinación de todas las áreas, servicios y programas […] dirigidos al *colectivo* gitano" (Junta de Andalucía 2006: 7).

> "No existe rechazo a la *etnia gitana*, sino a la marginalidad, cuestión distinta es que un porcentaje elevado de la *población* perteneciente a la *comunidad gitana*, muy aceptada en el municipio, se encuentre en una situación de exclusión" (Defensor del Pueblo Andaluz 2005: 142).

> "El Consejo tiene […] las funciones de proponer medidas para la promoción del *pueblo gitano*, asesorar en materia de planes de desarrollo de la *población gitana* […]" (Ministerio de Trabajo y Asuntos Sociales 2006: 23).

The policies for *Gitanos* in Spain usually fall under the responsibility of state and regional departments dealing with welfare-policies, and in particular social services. These are mainly redistributive policies, complemented by some measures addressing the issue of cultural recognition. In this context, and considering the negative connotations that the term '*Gitano*' still has in Spanish [9], policy documents use a particularly careful language in order to avoid a negative use of ethnonyms. We can consider the following excerpt as an example of this:

> "The aim of the program is to provide those families of *El Vacie* with minors at risk of social exclusion, with a specific and inclusive treatment, that would allow them to acquire rehabilitating patterns that would compensate the situation of risk that would directly or indirectly affect the wellbeing of the minors subject to protection" (Ayuntamiento de Sevilla 2008: 17).

Beyond the clear medical metaphor that whole paragraph is built upon, it is interesting to note how the term '*Gitanos*' here has been replaced with the expression 'the families of *El Vacie*'. Of course, in the frame of mind of both the editors and readers of the Plan, the two expressions are strictly interrelated. Nevertheless, this specific wording aims to indicate that the mentioned measures are not addressed to the *Gitanos* as such, but rather to the inhabitants of the shantytown that live 'at risk (or in a situation) of social exclusion', and have, in this particular case, a *Gitano* origin. This mindfulness reminds us of the echo that criticism to a culturalist interpretation of poverty – driven by Oscar Lewis (1972) and developed by the social sciences and the associative movements – had on administrative documents.

4.3 "At risk of social exclusion". A semantic container for *Gitanos*?

The periphrasis '*en situación o riesgo de exclusión social*' (in a situation or at risk of social exclusion) is one of the most commonly used linguistic resources by the public administration to avoid the use of troublesome or politically incorrect terms, such as '*Gitano*'. A good example of this expression's ambiguity is provided by a local ordinance on rehabilitation issued by the city council of Granada (Ayuntamiento de Granada 2012). The document tautologically defines the families 'in a situation or at risk of social exclusion' as:

> "Those [families] in which the social services identify personal, economic, work-related and other deficiencies that, as a whole, result in a situation of social exclusion or put them at risk of being in such a situation" (ibidem: 58).

Social services are responsible for the detection of 'the risk'. In order to do that, they need to use objective indicators. Although this the expression 'at risk of social exclusion' does not refer directly to the *Gitano* population, in reality, the great margin of manoeuvre that it leaves to social workers has turned it into a semantic container for this group. In such a way, the 2010-2012 Action Plan for the Development of the *Gitano* Population reports that:

> "According to the latest data […] belonging to the *Gitano* community is the greatest factor of risk associated with social exclusion (14% of *Gitano* households are in a situation of severe exclusion); this requires the development of a strategy aimed to encourage the active participation of this community" (MSPSI 2010: 32).

In this case, the self or hetero ascription to the ethnic category '*Gitano*' – which in this case is naturalized and neutralized as belonging to a community – is described according to an originally etiological conceptualization as 'factor of risk'. Given this, a 'strategic approach' – a term both of military and epidemiological prevention – is proposed in order to mitigate or prevent the diffusion of the risk. The call for active participation, that traditionally refers to civic and political mobilization, used in this context, suggests that the same subjects are held responsible for the exclusion. Does the Action Plan suggest that *Gitanos* have an active role in their own community and, therefore, exclude themselves from the majority population?

4.4 The shantytown phenomenon

The link between *Gitanos* and the phenomenon of shantytowns is one of the most confused aspects of the examined documents. Most of them indicate that this relation is wrong and that it is based on the prejudice and the existence of stereotypical conceptions about *Gitanos*. The report on the phenomenon of shantytowns in Andalusia, presented in 2005 by the regional Ombudsman, states that "it is wrong to refer to a cultural lifestyle, since these [residential] patterns also characterize non-*Gitano* families" (Defensor del Pueblo Andaluz 2005: 77). However, even after this sort of statements, most policy documents have included that relation all over again. For instance, the preamble of the Comprehensive Plan for the Andalusian *Gitano* Community (PICGA) states, "most of the Andalusian *Gitano* do not live […] in shantytowns" (Junta de Andalucía 1997). Even so, its very first action establishes "re-housing programs for the population living in shantytowns" (ibidem). This paradox also becomes evident at a stage of implementation: despite the explicit effort to unlink *Gitanos* and shantytowns, much of the social intervention carried out in these areas is built upon the framework of the Comprehensive Plan for the Andalusian *Gitano* Community (see Ayuntamiento de Sevilla 2010: 2). Along these lines, the city council of Seville explicitly recognized that:

> "The aim is to carry out a comprehensive social intervention with the shantytown population of *El Vacie*, through a process of normalization and inclusion, also promoting the study and analysis of the integration processes of the *Gitano* population" (Ayuntamiento de Sevilla 2011).

Gitanos completely disappear from general policies, such as the 1997-1998 Comprehensive Plan for the Eradication of Shantytowns in Andalusia. This tendency shows how the dissociation of the two terms has one purpose, which is to show that not only *Gitanos* live in shantytowns. On the other hand, it doesn't prevent the passing on of a stereotyped idea of *Gitanos* as the 'shantytown people'.

4.5 Roma from other EU Member States

The term '*Romá*' and its derivatives (*romaní, roma, romanés*, etc.) are not often used in the documents adopted by the Spanish administration. This terminology was first adopted by the Roma associative movement both in Spain and Europe, and only recently by some public authorities. The 'Roma' umbrella term is used just in two of the primary selected documents: the 2010-2012 Action Plan for the Development of the *Gitano* Population, and the 2012-2020 National Roma Integration Strategy in Spain. The absence of this term in other documents can be explained by the fact that Spanish *Gitanos* represent the majority of the whole Roma population in Spain, since Roma migration from other European countries is relatively recent (Beluschi Fabeni 2013). On the other hand, in the documents drafted by local governments, this absence is mainly due to the lack of non-Spanish Roma in the territories selected for this study (with the exception of the Portuguese *Ciganos* families living in *El Vacie*). Following the official EU discourse on Roma as a transnational minority, "EU Roma citizens" have been incorporated as a specific target group by the Spanish NRIS. According to this document, "the quantity of Roma people in Spain has increased with the arrival of Roma principally from Romania and Bulgaria" (MSSSI 2012b: 5). Thus, the document requests that Spanish authorities:

> "Pay special attention to EU Roma citizens residing in Spain, or other Roma persons originating from third countries; [include them in the] measures and actions aimed at Spanish Roma; [and] where circumstances allow, develop specific measures and actions [...] in order to promote and ease [their] social inclusion" (ibidem: 28).

Related to the recognition of the '*Gitano* population' as a 'transnational population', one of the most relevant aspects of the NRIS is the promotion of the '*Gitano* culture' in Spain through measures aimed to enhance the "recognition, study, and diffusion of the Roma language as the mother tongue of the Roma population" [10]. Nonetheless, at least since the 18th century, the *Gitano* Romani dialect (known also as *caló*) has began to disappear and become a para-Romani of the Spanish language (Matras 2002: 242-250; Gamella, Fernández and Adiego, 2011).

5. Explicit topics and phrases

5.1 Neighbourhood, Shantytown, Slums, Areas in Need of Social Transformation, and other ways to describe the space

Poor outskirts districts, in which the most disadvantaged sectors of the population live, characterize the biggest Andalusian cities. In these outskirts, social housing predominates, and school failure is quite common. Nowadays, these urban areas tend to be very heterogeneous in terms of ethnic composition, as well as in terms of the social and cultural capital of their residents. Vulnerable districts are a constant concern for local governments, which establish comprehensive intervention programs to regulate their intervention. The government of Andalusia has been creating two institutional denominations, both euphemistic circumlocutions, in order to describe these areas: *barriadas de actuación preferente* (slums of preferred action)

and *zonas con necesidades de transformación social* (ZNTS) (areas in need of social transformation). The Andalusian Department for Equality and Welfare finances the projects carried out in these areas through calls for grants to local administrations and NGOs

If we look at the first two territorial contexts taken into account, they are described with different denominations at an institutional level, since they represent two models of slums. *Los Asperones* is commonly described as *barriada de transición* (temporary slum) [11]. *El Vacie* is commonly described as *asentamiento chabolista* (shantytown). In spite of the long history of these areas (30 years in the case of *Los Asperones*, more than 70 in the case of *El Vacie*) both denominations emphasize the temporal dimension of the occupation. By contrast, the *Sacromonte* is called *barrio* (neighbourhood) and it is rhetorically related with an ancient history supporting the formulation of policies to protect its 'cultural heritage'. The examined documents refer continuously to the 'cave habitat' or 'troglodyte habitat' in order to describe this neighbourhood. The term 'habitat' originates from ecology and literally means a "the natural home or environment of an animal, plant, or other organism" [12]. Similarly, the term 'habitat' is also used in the documents referred to *El Vacie* and *Los Asperones*, when they refer to the 'pedagogy of habitat' (see paragraph 5.3).

5.2 The botanic of shantytowns

The official objective of all public interventions addressing the phenomenon of shantytowns in Andalusia is their 'eradication'. *Erradicación* is a botanic term that means 'to uproot'. In Spain it is a conventional metaphor (Lakoff and Johnson, 2007) used in policy documents to describe the act of eliminating the causes of certain phenomena, such as substandard housing, poverty, gender violence, etc. In our case, eradication means the act of 'making [the shantytowns] completely and unequivocally disappear'.

The basic reason beyond any eradication processes is the lack of recognition of the shacks as a regular place of residence. Nevertheless, the position of public authorities clearly engenders some paradoxes, since their inclusive action can only develop on the base of an official recognition of shacks as regular homes. In particular, individuals need an administrative address to access welfare resources (school enrolment, access to public healthcare, reception of administrative notifications, etc.), as local governments seek to control the inhabitants of their territories. Thus, many of the formulas used by public authorities to define these dwellings – for example: Shantytown *El Vacie*, shack nº4, Seville – partially institutionalize the reality that they pretend to eradicate.

5.3 Inclusion as metaphor

As we mentioned above, in two out of three territories selected for this study, the population targeted in policy documents is usually defined as "at risk of social exclusion". Such spatial metaphor (inclusion/exclusion, inside/outside) is preferred to others since it designates the multifactorial processes of social segregation, more than just poverty as mere economic deprivation. So, in some cases 'exclusion' is used as a euphemistic replacement of the more concrete term of 'poverty' (Arriba, 2002).

One of the most frequently repeated criticisms surrounding the metaphor of 'inclusion' is the lack of a precise

definition. According to Karsz (2004), it is precisely the conceptual ambiguity of the term what has contributed to its political fortune: the meaning of 'inclusion' depends on the political context and the specific interests of policymakers. From the point of view of political liberalism, public action aimed to 'social inclusion' is understood as a mere technicality. Rather than putting the focus on the systemic structure of social inequality, this understanding requires the 'diagnose' of the multiple causes of 'social exclusion', so that an appropriate 'treatment' can be applied to ensure 'inclusion'. This medical metaphor is the basis of the clinical approach that permeates most social intervention.

In addition to this, the use of a pedagogical language is also quite frequent in administrative/technical documents. 'Social exclusion' is interpreted as the result of a series of socio-educational deficits, thus any intervention for 'social inclusion' should be primarily an educational one. The pedagogical metaphor engenders the idea that social inclusion is an itinerary or a route: wordings such as 'social inclusion itineraries' and 'personalized job placement itineraries' are very common. In this sense – just like formal education is structured by a sequenced plan of studies – 'social inclusion' is defined as a pathway consisting of steps that people 'in situations or at risk of social exclusion' need to progressively overcome, in the same way that students go from one stage to the next.

5.4 Comprehensive intervention, comprehensive rehabilitation

The administrative rhetoric on the 'socially excluded' *Gitano* population is characterized by the idea that a comprehensive approach should be adopted. In fact, the term 'social exclusion', in spite of its ambiguities, always emphasizes the multidimensional nature of poverty and social marginalization. The material conditions of housing, for example, influence and are influenced by education, employment, healthcare, etc. In reference to this, the multidimensional nature of social exclusion requires the involvement of different sectorial competences and types of social agents.

Following the indications of the 2005-2008 State Housing Plan (Royal Decree 801/2005), the rehabilitation of housing and urban areas promoted by EPSA is structured along two strategic lines of action: (1) rehabilitation of old towns aimed to improve old buildings and houses; (2) comprehensive rehabilitation of urban contexts undergoing 'social exclusion' processes, which also includes social intervention projects. According to this partition, *Los Asperones* has been classified as *área de rehabilitación integral* (area of comprehensive rehabilitation). The actions implemented along these lines have:

> "[…] Improved the material conditions of the neighbourhood, including urban facilities, sanitation, waste collection and street lighting, and have served as an opportunity for deepening the understanding of the social and economic reality of this population, also enabling us to draw the present proposal of intervention aimed to achieve a comprehensive rehabilitation of both individuals and families living in the neighbourhood (EPSA 2012: 3).

The comprehensiveness of the intervention also responds to the logic of efficiency and cost minimization, since – as stated by the *Programa de Intervención en la Barriada de Los Asperones* [Intervention Program for

Los Asperones] – it requires and at the same time allows "to make an effort in order to avoid the duplication of resources and to achieve their effectiveness and optimization" (ibidem).

5.5 Normalization vs. abnormality

The verb *normalizar* (to normalize) and its derivatives – such as the adjective *normalizado* (normalized) and the substantive *normalización* (normalization) – are very common in the documents referred to *El Vacie* and *Los Asperones*. These expressions designate the process of adjustment of a reality (shantytowns, slums) that is not conforming to the norm. According to the examined texts, to grow up or live in a shantytown (a 'non-normal' environment) is associated to the acquisition of 'non-normal' habits and behaviours. Since re-housing processes consist of leaving the shantytown for the 'outside world', where 'normal people' live, social intervention is required to change the 'abnormal culture' of its beneficiaries [13]. Otherwise, the mere relocation of so-called 'shantytown families' in so-called 'normalized neighbourhoods' would jeopardize the process of 'social inclusion'. Therefore, the prerequisite for re-housing is then the successful completion of the workshops for the acquisition of 'normalized social and housing skills'.

As explained in the draft version of the Intervention Program for *Los Asperones*, training should guarantee that "the process of re-housing is carried out properly, also ensuring the safety and a positive attitude towards the outside world, and thereby facilitate the integration in a normalized environment" (EPSA 2010: 13). In the case of *Los Asperones*, a system of indicators that would allow practitioners to evaluate the 'level of normalization' of each family was used:

> "[...] A set of indicators of normalization is established, in order to provide the information needed for the evaluation of the observed families, and thereby to objectively assess the passage from a phase to the next, and [consequently] to determine the remaining time of work recommended in order to [let them] acquire the skills required for the incorporation into normalized housing" (EPSA 2010: 6).

Following the establishment of these indicators, all family units living in *Los Asperones* were evaluated and classified according to their 'level of normalization'. Finally, six of them were declared suitable for the relocation in a normalized environment.

Another meaning of the term 'normalization' is the equal and equitable access of the 'shantytown population' to public resources available to the whole society. Namely, in the Action Plan for *El Vacie* 'normalization' also means the "utilization of the normal channels established by the society to meet the social and cultural needs, while respecting the family and social environment, as well as the right to difference" (Ayuntamiento de Sevilla 2007: 28).

5.6 Cultural heritage and cultural values

The terms 'cultural heritage' and 'ethnographic heritage' may be found only in those documents related to the *Sacromonte* neighbourhood. Characteristic cave-houses of this area are consistently related to the *Gitano*

population and have been subject to institutional processes of heritagization linked to the touristic promotion of the city:

> "The heritage value of the cave habitat is set in its integrity as such, [that is] as an area belonging to a community with an extraordinary ethnographic meaning. Losing sight of that may involve a risk for the continuity of the essential nature of this habitat" (Ayuntamiento de Granada 2005, 8).

In 2000, based on the recognition of the 'ethnographic value' of the caves, since they represent a peculiar type of housing, the City Council decided to establish the *Centro Internacional de Estudios Gitanos* [International Centre of *Gitano* Studies] in the neighbourhood. According to its statute, the main objective of this entity is "the promotion of research, as well as the dissemination and the preservation of the identity signs and the *Gitano* heritage of the *Sacromonte*" (Ayuntamiento de Granada 2000). The headquarters of this centre is located in a series of rehabilitated caves owned by the City Council. Some years later, these spaces were partially granted to the *Asociación de Mujeres Gitanas Romí* [Association of Gitano Women Romí] for the creation of a Museum of the *Gitano* Woman.

The institutional heritagization of the cave-houses also involves the design of administrative tools aimed to safeguard the 'traditional image' of the neighbourhood and enhance the economic activities related to tourism, such as hotels and flamenco performances. At this scope, the *Plan General de Ordenación Urbana* (PGOU) [Municipal Urban Plan] of Granada:

> "[…] Provides for the protection and restoration of the caves habitat […]. The policy of the Plan in relation to the caves area enhances the appreciation of its ethnographic value and its relevant function in the local culture by strengthening the viability of existent or potential uses of the habitat: housing, restaurants, and entertainment" (Ayuntamiento de Granada 2005: 27).

Unlike texts related to *El Vacie* and *Los Asperones*, in the case of Sacromonte the use of ethnonyms is very well established. Even though, and in difference to the other areas, the classification of this area as a "*Gitano* neighbourhood" (Ayuntamiento de Granada 2005) is not associated with a construction of a 'problem'. Instead, it is mentioned without exception as an integral part of the touristic promotion of the city of Granada in all touristic guides made by the regional and local governments.

6. Implicit analogies and metaphors

6.1 Deficient subjects

The presentation of the *Gitano* population as a group affected by a multiple interrelated deficits is one of the most recurring stereotypes, especially in documents drafted by public entities working on social policies. These documents provide evidence that the *Gitano* population, or at least part of it, lacks social skills, adequate

education, healthy habits, healthy practices, etc. In this context, the expression 'collective in a situation or at risk of social exclusion' becomes a container for the deficitarian description of *Gitanos*. A clear example of this approach is the local Action Plan's description of the population living in *El Vacie*:

> "(a) The predominant type of family is a patriarchal and extended family, with many members, most of them children; (b) the predominant population is of *Gitano* origin, both Spanish and Portuguese; (c) they display inadequate educational level, as well as a lack of social and occupational skills: lack of job training, illiteracy, etc.; (d) a significant number of families lack specific social skills for the inclusion in an normalized environment: lack of habits in housekeeping, lack of rules and schedules in a community context, lack of rules for the coexistence in a community, lack of skills for improving their habitat, etc." (Ayuntamiento de Sevilla 2007: 18).

This description is complemented a few pages later with the proposal of developing *itinerarios personalizados de inserción* [personalized itineraries for socio-occupational insertion] as a main device to find a solution to the lack of occupational skills. Therefore, the Action Plan conceives:

> "[…] The need to address the problem of accessing a normalized employment through individualized itineraries for the socio-occupational insertion, based on the needs and deficiencies detected in each case, [this based on the fact that] the *Gitano* population of *El Vacie* shantytown enjoy the cultural identity of the ethnic group to which it belongs, although its living conditions in the shantytown accentuate the situation of marginalization that they suffer and make social and occupational deficits evident" (Ayuntamiento de Sevilla 2007: 25).

This paragraph exposes the rhetorical construction surrounding the discourse on the *Gitano* identity in Spain: on one hand, it is outlined as a positive element of ethnic culture; on the other hand, it is linked to both marginalization and socio-occupational deficits that are accentuated by the living conditions of the shantytown. This analogy moves along a coherent metaphorical system consisting of multiple and concatenated metaphors: *Gitanos* are kids that need to be educated in order to be ready to succeed in the adult world; or instead, they are empty containers that need to be filled with appropriate skills.

6.2 Saturated subjects

As paradoxical as it may seem, the examined documents also reveal an analogy opposed to the previous one: *Gitanos* as 'saturated subjects'. Above all, in texts related to urbanism and cultural heritage policies, *Gitanos* are described as a group overflowing with culture, history, music, and traditions. These documents also construct a very idealized representation of the history of the *Gitano* in Andalusia and Spain. Evidence of this trend can be observed in the texts related to the *Sacromonte* neighbourhood, where the secular history of *Gitanos* is constantly emphasized:

"The caves habitat is therefore the product of the excavation of the hill carried out mainly during the 16th century by a marginal population of smiths and other metal workers, many of *Gitano* origin, who accompanied the Christian troops during the *Reconquista*" (Ayuntamiento de Granada 2008: 32).

These kinds of descriptions seem to suggest that the *Gitano* culture belongs more to the past than to the present. Together with the privileged views of the *Sacromonte*, the "traditional image" of the caves (see Ayuntamiento de Granada 2009) and the folkloristic flamenco music are the most 'marketable' element of the *Gitano* culture.

Descriptions of *Gitanos* as subjects 'holding the tradition' could be also found in other territorial contexts. The following paragraph, for example, is extracted from the Action Plan for *El Vacie*. It combines the description of *Gitanos* as deficitarian as well as saturated subjects:

"The *Gitano* population living in this shantytown has traditionally worked in those professions that allowed them to be relatively independent from the relations of production of the majority of society, and to develop their own organization of work and [their own] structures of economic cooperation. Their traditional occupations were the sale and purchase of goods. Our goal is to provide them with those skills to enable their access to non-traditional and stable work" (Ayuntamiento de Sevilla 2007: 25).

The sources used to draft these documents are, in most cases, unreliable. The descriptions of the '*Gitano* culture' or the '*Gitano* cultural identity' are clearly stereotypical and erroneous. For example, some documents claim that the Romani language is currently being lost in Spain, while in reality Spanish *Gitanos* have never used that language in contemporary times (Gamella, Fernández y Adiego, 2011).

In spite of that, many documents consider the '*Gitano* culture' or '*Gitano* heritage' as a constitutive element of the Spanish and Andalusian 'cultural identity' (see section 2.1). For example, the 2010-2012 Action Plan for the Development of the *Gitano* Population states that, in recent years, progresses have been made with regard to the "valorisation of their contribution [of the *Gitanos*] to Spanish culture in general" (MSPSI 2010). Similarly, the Comprehensive Plan for the Andalusian *Gitano* Community envisages the promotion of the "*Gitano* contribution as a shaping element of the Andalusian cultural identity" (Junta de Andalucía 1997).

In general terms, while some aspects are described as authentic attributes of the '*Gitano* culture' (such as arts and crafts production, and respect for elderly people), other behaviours (such as early marriage, early fertility or the involvement into irregular economic activities) are depicted as typical of the marginal and poor contexts of slums and shantytowns, that have nothing to do with the '*Gitano* culture'.

In this context, public authorities are requested to protect certain positive ethnic markers of the *Gitanos*, while modifying, transforming or eradicating other aspects attributed to the 'culture of poverty' (see Lewis 1972).

6.3 Gregarious subjects

Another very common *Gitanos* stereotype that is reflected in the examined documents, relates to the very low level of personification: 'what is collective' prevails over the individual. In this regard, the documents use to evoke: (a) the importance of family and its vast character; (b) the allusion to the *clan* as a specific type of social organization; (c) the role of women as backbones of the family and of the group. A good example of this description is an excerpt of the 2005 report of the Andalusian Ombudsman on the situation of shantytowns in Andalusia, which refers to El Vacie:

> "In recent times, families belonging to several clans of Portuguese, Spanish and Extremadurian have joined the settlement" (Defensor del Pueblo Andaluz 2005: 100).

In addition to this the following part of the Action Plan for *El Vacie*, reinforces the description of the inhabitants of this shantytown as gregarious subjects:

> "The coexistence in *El Vacie* is difficult, due to the extremely precarious environment and the environmental stress. In this context, being surrounded by extended family groups strengthens each individual's identity and [the feeling of] security, and also lays down rules of confidentiality and mutual aid. These are the 'unwritten rules' of the coexistence, which also apply in case of conflicts. The resolution of any conflict is always confronted as a group" (Ayuntamiento de Sevilla 2007: 18).

Moving from the idea of *Gitanos* as 'gregarious subjects', the re-housing initiatives regulated by the same Plan forbid the relocation of more than one family unit (or two, in exceptional cases) in the same building. This criteria, which has been adopted in order to prevent the residential concentration of the rehoused families, may also be found in the documents regulating the re-housing processes taking place in *Los Asperones*:

> "A prolonged permanence in these dwellings would only perpetuate the existing situation of marginalization. Furthermore, the desire expressed by most of population is to leave the slum as soon as an alternative that meets the needs [of each family] exists. In this regard, the draft the Intervention Program recommends that families are gradually relocated in housing dispersed in different areas of the city, and, depending on the willingness of the families, even of the province," (EPSA 2012).

Similarly, also the NRIS in Spain conceives the concentration of *Gitanos* in certain neighbourhoods or areas of cities as an obstacle to their 'integration' and development of 'intercultural relations'. Similar discourses *vis-à-vis* on the non-*Gitano* population are hard to find:

"The majority of Roma people [in Spain] live and interact on a daily basis with non-Roma people in the social arena, and this interaction is probably stronger than in any other European country. However, there are still real obstacles to intercultural exchange, such as the existence of certain neighbourhoods or education centres with a high concentration of Roma people [...]" (MSSSI 2012b: 8).

6.4 Subjects in need of protection

Public authorities always exert a tutelary role on citizens. Nonetheless, in some of the documents analysed, this tutelage results often in the infantilization of the beneficiaries of these measures. For instance, a regulatory document that defines the parameters that the social worker intervening in *El Vacie* must follow, in order to monitor those families during the whole re-housing process (Ayuntamiento de Sevilla 2010: 3), lists the following targets for the lines of action on "organization and housekeeping":

a) Provide good practices of organization and management of the house;
b) Enhance the capacity to plan the household's expenses on the basis of the budget;
c) Enhance an adequate distribution of spaces in the house;
d) Teach the use and the conservation of trousseau and basic equipment;
e) Promote the acquisition of regular schedules;
f) Promote the proper use of leisure time.

The infantilization of the so-called 'shantytown population' is strictly related to the paternalistic measures that guide the process of 'eradication' and relocation in 'normalized housing'. The expression 'social accompaniment' (of families and individuals) is a good example of this approach. It basically consists of the practitioners (technical staff of NGOs or social workers) accompanying users to services and resources located outside of the immediate environment of the shantytown, such as healthcare centres, job interviews, social services, and cultural activities. From the same paternalistic perspective, the documents recommend that the task of supporting and monitoring these special users is based on a close, warm, and continuous relationship:

"Teenagers will have the opportunity to learn habits, skills and knowledge across the completion of various tasks typical of their age, educational level, and status, that will ensure their integration into a group where they can experience a different relationship: close, warm and continuous, counting with the accompaniment and support of the social educators throughout the entire process" (Ayuntamiento de Sevilla 2012: 7).

As specified in the *Plan de Realojo de Los Asperones* [Re-housing Plan for *Los Asperones*] (EPSA 2012: 5), the company must be continuous, prolonged in time, and extended also to the 'normalized environment' as the 'full integration' of the families is achieved, that is, until the user acquires the metaphoric status of 'social

adult'.

7. Decisions adopted by the documents

The aphorisms analysed in section 5, as well as the analogies and stereotypes presented in section 6, have a big influence on the implementation of measures adopted in the documents analysed for this study. According to Austin (1990), the wordings used in policy and technical texts are not a mere statement, as they actually have a direct effect on the way actions are implemented. The measures, regulated by the analysed documents, consist of multiple elements (texts, institutions, expertise, training courses, housing projects, call for grants to NGOs, etc.) that have a complex interconnection that is used to depoliticize public action and to propose solutions to problematized cases. The apparently neutral purpose of the diagnostic studies carried out in *El Vacie* and Los *Asperones*, for instance, and the measures developed at a later stage, shift these interventions from the field of 'what is debatable', or the political world, to a technical field.

In addition to these considerations, this section provides a schematic description of governmental actions regulated and prompted by the analysed texts. They represent an interconnected network of elements that constitute the device through which the written texts turns into action.

Mandate to the third sector

Public administrations use different formulas to refer to *Gitanos* (see section 4.2). However, any of the documents analysed define 'what is *Gitano*'. This task is delegated to the third sector. Since public subsidies for the development of *Gitano*-targeted initiatives are granted to *Gitano* and pro-*Gitano* NGOs, these entities are *de facto* entitled with the task to certify the ethnic belonging of their beneficiaries and are, therefore, responsible for the target's definition. Furthermore, the externalization of specific services for ethnic groups to ethnic civil society organizations also undermines their political and mobilization potential, by making them co-participant and co-responsible of public action.

Social accompaniment and cultural mediation

Both the process of infantilization of the beneficiary population and its relocation in a new 'cultural context' (the 'normalized environment') requires that measures for the 'social accompaniment' and the 'cultural mediation' are designed. 'Social accompaniment' consists of 'expert practitioners' physically accompanying the user (in our case, the inhabitant of the shantytown) to the 'normalized services' [14]. The task of mediators is to support families and individuals in the process of acceding to general welfare as well as when submitting or requesting administrative documents. 'Cultural mediation' is normally used as a synonym of accompaniment: since the 'culture of the shantytown' is perceived as distant from the 'normal culture', there is a need for mediators to work as cultural 'translators'.

Eradication of shantytowns, evictions, and re-housing initiatives

In order to 'eradicate' shantytowns, public administrations implement a series of interrelated (or comprehensive) measures. The most evident action in this sense is the 'relocation into a normalized environment'. It consists of moving the place of residence of these people from one area to another. The

elimination of shantytowns is a very complex issue that involves all relevant governmental levels and sectors (Vallvé 2009:10). Nonetheless, due mainly to political disagreements and budget cuts, initiatives in these areas are currently limited to 'social accompaniment' (Laparra et al. 2014: 29).

Courses, training, and workshops

Understanding the target population as a group of individuals affected by multiple deficits leads to the design and implementation of training activities aimed to ensure their 'social inclusion'. Training is conceived as a 'road map', that is, a pathway that families have to walk through in order to reach the 'residential integration' into a 'normalized housing' system. From a pedagogical point of view, these actions are based on the infantilization of the beneficiary population.

Residential dispersion

In order to implement successful re-housing processes, 'ethnic concentration' is generally avoided. In the case of *Gitanos*, the 'normalization' process starts when they stop 'acting as a group': re-housing families in a same building, or even in the same neighbourhood, is expected to reproduce the social patterns that social intervention tries to avoid.

Heritagization and museification

The documents considered for this study establish a careful distinction between the lifestyle of the 'shantytown population' and the '*Gitano* culture'. They explain that the 'shantytown lifestyle' of the *Gitanos* living in *El Vacie* and *Los Asperones* has nothing to do with their ethnic origin, but is basically caused by the material conditions in which they live. Instead, the '*Gitano* culture' is described as a 'common culture' of the general Spanish and Andalusian population. For these reasons, measures must be taken to prevent the degradation of the 'genuine Gitano cultural heritage'. As an integral part of the Spanish world, the '*Gitano* culture' is also marketable as a touristic attraction. The heritagization of the *Sacromonte* cave-houses, which is strictly associated to the history of the local *Gitano* population, clearly responds to this trend. The process of heritagization of the neighbourhood involves a wide range of actions: the protection of the 'traditional image' of the caves against irregular rehabilitations carried out by their inhabitants; the creation of a cave museum; the edition of guidebooks; the increase of awareness activities on the '*Gitano* culture' for school children and the general population.

8. Case study: Moriscos, Gitanos, and hippies in the heritagization of the Sacromonte neighbourhood [15]

The *Sacromonte* neighbourhood and its cave-houses represent one of the icons of the city of Granada. The local and regional promotion of tourism in this area is encouraging the heritagization of the house-caves, in strict connection with flamenco music and the *Gitano* ethnicity. Public administrations play a central role in

the development of an idyllic imaginary of both the neighbourhood and its inhabitants. Following Comaroff and Comaroff (2011), ethnicity has been turned into a consumption good itself. Both the commodification of the *gitaneidad* and its commercial exploitation have been carried out by travel agencies, public authorities, and also by some *Gitano* residents. A good example of this process is the amount of exhibition spaces that take as main reference the '*Gitano* cave-houses', as well as the proliferation of flamenco-caves.

In this context, the measures of both urban development and control imposed by the local government over the area aim to safeguard both its 'traditional image' and the promotion of tourism. Nevertheless, the touristic image of the *Sacromonte* is not exempt from paradoxes. The transformation of the neighbourhood into a touristic destination, has progressively contributed to decrease the 'authenticity' of the neighbourhood. Not to mention the fact that today the proportion of the *Gitano* population residing in the area is not greater than in other districts of Granada (Duque Calveche, 2010; Lorente Rivas, 2001).

Besides the caves of the touristic area, there is another core of caves located higher up in the *Sacromonte* hill: the caves of the hill of *San Miguel* (geographically speaking, one territory is the continuation of the other). Before the heavy rains of the 1960s, also the caves of *San Miguel* were inhabited by those *Gitanos* that, after the Reconquista, occupied the area that was previously inhabited by the poorest Moriscos. Since the 1970s, other 'marginal groups', such as vagabonds, hippies, and immigrants, occupied this area [16]. Their presence has been a permanent political issue for the local authorities: over the past ten years the city council has repeatedly tried to evict these people from the caves. The last time was in March 2014.

The existence of this conflict is clearly opposed to the touristic picture of the area that the local government tries to promote. The occupation of the caves of *San Miguel* by 'marginal groups' represents a political issue for two main reasons. First, their presence is threatening the 'authentic image' of the area. Second, they are preventing the touristic exploitation, heritagization, and museification of the cultural and landscape attractions offered by the geographical location of the caves. In this situation, the government's strategy has been to disassociate in public discourses the caves of *San Miguel* from the caves of the *Sacromonte*. The eviction of the hippie-caves represents the following step of a political strategy that aims to create and exploit new touristic products. The stigma of the current inhabitants of the caves of *San Miguel* has an interesting connection with the historical stigmatization suffered by the *Gitano* population living in this area. Many of the stereotypes and descriptions related to the *Gitano* (or Roma, Gipsy, etc.) population in Europe emerged during research activities of the WE Project (lack of hygiene, marginal life style, noisiness, presence of animals without veterinary supervision) also apply to the new inhabitants of the caves of *San Miguel*.

In reality, the discourse on tourism integrates 'what is *Gitano*' rather than the *Gitano* population itself. This operation is based on the understanding of the '*Gitano* legacy' as integral part of the 'Andalusian culture'. On the other hand, the diversity represented by the new 'marginal' inhabitants of the hill of *San Miguel* is perceived as inconsistent with this scope: they represent a problem that needs to be 'eradicated'.

Concluding note

When it comes to *Gitanos* and 'Roma', Spain presents some exceptions compared to other Western European countries, especially from two perspectives. The first one is demographic: *Gitanos* in Spain represent

approximately 1.6% of the whole population, which is a big proportion when compared to other Western European States. With approximately 725,000 *Gitanos* (Council of Europe, 2009), Spain is the fifth country in Europe according to the number of 'Roma' living in it.

A second characteristic that makes Spain a special country in relation to its own 'Roma' is the way the State has been exercising control over it. As Piasere (2004) theorizes, while the Romani populations in the Balkans have been historically included in the socioeconomic systems through a fiscal category based on ethnical or religious criteria (the paradigm of the Ottoman Empire) or have been directly enslaved and used as work force (the Romanian Principalities version), in Western Europe, Romani people have been expelled from the socio-economic system, and consequently from local territories. In this context, Piasere described the Spanish experience as "a variant of the Western model [that] tries to respond to its own failure" (ibidem: 54): it does not foresee neither expulsion nor genocide, but ethnocide through forced cultural assimilation. According to Gunther Dietz (2003: 17), "the political measures taken on *Gitanos* in Spain during the last five centuries are often contradictory: they swing constantly between forced assimilation and forced segregation". The contradictions of contemporary policies for *Gitanos* in Spain have been inherited from this historical fluctuation between assimilationist and segregationist measures.

Based on the abovementioned demographic and political backgrounds, large part of *Gitano* population in Spain, even with important exceptions, never adopted *peripatetic* strategies (see Salo 1986). On the other hand, *Gitanos* have never been perceived as 'nomads' by the local society. Moreover, most *Gitanos* in Spain live in standard housing conditions. Unlike in other countries, territorial segregation of *Gitanos* has taken place as a result of social stratification, rather than as a consequence of a politically constructed and cultural-based relation with the territory (such as the *'nomadi'* in Italy). However, such segregation has been 'culturalized' or 'ethnified' at a later stage: in Spain the causes of urban segregation and bad housing conditions are explained, both in political and media debate, as a cultural phenomenon. In spite of the effort made by policy makers and public administrations to either avoid the use of ethnonym, or introduce its proper usage, the formulation and implementation of housing policies addressed to the *Gitano* population are (still) based on the understanding of poverty as a specific culture. As a consequence of this, most of public intervention surrounding housing policies has a clear cultural and pedagogical orientation. From a (generally unnoticed) culturalistic explanation of poverty, under the logic of contemporary European neoliberal policies, the examined documents propose measures aimed to the 'cultural change' (or behavioural change) of poor people: consciousness, normalization, ability training, etc.

A third phenomenon that places Spain in a quite unique position – and which is clearly reflected in the corpus of documents considered for this study – is the widespread admiration of those aspects of the '*Gitano* culture' that have been traditionally included in the 'Spanish culture and folklore'. If we consider the performative power of policies, we can observe how both discourses on the cultural heritagization (or folkorization) and the inclusion of the (excluded but still) 'very-culturalized' *Gitanos* brought with it some kind of material and immaterial benefits. For instance, this operation enables the development of a *folk-Gitano* economic niche that benefits a small part of the *Gitano* population. At the same time, it also allows for some recognition of the socio-cultural status of the *Gitanos*.

If we consider our case studies, *Los Asperones* and *El Vacie*, reveal the attempt to correct the result of segregationist policies through assimilationist models, with regard both to the management of space (residential de-segregation) and culture ('normalization'). The case of the *Sacromonte* shows how the heritagization and museification of specific elements of the '*Gitano* culture' contribute to the fossilization of a somewhat positive but still stereotyped image of *Gitanos*.

What the socio-linguistic analysis of the legislative and administrative documents used in this study shows is that the language used to address the 'Gitano population' and its housing situation is built upon a common cultural cognitive framework. In this framework, public action fluctuates between the exaltation of cultural elements related to regional and national identities and the attempt to 'eradicate' poverty-related behaviours. Therefore, social inequality is understood as the consequence of cultural and/or individual behaviours, instead as a complex socioeconomic and structural phenomenon.

[1] This chapter uses the Spanish term 'Gitano(s)' to refer to a range of heterogeneous subjects and groups historically living in Spain and that identify themselves as such. Gitanos are the target population of the documents examined in this study. The term Roma will be adopted to refer to the (debatable) ethno-political category used by the European institutions, and consequently by several Gitanos and pro-Gitanos NGOs in Spain, in order to refer to a panorama of diverse groups living in the European territory, such as Sinti, Manush, Travellers, Roma, Gitanos, and others whose ethnicity is widely regarded as common.

[2] 'Spontaneous' refers to the lack of a formal public planning during the initial configuration of the shantytown.

[3] The inhabitants of La Chapina shantytown were evicted in order to leave space to the infrastructures of the 1992 World Expo (ibidem).

[4] Among the cases of 'shantytown eradication' described by Torres (2011), the most controversial one is that of *Bermejales*, whose inhabitant successively moved to *El Vacie*.

[5] The Action Plan was agreed by the regional government and the city council. However, the latter did neither approve the Plan, nor its organs (including as the strategic desk). So, although the Plan was the backbone of the first intervention in *El Vacie*, in recent years (2011-2014) its impact has been very relative (for instance, the strategic desk has been inactive since more than two years).

[6] The translations from Spanish into English have been made by the authors.

[7] The Ministry of Development defines substandard housing (*infravivienda*) as "the epitome of residential vulnerability, [...] that do not meet decent living conditions, either by the poor condition of the buildings, or by having insufficient surface according to residents living in the household, or by the lack of basic facilities in the home (heating, toilette, elevator, etc.)" (Gobierno de España and IJH 2010:7).

[8] Access to housing on the free housing market is one area where *Gitanos* experience more prejudice and direct discrimination. At the same time, it is also very difficult to prove its existence (Laparra et al. 2014:28).

[9] For example, in the Dictionary of the Spanish Royal Academy, one of the meanings of the term is "*que estafa u obra con engaño*" [that swindle or behave deceitfully].

[10] Already in 1999 the 'Report of the Subcommittee, established within the Committee on Social Policy and Employment, for study of the *Gitano* issue' (Cortes Generales 1999) warned of the danger of the disappearance of the *caló* and other elements of '*Gitano* culture' in Spain.

[11] In Spanish, the difference between the term *barrio* (neighbourhood) and *barriada* (slum) is vague. Usually (but not always) *barriada* has a negative connotation and is associated to a 'marginal lifestyles', while the term *barrio* is applied to any sub-district of the city.

[12] Oxford Dictionary of English.

[13] The administrative texts avoid associating this 'non-normal culture' to any particular 'ethnic or social group'. However, they move from a culturalist interpretation that ends ethnificating the 'shantytown population'.

[14] Laparra et al. (2014: 29) describes 'social accompaniment' as "specialized support that implies working with the families in their access to a new home (rights and duties, routines, etc.) and promoting a good co-existence with neighbours. It also entails other parallel measures focusing on access to mainstream educational resources, labour market integration and access to and use of health-care facilities".

[15] A monographic analysis of this case study can be found in López López and Beluschi Fabeni (2014).

[16] The local media, as well as certain scholars and local historians, have helped to spread the idea that both the caves of *Sacromonte* and the caves of hill of San Miguel have been permanently occupied by 'marginal and exotic' groups. According to this idea, the first inhabitants of the caves were the poorest Moriscos, before the Catholic conquest in 1492. Then, the 'Gitano population' together with the remaining Moriscos occupied the caves. Finally, the current occupants are categorized as neo-hippy communities, attracted by the romantic and exotic environment.

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FROM THE UNIVERSAL VALIDITY OF PUBLIC POLICIES TO THE CONDITIONALITY OF RIGHTS

PT

Data collection
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Quantitative and qualitative analysis of data collected
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1. Research contexts and methodological issues

Given the Portuguese administrative specificity, the territorial and political levels taken into account are national and local, that is, municipalities. Mainland Portugal is presently divided territorially and administratively into districts (as administrative division formed by a group of municipalities), municipalities (counties) and parishes. The policy of administrative decentralisation of local authority did not implement the creation of regions with political-administrative and financial autonomy, a function that not even districts perform. With the national territory as a background, we direct our research at the local level, choosing some criteria able of translating the diversity of contexts where problems related with *ciganos*[1] are raised, starting with the hypothesis that the solutions proposed or adopted for the problems identified depend precisely on the contexts in which they are produced and on how they are formulated.

In this sense, a set of three criteria guided the selection of local territories: 1) the size of cities and the urban-rural continuum; 2) public investment in social housing and intervention models in the housing area; 3) the visibility *vs.* invisibility of *ciganos* in the official documents.

According to these criteria, three case-studies were selected: the Municipalities of Lisbon, Beja–capital of the District of Beja, in the region of Baixo Alentejo–, and the Municipality of Vidigueira, within the same District.

1.1 Lisbon

Lisbon, with a population of 547.733 inhabitants within its administrative limits, but around 3 million people living in the Great Metropolitan Area of Lisbon[2], is the biggest Portuguese urban area. The city has the second largest percentage of population in social housing dwellings in total resident population (10.7%), surpassed only by Oporto.

Ciganos constitute a minority population (4.3%) in the municipal areas of Lisbon, living in 38 residential areas, out of a total of 64. A survey conducted by GEBALIS, EEM[3], in 2008, identified 760 *cigano* families consisting of 3.296 individuals who were rehoused, for the most part (68.7%), between 2000 and 2007.

In Lisbon, although there is a wide range of laws, official communications and regulations in the social housing arena, which together make up a complex legal conundrum (CET-ISCTE/IRIC/A. Mateus e Associados 2008), no explicit policy guidance exists regarding the targeting of interventions in neighbourhoods in relation to specific groups. For example, recently, in 2012, the Municipality approved a Regulation for the Management of Housing Stock which unified, within one document, the criteria and procedures for the management of the municipal housing stock[4]. Although this Regulation outlines detailed administrative criteria and practices, it fails, at least in a legal sense, to provide guidance for tackling the sociocultural diversity of local neighbourhoods.

One could raise the hypothesis that, in a way, there is a political trend to not officialise decisions explicitly referring the *ciganos*. A more explicit reference to *cigano* population can be found in the Lisbon Priority Intervention Neighbourhoods and Areas (BIP/ZIP)[5] Programme, created in 2010 within the Local Housing Programme[6], which approves projects in Lisbon neighbourhoods with higher presence of *ciganos*.

1.2 Beja

In 2011, the municipality had approximately 36.000 inhabitants and 14.000 families. Social housing represented 2.35% of total accommodation, that is, there were 329 social houses, in which 826 people and 326 families were estimated to live[7]. According to the information provided by the Municipality, there are actually 76 *cigano* households rehoused in social housing (approximately 380 people), which represents 23.3% of all families living in social housing[8]. Specifically, documentation produced internally by the Social Development Office claims that *cigano* families have been rehoused in Social Housing apartments since 1984[9], together with other citizens, while regretting the failure of the "integration projects", because of the attitude of *cigano* families as to compliance with coexistence rules established for all, generating conflicts among neighbours[10].

On the other hand, there was another housing situation that dragged on for over 40 years, that is, the existence of a slum, about 2 km from the city – the so-called *Esperança* neighbourhood – where *ciganos* and non-*ciganos* have lived together[11].

A municipal Technical Local Office operated in the neighbourhood from 1999 to 2001, when the Office selected and analysed 81 cases of families living in *Esperança* neighbourhood, where there was extreme housing shortage (51 of them were *cigano* households, inferring that all *cigano* families were affected by the analysis, and 30 were non-*ciganos*). The diagnostic produced the Detailed Plan of the *Esperança* neighbourhood, where the Office proposed that *cigano* families, living in the neighbourhood for over 20 years, should be rehoused within its boundaries, and that urban reorganization and rehabilitation of the neighbourhood were required.

Meanwhile, between 2002 and 2005, the Municipality, together with the Social, Cultural and Recreation Centre in *Esperança* neighbourhood, tried to implement an international project to integrate resident and nomadic *ciganos* from all over the country, in the housing, socio-cultural and educational areas; but the two applications for funding were never selected[12]. The so-called "Nomadic Park" planned the construction of 50 dwellings and another area for the nomadic people, equipped with the entire basic infrastructure, including spaces for animals, showers and washing areas, as well as a multipurpose space for socio-cultural and educational intervention. It was never built in this fashion. In fact, the project proposal, as well as the proposal for the regulation management of the Park, never came to the meetings of the Municipality for approval[13].

What effectively happened was that, in 2005, the Municipality decided to proceed with the subdivision of a portion of the space of *Esperança* neighbourhood, in order to build 200 private apartments; and finally, in 2006, it took a decision regarding the rehousing process of 50 *cigano* families, identified as "sedentary", residing in *Esperança* neighbourhood, who were transferred to a different neighbourhood, specially built for that effect, named *Pedreiras* neighbourhood. It is the most recent social housing development in Beja, where the *cigano* population amounts to 250 people. It comprises 50 dwellings, spatially distributed in five streets, which all have the same structure of 2 bedrooms and a living room[14]. Unfortunately, the neighbourhood became famous for the controversial wall that was simultaneously built around it, after intense negotiations with the owner of a company located just adjacent to the neighbourhood[15].

Finally, in 2011, the Municipality approved the controversial Regulation of the Clauses of the Local Contract

on Social Responsibility, aimed at regulating situations of non-compliance and debits of tenants in social housing. It was originally conceived just for *cigano* families, living in the *Pedreiras* neighbourhood, but the official version hides the specific target, thus focusing on the most universal discourse about citizenship, and the binomial rights/duties.

1.3 Vidigueira

Vidigueira has approximately 6.000 inhabitants. In December 2010, 154 *ciganos* were living in the county and in three out of the four parishes within the municipality, 128 *ciganos* were in precarious housing. It is noted that there is no social housing in the municipality.

The presence of the *cigano* families, currently living in the county, goes back to the 1970s, when they lived in the town centre[16]. The successive relocation of these *cigano* families, until the last resettlement in the Park Stage (in October 2012), reflects the progressive removal of these families from the town and reveals that, behind this mobility, was a set of several and different factors, among them:

– The land interests associated to the spaces previously occupied by these families. This is the case of the old municipal slaughterhouse that was occupied by some families, and then sold for the construction of private housing;

– The pressures, carried out by non-*cigano* residents, hamper other solutions, normally welcomed by *ciganos*, such as the scattering of *cigano* families within the urban area. Land depreciation is often recalled due to the presence of *ciganos*[17].

– The Municipality triggered some efforts to promote the dispersion of families in the town centre: in February 2010, the negotiations with banks started in order to support the purchase of houses, and, in June 2010, a Regulation to support poor families to rent houses in the private market was published[18]. However, only three *cigano* families benefited temporarily from the rental support. The reason was, on one hand, that the Municipality didn't find the means to rent houses and sublet them to *cigano* families; on the other hand, there were a few families who met the conditions to benefit from the support.

This situation seems to have given strength to the option of the Park Stage[19]. In January 2011, the "Park Stage project – an integrated response" is firstly introduced at a meeting of the Municipality, and in late February at the Municipal Assembly[20]. Coordination and management of the Park Stage project was delegated to *Centro de Estudos e Formação Aquiles Estaço, Sociedade Unipessoal, Lda. (CEFAE)*. The project was grounded in two basic requirements: the indispensable need to promote a set of personal and social skills for people living there, and, besides the involvement of the private third sector, the relevance of linking a network of partners, among them the National Republican Guard (GNR). These elements were supposed to bring about good surveillance and adequate monitoring of the social processes inherent to the project.

In 2012, the Park Stage had its construction started to provide the infrastructure for the resettlement of 15 *cigano* families, who lived in barracks in Vidigueira parish. On site, an existing warehoused was used to build the "houses": the space was divided into small units, without bathroom and kitchen, since there was neither piped water, nor a sewerage system. The various fractions do not have any type of finishing – the floor was

made of concrete, the walls were in plastered brick and the roof consisted of a metal plate. The toilets were located outside the houses and for collective use. The water came from a borehole, and the required analyses were not made, rendering it unfit for consumption (see Figure 4).

It is important to stress that, during the research, the situation of the *cigano* families living in the Stage Park in Vidigueira changed substantially and dramatically, namely because of the destruction of housings by the Municipality, without prior notice or the provision of residential alternatives.

1.4 Methodological approach

Different methodological approaches were adopted to identify the official documents which represent the Portuguese reality concerning the aims of the project: direct and indirect (online search) collection of available and public documentation; interviews and informal conversations with institutional actors of the central government and local administration; as well as contacts with public or third sector entities that promote social intervention projects at a local level.

Thus, from 239 documents initially collected and selected, we finally reached 62, dated from 2002 to 2013: 20 at a national level; 34 in Beja; 7 in Lisbon; 7 in Vidigueira. Why and how?

We must stress two important issues to understand the typology of documents and acts collected, as well as their narrowness at the two territorial levels:

– Not every document explicitly refers to *ciganos* as a target. Albeit explicitly absent from the documents, the *ciganos* are implicitly targeted, often being intentionally "hidden" under other social categories (thus excluding the ethnic category);

– Not every document follows the criterion of specificity of the contents of acts – that is, acts that concern solely the housing issue related with *ciganos*. In Portugal there are no public housing policies explicitly directed to *ciganos* and we didn't find any official document whose funds had targeted exclusively *ciganos*[21]. Given this situation, it was exactly because we firstly stuck to the most inclusive criterion for searching and selecting documents, and we tried to cross every available data that we were able to reach given types of documents and formal and official acts.

At the local level, with the exception of the Beja case (34 documents collected), obstacles of a different nature were found, concerning access and the possibility of collecting formal administrative documents. In fact, there seems to be a formal "documental void" between the cacophony of the political speeches and its translation in formal administrative and official procedures.

Many documents found are para-texts, whilst the lacking documents are precisely, most of them, resolutions, or technical information, and their relative dispatches by hierarchical superiors. The Vidigueira case is paradigmatic of this situation: there is a clear hiatus between political stances and decisions, officially expressed in Municipality and Municipal Assembly meetings, and the execution thereof in official administrative acts translating the measures adopted and supporting their action.

In short, access to the administrative procedures became complicated for the following reasons: first of all, it was denied with silence from the responsible institutions. It is the case of Vidigueira where we did not

receive any reply to our request for an interview with the head of the Office of Social Work and we cannot obtain additional and relevant documentation. Secondly, changes in the forms of recording the municipal documentation often make impossible to detect the procedural item of acts and their location. Finally, the on-line data-base does not cover the entire time span we are interested in. For that reason, in Vidigueira, we were only able to consult the minutes of the Municipality for the 2008-2013 period, and of the Municipal Assembly for 2005-2013.Similarly, in Beja, we could collect official acts beginning only in 2009 (with the exception of two Municipal Assembly resolutions in 2005): the documental research of the minutes of Municipality meetings was limited to those that were available in the Municipality website (from 2009 to 2013), the previous ones being absent of the online archive. On the contrary, the minutes of Municipal Assembly meetings, recorded in paper, were fully collected. In the case of Beja, this lack of information prevented us from filling in the documental and analytical gap, as we had no formal reference about institutional policies concerning the political mandate of CDU (a political alliance between the Communist Party and the Ecologist Party)from 2003 to 2009, which were specifically focused on the rehousing process of the *cigano* families living in the *Esperança* neighbourhood[22].

Given the specificity of the Lisbon case, and given the scarce number of documents collected and deemed pertinent, it is of interest to account the constraints raised throughout the research and the inferences that one may make about the existence of such a limited number of documents. Through informal conversations with some technicians of GEBALIS, EEM and analysis of some technical para-textual documents it was possible to identify some of the interventions carried out by the Municipality, or on-going, in neighbourhoods inhabited by *cigano* families. In parallel, in the minutes of the Municipal Assembly[23] and the Municipality[24], we tried to find the administrative procedures justifying the previously detected institutional practices. However, it was not possible to detect any official administrative act explicitly mentioning *ciganos*. Nevertheless, these documents allowed us to reference some of the political stances about *ciganos* and housing issue in some social housing neighbourhoods. It was thus possible to identify which neighbourhoods in Lisbon were targets of particular political attention (*Ameixoeira*, *Bom Pastor*, *Portugal Novo*, *Murtas*. See also Par. 3). Among them, the neighbourhood of *Ameixoeira*[25] was of particular evidence, because it was the target of a controversial rehousing process involving some *cigano* families and also because it accumulated a set of socio-economic indicators among the most unfavourable in the city, that placed it as a priority intervention neighbourhood within the aforementioned BIP/ZIP Programme[26]. Finally, public bodies were contacted both directly (namely, GEBALIS, EEM, and the office of the councillor charged with Housing and Social Development in the Municipality of Lisbon), and indirectly, such as the Lisbon Municipal Police, in order to obtain from them the administrative acts supporting some of the interventions carried out, or still on-going, in the aforementioned neighbourhoods, or legitimating some of the decisions taken.

2.The ciganos in Portugal: Invisibility and/or political emergence

At the national level (and for the same legislative and legal reasons, at the local level), there are no official data about the presence of *ciganos* in Portugal, given that the current Portuguese Constitution defends the

principle of equality (Art. 13) according to which "race", among other elements, must not constitute grounds for forms of discrimination, neither positive or negative, thus preventing differentiated data collection about ethnicity, race, colour (also in census). The Personal Data Protection Act (Law 67/98) also forbids treating personal data concerning "racial or ethnic origin" (Art. 7). Finally, although the Framework Convention for the Protection of National Minorities (ratified by the Government in 2001) states that *ciganos* are the only ethnic minority recognised by the Portuguese state, living in the national territory since at least 1510 [27], there is no law in Portugal defining, promoting and protecting the existence of ethnic or cultural minorities in the territory–rejecting by definition the existence of national minorities. Moreover, the Portuguese Government rejects the critical stance of the Advisory Committee of Council of Europe that seriously requests to the Government to take on their responsibilities and to implementing necessary and effective measures against discrimination that *ciganos*, as ethnic minorities, live in Portugal.

This process of breaking down citizenship assignment starts with the promulgation of the 1st Constitution of the Portuguese Monarchy of 1822 and the subsequent Constitutional Charter of 1826, in which distinctions (and inequalities) by race are suppressed and Portuguese citizenship is acknowledged to everybody born in the national territory, including *ciganos*, as stresses Costa (1995, cit. in Casa-Nova 2009). *ciganos* are no longer deemed foreigners and can only be persecuted if they commit crimes provided in the Penal Code, which no longer includes being a "vagabond". Meanwhile the legislative machine produces another device to "watch" *ciganos* with administrative measures. Namely, the Ordinance of April 18th 1848 and, subsequently, in 1920, the Regulation for the Rural Service of the National Republican Guard (GNR)[28] are approved, the latter explicitly mentioning the need to undertake "severe vigilance over the *ciganos*, constantly watching their movements with the aim of preventing and repressing their frequent acts of pillaging" (Art. 182). It is only in 1980 that the Council of the Revolution decrees the unconstitutionality of all provisions included in this Regulation, as they violated the provisions of nº 2 of Article 13 of the Constitution of the Portuguese Republic, that is, they amount to a negative discrimination of *ciganos* based on race. The new General Regulation of the Service of GNR (1985)[29] no longer explicitly mentions *ciganos*, finding the formula "Vigilance over nomads, beggars and vagrants. Prostitution", a way to circumvent the problem of unconstitutionality and continue to act over the same individuals. Beyond the General Regulation of GNR concerning nomad populations and other "undesirables", and given the inexistence of specific standard provisions to host itinerant populations, the way found to regulate occasional camps is expressed in Decree-Law nº 310/2002, of December 18th, which curiously puts in the same bag the legal regime for licensing the performance of a set of very diverse activities[30], including the settlement of occasional camps [31].

Thus, at least formally, *ciganos* "disappear" from normative texts, especially concerning control and punishment instruments, letting the constitutional principle of non-discrimination has its effects.

Nevertheless, it seems that the need to collect data allowing guidance of public action is among the worries of scholars and non-governmental organizations, but also of some official bodies trying to fill-in what seems to be seen as a sort of information black hole[32]. Different researches have tried to compensate for the inexistence of official sources allowing, as reliable as possible, an approach to the size of the *cigano* population, albeit obtaining very unequal and much varying results: between 25.000 and 100.000 *ciganos*

living in Portugal (Bastos 2007; Castro 2012; ERCI 2002; Machiels 2002; SOS Racismo 2001; Vicente 2009). If we take Castro's study (2012) as a reference, stressing that there is no information available for about ¼ of the mainland territory and that part of the data collected cannot be deemed exhaustive, we can estimate the *cigano* population in mainland Portugal to be around 40.568 people. Thus it represents 0.4% of the total resident population[33], which is distributed in all the territory with relevant concentrations in the North of the country (Bragança and Braga districts), the South (Beja and Faro districts) and around the capital (Lisbon and Setúbal districts) and where, in absolute terms, about ⅓ of the resident *ciganos* are gathered (see Map 1).
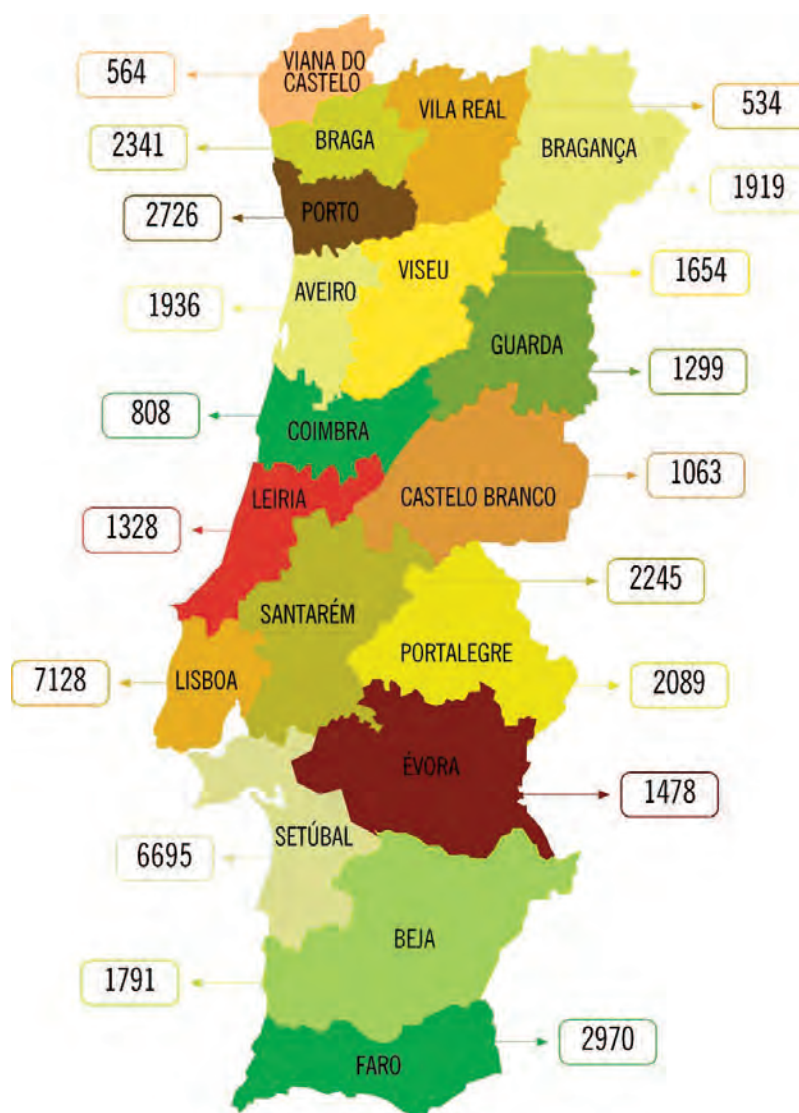
When taking into account figures as an information source, one must be very clear, however, that, while it was certainly possible to get a more reliable approach for some municipalities, thanks to some census that have been carried out by research teams or within social intervention projects, involving *ciganos* themselves as collaborators collecting information; in other cases, we can only identify individuals who receive some kind of support and, even so, with no guarantee that these situations are fully included. That is, one can be referring to the universe of more vulnerable *ciganos*, running the risk of mistaking ethnicity for social weaknesses and unwittingly aggravating stigmatisation (Castro 2012: 56-57).

In short, as we have stressed so far, the Portuguese state considers, for all purposes, that Portuguese *cigano* citizens hold the same rights and duties. For that reason, it is difficult to quantify and locate their presence in the national territory and to obtain information of different nature with the institutions capable of planning and acting in social intervention programmes. In not few cases, the institutional agents themselves produce speeches about the inadequacy of treating personal data in a differentiated way to avoid the effect of discriminating specific users. However, this legal situation entails ambivalence in communication and performance, experienced by politicians and technicians of the social sector – although this attitude, based on common sense, is formally non-justified, given that, the legal and legal state apparatus guarantees the right to citizenship as one of the founding principles. Thus, *ciganos* are included in the system as Portuguese citizens equal to the others, while at the same time they are an exception, requiring ad hoc measures. The discussion about the need for positive discrimination measures for *ciganos* is unending, extremely ambiguous and dangerous, because, de facto, *ciganos* are a distinct "ethnic group", a social, ethnic and cultural minority, albeit not officially acknowledged by any specific national law.

The invisibility, or the political emergence, of the "*cigano* issue" in the institutional and political agenda, in the social, work and economy, housing, education or health domains, puts *ciganos* in a complex network of speeches and practices that either pictures them as the most poor, vulnerable, incapacitated and needy citizens, discriminated and excluded, or as delinquents, and marginalised, self-excluded, inadequate and potentially dangerous.

It so happens that the weak focus and political interest, from the central state, to approach the relationship between ethnicity and social inequalities, contrasts with the different controversies raised by the presence of *ciganos* at the local level, in such a way that there territorial inscription becomes a public problem.

One must go back to the mid-1990s, time when the High-Commission for Immigration and Ethnic Minorities (ACIME)[34] was created and the Report of the Working Group for Equality and Inclusion of *ciganos* was published, to witness the creation of specific government devices to perform detailed analysis of the difficulties surrounding the insertion of *ciganos* in Portuguese society and preparing a set of proposal in order to contribute to end situations of social exclusion[35]. Within the four generations of National Action Plans for Inclusion (2001-2010) – the measures outlined for the *cigano* population were scarce, occasional or inexistent –although the NAP/Inclusion was the sole official document of national scope where the *cigano* population is mentioned – and, in the case of the last NAP/Inclusion (2008-2010), the conditions were not created to fulfil some of the measures listed, among them, of interest to us, "diagnosing the experiences carried out in social housing" (Castro 2012: 76).

Therefore, the history of public policy in Portugal has shown some resistance in adopting differentiating measures oriented towards specific sociocultural groups, hence the insistence in stressing, in several documents, that *ciganos* are entitled to receive the same supports as other needy Portuguese citizens – among them, the right of access to social house, the right to social assistance, the right to economic support, for example the Social Integration Income[36].

However, despite the fore mentioned trend for universal public policy to comprehend Portuguese *ciganos*, there are exceptions. For example, on the one hand, the Choices Programme[37], in force since 2001, whose primary target is, explicitly, descendants of immigrants and ethnic minorities, and that, currently – between 2013 and 2015 –, within its framework, has *ciganos* as the target of its intervention in more than half of the projects under way. On the other hand, the Municipal Mediators Project, launched by ACIDI in 2009, "preferentially" meant for the *ciganos*, appears as the first political initiative launched by a public institute, although not supported by any legislative document.

3. The social housing policies in Portugal

With no aim of doing a historical overview of social housing in Portugal, it is of interest to focus on the main landmarks of public policies in this domain, tending to translate the present housing condition of *ciganos*. Although there is no data about the processes of *cigano* population's access to public housing, different kinds of sources allow us to understand, indirectly, that her entry into the history of social housing happens only recently, namely after April 25th 1974, when democracy was implemented.

If we take a brief look at the historic background of social housing in Portugal, it is not difficult to understand the factors of that late entry, if compared to that of other social groups. Also, by looking at the academic production on the matter, one sees that the focus of studies about *ciganos* and housing appears, mainly, during the first years of this century and presents, mostly, a critical reading of the rehousing processes (Brinca 2006; Lopes 2008; Mendes 2005; Pereira *et al.* 2011, Santos *et al.* 2008),

The path of Portuguese social housing policy allows enhancing certain features that determine this late access. Until the end of the 19th century neither the Government nor Municipalities thought that building housing was a responsibility of theirs.

It is only during the 1930s decade that public policies show up with direct intervention in the housing field; however, they do not reach considerable impact concerning the target population (the poorest classes) and the number of dwellings built (Teixeira 1992).

Between 1974 and 1980, in full post-revolutionary period, several public housing policy measures arise[38]. In effect, during the 10 years following the post-revolutionary period, the first steps were taken to build a welfare state by channelling public investment, mainly, to social security, education and health, and less to housing, which only reached a weight over 2% as a percentage of the Gross National Product in 2000 (Guerra 2011: 43). This period is marked by more generalised access of the whole population, including *ciganos*, to a set of social rights.

From 1977, however, direct intervention by the Government is in retreat and support to families is privileged

to purchase an own house in the free market, through interest rates subsidised by the Government and longer amortisation periods. This model "did not have visible effects in housing production — public and private — until 1987 (date until which the average annual production was under that of the 1970s decade)" (Fonseca e Ferreira 2010) [39] and, once again, prevented a considerable slice of the population from having access to housing, given that those who did not meet the conditions to have access to bank loans were inevitably excluded from this sort of measures.

At the end of the 1980s, with migrations of population from the interior of the country to the coast and the arrival of returnees from the former colonies (around one million), who had established themselves in the outskirts of the urban centres of Lisbon and Oporto, the panorama was not very encouraging: many shanty towns and non-licenced buildings proliferated and the overcrowding rates of dwellings was high [40].

Although the more liberalising trend in housing policy was kept throughout the following years, it was accompanied, in 1982, by the transfer of competences on housing promotion from the public sector to the Municipalities; credit lines were created for that purpose, to build housing to sell, to rehouse, to purchase and land infra-structure. Hence, from 1987 one sees a significant increase in housing production, strengthened in the 1990s decade. Let us recall that Portugal enters the European Economic Community on January 1st 1986 and several community funds are thus made available.

The programmes launched by the National Housing Institute (INH) [41] – Collaboration Agreements, the Special Rehousing (PER), PER Families and PROHABITA[42] – caused deep changes on the urban structure and social tissue, mainly in the metropolitan areas of Lisbon and Oporto and built, during the last 28 years, the planning and funding instruments at the service of local authorities to face the housing needs of a set of the population that was excluded from the private housing market. The preamble of the Decree-Law n.º 163/93, which creates PER, is illustrative of this: "The eradication of shanties, an open sore in our social tissue, and the consequent rehousing of those who lived in them, requires that conditions be created allowing total extinction thereof".

While PER was the Programme with greatest quantitative impact in terms of building social housing, it was "controversial in its origins concerning aims (more focused on a housing situation – shanties – than a need), its organic configuration – materialised in decentralisation to municipalities without negotiation – and also concerning its own template (concentrated and forcibly segregated neighbourhoods, initially with no equipment provided)" (CET-ISCTE/IRIC/Mateus e Associados 2008: 29).

More generalised access to social housing for *ciganos* occurred, mainly, in the late 1980s, through the implementation of these latest policies, but mainly through PER. Thus, over the last three decades, significant changes have taken place within national policy-making for the promotion of public housing in Portugal, resulting in both qualitative and quantitative transformation of public housing stock and urban infrastructure. However, as Castro argues (2012), available data concerning the housing situation point to the existence of around 9.140 *cigano* people living in non-classic lodgings [43], in 74 of the 278 municipalities of mainland Portugal. In these 74 municipalities, *ciganos* living in this type of lodgings represent 22.5% of the total *cigano* population of the country, and 11.7% of the total living in non-classic lodgings. Nevertheless, if we compare the data, looking only at the information concerning the 74 municipalities, the panorama gains new proportions, revealing the expressive size of the social contrast: among the *cigano* population living in these

territories, 45.7% live in non-classic lodgings and, within the universe of population living in such housing conditions, *ciganos* account for 30.3% [44].

In the specific case of Lisbon, public housing policies since the 1980s have had a particular impact on the *cigano* population, since most *ciganos* were living in very precarious housing conditions prior to the mass rehousing took place (Machado 1994; ONPC 2007). However, 760 *cigano* families are not evenly distributed amongst public housing areas in Lisbon. Despite this apparent dispersion of the population, and in the light of the housing supply available, the recent allocation of housing resulted in the concentration of many *cigano* families (⅓) in just two municipal neighbourhood, *Ameixoeira* (AM) and *Alfredo Bensaúde* (BS). Moreover, it should be noted that the proportion of *cigano* population relative to total residents is more than 10% in a total of 5 neighbourhoods, and, in the case of one of them – the neighbourhood of *Murtas* (MU) is as high as 34% (see Map 2) [45].
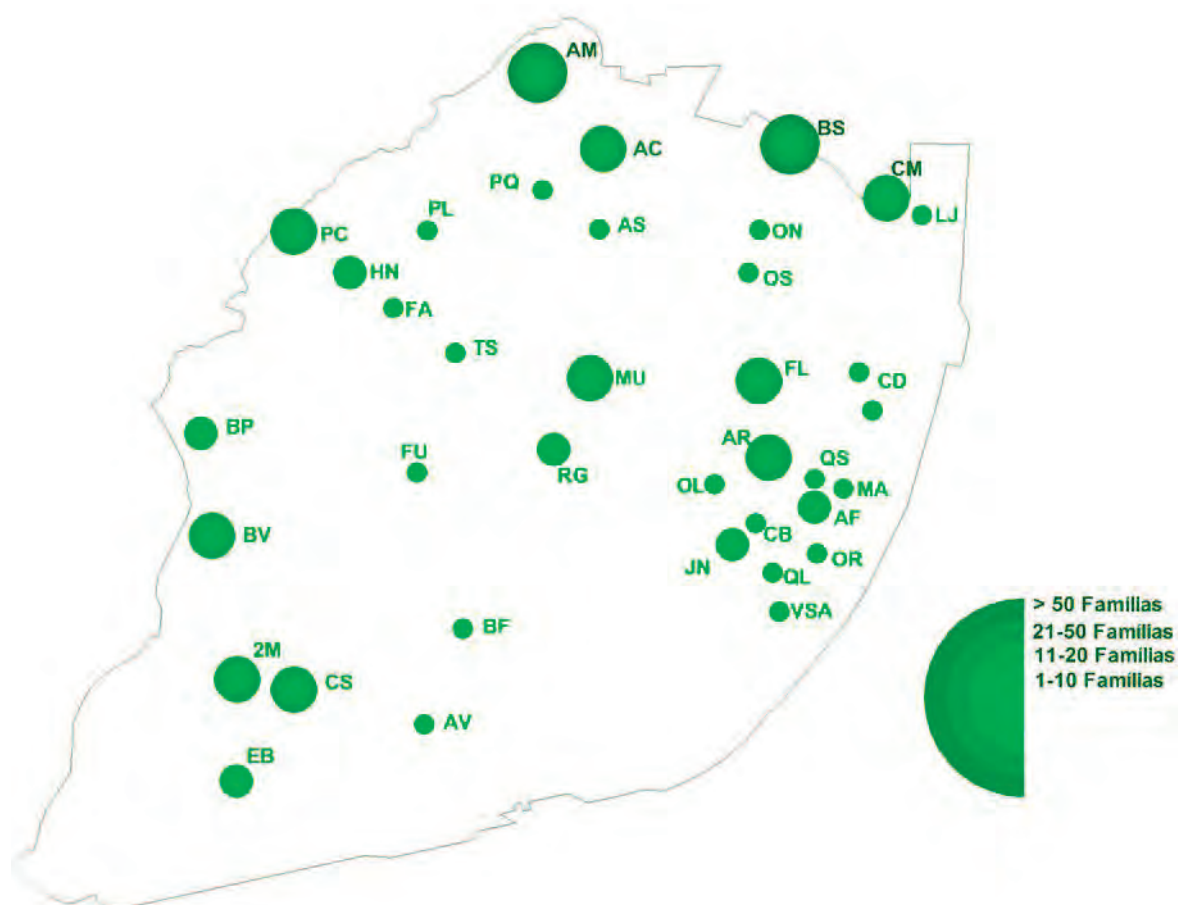
The rehousing of the *cigano* population took place fairly late: the allotment of municipal housing to *cigano* families occurred widely between 2000 and 2007 (68.7%).

In this sense, the rehousing process of the *cigano* families to the *Bom Pastor* (BP) neighbourhood was an exception. This neighbourhood was the first one to be conceived and promoted by the Municipality of Lisbon within the PER: it started in 1993 and ended in 2001. It is located in a peripheral area of the city of Lisbon.

The land where it was built is a residual area, insulated from the surroundings by the railway and local traffic lanes contiguous to the surrounding urban structure. Eleven lots were built, composed by 99 dwellings and two shops.

In 1998 the project was rewarded by the INH, being deemed an example of good practice according to criteria of "architectural quality" and "social adequacy" (Coelho 2006: 202). Besides, the project showed a further peculiarity: in fact, according to the INH[46], it aimed to respond to the specificity of the *cigano* population in terms of "ways of dwelling", according to indicators provided by sociological analysis of that group.

By contrast, the rehousing case of some *cigano* families from the *Vale do Forno* neighbourhood to *Ameixoeira* was a process that has gone on so long. In fact, it would be concluded only at the end of 2003[47], generating considerable media attention and stimulated local political debates. As noted above, some of the rehousing processes launched under the PER, in Lisbon, illustrate how the principle of dispersing specific sociocultural groups in the urban area is not observed. And this is the case of the *Ameixoeira* neighbourhood, where the *cigano* families represent 20% of the total population.

The rehousing done in some urban contexts of larger size, such as Lisbon, Oporto and Coimbra, resulted in greater public visibility for *ciganos* in public spaces and brought about "a generalised and simplifying labelling process of certain features of some elements of the *cigano* population, where the situation of precariousness was rarely confined to its class status, rather to its ethnicity" (Castro 2010: 13).

This process cannot be dissociated from the type of housing contexts implemented. Deep down, the quantitative need for housing, that characterised and still characterises the Portuguese reality, tends to put in second plan some of the qualitative issues that some European countries already faced, insisting on building high-density social housing estates (Guerra 2011: 66).

In short, housing policy is presently a responsibility of the central Government in terms of conception and funding, Municipalities having executive competences therein. This policies materialise in a great diversity of measures and programmes, resting essentially on supporting production:

1. public direct intervention (policies to build social housing estates or regenerating the existing stock and policies to subsidise families);
2. indirect (support to purchasing and tax benefits, such as the subsidised loan regime or real estate tax exemption/reduction to purchase first housing).

In comparison with other European countries, Portugal shows a feeble weight of social housing in the total family accommodation of habitual residence: it represents 3% and is composed of around 119,000 dwellings.

The greatest concentration is within the metropolises of Lisbon (11.4% in the municipality of Lisbon and 4.6% in its Metropolitan Area) and Oporto (14.4% in the municipality do Oporto and 5.3% in its Metropolitan Area). In the sum of the 5 territorial regions (North, Centre, Lisbon and Tagus Valley, Alentejo and Algarve), Alentejo (where two of the case-studies are centred) has a reduced portion of the population living in social housing (1.5%)[48].

Housing needs and lack of conditions in dwellings are even steeper and, in the present economic context, these needs tend to increase, causing a greater unbalance between offer and demand of accommodation. The most recent data is not encouraging: in 2012, Portugal had a portion of its population at risk of poverty or social exclusion of 27.4%, corresponding to more than 2.5 million people and tending to aggravation in the last years[49]. Also, as was seen, the weight of *ciganos* living in non-classical dwellings is still very expressive (22.5% of the total *cigano* population in the country).

This scenario of increase in vulnerability to the risk of poverty concerning the Portuguese population, and the persistence of situations of great housing precariousness among the *ciganos* do not seem to receive the necessary response from the system. Due to government financial restrictions to control public finance, one sees a considerable reduction of public investment available to build and regenerate the public housing stock. As we have had the chance to stress, there is no data concerning access to housing for the *cigano* population, namely the public housing stock. Besides the absence of data, the national legal framework also includes no official documents with directives guiding and/or regulating access to housing for the *cigano* population.

The criteria established to regulate the access to social housing are different for each Municipality. However they have one common thread: the compulsory residence in the county for a number of years. When resettling *ciganos*, some Municipalities, outside the existing regulatory legal framework, established distinctions between *ciganos*, and use the "nomadic" category as a cultural trait that prevents any possibility to declare the autochthony of these people and to grant them the status of resident (Brazzabeni 2012; Castro 2012).

This lack of coincidence between the central and local levels reveals the ambiguity between producing measures and negotiating responsibilities and assignments to implement them. In fact, there is a hiatus between decentralising responsibilities and political-administrative competences and decentralising technical and financial resources, as well as a lack of coincidence between legal and explicit competences and assumed or implied competences (Mucha 2004) [50].

As an example, let us mention the case of the *Centro de Estágio Habitacional – Parque Nómada* (Centre of Housing Training – Nomadic Park), built in 2002. It was an initiative of the Municipality of Coimbra, given the need to rehouse 11 *cigano* families and to find differentiated residential solutions in order to respond to the recurrence of problems in some social housing estates with great concentrations of disadvantaged population[51]. Even though the centre is composed by prefabricated dwellings, for people living in their everyday lives, and by a Social Support Centre, this operational measure was not eligible for state funding by IHRU, as it was considered equipment for temporary accommodation, not a project of rehousing construction.

4. Quantitative overview of data collected: how many and which documents

The total number of documents collected is 62, covering the time span between 2003 and 2013, because in this year the National Strategy for the Integration of *cigano* Communities was approved: 14 documents at the national level and 48 at the local one geographically divided as follows (see Graphic 1):
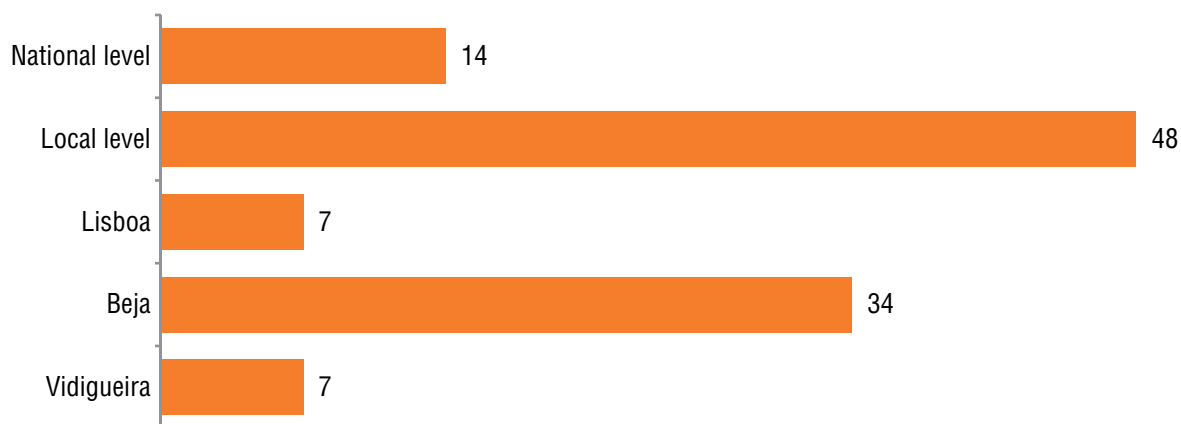
At the national level, we considered two typologies of documents: legislative and executive texts (9), legally binding and directly enforceable, and para-texts (5), that is, legal guidelines that provide information on the official ideological stance of the Portuguese Government about the "*cigano* issue", and the direction of public policies at the national and local level.

Included in this latter category are: 1 Observation of the Portuguese Government and 1 Submission of the Portuguese Government on the Merits (2010), affirming the political stance of the Portuguese Government to the complaint forwarded by ERRC [52]; 1 National Action Plan for Social Inclusion (NAP/Inclusion 2008-2010) and 1 Report on the implementation and its results (2010), drawn up by the Portuguese Social Security Institute; and 1 Regulation for the Experimental Municipal Mediators (2009) Project by the ACIDI, the High Commission for Immigration and Intercultural Dialogue .

With the exception of two legislative acts, recorded at the national level (1 Decree-Law and 1 EU Regulation), those remaining are acts of public administration, at both levels, with executive strength, differentiated between acts of public administration (Ministerial Resolutions, Ministerial Decrees, Resolutions of the Municipality or Municipal Assembly), and administrative instrumental acts (internal technical information with strength to bind the municipal administration, having had previous higher dispatch).
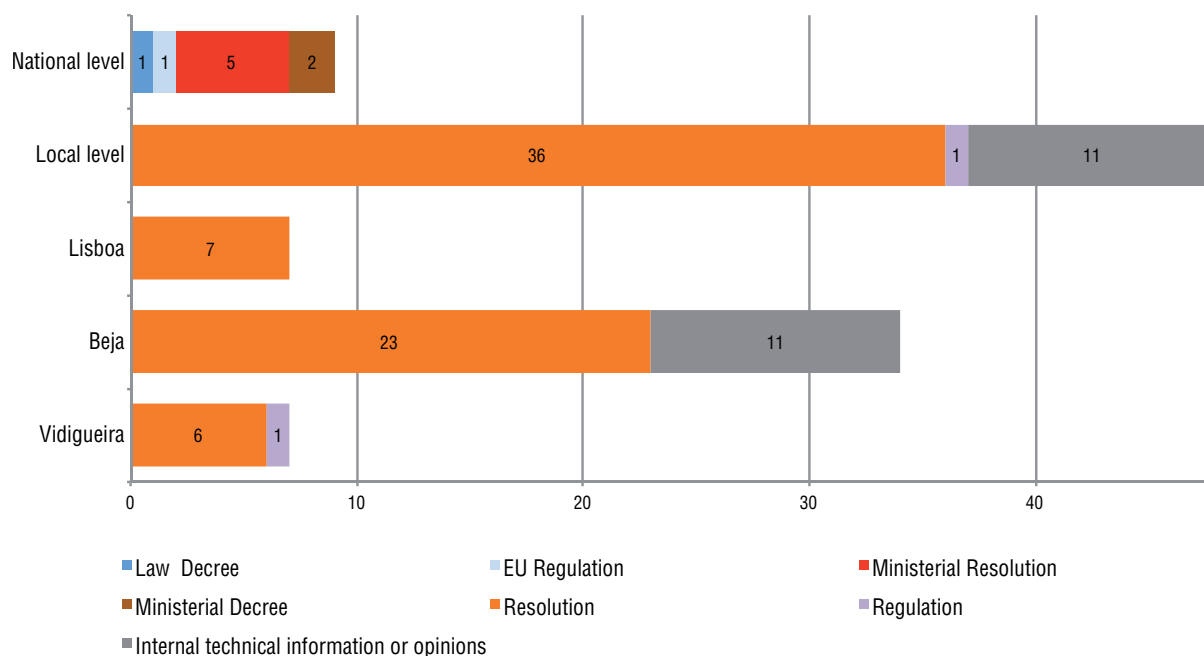
The discrimination among different typologies of acts is shown in Graphic 2, from whence information about para-texts was removed.

The national level research confirmed the presence of few but important sources, revealing the existence of acts in force that legislate, approve and regulate institutional policy directed to *ciganos*, or, more comprehensively, to ethnical minorities and populations, defined as the most vulnerable and marginalised. They are:

– **Decree Law nº 310/2002** of December 18th**,** assigning competences to Municipalities concerning licensing several activities, including occasional camps. It is a general bearing legislative act, not specific for *ciganos*; anyway it is the sole instrument that Municipalities have to regulate occasional stationing and camping by *cigano* families in the national territory [53];

– **Regulation (EU) nº 437/2010** of May 19th, providing expansion of the acting sphere of the European Regional Development Fund (ERDF) to interventions in the field of housing "on behalf of marginalised communities", among them *ciganos*.

– **5 Ministerial Resolutions**: 4 of them approve the Choices Programme [54] (Resolution of the Council of Ministers nº 60/2004 of April 30th; nº 80/2006 of June 26th; nº 63/2009 of August 6th; nº 68/2012 of August 9th); 1 approves the National Strategy for the Integration of *cigano* Communities (Resolution of the Council of Ministers nº 25/2013 of April 17th);

– **2 Ministerial Decrees** regulating and defining the principles, rules and procedures to be complied with in implementing the Choices Programme (Normative Dispatch nº 27/2009 of August 6th; Normative Dispatch nº 17/2012 of August 16th).

The time span analysed reveals a quite homogenous distribution among the documents collected, except in the 2009-2010 (that is, half of them) because this period coincides with cycles of National Actions Plans for Inclusion (NAP/Inclusion), the Ministerial Resolutions and the Ministerial Decrees for the renovation of the Choices Programme, the implementation of the Municipal Mediators Project, and the complaint presented by ERRC to the European Committee of Social Rights. Graphic 2 also reveals indirectly that, of all the documents collected, 75.8% are of political nature, mainly present at the national level: they are acts issued by political bodies or, at the local level, by institutional agents charged with guaranteeing the activation of the political programme (that is, Presidents of Chambers). This category includes normative and applicative texts. The remaining documents are of technical-administrative nature, insofar as they were produced by technical figures of the Municipality to inform, express binding opinions, or to regulate the operation of a housing structure, aimed at final higher dispatch and approval, or not. In the Portuguese legal frame, and specifically in the context of this research, the competent bodies entrusted to promulgate legal norms are: the Assembly of the Republic, the Government and its specific ministries, the Governments and the Legislative Assemblies of the Autonomous Regions of the Azores and Madeira. We also considered two indirect administration bodies of the state[55] (the Institute of Social Security[56], and the High-Commission for Migrations, ACM) that are allowed to adopt and implement the appropriate norms and the administrative acts. At the local level, Municipalities exercise their legislative power through the Municipal Assemblies and the executive one through the Municipalities. Finally, it was also considered the EU Parliament and Council, as a supranational body directly operating within the member-states. The technical/administrative documents are, mostly, at the local level (see Graphic 3) and, particularly, in the Municipality of Beja, due to the specific context (see Par. 1). Thus summarising, at the local level, we collected:

- In **Lisbon**: 6 Resolutions issued by the Municipality[57] all framed within the Lisbon Priority Intervention Neighbourhoods and Areas (BIP/ZIP) Programme, which approves inclusive projects in the neighbourhoods of Lisbon with a higher presence of *ciganos*. This programme was created in 2010 within the Local Housing Programme; 1 Resolution issued by the Board of Directors of GEBALIS, EEM;
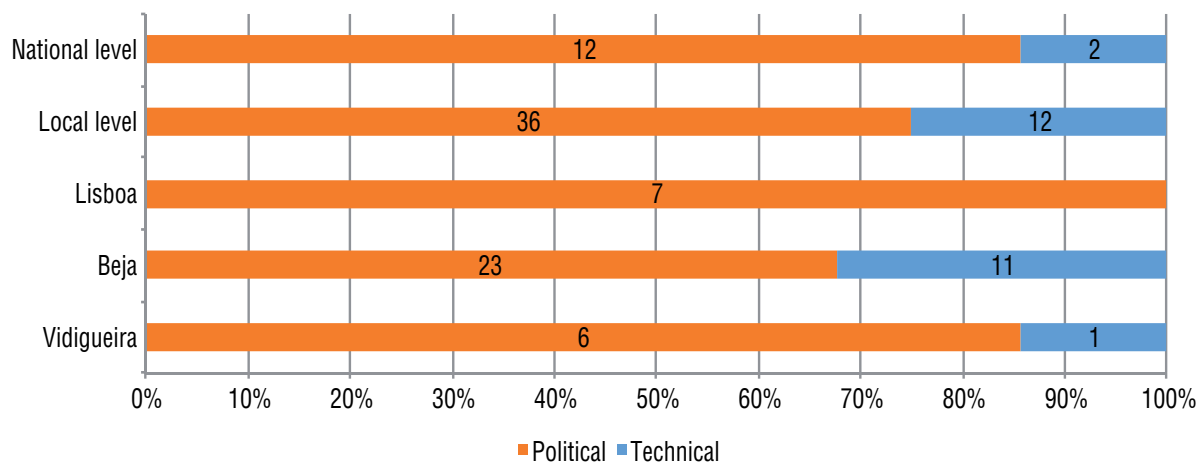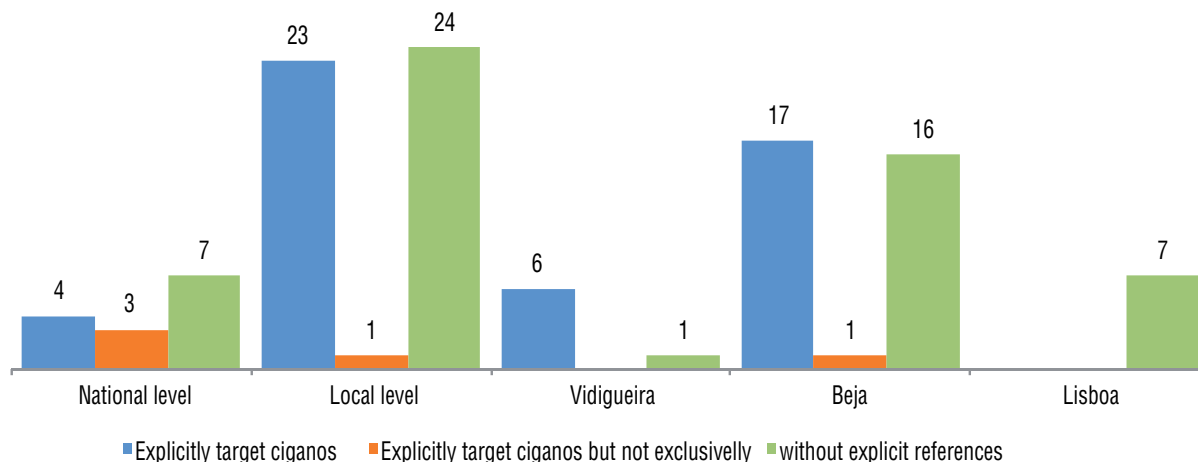
- **In Beja:** 23 Resolutions of the Municipality and the Municipal Assembly; 11 administrative instrumental acts, namely, internal and technical information [58]. As we noted above, all the administrative procedures, with a single exception, refer to the specific situation of the *Pedreiras* neighbourhood, hence, being based on the same procedural and thematic logic;
- **In Vidigueira:** 7 Resolutions of the Municipality and 1 Regulation. The latter one establishes the internal rules for the management of the Park Stage. In this case we have to state an exception; in fact, this regulation is the competence of a private entity, the *Centro de Estudos e Formação Aquiles Estaço, Sociedade Unipessoal, Lda*. The minute of the Municipality n.º 2/2011 of January 19th includes the approval of the technical partnership between the Municipality and this third private party to develop the rehousing project for *ciganos*.

The Resolutions, explicitly or implicitly directed to the *cigano* population, contemplate matters of a different nature, like as: norms to apply to the *cigano* community for her permanence in the municipal territory; decisions concerning the rehousing process hiring a *cigano* mediator; or the Incentive Plan for Adjustment of Debts of Water[59]. The lists of topics, present in the documents collected, was obtained a posteriori from their analysis, as well as the targets to which they referred to. As we can see in the Table 1, among the 14 documents collected at the national level, the most relevant and quoted main topic is the one about integration. This is because the 5 Ministerial Resolutions promulgated between 2004 and 2013 (the renovation of the Choices Programme and the approval of the National Strategy for the Integration of the *cigano* Communities) aim precisely to promote the social inclusion of migrants, ethnic minorities and *cigano* communities, as well as social cohesion, focusing on areas of intervention related to the education, training, awareness raising, etc. Alongside that, *ciganos* are, at the same time, the specific recipients of measures to fight ethnic discrimination and marginalization and of actions to promote the respect of their traditions and culture. These topics disappear at the local level, as we can see in Table 2, where the focus is basically on questions related to the social housing, specific neighbourhoods, that need specific interventions, and rules

Table 1: Frequency of the topics found in the documents collected at the national level. Source: CRIA/WE Wor(l)ds which Exclude, March 2014

	NATIONAL LEVEL	
Main topics	**Specific topics**	**Frequency**
Integration and social inclusion	Strategic areas of intervention (Education, Housing, Employment, Health personal, parental, social, educational, professional, and digital training; educational inclusion and non-formal education; vocational training and employability; community and citizenship stimulation; digital inclusion; entrepreneurship and empowerment; renovation of the Choices Programme; measures to promote social inclusion, reduce inequalities; equal opportunities and social cohesion	22
Racial and ethnic discrimination	Measures to combat racial and ethnic discrimination; Cigano discrimination; marginalization and social exclusion	3
Right to housing	Housing interventions in favour of marginalized communities	3
Equality	Citizenship principle; rights vs duties	2
Respect for the Cigano culture	Social promotion and enhancement of the cultural heritage of the Cigano communities; measures for promote and respect Cigano traditions and culture	2
Permanence in the territory	Occasional encampments	1
Political competences	State vs Municipalities	1
Crime Prevention and Youth Insertion		1
Mediation	Municipal mediators	1

Table 2: Frequency of the topics found in the documents collected at the local level. Source: CRIA/WE Wor(l)ds which Exclude, March 2014

LOCAL LEVEL		
Main topics	**Specific topics**	**Frequency**
Social housing	Rules of functioning; regulation on the clauses of the local contract of social responsibility; new rental contract; rules for aided income; regularization of rental debt; transfer of rental contract; housing transfer; review of rental income; change entitlement of the rental contract	97
Specific neighbourhoods	Ameixoeira and Pedreiras neighbourhood	40
Equality	Cigano culture; principle of citizenship; rights vs duties	11
Intervention strategies/Intervention projects	Neighbourhoods and areas of priority intervention; territorial cohesion and quality of life; equipment and services; rehousing process	9
Mediation	Municipal mediators	6
Stage park	Rules of functioning for Stage Park	5
Urban regeneration	Neighbourhood requalification; neighbourhood downgrading; deterioration of the housing stock	4
Security Issues	Community Capacity Building on security issues; security problems; community Policing	3
Active citizenship	Involvement and participation of residents/institutions	3
Promotion of partnerships		2
Sense of belonging/uprooted	Resettlement of a non-Cigano family	2
Nomads	Areas for nomads; nomadic park	2
Eradication of barracks		1
Right to housing		1
Cigano problem		1

for the regulation and management of the social housing stock. It is worth making a remark about what we called the "equality" topic, because this is the most frequent, and present at both levels. In fact, it represents a sort of "leitmotif", especially in view of its local (that is, Portuguese) connotation: the repeated appeal to the citizenship principle and to the controversial relation between rights and duties.

Of the 62 documents collected, 43,5% are explicitly directed to *ciganos* and 50% are completely silent in referencing them. A residual number of documents (only 5) is explicitly directed to *ciganos*, but not exclusively (see Graphic 4).

At the national level, the official documents without an explicit reference to *ciganos* assume the larger proportions – that is, one half of them do not mention *ciganos*. In the case of Lisbon, the situation is still more striking: none of the documents mentions explicitly *ciganos* as a target. On the contrary, in the case of Vidigueira and Beja, explicit references to *ciganos* predominate[60].

5. Qualitative analysis of data: words in action

In this paragraph we aim to qualitatively analyse the data collected, through the instrument of semantics and pragmatic linguistics, as well as the identification from the documents of explicit keywords and topics, metaphors, together with the decisions adopted (practices, mechanisms, devices). This approach allows us to construct a conceptual map of "families of concepts", where elements are strictly interlinked, in an effort to deconstruct the underlying intrinsic meaning and, in parallel, the type of social reality they aim to create (see Map 3). John Pløger (2008) helps explain clearly how this "map" can function, applying the work of Michel Foucault to urban planning:

> "Urban planning concerns the relation between the articulated and the visible; the discourse and the material. Second, urban planning is predetermined on relations and connections between the said (plans, texts, communications) and the unsaid (strategies, intentions with regard to effect and affect, prejudices and so on). Third, urban planning is, due to its public activity, truly dependent on relations between the ensemble of lived discourses, institutionalised discourses and architectural discourses, which are all dimensions of the spatialization of a population's 'living together' with the regulatory decision of planning (plan), scientific statements (on the effect and affect of 'things'), and (not least), the institutionalisation of the public participatory planning process" (p. 52).

First of all, we have to discuss a basic issue through the analysis of the words used to name the target of the public policies: that is, the politics of acknowledging the difference, namely, of *ciganos*, in Portugal.

The documents gathered show an ambiguous politics of acknowledgment, or better, lack thereof, as we have already shown in Par. 2. Our intention here is to match information not only on whether the target was explicitly concerned in the documents, but also how specific words are used to, unambiguously or not, target subjects. The intention of avoiding an explicit reference to *ciganos* it is not just an issue of not discriminating or protecting private data. In fact, it highlights how public policies and policy makers intentionally construct

migrants
Ciganos
"Extra"citizens
Poverty
ethnic minorities
Citizens
Vulnerability

groups in the most vulnerable situations, people with disabilities, children and young at risk, victims of domestic violence, victims of trafficking in human beings, drugs addicts, (ex) recluses, homeless

Homogenous harmonious environment
Marginality
metaphor
OVERLAPPING CATEGORIES
Territorial order
Pedreirasneighbourhood
Stage Park
DIFFERENCE
RHETORIC OF CITIZENSHIP
rights
nomads
Removal from
irrationality
disorder
duties
zoning
Specific places
default
efficiency
power
Specific measures
incompetence
equality
Oppositional and conflicting values
CIGANOS HOUSING PUBLIC POLICIES
order
rationality
urban regeneration
Clean
training
Requalify
Responsibility Agreement
active citizenship
Revitalize
DESTITUTE SUBJECTS
Individual order
DEGRADATION AND INSECURITY
hygiene
responsibility
social order
security
Integration
formaledu
esthetic
vigilance
awareness
Social Inclusion
Top-down processes
Mediation/mediator
meritocracy
landscape
PastorsPhiladelphia Evangelic Church
"godfathering"

Priority Intervention Neighbourhoods

139

their targets and, extensively, the "*cigano* issue". In this sense, the housing public policies lack specificity, adopting a universalistic criterion that offers institutional support for a generic category of "poor" and "vulnerable" subjects.

Map 4 represents the conceptual map of the most recurrent keywords concerning the target, as found in the documents, without claiming any detailed counting of frequency in the use of the words within each document. At the national level, explicit references to the target using the ethnic name "*cigano*" are present in two documents in which *ciganos* are the exclusive recipients (the National Strategy and the Regulation for the Experimental Project for Municipal Mediator of ACIDI). Meanwhile, *ciganos* are directly but not exclusively present in other documents, the institutional focus of which is centred in public policies working toward disadvantaged populations. This is the case of the NAP/Inclusion (2008-2010) and of EU Regulation (ERDF nº 437/2010). In these cases, the word "*cigano*" is always employed together, and in an arbitrary way, with the words "community", or in plural, "communities", "population", or yet, "families". In parallel, the international nature of the documents taken into account justifies the replacement of the word "*cigano*" with the ethnic name "Roma" and derivations thereof: "Roma community", "Roma minority", "Roma people".

Nonetheless, and besides that, there is a set of other expressions and words that don't name *ciganos* directly, but subsume them into other identity categories.

The term "ethnic minority" is used deliberately in acts that aim to renew and regulate the Choices Programme; more precisely the keywords we found in these acts are "minorities and migrants" and "descendants of immigrants and ethnic minorities"[61]. It is almost clear in the Portuguese context that, when speaking about ethnic minorities, the reference is done specifically to *ciganos*. If we look, for example, at the target of the projects approved by the Choices Programme from 2007, in the 3rd Generation of the Programme, among 120 projects, 6 were addressed to *ciganos*; in the 4th Generation, of 140, there were 70 projects and finally, in the 5th Generation, of 110 projects, 85 work with *cigano* families.

In these documents, the expressions "youth stemmed from most disadvantaged and problematic socio-economic contexts", and "children and young people from vulnerable socio-economic contexts" are also recorded, allowing us to infer that the Portuguese government considers the binomial – disadvantaged, problematic and vulnerable neighbourhoods vs. migrants and ethnic minorities – an extremely susceptible binomial concerning the risk and danger of social and cultural exclusion of the subjects in question.

At the local level, the panorama is quite different and presents specificities related to the different municipalities. In the case of Lisbon, in all the acts collected, *ciganos* are completely absent and appear implicitly included in other very generic categories, such as "population", "community", "dweller", "citizen", "excluded social groups, deeply socially and territorially uprooted", "groups more vulnerable to discrimination". This is the example of the Resolution of the Board of Directors of GEBALIS, EEM (nº 68/CA/2009), approving the second stage of the Project "Ameixoeira à Maneira". However, if we look at the contents of the project, it reveals that the main problems in the neighbourhood are due to the presence of "families of *cigano* ethnicity […] coming from the Vale do Forno neighbourhood".

Moreover, the analysis of the administrative procedures of the Lisbon Municipality tells us that the on-going interventions, or those already carried out, are framed within vaster umbrellas of urban policy: sustainable development, urban community development, outreach policing, local housing policy.

What happens is that, at the local level, acts frequently rely on the use of the specific denomination of neighbourhoods where *cigano* families are known to live. The more emblematic case is the mention, in every object of the administrative procedures, to the *Pedreiras* neighbourhood in the municipality of Beja, exclusively inhabited by *cigano* households. It can be inferred that the mere mention of the name of a particular neighbourhood produces a direct correlation to the presence of *ciganos*, not only because they are the only inhabitants, but also because the problems inherent to them are presented as the result and a consequence of the fact that *ciganos* are living there [62].

Vidigueira is the only example of explicit target. There is no ambiguity in the acts produced by the Municipality that refer to "*cigano* community(ies), *cigano* population", "community of ethnic *ciganos*", and "nomad population". Only one document does not explicitly mention the ethnic dimension; this is the "Plan of incentives to settle water debts" for municipality dwellers. Once again, however, *ciganos* are hidden behind the reference to the Park Stage, whose right to access can be denied given the failure to comply with the administrative order[63]. Under this analysis, it can be assumed that the formal absence and invisibility of *ciganos* in the acts of the Municipality of Lisbon and Beja may correspond to a strategic alignment with the institutional and political national framework where the act of explicitly naming is considered discriminatory.

5.1 Overlapping categories

Generally, *ciganos* are referred as extremely poor – where poverty is frequently described as structural and not cyclical –excluded, marginalised, thus creating "new citizens" upon different social categories: social exclusion, marginality, poverty, deprivation, incapacity, and suffering.

In what concerns social and housing public policies, *ciganos* are subjected to a prevailing argumentation based on the opposition between hyper-visibility and invisibility. The process of assigning a category has several dangerous consequences: it pathologises complex social situations; exposes subjects to excessive visibility given the complexity of the social phenomena in question, while ultimately hiding individuals, who remain behind this sociocultural picture with no power of negotiating identity; it causes subjectivism of exclusion, as a process, and marginality, as a status, confusing them as if they were conditions embedded in subjects, naturally and mechanically, for living in socio-economically vulnerable contexts.

Undue but automatic construction of *cigano* = poor allows the social construction of ambiguous subjects, simultaneously victimised and incapable, threatening and criminal. In particular in administrative texts aimed at regulating access and management of social housing (with all its differences and specificities), subjects are seen as, and become, a public problem; likewise, the very housing spaces acquire the characteristics assigned to the people living in them.

In the NAP/Inclusion (2008-2010) this process of categorical ascription is clearly applied through the use of grammatical conjunctions ("and", "also") or simply through the juxtaposition of words, linked by commas.

"Policy measures to be implemented within this priority aim to overcome discrimination and favour the social inclusion of groups in a situation of greater vulnerability, namely people with handicaps and incapacities, immigrants and ethnic minorities, *cigano* communities and the homeless. [...] Likewise, *cigano* communities also benefit from some measures established in the Plan to Integrate Immigrants".

We witness the repeatedly political intention of forcing *ciganos* to share situations of vulnerability, as well as institutional measures with other groups or subjects whose social conditions and experiences are different. It is a kind of action "diluting" difference that causes two principal and paradoxical effects: putting *ciganos* besides migrants (thus strangers), justifies the idea that they are, *de facto*, an "extra" category of citizens; merging *ciganos* amid other "vulnerable" subjects justifies adopting "universalistic" public policies that don't know or respect difference as fundamental rights and claim of individuals. See the case of the European guideline[64] aimed at changing the regulation of access to the European Regional Development funds for interventions in the field of housing, which mentions *ciganos*, explicitly but not exclusively, as its targets. In this situation, the Portuguese state did not trigger the necessary procedures to reassign funds to a specific programmatic line. As Piasere states (2012) "[...] the difference is built at the same time that it is said that one wants to abolish it" (p. 142, own translation).

5.2 Difference: the metaphor of the territorial mosaic

When difference is too complex to understand and to dialogue with, public policies seems to go in the direction of its "removal", from the centre to the periphery, from normality to abnormality, from dialogue to conflict, finally from autonomy and empowerment to dependence and weakness. The way difference is

thought of and crystalized in institutional texts – in terms of cultural relativism and right to difference, but to the point where she doesn't put into question national and constitutional values – allows us to push the hypothesis that the difference itself can be a big implicit metaphor that supports the programs, interventions and political decisions regarding *ciganos*, ethnic minorities, spaces and housing.

The use of the other's cultural difference and ethnicity acts like an instrument that was supposed to be to respect it, but, in fact, it separates, segregates limits, hides. The success of the "mosaic metaphor" as mentioned by Joseph (2008), lies on the "naturalization of segregation" that "has its own dynamics which lead the liberal and relativist's discourse to have a troubling double speech about segregation" (own translation)[65].

A summary of the speeches of political representatives during CDU's term in Beja until 2009, present in the meetings both of the Municipality and of the Municipal Assembly illustrate the ideological background about difference: they are different and need adequate answers about their differences, that is, in practical terms, *ciganos* need a separate, specific place to live according to their difference, considering that the best solution is a Nomadic Park. We found this approach in almost all the projects approved by the Municipalities we analysed, in which the *ciganos*' difference has to be assigned to a specific and different space that ends up being stigmatized by being declared and made visible as such: "to each one its own space" (*idem*), so to avoid malfunctioning in a homogeneous environment, that is supposed to be cohesive and harmonious. Space is considered a "value resource" (Lussault 2007), as if it was traded in a "social stock market", that is defined by the perception and social images that build it (Freitas and Menezes 1996: 98). Difference seems to follow the same path when it is considered a "value", "even though contrasting with principle and values of the Portuguese society" – as can be read in the National Strategy. *cigano* values are such "different", oppositional and conflicting values that they need to be normalised and "opportunely directed".

It is not difficult to find examples in Portugal of that biased political and institutional approach, translated in an apparatus of actions and measures that aim to locate subjects by zoning spaces, with special projects that are not considered discriminatory; on the contrary, they are seen as a response to the guilt of the subjects who bear responsibility for the situation.

Allocate specific places for ciganos to live
In Vidigueira a Park Stage is being built in order to put all together 15 *cigano* families involved in a process of "training" their skills with a view to their future integration in the city. A Protocol is being established in Beja that stipulates the creation of a *cigano* specific neighbourhood [66], after having failed the idea of building a Nomadic Park.

Regulate occasional camps and, turning legitimate eventual institutional tightening regarding vigilance and expelling
In what nationwide is concerned, we must recall the Decree-Law nº 310/2002 which legally regulates the occasional camps (along with a group of different activities that were licensed to carry out), providing the Municipality with the competence to apply them in a discretionary way [67]. Locally in Vidigueira, the Resolution nº 6/2008 approves the "Rules to apply to the *cigano* community", that defines, without

unquestionable doubt, the places where *ciganos* may stay according to whether they are "nomads" or "born and resident" in the municipal area:

> "From this date onwards, the temporary establishment of the born and resident *cigano* community may only be carried out within the lands that are property of the Municipality – agricultural lands 528 and 530, section D, in S. João (nearby to the Forest Park) and 2012, close to the Castle, parish of Vidigueira; the nomad population may stay within the site in S. João for a period of 24 hours and must for this effect, register with the Republican National Guard".

Limit areas/neighbourhoods that accumulate several disadvantages

In the national capital, we witness the implementation of policies and housing solutions that concentrate *cigano* families in peripheral social housing neighbourhoods. The quantitative need for housing that characterised, and actually still characterises, the Portuguese reality relegated to the background some of the issues of qualitative level, overstressing the construction of high density, low land value, peripheral, and not served housing suburbs.

Under the Priority Intervention Neighbourhoods and Areas Programme (BIP-ZIP), were delimited 67 "critical" areas of intervention included in the Lisbon BIP/ZIP Charter [68]: they are "areas that needed a different treatment from the rest of the city", corresponding mostly to areas where rehousing processes took place since the 1970s.

5.3 Destitute subjects

The bias underlying the assumption that, by definition, vulnerable socio-economic contexts are subject, for intrinsic reasons, to the condition of risk of social and cultural exclusion of their inhabitants was already revealed. It is not demonstrated, moreover, that people who experience situations of "vulnerability" necessarily lack competences and need training to overcome them, mainly when one refers to capacitation areas concerning the personal and private sphere of individuals' lives. The fact is that *ciganos* in particular are literally "invaded" by a set of institutional measures that have per reference and justification exactly this reasoning; while not specific for them, in their case it becomes even more authoritarian, discriminating and binding.

One needs to focus three fundamental prejudices, clearly raised by the institutional documents:

1. Subjects are needed, in the sense that they lack the sufficient and necessary skills to exert the desired "active citizenship";
2. Subjects are seen as responsible for their (destitute) condition;
3. Subsects must be "made aware" and "trained" to become competent and conscious of their condition in order to improve or change it.

We have had the opportunity to stress that by handling instruments of law, such as citizens' rights and duties, the State exerts a sort of institutional blackmail over individuals deemed "at fault" as to their duties. Centring access to basic social support, as an unconditional right, on the concept of "meritocracy" (of the

poor, wanting, needy, destitute, etc.) moves the focus of causality of complex social situations, structural or situational, to problems associated to personal characteristics. Likewise, imposing sanction and/or gratification measures to access fundamental rights is a way of submitting potential receivers to an external look, publicising and politicising social issues (Chelle 2012).

Training (professional, social, parental, relational, and individual) and empowerment constitute the *apparatus* aimed at the establishment of an individual order: shaping and domesticating the individual towards majority values, with the aim to give people adequate skills and turn them responsible towards the changing process.

These two powerful words are uniformly present, with due nuances, in almost all documents collected, with no territorial distinction. Thus, personal training is the *conditio sine qua non* for the individuals to feel themselves more citizens – which is, to acknowledge their rights and fulfil their duties in an involved and conscious way.

Among all the case-studies and documents collected and analysed, the Park Stage in Vidigueira is the most evident example of how the idea of training in *sensu lato*, as a linking instrument for a full insertion (*ciganos* are defined as "trainees"), combines in one only device the will to regulate people's lives, including their body, and limit their access to social and territorial "integration" [69].

The Portuguese Government has, since 2001, been implementing the Choices Programme, aimed at supporting the implementation of social inclusion projects for children and youths from the most vulnerable socio-economic contexts, specifically immigrants and ethnic minorities. To achieve the aim of full inclusion in the Portuguese society – defined by equal opportunities and social cohesion – the Programme establishes as one of the strong priority areas and strategies "training" in several fields (widened throughout the Generations of the Programme) for its receivers. Thus the Choices Programme represents in itself a great device.

The National Strategy is not differentiated, seeing and promoting, throughout its entire proposal, the "integration" of *ciganos* with the same contents: through training, awareness and consciousness.

Social inclusion and integration, in themselves slippery concepts, become processes based upon a top-down logic of adapting the other to ourselves. Hence training cannot be deemed one more *conditio sine qua non* for the inclusion of subjects in society, mainly when that means the personal and private sphere of people's lives, and is proposed as a way of controlling social and cultural behaviours. For the matter, Amartya Sen, by theorising "development as liberty" (2001; 2009), highlights the idea that individuals, citizens, have rights not only as needy subjects, but mainly as individuals free to choose among different life options.

5.4 The rhetoric of citizenship

In order to manage the access and management regime of social housing, Municipalities have the legal capacity to redact regulations that legally frame the abstract and theoretical figure of the municipal housing resident that rests in the prevailing ideology of the conflict between rights and obligations of the common citizen. This profile is overlapped by another type of document which is the "Responsibility Agreement"[70] between tenants and Municipalities, specifically created for a special kind of tenant: that who commits

different types of violations[71] and those who lack the necessary skills. Despite the fact that the contents of these agreements, in fact, basically strengthen and limit rules already existing in the municipal regulations, the tonic in the first case rests in the logic of formal and official social commitment by the tenant regarding the demanded duties, being a c*onditio sine qua non* to have access to basic benefits and rights.

The establishment of "Responsibility Agreements" marks the existence of a power asymmetry through which local authorities have administrative and political leeway in order to "discipline" and educate subject via the *do ut des* pedagogy and in order to create a new kind of tenant in his social and living *modus vivendi*. Generally "contracts" are organized under an oppositional but implicit assumption: "this agreement […] follows the principles of equality, justice and impartiality, aiming towards an efficient, effective and rational management of said agreement". What remains to say is that, if on one side there is order, efficiency and rationality, on the other, we have default, disorder, incompetence and irrationality.

Piasere (2012) describes in an effective way how citizenship works in creating identities strongly grounded in essentialist principles, that uses "intensive writing" as a tool (p. 41). Taking into account their linguistic formulation, the "Responsibility Agreements" abuse two kinds of pragmatics: the adoption of an inaccurate, subjective and ambiguous language and of a technical and bureaucratic terminology not followed by the opportune explanations, evidences and examples, and not supported by the basic legal principle of good faith. See for example the Regulation on the Clauses of the Local Contract of Social Responsibility, Art. 2º, 10º (Resolution nº 458, Municipality of Beja, June 15th 2011).

> "Leasers who comply with what is now stipulated […] shall apply to the following benefits to be granted by entities subscribers of the present contract […]:) Symbolic prizes (to be defined) for Good Practices".

> "Said contract has per object the definition of procedures and criteria, within the support to be granted by the 1st parties – Municipality of Beja, Social Security Institute, I.P. and the Institute for Employment and Professional Training, to the 2nd parties – families rehoused in social housing dwellings […] This document is constituted as a management instrument and a base to record and study the evolution of population".

Other examples came from the Proposal nº 21 /CM/2011 (for the approval of the arrangement to clear the water utility debt), ruled by the Municipality of Vidigueira, that "indirectly" regulate the admission right to the Park Stage, with the same rules of commitment, obligation and entailment: "When in default […], debtors will not have access to housing improvement process, nor will they be integrated in the Park Stage. There are also foreseen agreements with Social Security that might include exclusion from the Social Integration Income". We can even mention Resolution nº 68/CA/2009 (approved by GEBALIS EEM, Municipality of Lisbon, in 2009) directed to the management of the social housing *Ameixoeira* neighbourhood, and its residents. In the text we can read that the improvement works of the lots "will be performed in phases to allow the assessment of the behaviour and commitment of residents"; otherwise, "the remaining work could be suspended or even cancelled".

Finally, we cannot state that the agreements are elaborated locally in order to educate and control exclusively *cigano* families; however, the fact is that in the three cases under consideration, in different time periods and under local governments including leftwing representatives (Socialist and Communist/Ecologist Parties), despite some differences, that is exactly what happens.

5.5 Degradation and insecurity

The association between the presence of *ciganos* in certain places (near, visible, experiential) and the degradation and depreciation of said spaces in an aesthetic, patrimonial and social point of view is inlaid. Generally, it is "an excessive amount" of *cigano* families in the same neighbourhood that increases the perception that the environment is suffering a social and physical deterioration process, including related financial losses. Consequently, it is necessary to remove *ciganos* in order to be able to revitalize a neighbourhood; it is mandatory to clean a neighbourhood where *ciganos* live because the fact is that they ruin it. Linguistic markers (Mortara Garavelli 2001) are useful to clearly produce a kind of relation of consequence between stated facts, as shown in one of the Municipal Assembly meeting of the Municipality of Beja, where discussion relied on the requalification and revitalization of the urban *Esperança* neighbourhood in Beja, on the building of a new residential one. To achieve this goal it is previously necessary to "put an end", "to exterminate permanently the resident (*ciganos*) slums", and only "after" "relocate the *cigano* families"[72].

The prejudice regarding *ciganos* and space uses the semantic slippage to remind of images of dirt, neglect, destruction, insecurity, disorder, through a process of growing discriminatory categorization, where the physical becomes social and cultural[73]. The ideas of "degradation" and of "deterioration" appear explicitly in the documents concerning the implementation of projects BIP-ZIP (2013) in the neighbourhoods of *Ameixoeira* and *Bom Pastor*, in Lisbon, as we can read in the following quote: "the resettlement of deeply excluded groups, social and territorially uprooted, without guidance, degraded the social environment and hindered the ownership of the new reality". Thus, the path that does the transition from degradation to lack of security (by the feeling they convey) is easy and brief: "Given the deteriorating security situation, aggravated by the current crisis situation, [...] a Security Group was constituted to address the identified problems"[74].

We found the presence of linguistic metaphors that support the processes of identification and construction of stereotyped and crystallized identities – finally disquieting -, and the intervention paradigms, without the need to appeal to the explicit use of ethnical categories who are by themselves performing. In particular such metaphors come from military and medical-sanitary[75] contexts, together building the concept of the territory on which to act. Spaces and their inhabitants are represented as enemy territory. The northern area of *Bom Pastor* neighbourhood in Lisbon is a good example of how the Municipality aims to deal with this situation: faced with the periodical abandonment of the area of the neighbourhood where *ciganos* live, a situation that wasn't resolved with prior interventions, the Municipality decided to train and mobilize "cleaning patrols"[76], composed by residents in order to improve cleanliness and hygiene in the neighbourhood – providing 5.000 Euros for this purpose. If etymologically "patrolling" means watching, and if a patrol's mission is to make

rounds or recognize enemy positions, here what seems to be behind this practice is a moralizing ideology of the other, who is considered unclean.

In the neighbourhood of *Ameixoeira*, the patrol – the escort, monitoring and evaluation of the populations' behaviour – is incarnated in the "godfathering" figure, assumed by every partner in the Project "Ameixoeira à Maneira". Once again, the space, where dirty and dangerous inhabitants live, who represent a kind of "socio-territorial fracture", justifies a sanitary and security vigilance approach, clearly reminding us of Mary Douglas's theory about the relationship between impurity, insecurity and danger (1966).

Environmental-urban metaphors act in the same manner, since they use words like "degradation" to indicate lack of aesthetics, organization and proper use of space, as well as territory in the broader sense of the word, and expressions like "recycling urbanism"[77], when interventions in areas "uncontrolled" are intended[78] that need "urban regeneration" [79].

As we have demonstrated, according to this panorama, it is clear that the institutional decisions and devices set in motion are related to the aim of restoring a kind of social order (beyond the territorial one).

If we wanted to identify a document at national level, that ratifies in ideological terms the institutional and political approach on this issue, this would be the National Strategy for Integration of the *cigano* Communities. This document contains the guidelines that should bring orientation to the intervention within the housing area, as being one of the main priorities, as well as the orientation on a specific priority: "qualify the image, housing and the *cigano*'s community borough's infra-structures".

"Neighbourhoods cleaning", in its widest expression, is the main instrument for the fulfilment of this device, underlined by strong implicit processes of social and identity categorization and essentialism. This way, the budget approved by the Resolution nº 68/CA/2009 for the execution of interventions regarding Project "Ameixoeira à Maneira" in Lisbon includes building improvements, garbage removal, pest control and domestic animals vaccination.

The recurrent activation of the mediation and of the mediator figure, in practical terms, is the instrument adopted by institutions to support its work, and to guarantee that the social order, namely, rules regarding the social commitment between citizens (users, dwellers etc.) would be observed. This is the case of "opinion leaders [...] side by side with the responsible and zealous residents" and of the *cigano* pastors of the Philadelphia Evangelic Church, in the guise of informal mediators, as appointed in the Project "Ameixoeira à Maneira" in order to help the administrators of the borough's plot in complying with housing rules. On the other hand, mediators are formally hired in Project BIP/ZIP "Community Mediators", to back up the Community Police force involved in managing the neighbourhood.

[1]   From the outset, it is important to clarify why we decided to adopt the Portuguese word *cigano/a* and, in its plural form, *ciganos/as*. This is the term used by Portuguese *ciganos* (Gypsies) to name themselves, as well by non-*cigano* people. The word is also officially used in the institutional documents founded and to which we refer in this essay. Solely when we refer to documents of international nature, the term Roma, received in the international institutional context, replaces the local one.

2   The Metropolitan Area of Lisbon is a region including 18 municipalities of the Greater Lisbon and the Setúbal peninsula. It is the greatest population centre in the country, totalling around 20% of the Portuguese population and 3% of the national territory.

3   Created in 1995 by Lisbon Municipality, GEBALIS, EEM is an institution of the local business sector, 100% of which is owned by the Lisbon Municipality, and it is under its orientation. Its main object is the promotion of local development, implementing the activity of social, patrimonial and financial management of the municipal neighbourhoods.

4   See the Regulation for the Management of Housing Stock in Lisbon, ratified at March 14th 2012, and published in Boletim Municipal n.º 943, of March 15th 2012. Available at:
    http://habitacao.cm-lisboa.pt/index.htm?no=4045001.Accessed on March 1st 2014.

5   See Lisbon BIP-ZIP Programme. Available at:
    http://habitacao.cm-lisboa.pt/documentos/1293625086A8aYM7lx9Xw25QQ7.pdf.Accessed on 1st of June 2013.

6   This Programme is the result of a measure of action included in the Strategic Housing Plan (2008-2013) launched by the Ministry of Cities, Territorial Planning and Environment. It was created in 2009 and establishes, at the municipal level, a strategic vision for housing, defining the aims of the local housing policy, interlinking the different rehabilitation and urban reconversion policies, among others.

7   Data from the National Office of Statistics concerning the Survey to Characterise Social Housing (last update on July 18th 2012).

8   We have no data about the total number of *cigano* families living in the municipality.

9   These are Social Neighbourhood *Beja 1*, the Social Neighbourhood *João Barbeiro* and the *Rua da Lavoura* Neighbourhood, within the urban fabric.

10 This information was found in the draft, written in 2010 by a Higher Technician of the Social Development Office of the Municipality of Beja, responding to the request made by the Portuguese National Municipalities Association about the Draft Resolution to implement the Framework Convention for the Protection of National Minorities. We do not know whether it was approved by the President of the Chamber.

11 In 2002 there were 773 non-*cigano* people living there; the *ciganos* were 225, and 51 *cigano* families in total. To those families we must add another 15 *cigano* families, considered nomadic.

12 See the III Interreg Programme ARNARÓ – Subprogramme: Algarve/Alentejo/Andalusia; Axis: 4; Measure: 4.1.

13 This information was found in the draft of the municipal intervention with the *cigano* community of Beja, written in 2010 by a Higher Technician of the Social Development Office, in response to a complaint by Amnesty International and the Bar Association. We have no official documentation of it.

14 This revamped version of the project was also denied any kind of funding, namely by the Programme for Inclusion and Development (PROGRIDE) of the Social Security Institute, to which the Municipality had meanwhile applied.

15 The case was denounced in the national press and received the special attention of Amnesty International, who dedicated a section of its magazine to the issue (Katya Delimbeuf, 2013, "Rights of Roma communities. Here. Now", in *Agir pelos Direitos Humanos*, April/May/June, Series VII, nº 3, pp.6-14) and filed a complaint, together with the Bar Association, against the Municipality of Beja. The case was also quoted in the complaint by the European Roma Rights Centre (ERRC) against Portugal. For the matter, see the document Complaint n.º 61/2010.

Case Document nº 1, available at:
 http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC61CaseDoc1_en.pdf. Accessed on 1st of June 2013.

[16] After the 1974 Revolution, some families occupied empty houses in the town; in the 1980s they lived in houses ceded by two non-*cigano* owners. Then they moved to the municipal slaughterhouse.

[17] For example, see the minutes of the Municipal Chamber meetings n.º 25/2011, of December 7th 2011, and n.º 3/2012, of June 28th 2012.

[18] According to the Regulation, this support shall cover people who live permanently in the municipality area for at least three years, and where they are registered. The maximum amount of the aid shall not exceed 50% of the monthly rental, e.g. €300. In case of award of the grant, and in return, the applicant or a member of the household, since >16 years, will provide work for the community, in a proportion of 3.80/hour, up to the monthly financial support awarded. If the beneficiary has been previously living in a tent, he/she is subject to state under oath that he/she authorizes the municipal services to demolish it (see the Regulation to support rent for the most disadvantaged families in Vidigueira Municipality, 2009).

[19] The data presented so far were collected within the PhD project of Alexandra Castro between 2006 and 2009. See Castro (2012).

[20] See minute of the Municipal Assembly, n.º 1/2011, of February 25th 2011, and minute of the Municipal Chamber, n.º 2/201, of January 19th 2011.

[21] The IHRU (Institute for Housing and Urban Rehabilitation) after being contacted, states that he hasn't information aggregated on *ciganos*. IHRU is a public institute that is indirectly administered by the state. It has financial and administrative autonomy. The IHRU is responsible for granting technical support to local authorities, proposing housing policies to the government. The social dimension, namely resettlement in social housing (re-housing), is an important part of the Institute's work. The Institute is also responsible for producing the appropriate legal framework for and co-financing the re-housing projects developed by Municipalities.

[22] From October 2009 to 2013, the ruling party was PS (Socialist Party), then, in 2013 CDU gains the municipal elections again.

[23] A search was carried out of all minutes of the Municipal Assembly between January 2003 and 2013, and covered 3 political mandates. All references to "*ciganos*", "ethnic" and "minority" were analysed. The terms "*Vale do Forno*" and "*Ameixoeira*" – two controversial neighbourhoods of the Lisbon Metropolitan Area – were also searched for in the period 2003-2005, given the rehousing of some *cigano* families.

[24] The documental research of the minutes of Municipal Chamber meetings was restrained to the period from 2008 to 2013 as those were the ones available in the Municipality website.

[25] The information available for 2008 mentions that this neighbourhood is composed of 108 buildings, distributed in 6 housing areas, totalling 1067 dwellings and having an estimated population of around 3500 people, *ciganos* representing around 20% of the total resident population (See the Global Intervention Project in the Ameixoeira neighbourhood "*Ameixoeira à Maneira*", Internal Ref/2008/5933, May 5th2008. See also Santos *et al.* 2008).

[26] One should say that of the 70 municipal neighbourhoods managed by GEBALIS, EEM, 35 are referenced to be of priority municipal intervention.

27 The first historic references found concerning the presence of Gypsies in the Portuguese territory –a poem by Luís da Silveira, in the Garcia Resende's *Cancioneiro*, in 1510; and successively, the play titled *A Farsa das Ciganas* (The Gypsies' Farce) by Gil Vicente, performed in Évora in 1521, are from the XVIth century and take us to the region of Alentejo, whence it is believed they entered in Portugal for the first time, coming from the Spanish Extremadura (according to sources supplied by anthropologist Leite de Vasconcellos in his *Etnografia Portuguesa*(1956).

28 Approved by Decree n.º 6950 of September 26th 1920.

29 Approved by Ordinance n.º 722/85 of September 25th 1985.

30 Night-watchman; ambulant sales of lotteries; car parking aides; exploitation of automatic, mechanic, electric and electronic leisure machines; performing sport shows and public entertainment in lanes, gardens and further open-air public places; selling tickets for shows or public entertainment in agencies or sales booths; carrying out fires and burn-offs; carrying out auctions.

31 In the present legislation "the settlement of occasional camps outside the proper places to practice camping and caravanning is subject to procurement of a license from the Municipality, which must be requested by the person responsible for the camp and the granting of which depends on the explicit authorisation of the landlord and the favourable opinion from the Health Delegate or the Commander of the Police of Public Security (PSP) or GNR, depending on the case. The license is granted for a given time lapse, never longer that the time lapse explicitly authorised by the landlord, and can be revoked at any moment (Decree-Law n.º 310/2002, of December 18th, Article 18).

32 One should mention, as an example, that the first data collection about *ciganos* was carried out within the Working Group for Equality and Inclusion of *ciganos* of the High Commission for Ethnic Minorities (ACIME) and that, more recently (2013), this same body requests for a study of the same nature from a national research centre.

33 The total population in mainland Portugal, according to the data of the 2011 Census, is 10.047.621.

34 The Decree-Law n.º 3-A/96, of January 26th, states that ACIME is a government institute, as a coordinating service, of inter-ministerial nature, that is part of the Portuguese state's indirect administration. This entity is administratively autonomous. It exercises the duties of the Presidency of the Council of Ministers, under supervision and guidance of the First Minister or the other member of the Government, part of the Presidency of the Council of Ministersdepending on the Presidency of the Council of Ministers, has the mission of promoting consultation and dialogue with entities representing immigrants in Portugal or ethnic minorities as well as studying the issue of immigrant and ethnic minorities' insertion (Article 2). In 2007, Decree-Law n.º 167/2007, of May 3rd, during the process of administrative modernisation, creates the High-Commission for Immigration and Intercultural Dialogue (ACIDI), by merging ACIME. In 2014 its name was changed to High Commission for Migrations (ACM) and some of its duties amended (Decree-Law n.º 31/2014, February 27th).It is administratively and financially autonomous and holds its own assets.

35 The Working Group for Equality and Inclusion of *ciganos* was created by the Resolution of the Council of Ministers n.º 175/96, October 19th. The document, produced by this Group, had little visibility and impact, namely because most proposals forwarded never came to be. After the approval of the Report, in 1997, the activity developed by the Group was not made public; we only know that from 2002, in the times of the XV Constitutional Government, the Group's activity was suspended.

36 Law n.º 13/2003, of May 21st, revoked the Minimum Guaranteed Income and created the Social Integration Income (Decree-Law n.º 283/2003, of November 8th), and was republished by Decree-Law n.º 133/2012, of June 27th. The changes made do not alter the basic philosophy of the measure, rather the general granting conditions, the value of allowances, the application process, the deadline to prepare the insertion programme, and the sanction regime framework. According to data provided by the Institute for Social Security for the Report on hearings made about Portuguese *ciganos* (Parliamentary Committee for Ethics, Society and Culture 2009: 22-23), there were, in December 2008, 5.275 *cigano* families benefiting from the Social Integration Income in mainland Portugal. According to that data, the *cigano* population represents approximately 6.4% of the beneficiaries, a figure of little expression within the universe of beneficiaries of this measure. However, within the estimated universe of Portuguese *ciganos*, this percentage represents more than half (52%), thus contrasting with the reduced weight that the set of beneficiaries of this measure had on the whole Portuguese population (only 3.3%).

37 The Choices Programme is a government programme of national scope, promoted by the Presidency of the Council of Ministers, and managed by the current ACM.It has been the subject of different Resolutions and Normative Dispatches (see Par. 4). It has been created in 2001, with the mission of promoting social inclusion of children and youths of vulnerable socio-economic contexts, many of them located in territories where "descendants of immigrants and ethnical minorities are concentrated".

38 Such measures would materialise in: I) direct promotion of social housing for rental to underprivileged social strata; II) municipal promotion of controlled costs, through "loans to municipalities", and for social rentals, through "co-payment works"; III) Development Contracts for Housing, to build controlled cost housing, through state/banks/private companies partnerships; IV) recovering derelict buildings by granting subsidised loans to owners; V) cooperative and associative promotion, through a new statutory regime for housing cooperatives and the SAAL Project, aimed at involving technicians and inhabitants in processes to improve their housing conditions.

39 Fonseca Ferreira, A. (2011) "Anos 1970/1980 – do Fundo de Fomento da Habitação ao Instituto Nacional de Habitação". Available at http://www.fonsecaferreira.net/?p=419. Accessed on March 1st2014.

40 It is estimated that in the late 1980s, through surveys carried out for the Special Rehousing Programme, in the two big metropolises there were around 50.000 shanties, where more than 150.000 people lived, and that in the 1970s decade about 40% of building in Portugal was non-licenced (Guerra 2011: 45).

41 The INH was created in 1984; today it is called Institute for Housing and Urban Regeneration (IHRU), the main reason for its existence having been funding and technical framework for housing, establishing itself as the best instrument for financial intervention by the Government in the housing sector.

42 Collaboration Agreements (Decree-Law n.º 226/87, June 6th); PER – Special Rehousing Programme (Decree-Law n.º 163/93, May 7th); PER – Families (Decree-Law n.º 79/96, June 20th); PROHABITA (Decree-Law n.º 135/2004, June3rd, and Decree-Law n.º 54/2007, March 12th).

43 According to the definition of the National Office of Statistics, non-classic lodgings include huts, rudimentary wooden, makeshift or movable houses.

44 The comparison with national data refers to the data of the 2001Census. If the comparison was done with the data of the 2011 Census, the proportion of *ciganos* living in this sort of lodgings would exponentially rise, because

in the period between Censuses there was a variation rate of -76% in this type of lodgings, *ciganos* remaining, however, in the same housing situation in the 74 municipalities mentioned.

[45] The data presented here on *cigano* residents in Lisbon city neighbourhoods are drawn from a survey conducted by GEBALIS, EEM in 2008, which produced a socio-demographic overview of *cigano* populations in the city areas managed by this municipal company. Some of the results of this survey were published in Santos *et al.* (2008).

[46] See the catalogue of the INH Awards in 1998. Available at http://www.portaldahabitacao.pt/opencms/export/sites/ihru/pt/ihru/premios/premioinh/catalogos/Catalogo_PremioINH_1998.pdf. Accessed on 25th of March 2014.

[47] *Vale do Forno* was formally the site of military installations, converted to housing by the Expo Park 98 S.A (a state business company) to "provisionally" host families who, since the 1960s, had had an unstable residential history, characterized by successive movement to different locations within the Lisbon Metropolitan Area. See Dias, Isabel (2004),"Realojamento da Comunidade Cigana do Vale do Forno: a Partilha de Uma Experiência". Available at www.apdemografia.pt/ficheiros_comunicacoes/1166261086.Accessed on March 1st 2014.

[48] Guerra e Pinto (2013), based upon INE, Housing Statistics (2012).

[49] See Survey of Living Conditions and Income (EU-SILC), carried out in 2013. Available at http://www.ine.pt/. Accessed on March 24th 2014. The indicator population at risk of poverty or social exclusion combines the concepts of risk of relative poverty (individuals with annual income per equivalent adult under the poverty threshold) and of a situation of severe material deprivation (proportion of the population living at least 4 of the 9 difficulties defining the rate of material deprivation), with the concept of much reduced labour intensity per capita (people under 60 years old who, in the reference period for income, lived in households in which adults from 18 to 59 worked, on average, less than 20% of the possible working time).

[50] Among the documents concerning Parliament activity, namely questions made to the Government, and the latter's replies, some of them are equally illustrating of the controversy in this matter – that is, competences of the Government vs. competences of Municipalities: who must promote building at the local level, where, and what type of housing templates to implement within the municipal space. See for example: Request to Government 144/IX (2ª) AC; Answer to request – 144/IX (2ª) AC, DR– II Series B – Nº 14; Request to Government 145/IX (2ª) AC; Answer to request – 145/IX (2ª) AC and 249/IX (2ª) AC, DR– II Series B – Nº 16.

[51] The presentation of this project is part of the material collected in the visual research led by Silvia Paggi, assisted by Valentina Bonifacio, for the LIRCES – Laboratoire Interdisciplinaire Récits Cultures et Sociétés, University of Nice.

[52] See European Roma Rights Centre (ERRC) vs. Portugal, Complaint n° 61/2010, April 29th 2010, concerning the housing rights situation of *ciganos* in Portugal, raising particular concerns regarding articles 16, 30, 31 and E of the Revised European Social Charter (RESC), entered into force with respect to Portugal on July 1st 2002.

[53] For this matter, see the Decree 6950 of September 20th 1920 that approves the Regulation for the Rural Service of the National Republican Guard (GNR). See also Par. 2.

[54] In short, the Choices Programme is a government programme of national scope, created in 2001, with the mission of promoting social inclusion of children and youths of vulnerable socio-economic contexts, many of them located in territories where "descendants of immigrants and ethnical minorities are concentrated".

55 See the Law nº 3/2004, of January 15th, that approves the Framework Law for Public Institutes.

56 The Institute of Social Security, I.P. (ISS) is a government institute, in special regime under the law that is part of the Portuguese state's indirect administration; this entity is financially and administratively autonomous and holds its own assets. It exercises the power and the duties of the Ministry of Solidarity, Employment and Social Security, under supervision and guidance of the respective minister.

57 For more details, see the Portuguese National Report. Available at: http://weproject.unice.fr

58 For more details, see the Portuguese National Report. Available at: http://weproject.unice.fr

59 For more details, see the Portuguese National Report. Available at: http://weproject.unice.fr/.

60 For a more detailed analysis of this situation, see the Par. 2, 3 and 5.

61 They are also used in the National Strategy for the Integration of *Cigano* Communities and in the NAP/Inclusion (2008-2010).

62 It is worth to note that this apparent invisibility of *ciganos* is compensated by the direct and repeated reference to the "*cigano* Community" in all the technical juridical information, produced by the legal experts of the Municipality, asked about the processes of violation or non-compliance with rules established in the Regulation on the Clauses of the Local Contract of Social Responsibility.

63 This absence can be explained with a specific situation occurring in the municipality: water cuts done by the Municipality in the shantytown inhabited by *ciganos* and the letter sent to the President of the Chamber by the European Roma Right Centre (ERRC), on February 8th 2011, requesting "to immediately restore the water supplies". Probably, the fact that the local authority's action was the target of particular attention from the ERRC may have led this omission.

64 EU Regulation nº 437/2010 of the European Parliament and the Council, of May 19th 2010.

65 Joseph, I. 1984. "Urbanité et ethnicité", *Terrain*3, pp. 20-31. Available at http://terrain.revues.org/2808. Accessed on September 15th 2014.

66 Resolution in minute of Extraordinary Municipal Assembly, of March 21st 2005; and Resolution in minute of the Municipal Assembly, of June 27th 2005.

67 Beforehand, the document does not define what type of camp it refers to – touristic, seasonal, emergency shelter, and housing. Secondly, Municipalities may decide if and for how long (24 h, 72 h, 30 days, etc.) an "occasional camp" may remain in the territory, without alleging justifications or alternative solutions, but reaching the goal of controlling the sedentarization of individuals and family groupings.

68 Resolution n.º 616/2010 and Proposal n.º 363/2010, Municipal Chamber meeting, of March 1st 2011.

69 Another example, already mentioned in this work, is the Centre of Housing Training – Nomadic Park in Coimbra.

70 In Lisbon it is the "Agreement Ameixoeira à Maneira"; in Beja it's the "Regulation on the Clauses of the Local Contract of Social Responsibility"; in Vidigueira it is the "Internal Regulation for the Park Stage".

71 Repeated lack of rent payment, lack of utilities payment, lack of socially acceptable behaviour, lack of maintenance of private and public spaces and acts of vandalism

72 Extraordinary Municipal Assembly, March 21st 2005 (resolution concerning the approval of the protocol between

the Municipality and the Social, Cultural and Recreation Centre of *Esperança* neighbourhood.

[73] On this regard, the Project "Ameixoeira à Maneira", despite the fact that it isn't a *cigano* families exclusive project, is a redundant texts regarding the lexical and argumentative persistence on: "abusive occupations, space vandalism, high levels of un-healthiness, impunity, recurrent house occupation, illegal water and electricity tapings, keeping common spaces in good hygiene and conservations conditions, incorrect ownership of spaces and equipment, public littering, public health hazard, presence of rice and non-vaccinated dogs".

[74] Annex to the Resolution (Proposal 58/2013, 30.01.2013) approving the BIP/ZIP Projects for 2013: Community mediators, Ref. 068.

[76] We must note that the medical-sanitary metaphor, used to refer to marginal and critical housing situations in the territory, made its first institutional appearance in the Law-Decree nº 163/93, that establishes the Rehousing Special Programme (PER) in the Metropolitan Area of Lisbon and Oporto. Here, the slum reality in metropolitan areas is presented as an "open wound in our social fabric, and therefore rehousing of those who live there impose the creation of conditions that allow their full extinction.

[76] Annex to the Resolution (Proposal n.º 58/2013, January 30th 013) approving the BIP/ZIP Projects for 2013: *cigano* Project [Ciga-nos], Ref. 019.

[77] Resolution on the Proposal n.º 616/2010 for the approval of BIP/ZIP Charter.

[78] *Idem*.

[79] Resolution on the Proposal n.º 725/2010 – Programme BIP-ZIP; Resolution on the Proposal n.º 616/2010 for the approval of BIP/ZIP Charter.

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ANALYSIS OF OFFICIAL DOCUMENTS CONNECTED TO HOUSING CONDITIONS OF GYPSIES/ROMA IN HUNGARY

HU

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1. Quantitative examination of the collected documents

First phase of the research was the quantitative analysis of the collected documents. It is important to note, that there were several questions about the collection of documents which were realized differently on each level. (See our concerns about the data collection below.) The aim of collection, thanks to the characteristics and availability, means of the research was not giving an exhaustive overview of documents, rather to focus on the most relevant ones and on selected regions and localities, but still based on a large quantity of documents.

The total number of collected documents was 234, the most typical sort of which were: decree (31), protocol (25), development plan or programme (22), submission (16), resolution (16) and official report (15).

The documents are originated from the past 10 years (the research started in 2013), so it seemed to be important to include a few of them with basic importance from the earlier period, just like some others from the year 2013, though this was not the main focus of the research. The documents mostly cover the period from 2009 to 2013.

There are 77 documents in the collected material which are indicating specific financial sources aiming directly at the Gypsy/Roma population. Among the national-level materials there are 26 documents which are dedicated exclusively to the Gypsy/Roma population. The affected Gypsy/Roma groups are mentioned in general.

Since the national jurisprudence does not make difference between the Gypsy/Roma groups, there's no sense examining this question; this aspect is indicated in the research only because of the different practices held in the countries participating in this project.

The topics turn out in force are mainly (but not exclusively) dominated by documents dealing with local issues, the most frequent ones are: squatters, illegal inhabitants, illegal occupancy (32), development (24), housing or housing aid (15) rules of coexistence, crime, police, traffic wardens (13), transferring to new flat, exhange of flat (13), quality of flats, comfort class, circumstances of life (13) and the two segregated settlements: György-settlement of Pécs (26) and Lyukóvölgy (Lyukó Valley) of Miskolc (13).

1.1 The distribution of collected documents

The following schedule shows the exact breakdown of documents by location, region and method of collection.

The amount of documents gathered in cities is 176, 6 on the micro-regional level, 17 in smaller towns and 5 in villages. Exact breakdown of documents by region is 135 from the Transdanubia (the West of Hungary) and 69 from the North-East of the country. The amount of documents on the local level is 199, on the micro-regional level is 6 and on national level is 29.

Settlement	Institution	Type of settlement	Region	Method of the document collection	
Pécs	Mayor's Office of Pécs, Major Department of Social Welfare	big town	South Transdanubia	direct	internet
Miskolc	Mayor's Office of Miskolc, Major Department of Social Welfare	big town	Northern Hungary	internet	
Micro-region of Siklós	Micro-regional Association	micro-region	South Transdanubia	internet	
Micro-region of Sásd	Micro-regional Association	micro-region	South Transdanubia	internet	
Micro-region of Edelény	Micro-regional Association	micro-region	Northern Hungary	internet	
Micro-region of Encs	Micro-regional Association	micro-region	Northern Hungary	internet	
Edelény	local authority	small town	Northern Hungary	internet	
Encs	local authority	small town	Northern Hungary	internet	
Sásd	local authority	small town	South Transdanubia	internet	
Gordisa	local authority	village	South Transdanubia	direct	
Mágocs	local authority	village	South Transdanubia	internet	
Szendrőlád	local authority	village	Northern Hungary	internet	
Szakácsi	local authority	village	Northern Hungary	internet	

1.2 The distribution of collected documents based upon political and technical/ administrative aspects

Amount of political document collected on governmental level is 29, on micro-regional level is 6 and on municipal level is 122 political and 77 exclusively administrative ones. The total number of political documents is 157 and 77 of the administrative.

It is well apparent that general, political documents are born on governmental level, and set out the framework of the national housing policy. On micro-regional level this is the dominant type of documents (however it is not a representative data regarding the low number of the examined elements). On local level, beside the principal rules, documents related to the practical implementation of the principal rules, the management of particular situations, the administration and the housing administration appeared in larger numbers. This distribution is comprehensible as the administration of particular cases, the evaluation and solution of the individual problems are made on this level.

2. The context of the research, regional context

2.1 The regional selection of the gathering of documents

We have chosen two regions of Hungary (South-Transdanubia and Nothern Hungary) to be the location for the document gathering. The reason for our choice was that the number of the Gypsy/Roma population living in these two regions, as well as their rate compared to the total number of the regions is above the national average. It is presumeable that the higher rate of the Gypsy/Roma population, the intensive coexistence and relationship of the Gypsy/Roma and non-Gypsy/Roma population is the reason for that we experience the most problematical situation, cases of housing and friction points here. There are larger number of documents in these regions which are aiming at ruling this coexistence and managing the established problematical situations. The common point is thus the high rate of the Gipsy/Roma population in these areas. Beside the common characteristic we are able to find numerous differences between the two regions of the country, regarding its general social, economical background as well as its history and the situation, integration and housing circumstances of the Gypsy/Roma population living there. These differences encouraged us to scrutinize another region with different background and conditions beside the area of South-Transdanubia we comes from, in order to highlight the parallels and be able to compare the differences.

In many aspects there are major differences between the two regions of the country, in other aspects there are similarities as well of course. The similarities between the two regions are the "small village" settlement structure, the problem of commuting and the high unemployment rate. The political organizations and actions may demonstrate the differences mostly (Cserti Csapó 2012). In eastern and north-eastern part of the country the Party Jobbik, which is known for its intolerance against the Gypsy/Roma population, enjoys strong support. Why do we experience this intolerance there and not here in our South-Transdanubian region? Why does not lead the intolerance against Gypsy/Roma people to political manifestation in the southern part of the country? Answering these questions does not belong to the essential part of our research, they help only to realize the differences. We suppose that the operation of supporting and self-

help organizations among the Gypsy/Roma population in the south-western region of the country is the reason for that there are not severe conflicts during the coexistence in this area (Forray 2012). In this part of the country the integration of the Gypsy/Roma population is greater, the self-organization and representation of interests of Gypsies looks back on a longer tradition. There has been civil organizations; aspirations and engagements in the education; ethnic minority programmes in the kindergarden and school since the change of the regime. In this region the Gandhi Secondary School for disadvantaged, primarily for Gypsy/Roma youth was established which is the only secondary school of this kind and therefore unique in the world. Later the Department of Gypsy Studies/Romology at the University of Pécs was launched which has a major role in the higher education and research of the Gypsy youth. This was completed with the establishment of the Romology programme operating in the Doctoral School of Education and Sociology of Education at the University of Pécs.

Therefore Transdanubia has a good institutional and organizational infrastructure that makes the region – despite the present problems – fit for life for Gypsy/Roma people and reduces the conflicts between the majority and the minorities that are originating from social, educational and social stratificational differences. In Norhern Hungary the background infrastructure is rudimentary, so the relationship between the majority and minorities is more tense.

2.2 The levels of the document gathering

We examined the documents concerning the housing and housing policies on three levels at the beginning of the research. Our aim was to collect all the resolutions, decisions, directives and regulations made on national level between 2003–2013. National-level documents are the directives and proposals for the housing policy and within this the directives and proposals related to the housing of the Gypsy/Roma population.

The second level of the document gathering was the regional level in every country participating in this project. In Hungary the gathering of documents did not include the middle level, because in the national practice there's no regional institution for the planning of housing policy, neither the county decision-making nor the administration manages this question. On the contrary, we thought that it would be worth examining the subregional level, on the one hand because of the diversity inside the subregion and on the other hand because of the funds (we refer here to the Europian Regional Development Funds) given to the regions and subregions which, according to us, make a closer interaction with the national policies. We visited websites of subregional associations and downloaded some strategies and situation analysis from there. However the number and nature of documents gathered in the subregions are inconsistent with our preliminary expectancy.

The third level of the examination was the level of the local councils. It falls within the duty of the local authorities to put into practice the documents of the national level in form of action plans and programmes. We noticed that the local councils have to communicate doubly or triply because of the different, not for Roma! "labelled" funds and subsidies or because of any subsidies which does not meet the local needs at all. So the decrees and resolutions reveal the local political situation, but there is a "parallel communication" by the projects originating from applications that can be seen in the usage of the documents as well. There is a further communication level with the local residents which depicts another situation that could not be seen in the official documents, but rather in the half-official ones.

It is important to notice that housing documents in towns and villages differ by their role and importance. The vast majority of documents in towns is connected somehow to the local housing policies and administration having a huge impact on the housing situation of Roma population. The situation in countryside could be rather examined by the common analysis of documents of local, subregional, regional and national level disregarding focus on single villages and take a better look at certain groups of villages in consideration of people's movements among villages and the segregation processes. In many cases it would be worth to examine each cases within wider periods of time, namely more decades.

The housing policy, the directives and proposals related to the housing of the Gipsy/Roma population are determined by the national documents. The practical representation of these documents or the establishment of action plans falls under the responsibility of the local councils. Our work on document gathering does not cover the middle level because the housing policy does not have any regional institutions in the Hungarian practice; neither the administration of the county manages these problems. However the necessity of a micro-regional research has emerged in the course of the document analysis.

Although the focus of these documents is not expressly the housing problem, but the lack of drainage is one of the most problematical points regarding the housing quality in towns and therefore the strategy of the

system development (that has been financed by EU funds) is strongly connected to the concepts of urban development. The case of "Györgytelep" (György-settlement) is a good example also for the failures of the drainage development. According to this case the related documents should be the subject of a detailed analysis.

2.3 Documents of technical/administrative or political type

The national-level documents

We have examined the following types of documents between 2002–2010.

1. General laws, regulations which are dealing not definitely with Gypsy people, but ensuring the right to housing and equal treatment. These documents are usually connected to housing policies that also provide actual financial aid.
2. Policies referring to the population with low socioeconomic status or to groups having a special social status therefore we examined documents regarding groups living in segregated areas.1 Moreover it would be noteworthy to include in our inquiry the programmes which help the grant-aided youth to settle and create homes because there are a large number of Roma people among these young adults. Maybe it would be worth examining the asylum policy as well because Roma refugees (families) are arriving to Hungary even if not in large numbers.
3. Supporting policies aiming directly at the Roma population: these documents are directed expressively to the integration of Roma people. The programmes which were launched on the basis of these documents are strongly linked to the programme called 'Roma decade'.

The proportions between points number two and three are seemingly shifted after 2010. Although the struggling with the naming remains (disadvantaged status, low social status or naming the Roma expressively as target group, e.g. the title and the text of Roma strategy), but in the major part of the measures the Roma population is named as target group, furthermore the establishment of the Roma strategy as well as the windup of settlements in the framework of Széchenyi Plan can be linked also to this period. Beside these documents if we also examine whether funds have been added to the particular measures, the financial laws of the related years and the execution of these laws give detailed information about that.

It is important to mention some acts and programmes that played a main role in shaping of Roma policies. The Act LXXVI of Year 1993 – neither its modification later – legally acknowledges the Gypsies as minority, does not include questions related to housing issues.

The Act CXXV of Year 2003 – dealing with the equal treatment and promoting equal opportunities – marked the housing issue as a stressed sphere. (Since 2005 the realization of equal treatment has been supported by the Authority of Equal Treatment as well.)

The action plan of the 'Decade of Roma Integration' programme: The national action plan was finalized till the end of 2004 that determined the most important tasks and objectives for the period of 2005–2015. The Hungarian working group was set up on 11 March 2004. In the statutory meeting it was agreed that the

Action Plan of the Roma Decade will be worked out according to the strategies and directives equivalent to the ones of Government Decree No. 1021/2004 (III. 18) on the governmental programme promoting the social integration of the Roma people and its related measures".2 The action plan includes two further tasks in the field of the housing issue: "Elaboration and implementation of programmes which accelerate the housing and social integration of Roma people living in settlements or settlement-like settlings, furthermore infrastructural development of areas densely populated by Roma people."

The Hungarian Roma Strategy are not exclusively directed to Roma people as it can be recognised from the subtitle of the strategy. Rather it is referring to people living in deep poverty, to child-poverty and the Roma. The documents which refer to the Roma do not distinguish between the cultural subgroups of the Hungarian Roma population, although the National Social Inclusion Strategy contains references to the Boyash ("Beás") and Lovári languages, but solely in linguistic aspect. So there are no references to Vlach Gypsies ("Wallachian" or "Oláh") or Romungro groups. The problem of the terminology is important in connection with the strategy: the English version of the strategy uses the idiom "inclusion", but the Hungarian version of it contains the expression felzárkóztatás" ('adaption, remedial') which means a sharp change compared to the integration, inclusion policies.

The selection of documents including elements of housing policies emerges as a vital question during the analysis of the documents. The housing supports have a clearly effect on the housing of the Roma people. The so-called "szocpol" ('social-political support') has determined the home-building attitude of the locals living in smaller settlings for a long time, not to mention the numerous illegal and semi-illegal businesses emerged between the client (supported) and the contractor in connection with this social-political support. Therefore the support resulted in the building of low comfort-level houses which do not make the requirements of the regulations. The decision of 2001 was modified several times, after the change of the government in 2011 new decisions were published following the strategy of the government.

Beyond the laws mentioned above we can examine some other laws which are dealing with the housing issue in some way: mortgages, supports for young adults and families (etc.), which have no Roma connection in particular, but the method of the determination of the target group is intresting and the target group is continuously changing.

After joining the European Union, beside the state subsidy, the Structural Funds were the financial basis of the implementation of the Action Plan. The launch of the current government programme related to Roma settlements was made possible not only by the Roma Strategy and the governmental initiation, but by an important change as well: the modification of the decree (437/2010/EU – 19th May 2010) of the European Regional Development Fund (ERDF) enabled to start the settlement-windup programmes. The sources were allowed to use in every member state for supporting the housing circumstances of communities living on the margin of the society (including the Roma). Previously these sources could have been used only by the 12 new member states for renovating buildings situated in cities. Due to these changes ERFA can be used for supporting the housing of disadvantaged social groups in all member states – to put up new buildings in rural and municipal areas.

In the case of the national-level documents it is difficult to determine the actual costs which can be directly

linked to the housing of Gypsies. Only one section of the housing part of the Roma Strategy contains actual amounts in connection with a programme that is aiming not exclusively at the Roma population.

The amount of collected documents is 29, the most typical of which are govermental decrees and laws. The documents on national level cover the whole examined period, but a significant number of them were produced in 2007 (10) and 2011 (5).

We have to point out that the government was left-wing during the major part of the research period; except the last two years. As well as one of the chosen cities, Pécs, had left-wing leadership for a long while. It is also the reason for the noticeable differences between the documents from the city of Pécs and Miskolc. The number of national-level documents indicating specific financial sources aiming directly at the Roma population are 2, while the number of national-level documents aiming exclusively at the Roma population are 3. The affected Gypsy/Roma groups are mentioned in general.

2.4 The quantity and type of documents collected on micro-regional level

The number of documents collected on micro-regional level is 6: 4 of them are development plans or programmes, 1 regulation, and 1 analysis/survey. The breakdown of them by date of origin: 2004 (1), 2005

Topics	The number of documents
György-settlement	26
squatters, illegal inhabitants, illegal occupancy	26
development	15
quality of lats, comfort class, circumstances of life	13
transferring, moving to new flat, exchange of flat	12
social rented housing	10
analysis, survey	9
housing agreement	6
certification	4
eviction from flat	3
reply to housing application	2
experimental project	2
evaluation of the lease, instalment of the rent	2
lease agreement	2
settlement rehabilitation	2
Északmegyer Quarter	1
"LAKMUSZ" – programme	1
Aidinger road	1
Szántó Tibor road	1
Nick yard	1
Fekete Gyémánt square	1
rules of coexistence	1
utility costs	1
housing advisory programme	1
debt	1

(2), 2009 (1), 2012 (1) and 2013 (1), by political party affiliation: 1 right, 0 left and 1 independent. Only one document refers directly to Roma people, while none of them aims exclusively at Roma population. The concerned topics of documents are housing aid (2), remedial programme (1), development (4) and social supply (1).

2.5 The local-level documents

The major part of documents on local level have their origin from big towns. On the level of micro-regional partnerships and in the villages we found significantly less materials. It is a natural repartition, because the system of social housing and the phenomena of homelessness, evictions and illegal moving into flats are the problems of bigger settlements, not so intensive in the little ones.

Topics	The number of documents
Lyukóvölgy (Lyukó Valley)	13
rules of coexistence, crime, police, traffic wardens	11
Avas	10
environmental pollution, waste	8
squatters, illegal inhabitants, illegal occupancy	6
"Nest-building" programme, abusing	5
settlement rehabilitation	5
segregated districts	5
windup of settlement	3
World Pavilion Project	3
video surveillance system	3
evaluation of the lease, instalment of the rent	2
looting, stealing	2
development	2
social supply	2
tasks of officers	1
abandoned flats	1
modernization	1
rats	1
transferring, moving to new flat, exchange of flat	1
takeover of the programme	1
public utility	1
improper use of flats	1
demographic and social circumstances	1
child welfare	1
community building	1
damage limitation	1
rules of address registration	1

The quantity and type of documents gathered in the city of Pécs (South-Transdanubia)

The number of collected documents is 122. The most of them are official letters (22) and decrees (21), but we found submissions (16), official reports (15) and Consortium Cooperation Agreements (14) almost as much. Other collected documentum types are analysis, surveys (7), development plan, plan, programme (6), reminder (4), declaration (4), certification (3), proposal for a resolution (3), request (2), records (2), a working material and a decision. The most productive years from the examined period of 1999–2013 were from 2009 to 2010 and the year 2011. From this three years we found altogether 67 documents. From the other years we collected from 1 to 7 materials by every year. The number of documents from the city of Pécs which included any indicated specific financial sources aiming directly to the Roma population was 61. Three documents were aimed exclusively at the Roma population from Pécs.

The quantity and type of documents gathered in the city of Miskolc (Northern Hungary)

The number of documents gathered in Miskolc is 54. These materials related to the next topics: protocol (25), resolution (8), development plan, plan, programme (6), proposal (5), invitation (4), decree (3) and one piece of each of proposal for a resolution, civil agreement, indictment, and spatial development.

The biggest number of materials dating in 2011 (12 documents), 2012 (12 materials) and 2013 (17 documents). From the previous years of this examined period (from 2003 to 2010) we found only a few materials (except 2009 with 5 documents). The number of documents from Miskolc wich connected any indicating specific financial sources aiming directly at the Roma population were 11. The number of documents from Miskolc aiming exclusively to the Roma population is 17. The affected and nominated groups are Cigány (Hungarian for Gypsies) in 3 documents, Roma (in 5 ones) and non specified ethnic feature occured in one material.

The quantity and type of documents gathered in the small towns of South-Transdanubia (Siklós, Sásd)

The number of documents gathered in small towns is 6, 3 of which are development plans and programmes, 2 are decrees and 1 is a submission. The distribution of documents gathered in small towns based on the date of origin: the documents are from the year 2006 (1), 2007 (1), 2009 (1), 2010 (2), 2013 (1). The number of documents from small towns indicating specific financial sources aiming directly at the Roma population is 0. The number of documents from small towns aiming exclusively at the Roma population is 0.

The concerned topics in documents gathered in the small towns of the Transdanubian region are settlement rehabilitation, rehabilitation (7), environmental pollution, waste (2), rent of flats (1), modernization (1), rules of coexistence, crime, police, traffic wardens (1).

The quantity and type of documents gathered in the small towns of Northern Hungary (Edelény, Encs)

The number of documents gathered in the small towns is 11, the type of documents are: resolution (5), submission (2), decree (2), regulation (1), development plan or programme (1). The distribution of documents gathered in small towns based on the date of origin. The documents were produced in 2008 (1), 2010 (2), 2011 (1), 2012 (5) and 2013 (2). The distribution of documents gathered in the small towns of Northern

Hungary based on political party affiliation: 5 right, 0 left and 6 independent. The number of documents from small towns indicating specific financial sources aiming directly at the Roma population is 2 and the number of documents from small towns aiming exclusively at the Roma population is 3.

The concerned topics in the documents gathered in the small towns of Northern Hungary are: tasks of officers (2), local governmental regulation (2), development (2), settlement rehabilitation (2), public services (2), video surveillance system (2), debt (1), health education (1), rules of address registration (1).

The quantity and type of documents gathered in villages (Gordisa, Mágocs – South Transdanubia, Szakácsi, Szendrőlád – Northern Hungary)

The number of documents gathered in villages is 5: delevopment plan or programme (2), decree (2) and regulation (1). The collected documents are from the year 2007(1), 2010 (1) and 2013 (2). The distribution of documents gathered in villages based on political party affiliation: there was 1 right, 1 left and 3 independent. The number of documents from villages indicating specific financial sources aiming directly at the Roma population are 0, therefore the number of documents from villages aiming exclusively at the Roma population are 0. The concerned topics in the documents gathered in villages include housing benefit, equal opportunities, rules of operation and development.

3. General view on social rented housing

As we can see in the documents gathered on local level, one of the most important questions related to the housing situation of the Roma is the situation of social rented housing in general. The Hungarian social housing system can be criticised in many aspects. Among others the general quality of the flats is poor and the number of available flats has been decreased significantly after the transition period due to the privatisation of former state-owned properties and to the decreased number of constructions. Although the housing policies were changed in accordance with the political guidelines during the years, but the general tendency shows that the housing policies are focusing mostly on the middle– or high– income families. Most of the Hungarian families are intending to own a private property. This situation together with all the structural problems of the rental sector (including the private sector as well) resulted in a vicious circle. The lack of coherent framework in the housing policies as well as the defective interventions combined with the impact of the crisis have resulted in a tremendous situation in general that is even more dramatic as far as the social housing tenants are concerned: among them the Roma population is overrepresented.

The most typical form of the social rented housing is that if the proprietary is the municipality itself or a public company owned mainly by the local or national government. We can declare that the municipalities had a key role in housing issues of the social housing tenants including a large number of Roma persons/families as well due to the fact that the local governments had a relatively wide autonomy and as decision makers played a role in the redistribution of social and housing benefits during the major part of the examined period. We are able to state in general that this situation enabled several forms of direct and

indirect discrimination against the Roma as it was listed in the "RAXEN Thematic Study about the Housing Conditions of Roma and Travellers in Hungary" (Kőszeghy 2009).

A recently established public institution, the National Asset Management Agency (NAMA), which was set up by the government to support those people who have mortgage in foreign currency, seems to offer a new approach to the question of social rented housing, however due to its recent introduction we could not analysed it in our research.

Returning to the question of social rented housing, beside the quantitative decrease, these flats have a very poor quality, are often situated in underdeveloped, isolated areas lacking certain infrastructures. The presence of the Roma population in these low-quality rentals contributes to their segregation and exclusion. As far as the power of the municipalities is concerned we have to note that it includes the control on access to social rented housing. The recent scandals about the criminalization of homelessness have raised several questions on the discriminative measures of the local authorities again.

4. Institutions and their authorities (as well as their different Acts) involved in the juridical frame

The national-level documents related to housing are "produced" by the National Assembly in form of legislative acts, governmental decrees, ministerial decrees and prime minister's decrees that all belong to the governmental level. From the aspect of the legal system the Hungarian regions and sub-regions can be considered as territorial scopes of the national administrative authority's competences. The strategies that most likely emerge on these levels are closely connected to the national legislation/decrees, but are non–binding for the local municipalities. The county-level assemblies produce decrees and regulations, however this level was not significantly present in our research.

The local municipalities play a more important role which is realized in mayor's ordinances, regulations and municipal decrees or resolutions of the general Assembly. The Committees are involved in social rented housing and even into "Roma" issues since they can make such proposals.

Regarding the planning and implementation of interventions related to housing there were several changes in terms of the responsible institutions during the examined period. We can declare in general that the coordination of the housing policies does not have a unique central institution, it is fragmented between different ministries and authorities which reduces the transparency of housing strategies as well. The different programmes aiming at social rented housing, social support for construction or purchase of property, spatial development programmes, desegregation or urban development programmes, the support of "bank loan" victims – which has been an important issue since the crisis –, the policies regarding homelesses, immigrants and former state-fostered persons, furthermore several other measures on housing are carried out separately and without a common strategy.

Until recently the local municipalities in Hungary have had a relatively strong autonomy in certain questions, even if the Hungarian municipalities never had a high degree of autonomy in comparison to some other

European countries. However, as it was often highlighted by researchers during the years, in several cases this autonomy served as the basis of interventions that finally led to discriminations against the Roma or indirectly to segregation of territories, schools, etc. The situation has changed as recently certain institutions have been centralised and the system of districts has been established. However in the current research we haven't examined the impact of these changes yet.

Beside the enumerated authorities, it is important to highlight the role of the European Funds with the related decisions and strategies. Apart from the most important interventions of the local municipalities which are strongly connected to the local power and responsibilities, it is apparent that the other group of significant interventions is made up of projects implemented as the result of EU-directives and funds. This caused a significant change in the language of certain documents as well. We have found some key documents which are between the national and international level, for example answers for the European Commission's reports on the housing situation/Roma in Hungary. These documents are important links to the language of the discourse between the EU and the nation on certain topics. We noticed a kind of duplicate communication (internal-external), but also the entire adoption of certain concepts which appears on the level of local municipalities as well. Furthermore the programme of the European Capital of Culture led to the adoption (or at least to the intention) of several key concepts of the EU which has fundamentally formed a part of texts produced on the urban development for a while. The connection between the European Funds and the language of documents is also affected by the municipality using these EU funds. To be able to apply and implement projects successfully the municipality has to acquire the language of requests (including the language of the EU and the actual national phrases as well that are often contrary to each other). But mostly – and this is also true for the national documents – the different discourses are present parallel, therefore we find several contradictions on explicit level, concerning the labelling of the target group as well.

Although the analysis of the Fundamental Law was not the scope of the current research but it has to be mentioned that due to its introduction and its multiple modifications the housing rights of certain groups have been directly affected in some cases (e.g. homeless persons).

5. Keywords about the goal of the documents (Roma, nomads etc.)

5.1 Lingual limbo of the policy-makers – documents for who?

In Hungary most of the general documents and directives do not contain explicit references to Gypsy/Roma people, do not support ethnically but socially on the basis of means test. So does the housing policy. This directives are often directed to Gypsy/Roma people, but they are not directly named. Thanks to the different projects the local municipalities learnt to communicate excellent in a politically correct way. During the major part of the examined period there was an extraordinary strong intention on the part of the national politcs to establish a consistent, correct usage where the disadvantages mean only the social ones and the ethnical affiliation has a meaning only in a cultural sense. These all appeared on legislative level as well.

The other interesting aspect is the language of the programmes targeting colonies/poverty or even Roma and the process of balancing between the different definitions of the target group. Although these types of

non-Roma documents target Roma (as well), in one part of these documents there is a strong intention on part of the policy-makers to avoid focusing explicitly on Roma. Therefore these documents represent well that the national policies try to set out the characteristics of the target group without mentioning ethnic categories. Parallel to this there are Roma-specific documents, mainly as the result of international expectations (for example Roma Decade), in which Roma are defined expressively as a special target group. The best example for the lingual limbo of the policy-makers is the Hungarian National Roma Strategy that contrary to the EU framework or the practice of other countries is called National Social Inclusion Strategy – Deep poverty, child poverty, Roma. The document itself reflects on the problems of definition.

In general, contrary to some other policy fields where the 'discourse of recognition' emerges at least in elements, in case of the housing documents whether the word Roma is explicitly used or not, it becomes the synonym for persons/communities characterized by deprivation, poverty, disadvantages, unemployment, low-qualification or as beneficiary of subsidiaries. Of course, the game of the categorization can be also regarded as an endeavour on the level of discourse to maintain social peace between different groups that share the same situation. Just one example to make it more comprehensible: during the times as several programmes used the category of "disadvantaged people", it became a synonym for the Roma in the public communication (and as well as in the everyday conversations). Therefore the change in the requirements of the disadvantaged status is important on the discourse level. In general if we look at the political shifts in discourses, we see the "competition of terms" like "equal rights", "equal chances", "inclusion", then later the increased use of terms related to 'deservedness'.

6. Explicit topics and keywords/phrases

The topics of the national-level documents can be categorized in the following ways. There are important general documents on housing that include articles related to social rented housing, housing benefits, support of construction or purchase of property and contain different types of categorization implicitly applied to the Roma people. These categories are including the requirements of disadvantages and/or the characteristics of unsatisfactory housing circumstances. Another related topic is the social care in general in which the requirements of housing benefits appear. These two types of documents are serving in certain questions as background for the local "autonomy" of municipalities as we are going to see it in the analysis. Another group of the documents are about spatial initiatives – including spatial and regional development of disadvantaged regions – which contain the requirements for "disadvantages" and "segregation" as well, but in this case this is not applied for persons, but for regions, settlements, neighbourhoods, etc. Presumably these types of documents target or partially target areas where the Roma people are overrepresented. The desegregation programmes in the frame of the urban development focusing on deprived areas are belonging to these topics as well.

A significant group of the national-level documents are dealing with the "social integration" which is based also on different categories like for example "disadvantages" – mostly determined by "sociological" factors like the level of education, unemployment rate, income, etc. – but is also including "segregated housing

environment" and similar aspects. Further significant categories are the poverty and as a special topic the child poverty. The documents that explicitly target the integration of the Roma people also include articles on housing. These documents are mainly strategies and answers for the external expectations like in the case of the Roma Decade Programme and NRIS.

The group of documents which is related to the rights of equality or is supposed to combat discrimination (like the reports of the ombudsman) is including housing issues related to the Roma people.

We thought that it is important to include in the resarch the documents on special groups in which the Roma people are overrepresented. These groups are exposed to a possible "housing" discrimination. The documents which are belonging to this category are about the child protection with articles on housing support for young adults leaving the state care; or about asylum and migration with articles on housing benefits. As it is evident from the statistical analysis the following topics appear in larger number in the documents examined by us. Especially overrepresented are – both on local and regional level– topics related to the development of different underdeveloped regions, segregated areas and disadvantaged settlements: "spatial development", especially "development of disadvantaged regions" or in other words "desegregation/development of segregated areas". On national level themes like "social integration", "Roma integration" or "poverty/child poverty" appear the most often. We would like to point out that the content of the expression "integration" has been transformed, or is changing continously as it can be observed in the worldwide discourse as well. We are able to observe the degradation of the concept that often leads to its substitution of the expression "inclusion" which is often diversely interpreted as well. In the course of time the physical proximity as significant element occured in the concept of integration for which the term "integration" or "desegregation" is applied. So this technical, physical meaning is important from the housing aspect. The word "segregation", which is an expression of the settlement sociology and symbolizes spatial, physical isolation, has become the synonym for discrimination, later a curse and finally the category of the criminal law (see Pankucsi 2012: 36). The other fundamental point is the actual naming of the problematic areas, inclusions and segregated settlements: in relation to the chosen settlements– Avas, Lyukóvölgy (Miskolc), furthermore the György-settlement in Pécs. Beyond the themes and topics mentioned above the expressions like abuse related to the housing or to the "Nest-building"-programme; the "rules of coexistence", "crime", "police", "traffic wardens", '"transferring", "new flat", "change of flat", "environmental pollution", "waste" came to the front in many documents. Thus the problems and stereotypical views appeared, as well as the different proposals for their solution.

Analysing the gathered documents we researched within the housing system how the created identities of renters, owners, squatters, illegal inhabitants or the categories of ghetto, segregated settlement, home were determined by the housing policy.

6.1 Representation of segregated districts: ghetto, social closure ('zárvány'), slum ('szlöm', 'szlam'), disadvantaged areas

In the national-level documents which aim to implement desegregation measures, integration or development, these districts emerge as ones that have to be integrated or developed. Considering the

different documents from the different periods and even from the different political sides we can observe the presence of very similar words. These sociological categories which often include statements about "lifestyle", and quite dramatic expectations like "irreversible processes" seems to become a common assent to refer to neighbourhoods inhabited mainly by the Roma people, at the same time avoiding the direct ethnic determination. Comparing the documents, however, the Strategy of the Roma Decade stands out in terms of defining the separation itself as a key problem. In comparison to this, the NRIS rather addresses the symptomps or results of this ghettoisation.

Stereotypes are often attached to the areas inhabited by the Roma people, and these stereotypes may extend as well as to the major structural unity (quarters) that includes these segregated areas. So some local documents determine the disadvantaged areas on the basis of the ethnical affiliation of the locals and of the infrastructural circumstances.

The authors of these texts often use the terminology of the social sciences (mostly sociological terms) to legitimate their statement scientifically.

The key instrument to strenghten our position in battles fighted in different fields is if we refer to categories, descriptions used by sociologists as these are the politically correct expressions. In the fight for the right to use the naming 'politically correct' or to legitimate the applied vocabulary, the scientific legitimation is one of the major legitimating power.

The adoption of the language of the EU is also a strong factor in legitimising the language of the documents. In the documents, these real or imagined areas are presented as ghettos, social closures, slums, disadvantaged areas (e.g. in Pécs: György-settlement /segregated settlement, slum/, the so-called "eastern district' /including some "ghetto"/, the northern part of the industrial town, the Vágóhíd segregated district; in Miskolc: Avas, Lyukó, Szondy-telep /segregated area, slum/; Cserehát as lagging region). In the following we are arguing that stereotypes are attached to the 'created' disadvantaged areas. What are these stereotypes we are talking about?

6.2 "Troublemakers" (breach of peace, dirt, rats, violence, and criminalization)

By 1996 a new term had entered the political lexicon: town rehabilitation (then structural developing, complex developing etc.). This became the catchword for politicians and housing specialists wishing to rid the town of certain "sick and ulcerous" spots in the name of development (see VIII. "apparatus"). In fact this meant the destruction of buildings inhabited mainly by Roma people. In political sense it allowed the local governments to resolve "interethnic conflicts" in certain neighborhoods. However no reference to an ethnic dimension ever appeared publicly, despite the fact that the great majority of affected people in the razed houses was Roma (see Vidra 2001). Indeed, by using the term "rehabilitation", any adverse effects suffered by the Roma population appeared as unfortunate "collateral damage" (this stereotypes appear in the documents in Miskolc, in Cserehát and in Pécs as well). The ethicized manners are the follow:

Theft (tapping the electric wire / water / wood / metal)

The stereotype of theft emerges in many document types (mostly in official correspondence, proposal,

official reports, development plan, plan, programme, proposal for a resolution, call in local and national-level documents as well, but these stereotypes are overrepresented in the documents gathered in Miskolc). The most often this is seen in the presentations about circumstances of life in the disadvantaged areas (report, supervision, feedback, professional presentations during the preparation of laws or draft of laws e.g. characteristics of slum, definition of circumstances or bad economical situation), another time we find them as topic of public announcements: the construction of space, or the experience of space (announcements, letter of complaints to the local authorities). Some examples: In many local public announcements the stealing of agricultural products from gardens, damaging houses and the intimidations of the residents are common in the segregated districts of Miskolc (2005, I-70. 105/2005). So in many cases the crime ("subsistence crime") is a common stereotype (approximately in 10 documents). Other documents from 2012: According to a public announcement: in Lyukóvölgy the wire was stolen by the locals (it is clear from the context of the text that the thieves were Gypsies).

Deviant lifestyle (littering, dogs without vaccination documents, noisy behavior)

The expressions "invalid", "deviant lifestyle" are presented in the documents mentioned above (are present in documents of Pécs as well as of Miskolc). The use of stereotypes can be linked to the fact that the 'authors' of the texts wish to justify for example the importance of the developments, the necessity of the interventions or the attributes mentioned above are presented in the letter of complaints. For example the following expressions are included in one document of Miskolc from 2011: illegal dumps; illegal woodcutting till waist-high (ethnic feature) in Tatárdomb area; cesspit in Lyukóvölgy district. In an another document (2009, indictment) of Miskolc/ Avas the following expressions appear: illegal drawing of social allowance and illegal occupation of flats in Avas area; or in an expert's opinion from 2011 (expert's opinion, no. 20134-2/2011.): proposal for stopping the illegal sewage diverting and the improper use of flats in Lyukóvölgy district. In a report on the work of the police office (27 May 2010, report): the district Lyukóvölgy became segregated, the crime pushed out the people living a "normal lifestyle", and the police is almost helpless.

Bad housing conditions: rats, bugs, stink, rubbish, no toilet or bathroom etc.

According to the examined documents stereotypes related to the poor housing circumstances could be linked to the lifestyle and eventually to the culture of the Roma people, in other cases it is explained by the structural circumstances of the major society. Some examples: In an official report (its subject was the exchange of municipal flats) from Pécs in 2008 we can read the following text: the client said that bugs and snakes were crawling from the former building construction. In an areal development plan from 2013 (its subject was the development of the segregated Lyukóvölgy district and included demographic details, environmental conditions and circumstances of the area etc.) we are able to read about the housing circumstances of Roma people: that people are not living "in holes in the ground" but in most cases in outhouses, hovel-like buildings without lavatory. According to a document from Miskolc (2012) the illegal dumping grounds are typical of the districts populated by Roma people.

7. Implicit: Metaphors

As we previously noticed the presentation and analysis of the housing circumstances of the Roma (physical and mentally) are figured as explicit topic in the documents related to the housing of the Roma– in most cases they are descripted as deviant outsider living in a kind of social inclusion, segregated settlement, ghetto. The naming are in connection with the goals of the documents in every case. The implicit factor is linked to the housing policy. We are able to find many implicit methapors in the topics of the housing policy: first of all in relation to the abuses and ethno-business.

7.1 The "ethno-business"

The "ethno-business" will refer to any practices that seek to take unfair advantage of the existing legal framework for the protection of national minorities in order to obtain material, financial or political gain. Other terms which are used to describe the phenomenon include "ethno-corruption", defined as "the abuse of remedial measures for private gain in a manner contrary to the legislators" intentions' (Pap 2008: 114), and "minority business", emphasising the misuse of people's – sometimes only alleged – minority identity for the sake of political or economic ambitions (Hungarian Helsinki Committee 1999: 27). In our corpus we found clichés about ethno-business and minority business' (we can talk about implicit and explicit stereotypes).

Scandal of housing benefit abuse (social tenement flat)
After surveying the gathered documents we are able to formulate the hypothesis that the Roma-question, the Roma housing in Hungary can not be separeted entirely from the policy on social rented housing. The implicit factors are the local and national-level documents of the policy on social rented housing (question of the housing benefits). In most of the related documents the abuse of public housing turns up in connection with the privatization of municipal and state-owned flats. In these documents the definitions and 'constructions' of renters, owners, squatters, illegal inhabitants are well apparent.

There are many documents in Pécs and Miskolc which are aiming to manage the legal relations between the rentners, squatters and the social rented flats. The signing of housing contracts or the eviction of illegal inhabitants are urged by many documents.

Through the micropragmatical analysis of some documents from Miskolc and Pécs we become acquainted with public discourses related to the social housing (decrees, submissions): In a document of Miskolc from 2013 we can read the following things: The number of squatters in Lyukóvölgy keeps on rising. In a consortium agreement from Pécs (November 5, 2009. /valid: 2010–2011) we could read about the goals of a Residential Counselling and Support Programme (aiming to help for squatters and illegal inhabitants living in the György-settlement).

Beside the public discourses we are able to find some registered official letters as well among the documents of Pécs. So for example the correspondence between the competent social, housing authorities and the Roma clients, official correspondence, rejection, financial aid, eviction, application – in otherwords, in the official

language of law: refusal. In the legal procedure (the discussion and approval of housing decrees and decisions) every legal act takes place on linguistic level which is characterized by a kind of duplicity: the specialist who 'speaks' the language of the authority are facing the usage of the unprofessional. The specialist who is representing the authority submits the usage of the unprofessional to the language of the authority. Whatever the reason (social, cultural, situational) for the different usage is, after a certain distance we are approaching to the interlinguistic translation. In these cases it is not merely about interpreting, but about cultural mediation as well. A document from Pécs (2004) serves as the certification of an application for a housing contract (the applicant was a Roma squatter). According to an official report (2010): a squatter made an application to settle the legal staus of housing after the former tenant's death– the partner was the Group of Social Management of Housing of the Major Department of Social Welfare. The decree 4/2006.(III.31.) of the local council of Sásd can be mentioned here as well (Decree on the rules of the rental and alienation of municipality flats and rooms not serving for housing; on the social administration and on the natural and material benefits).

Finally we found a very interesting document, an offical report in which the squatter reflected on her circumstances of life (for example she told that she had lived in a wood-shed with her children earlier, but now she's living in a flat illegally) and tells that she has to move away. It is an emic text.

"Nest-building"-scandal, "ethno-business", "Roma-business"

If we are searching for the symbolic 'product' of the socialist governments after the millenium, we have to point out the so-called 'Nest-building' programme. The programme was finally launched by the governmental decree 3/2005. (I.12.), furthermore by the governmental decree (4/2005. (I.12) on the detailed rules of the state guarantee programme related to the housing loan of young adults.

The programme consisted basically of four parts of which two parts were focusing expressively on young adults. The four major measures were the following: State guarantee programme related to the housing loan of young adults.

By this time the the foreign currency-based credits had become increasingly popular because the instalment of these credits was in many cases (especially in case of buying an old property) lower than in the case of the assisted HUF-credits (Mádi 2008: 96-98). The most significant scandal on housing in Miskolc/Avas was the "Nest-building"-programme. There are several local, municipal and national decisions which aim to manage the abuses and help the residents.

The phenomenon is followed by a significant political discourse (as an argument of the political right wing against the bad decisions of the political left-wing related to the housing and the Roma people). Reflections on solving the problem of "Nest-building"-programme ('Fészekrakó' housing support) were made in numerous documents (e.g. in an invitation, proposal) in Miskolc (2012). In a parliamentary resolution (2012, H/87776) we can read the following: the Parliament decided to intervene in the abuses of the 'Nest-building'-programme in the administratve area of Miskolc and Avas and ready to help the victims to minimise the damage. According to another submission there are need for more policemen and traffic wardens in the area of Avas habitated mainly by Roma supported by state loans.

8. Decisions adopted by the documents

8.1 Bad housing conditions – decree on the local rules of address registration (2009, Encs, Miskolc)

The decree made in 2009 is connected with the 'Nest-building' scandal in 2008. The decree was adopted by several neighbouring settlements (e.g. by the local council of Encs). So the decree on the local rules of the address registration (38/2009 (XII.2) was still in force. It was approved in 2009 and reviewed in 2011 (the head of the Administrative Office of the County Borsod-Abaúj-Zemplén found it anti-constitutional, are contrasting with higher-level rules). It is interesting to examine who are the addressees of the document: Explicitly Hungarian citizens who possess domicile in the administrative area of the city Miskolc or intend to establish a permanent/ temporary residence there, furthermore citizens, "immigrated persons", "persons with permission to reside" and "persons acknowledged as refugee" falling under the force of law 2007. I. on the entry and stay of persons having the right to freedom of movement and of residence. Implicitly: first of all the former 'Nest-builder' in Avas, the Roma squatters and illegal inhabitants. The goal of the decree: the decree defines the concept of the flat, temporary accomodation, housing part which is 6 m2 per capita (defines the minimal technical requirements, lavatory, bathroom, etc.).

The temporary accomodation consists of room (or rooms) a.) which has a basic area (at least the basic area of one room) of more than 6 square metres b.) which has an external wall that is at least 12 cm thick and is made of concrete or another material equivavelent to this c.) which has windows or glazed door d.) which can be heated e.) where the use of water toilet and the access to water are ensured. The professional argument of the decree is very important. The reason for the decree was that it occured more and more often in the city that on one hand citizens moved into agricultural buildings, structures situated in the outskirts, allotments, and on the other hand the number of these squatters was beyond the capacity of the flat. This phenomenon went together with the worsening of the public security in these areas and the number of stealing, hooliganism and breach of the peace increased. Parallel to this the market value of the properties decreased significantly. To stop the illegal moves the local rules of the address registration were established. Complementing the related central regulation the local decree defines the concept of the "minimal flat", "housing part", needed for the registration, furthermore the technical parameters the flat needs to have. If the flat does not meet this requirement, the registration will be rejected. The decree had a great success and other settlements were interested in it as well. It served as a model for other settlements that wanted to use the same instrument in their local regulation. It means that the problem described above is present in other settlements as well or the other settlements did not find more efficient solution to tackle this problem. For example in Cserehát, in county Pest, in 2010 in Encs (4/2010. (III. 23.) decree on rules of adress registration (adopted the model of Miskolc).

8.2 Inhabitant living in a segregated district (Pécs, Miskolc)

The Housing and Social Integration Programme of Residents of Colonies started in 2005, which is indicated as Programme for residents of Roma colonies on the website of the Ministry, is connected to the Governmental Programme for Roma Integration launched in 2004, but it is indicated in the law 1036/2005.

(IV. 21.) on crime prevention as a measure to reach the objectives, however this connection emerges only implicitly in the documents.

The lack of modernization, the segregated lifestyle are often mentioned as professional arguments, the related projects strive to establish a social inclusion by developing the area. So these were the goals of the model programme in 2005 or these are found among the explicit targets of the local city-development: for example the application of "the renewal of the city center of Miskolc" (the city won 1,5 billion HUF as non-refundable funds in the framework of the Regional Development Operative Programme).

Implicit target is to stop the establishment of slums and to prevent the area from becoming valueless. Some outer areas of Miskolc, like Lyukóvölgy as well are often presented in the related documents like criminalized areas which would be a continuous crime scene. It was told that beside the Roma people homelesses, Slowakian, Ukrainien and Romanian criminals were hiding among the bushes in Lyukóvölgy. It was tried to be ethnicized, Lyukóvölgy was regarding as a huge Gypsy colony.

Programmes: Integrated City Development Strategy Antisegregation Plan (2010) – to improve the circumstances of housing. The Antisegregation Plan proposes the differentiated wind up of the area on the long run. Between 2002–2004 at the south-eastern border of the settlement, in the organization of the minority local government 18 terraced houses with all modern conveniences, mansard and front garden were built with the help of municipality benefits and the'szocpol'of the families. The reintegration strategy of the city of Sásd in which the local Roma residents were described as following: The Roma (Boyash Gypsy) population are affected by the unemployment as a consequence of their culture and un-education. The local housing developments (technically) are followed by other social measures: lifestyle, family-helping and educational programmes which help the residents of the area to be integrated in a housing environment of a higher level. The documents in Sásd are arguing: The segregation and the low qualification level prevent the Roma people from getting a job, furthermore they are promoting the development of the environmental conditions, the establishment of the environmental safety.

8.3 Security in the ethnicized segregated districts. Crime as stereotype (Miskolc, Edelény)

Control: Installation of the video surveillance systems in the segregated districts

In many regions (as well as in Miskolc and Edelény) submissions were dealing with the improvement of the public security in the segregated districts populated by the Roma people, later decrees ordained it with the help of technical measures. The video control devices were set up in parts (Vas, Diósgyőr,) of Miskolc, furthermore in the Martin suburb and in several settlements of Cserehát. The topic (installation of video surveillance system and the designation of scenes) turned up the first time in 2005, then in 2009, 2010 and 2011 in Miskolc. In Avas district the installation of the video surveillance system started in November 2005. In the second phase 2 pieces of new cameras were installed. The County Council determined their scene in November 2010. In the same year the third phase of the development was launched. 5 pieces of video cameras were installed in Martin-suburb in August 2009 which were entirely operated by the Police. The subject of the proposal for resolution (2011) is: designation of the controlled area and installment of video surveillance system in the districts of Avas, Diósgyőr and in Martin-suburb. The proposal for the resolution pointed out

that the installation of the video surveillance system is necessary in certain districts (Avas, Diósgyőr, Martin-suburb), because they may suggest that these are stressed public places from law enforcement aspects. This statment presupposes that crimes against persons, propriety and society occur more often in the designated areas compared to the other parts of the city. This statement is explicitly expressed in other segments of the text. But we should consider the implicit element of the presupposition as well. By the direct identification of the districts, the 'speaker' would like to refer not only to the number of crimes, but he presupposes the common background knowledge that the mentioned public places are the segregated districts of the city where most of the residents are Gypsies. Beyond Miskolc, other settlements like Edelény decided to install a video surveillance system (62/2012. (III.29.) to improve the public security.

Control, protection and prevention: police stations in the segregated districts and Jeeps for health visitors working in segregated areas
As a preventive measure (to improve the public security) the police station of Lyukóvölgy was enlarged by several bureaus in 2012, a resolution was accepted on this (VI-116/4909/2013.), later a new submission was made in 2013. The submission from 2013 (IV-4234-7/2013.) is especially interesting, later a decree was adopted. According to it they wanted to provide jeeps for the health visitors on duty in order to arrive safe to the segregated settlements.

9. Case studies

We have chosen two segregated settlements for the case studies of the research from two different regions of document collection. These settlements are not only overrepresented in the collected documents, but are in the focus of public discourses, therefore they are of symbolic importance.

9.1 Miskolc Avas: social reality created and legitimated by the housing documents
In the first case study we endeavour to examine the documents (issued in relation to the first and second phase of the Avas-settlement, approved or rejected documents) which are related to the housing of the Roma population. In the examined documents of Miskolc, in many cases Miskolc-Avas means an explicit topic on its own with numerous cases (10 documents). For this reason we treat the documents related to Miskolc-Avas as a coherent corpus and we contextualize the cases. In the background of the cases, even if it is not directly expressed, we find the 'Nest-building'-programme, the influences of the special abuses on the housing (it is explicitly presented as part-topic in 5 documents, in case of the other documents of Avas implicitly). In the reasearch we used the different resolutions, proposals for a resolution, submissions and decrees (on local level, but we examined a parliamentary decree as well) as primary sources. As secondary sources we examined the protocols of the General Assembly which illustrate the preparation and formulating phase of the decrees, furthermore we srutinized an indictment which was made in connection with the 'Nest-building' abuse.

First of all we overview the context of the Avas-documents, especially the cases related to the "Nest-building"

scandal: what characteristics does the mentioned segregated district have? How are the Gypsies represented if they are represented ever? What are the explicit topics emerging related to this case, what are the key words (in single cases they could be explained more detailled), or the lack of certain key words could be essential as well. Within the actual cases the analysis of these topics belongs to this. The next step is the examination of the implicit factor, these are those certain metaphors, the deep texture. Finally we tried to trace the future of these documents: how are these decrees implemented, who implements them: which institutions with which instruments. It is an important point of view what is done and why.

Nearly 20 % of the city's population is living in Avas-south. The housing estate was built in the 70's using a new technology (panel of Soviet model), first of all for the working class. Both ten-storey buildings and four-storey buildings, blocks of flats were built. The housing estate is habitated mainly by young families and lower midle class families. Mainly the local municipality owned these flats which were bought by the inhabitants after the change of the regime. There is a big contrast between Avas I., II. and III. (this division shows the year of the construction as well and the area is still divided upon these categories). In Avas III., which was the latest phase of the construction, we find the most organized public places and stairways, in total, it is in a better state of preservation than Avas I. and II. where the stairways are run-down; the mechanical apparatus is out-of-date; the corridor lighting is missing; the elevators are out-of-date, in some stairways almost life-threatening. The major part of the playgrounds are not EU-conform – however the rate of them has improved recently – there are no promenades, public parks, there are a few sport grounds. The pavements and the inner part of the roads are fragmented. Avas I. and II. is the scene of the examined document type. In the previous years a stressed problem emerged which influences significantly the quality of life in the housing estate: the 'Nest-building'-programme. From 2005, families with several children – mainly from the country– moved in Avas-south in the framework of the "Nest-building"-programme. These families, who are having a very low income and living from social benefits, moved from a flat of poor housing circumstances in a flat equipped with all modern conveniences. They can not pay the instalment of the bank loan, the heating and lighting costs, so they were evicted from these flats. There are continous conflicts with the other residents, the previously good housing communities are breaking up because of the moves in and away. In most cases Gypsy families are involved which is worsening the arisen conflict situation. Thus the preconceptions makes the situation unmanagable. The arisen conflict situation is worsened by the fact that mostly are about families of Gypsy origin. Many decrees were adopted to manage the problems related to the coexistence. Although the naming of the programme "Nest-building" was remarkably attractive and there was no doubt that the participation in the 'Nest-building'-programme could be an efficient instrument leading to a scientifically legitimated integration. Hundreds of criminal procedures are going on, because many people obtained a flat by fraud and abuse in the framework of the 'Nest-building'-programme. There are thousands of accused (900 million HUF loss, 278 suspected persons). Among the accused persons there are not only credit administrators, lawyers, real estate agents, value assessors and bank officiers but the majority are those who previously lived in the segragated settlements mentioned above. Whoever can escape from here, are escaping or has already escaped. Many families are evicted because of their huge public utility debts and bank debts. A part of the evicted families stayed in Avas – they found a shelter with friends and

family members –, some other families moved to the country, in Lyukóvölgy other to other outer areas. A larger number of them immigrated to Canada seeking asylum. The biggest disadvanteged settlement of Miskolc was established very quickly in Lyukó in the past years. Many families moved into the former weekend cottages of the mineworkers. There are no bathroom, water closet and gas pipeline in the "flats" which have a low comfort class. There are no institutions and services in the settlement. The parents in Lyukóbánya have their children enrolled in schools situated in different points of the city for the reason that the rate of the Gypsy students do not become high in none of the scools (Pankucsi 2012: 32).

As we highlighted previously, many local and national-level documents intend to manage the different problems of the presented area (2012, H/87776) (so do several decrees from 2012 as well). Several documents concern Avas, Diósgyőr and sometimes Lyukóvölgy as well. But what are the problems which could be only managed by the intense presence of the police? First of all, breaches of rules of coexistence (brawl, fight), improper use of flats (amortisation, dirt, squalor, impurity) are the common topics of the public announcements. The related decrees intend to tackle these problems on technical level, furthermore the rules of coexistence are established by laws and decrees as well. The deterioration of the public security, the increased number of crimes against property led to the adoption of several other decrees. As we previously mentioned the problem was managed by the installation of video surveillance system and by the enlargement of police stations. It is important to emphasize that the contemporary problems of the settlement are not regarded as the result of a historically determined process (transferring of the Roma, construction of low-comfort class flats, arrangement of Roma housing problems, lack of the infrastructure's development, existence of slums, lack of community development) but rather the mass appearance of the "Nest-builder" – and the mass presence of the Roma among them – is seen as the background of the problems. So as the consequence we see the appearance of the Roma in large numbers – according to the case studies of the documents. This goes together with the phenomenon that the number of people moving in was beyond the capacity of the concerned flats. This was accompanied by the deterioration of the public security and the number of crimes against person, public and property increased. Parallel to this the market value of the flats decreased significantly. By the establishment of the rule 38/2009 (XII.2.) on the local address registration the roots of this problem were tried to be managed: the stop of the moving in. The new decree determines the concepts of the 'minimal flat' and 'housing part' and technical parameters which has to be suited by the building, structure. If the flat does not meet this requirement, the registration will be rejected.

The actual situation brought a new change in the life of the Avas-settlement, and basically in the life of the former residents as well. After complicated procedures the eviction from the real estates whose owners were indebted could start. The evictions were executed by bailiffs. The local municipality purchased previously the distrainable real estates from the credit institutes by bidding. By this time almost 12 real estates from the "Nest-building" programme had been bought by the local municipality of Miskolc. These real estates are situated mainly in the Avas-settlement (furthermore in Szilvás, Gesztenyés, Áfonyás and Mednyánszky road, and in Felsőruzsin boulvard) One flat has been already renovated completely, but the reconstruction of the other real estates are in progress as well. The legal procedures continue against the "Nest-builder" in winter. Until now the local municipality has managed to obtain 51 further real estates, till the middle of

February 10 additional real estates. After the expiry of the eviction moratorium the city obtains about 80-90 real estates from the former "Nest-builder". The flats will be renovated by the real estate manager company called MIK Zrt. that is owned by the city. The renovated flats can be obtained later by competition to be the home of 'honest citizens' (mainly lecturers and PhD students of the University of Miskolc, young couples). According to the municipality the solution of the housing problem of the young professionals helps to persuade them to carry on with their academic work in Miskolc, so the city put a part of the 'Nest-building'-flats at their disposal under favourable conditions. The PhD students of the University of Miskolc are able to occupy three flats soon.

9.2 Pécs: György-settlement – arrangement of the situation of the squatters

In our next case study we are focusing on a typical settlement as well, we examine the documents related to the illegal inhabitants of the György-settlement in Pécs. First of all, we introduce briefly the formation and the other important characteristics of the Buda city part of Pécs, and inside this the ones of the segregated György-settlement. The urban development of Pécs is characterized by the so-called "dual development". It refers to the presence of an important industrial company (Duna Gőzhajózási Társaság) that as the proprietary of coal mines was an important actor in constructions at the Eastern quarters since the 19th century parallel to the "organic" development of the city.

Later the period of the state-socialism, also strongly connected to the uranium mining, made a significant impact on the housing question in Pécs as well. Regarding the settlement of the Roma population, during the 60-70's several Roma groups have settled or have been forced to settle in the outskirts of villages and cities. "The city part Buda is a traditionally built up quarter where there are houses, block of flats as well as estate houses. Most typical are the 2 bedroom flats which have a basic area of 50-60 m2, the social rented flats play only a minor role. Previously the colonies of the mineworkers were regarded as the segregated parts of Pécs – thanks to the near mines. Among the social layers concentrating in the segregated city parts the rate of the Roma population is high, in case of the segregated areas is prominent. The economical and social changes after 1990 moreover the start of the municipal privatisation of flats at the end of the 80's and the real estate policy launched significant processes in the formation of the city's spatial construction. With the reviving of the real estate market the purchasing and renovation of the run-down buildings, the utilization of the empty buildings started."3 On the contrary the condition of the flats still owned by the city has deteriorated significantly because no renovations happened during the decades. As a consequence the decline of certain outer areas has started or accelerated, the ghettoisation of some area has started as well (István-shaft, György-settlement, Rücker-shaft, stb.). As the result of the increased costs of living a significant number of owners, who purchased their flat in the estate houses, piled up huge debts, so their situation became defenceless. As a consequence of the market effects the devaluation of some estate houses has started as well. There are considerable differences within the city part regarding the qualification of the local society, integration of the labour market, comfort class of the flats, the composition of the households related to the labour market. "In Pécs five segregated areas, two areas on way to the segregation were delimited in 2001, furthermore some inclusions with lower population corresponding the segregational

indexes. In the past 12 years the social indexes of these areas are presumably decreased. In the past decades the local authorites converted some real estates – originally not for housing purposes – into temporary accomodations to solve the problem of housing. These temporary accomodations still exist and play a role in the placing of the disadvantaged families."4 See for example: Pécs: Somogyi Béla street where a former military building was converted into flats; Előd street where workmen's home, later temporary accomodation was established in a stable; Edison street barracks; Komló: buildings of former processions converted into flats in Sportvölgy and Szállásfalu.

There is still "recruitment" nowadays. The temporary accomodations occupied by the squatters in Pécs are mostly municipality properties which are either a cold water flat or remarkably run-down, quoting the words of Otília Solt these are "holes sentenced to liquidate" and buildings to be renovated (Solt 1992).

A significant group of the examined documents of Pécs is in connection with the management of the squatter's situation and with the clearing of their legal status; most of them are eviction or warning. The explicit definition of the topic is: "unauthorized use of flat". The unauthorized use of flat is a temporary state which can have several antecedents: in most cases the former tenant becomes illegal inhabitant after piling up huge debts toward the municipality. There are several orders for payment among the documents of Pécs that request the tenant to settle his debt. In other cases the housing contract concluded for a certain period of time has expired (the tenant was notified). In these cases the local municipality considers the tenant as illegal inhabitant and calls him upon to leave. The following text is the part of an official warning originating from 2009: "I declare that in case of the one bedroom flat situated in Pécs, György-settlement, ground floor 2., the leasing contract of Sándor Orsós has expired on the 31th of December 2009 – with reference to 23 § /2/ of the law (1993/78) on regulations of the rental and alienation of flats and rooms. At the same time I qualify Sándor's use of flat as an unauthorized use of flat. I oblige Sándor Orsós, Pécs, György-settlement, ground floor 2. to leave the flat within 30 days and return its keys to the Real Estate Management Department of Pécs Holding Zrt (Pécs, Búza square 8/b.). If he fails to fulfil the requirement within the appointed time, we will file a suite against him in the Court of Pécs." So the document declares the fact of unauthorized use of the flat, and the lessor serves the illegal inhabitant with a notice to quit the flat within 30 days; finally the notice 'announces' the consequences as well: if the tenant does not leave the flat, the lessor enter a suite against him in the court.

There is another frequent group of documents: the official answers, groups of answers which are mainly rejections or start to clear up the legal relationship. Let us see a detail of a rejection made in 2009. The applicant's legal status had been uncleared since 2007, his application was made in 2007: "Answering your housing question was sent to our local representative per e-mail and forwarded to our department, I notify you again that your application on social rented housing made in 2007 can not be accepted unfortunately. We understand your problem, but I would like to inform you that we have registered 3400 applications on social rented housing, and the low number of flats are at our disposal does not allow to rent you a flat out of turn." Another text of a rejection from 2010 where the reason for the rejection was that the flat had to be given to another "person in need" who was in "danger of death". Because of the obscure formulation, it is not fully clear what is about, but analysing other documents it is clear that the lack of electricity or water

access may cause a direct or indirect danger of life. (So was the case in Pécs, in Aknai road 41. in February 2010. In the property an electrical pump provided the circulation of hot water, so the heating was not supplied.) The text of the temporary rejection: "I understand your problem, but the municipality flat situated in Pécs, György-settlement, ground floor 2. can not be rented now, regarding the fact that the requested flat had to be temporary allocated by our Department because of danger. Furthermore I notify you that you are having a housing agreement which does not entitle you to change the flat." Example for the practical realization, execution of the notices: The municipality of Pécs evicted illegal inhabitants – among them 7 adults and 5 children – from 4 municipality flats after 7 days of grace (in Hársfa road, April 2011). According to the law the illegal occupancy is the commited offence of the "illegal move in" which can be realized in case of municipality flats. The perpetrator can be sentenced to custody or be fined to the tune of 150. 000 HUF. In case of private property this is regarded as trespass or the breach of domicile. The squatter could be sentenced to two years' imprisonment, to public work or could be fined in this case. Some years ago in a municipality building – situated in Pécs, Ó-temető street 30. – squatters followed each other apart from two families living permanent there. After transferring the inhabitants somewhere else – but not to better places – the building was protected from the squatters by walling up the doors and windows. Let us see the wall up in the documents as well: in the official answer for the complaint letter the municipality writes the following related to the wall up (2010): The flats of György-settlement referred by you were walled up in the framework of the so-called Housing Counselling Programme in György-settlement – corresponding its principle and professional programme– these flats will function later as municipality flats. As far as we know you never stayed under number X. in György-settlement that was walled up as well. The following reply from 2009 clears up the conditions of a long-run lease agreement with the applicants, the application was sent in for a cold water flat. The municipality gives the one bedroom cold water flat situated in Pécs, György-settlement, no. X., till 31 May 2011 to use. The amount of the charge of use is equivalent to the rent can be fixed to the flat. Krisztina and Ferenc undertake to maintain the flat, and provide for the decorating – if needed– and the eventually reparations on their own.

There are a large number of official replies in which the municipality of Pécs reflects on the public announcements related to the squatters: for example there are several complaints about that the squatters make the flats run-down, there is stink, rats are all around the flats, they make a noise, quarrel or very often brawl. In many cases these are followed by a denouncement and sometimes Roma legal representatives start to act on the behalf of the accused or denounced Roma persons. The addressee of the next letter we are quoting from is the President of the Gypsy Social and Educational Methodological Basis who formulated a letter together with a complainant: in the official reply (secondary source, 2010) the details of the case came to light: The condition of the building deteriorated dangerously in 2008 as the result of continous damaging by strangers – despite the fact that permanent residents were staying in the building – and soon the building became uninhabitable. To protect the human life – although it would not fall within the sphere of the municipality – the municipality ensured homes for the families still living in the building, so did for you as well. Judit and her family left the flat that was offered to them and occupied illegally another municipality flat in Pécs, Kórház street X. Beside their illegal actions they disturbed the everyday life of their housing

environment also by their lifestyle. The residents of the neighbourhood continously expressed their opinion on the problems having with Judit and her family in writing, over telephone and as well as personally asking the municipality to manage the intolerable situation. As a result of this –following many written warnings– our municipality turned to the Court of Pécs. After personal notification and warning, the legally binding order of the court on the eviction was executed by the assigned judical bailiff.

Conclusion

Based on the quantitative and qualitative analysis of the collected documents and some deeper case studies we might state that even if many of the documents were not explicitly addressed to the Roma population, we found a complex feature of explicit topics and implicit metaphors that are activated in these documents. The results of research show that stereotypes emerge mostly on local level, but are present in every level of documents that often interplay between each other.

As seen in the documents the bad housing conditions are correlated in the most of the cases with the lifestyle, occasionally with the culture of Roma or in other cases with the structural circumstances of the majority of society. In the documents and in other considerations of cases we might face stereotypical thoughts. It seems that the authors of documents have a well formed imagination of Roma in their mind, which will affect the consideration, judgement of certain cases. The presentation, analysis of Roma's lifestyle (both in physical and mental sense) show up as an explicit topic in the examined documents, sizing them up as deviant outsiders living among bad housing circumstances. Using stereotypes may relate mostly to the aim of authors as they wish to verify egs. the importance of developments or the need of interventions. The language of documents is fundamental in the creation of inclusive policies for which these research results can provide an important background.

[1] According to the Central Statistic Office of Hungary the concept of the segregated area is a region where the rate of the low– status people (population of the active age-group who possesses only elementary school qualification and do not have regular income) is higher than 50 %. The settlements where the population is more than thousand people, segregates can be selected also on the level of housing blocks.

[2] In 2002 a new government was formed which summarised the provision plans regarding the Roma inclusion in the form of government regulation (for details see point 1.2.4.).
Source: Integrated City Developmemt Strategy, Pécs

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THE GYPSY AND TRAVELLER COMMUNITIES' HOUSING DISPUTE AGAINST THE LOCALISM TENET

Social and Cultural definition of Gypsy and Traveller status and gender issues

UK

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1. Background of Gypsy people

This chapter will focus on English Romany Gypsy community as a separate cultural ethnic group. The migration of Romany groups through Europe to Great Britain happened approximately 600 years ago and the first documentation of Gypsy people was in Scotland in the 15th century 1492. (Dawson, 2005). The English, Scottish and Welsh do not refer to themselves as "Roma". As a matter of fact by investigating carefully within the lines of the text of several sources and documents, we have found that a strategy for the inclusion of Gypsies, Travellers and Roma as separate categories in ethnic monitoring data is needed in order to understand the impact of government policies on Gypsy, Traveller and Roma communities. In addition, we also recommend that "a specific policy for Gypsy and Traveller communities in relation to cultural heritage land use should be contained within any strategy, separate to Roma accommodation issues which are different". This is explained in our book of recommendations Adjustments to communication devices within law and planning frameworks dealing with Gypsy and Traveller accommodation in the UK recommendations 8 & 9).

It is important to cover origin and to identity and to clarify the 'specific' community that is being covered by our study. The historic background covers the onset of discrimination both overt and covert. It will also discuss the historical background within English Law of the differing definitions of Gypsy in relation to the Town and Country Planning Act 194, the Race Relations Act 1976 (now amalgamated into the Equalities Act 2010) and the relatively recent amendment to section 225 to the Housing Act 2004. Further developments in legislation until today have anyhow followed a series of varied interpretations of the first definitions.

In our previous study and report we had similarly the opportunity to mention changes in legislation and/or intentions for change as it is currently taking place. However, we have discovered that several planning applications are still rejected, although the Government has pledged to regulate these matters as soon as possible, as noted in their 'Progress Report' published in April 2012 [1]. Unfortunately we found that any criticism expressed and promises made by the Ministerial Working Group in this Progress Report were not to be honoured [2]. On 29th October 2014 the Friends, Families and Travellers (FFT) were finally provided with information that no meetings of the Ministerial Working Group had taken place since April 2012; no meetings have been scheduled in the official records of the Department of Communities and Local Government (DCLG). The Government "cover up" was established on 05/11/2014 and published in an article with the title 'Picklesgate – Government covers up their Roma neglect' (www.gypsy-traveller.org, accessed on 05/11/2014). We have three definitions in English law, thus, it is clear, that the term "Gypsy" is often contested and Gypsies are often described and controlled by people who are not "Gypsies". Therefore the authors will use the term Gypsy as the ethnic definition for Romany Gypsy families whose ancestors originated in India and not as "gypsy for the purpose of planning law" or gypsy as lifestyle choice, although they will discuss the main issues revealed by the attempts of policy and framework definitions; these latter have been ruthlessly obstructing a large number of judicial decisions related to planning applications in the last few years. In fact these policies and decision-making have favoured discrimination mainly against Gypsy and Traveller women; the gender issue is still significant in all discussions and ongoing opposition of the lawmakers who often enforce their

laws without considering fine lines between legal obligations and socio-cultural traditions, which are different from other ethnic groups in the UK.

Thus, we think that it is useful to set out a historic time line clarifying at certain points whereby the community started to suffer from discrimination, were left out and ignored through the default of legislation and practice and when they were also targeted by specific laws with the culmination of the latest Localism Act 2011. This resulted in excessive influence and favouritism towards the so-called 'Settled Communities' of the locals and frustrating consequences for the family lives of the Gypsy and Traveller communities.

1.1 Historic Background in the UK – The definition

Gypsy history is essentially an oral one, not set down in books. However the non Gypsy community have their own idea of Gypsy people often imagined and portrayed through art, poetry, literature and a plethora of Gypsy research studies of people from outside. They often strengthen the stereotype because a prejudiced person's preconceived views are often based on hearsay rather than on direct evidence and "are resistant to change even in the face of new information" (Giddens, 1997, p212).

It is notable within mainstream textbooks that there is very little about Gypsy people and the influence of Gypsy culture within the wider community in Great Britain. And this is evidenced by examples including the influence of the Romany language (known as Romanes by the community) on the English language, the importance of Gypsy work in agriculture and the fact that many of the community lost their lives fighting in both the First and Second World Wars respectively.

The Romany Gypsy people first appeared in Scotland in the middle of the 15th Century; the first recorded reference to 'Egyptians' appears in 1492 when an entry in the book of the Lord High Treasurer records a payment to Peter Ker of 4 shillings (Dawson, 2005). The families then started to migrate through England and into Wales. The word Gypsy came from the mistaken belief that Gypsy people came from little Egypt or the Middle East. In early transcripts families were referred to as Egyptians (Lucas, 1982) and the community often referred to themselves as Egyptians hence the word Gypsy.

The community has experienced the ascription of others through four centuries, the latter part of this century being the most damaging; indigenous populations do not see themselves represented in texts, or if they do see themselves they often do not recognise the representation (Tuhiwai-Smith, 1999). As a political movement we struggle against it, families at the side of the road do not understand it, non Gypsy lay people do not understand it and neither do many academics who simply say it's a racist argument (Acton, 2006). All that is demanded is an identity that sits with cultural and social practice.

However Gypsy people have their own narratives as to who we are and from where we came. There are Gypsy oral traditions that say that Gypsy people were 'about in the Lords day' and that we are 'one of the lost tribes of Israel'.

My grandmother would explain in great detail (according to the author's appreciation), how the tribes left the holy land; some became Jews, some became Gypsies and others were the Indian tribes in America. The legend that Gypsy people were made to wander because they forged the nails to crucify Christ, has many versions worldwide. Many oral histories talk of the Holy Land and Egypt.

Gypsy people continue the oral tradition and it is the 'others' that have constructed meaning to community in where they stand. Books state that the origin of Gypsy people was first traced through language and that the Gypsy people actually originated in India, the Romany language being derived from Sanskrit. It was established as early as 1760 that the Roma Gypsy communities had their origin in India.

> "In 1760 a student from Western Hungary at Leiden University in the Netherlands overheard students from India converse about the Sanskrit language. Certain Sanskrit words reminded him of a language used by Roma workers on his father's estate" (Hancock, 2002, p10).

So, historically there have been labels the first one, these "outlandish people … [the] Egyptians". King Henry VIII proclaimed the first law in England enacted against Gypsy people in 1530, an Act Concerning Egyptians. This was overtly a law targeting Gypsy people as a race of people, by stating that "diverse and outlandish people calling themselves Egyptians have gone from place to place and used great and subtle means to deceive the people, bearing them in hand that they by palmistry could tell men's and women's fortunes" (An Act Concerning Egyptians 22 Henry V111, c. 10).

Further legislation followed, when the first act had not brought about the desired effect: the Act for the Punishment of Vagabonds was introduced (Act 1, Edward VI, c. 3, 1547):

> "Until this our time it hath not had the success which hath been wished but partly by foolish piety and mercy of them which would save seen the said Godly laws executed, partly by the perverse nature and long accustomed idleness of the persons given to loitering, the said Godly statutes hitherto hath had small effect, and idle and Vagabond persons being unprofitable members or rather enemies of the Commonwealth hath been suffered to remain and increase Public" (Aschrott 1856 Section 1 Early Legislation p4).

Under the Egyptians Act 1554, Queen Mary complained of the Egyptians "Un Godly ways" and who were "plying their devilish and naughty practices and devises" (Lucas 1882). So, a series of laws were introduced by Parliament in the years of 1563, 1572, 1576, 1597 and 1601 (Briscoe, 2011). Each Act was in response to changing times; enclosure of land for rearing of sheep had caused many villagers to migrate to the towns looking for work as well as Gypsies trying to survive in difficult circumstances (Plumb, 1973). The 1597 Act, for example, was targeted at "vagabonds and sturdy beggars and counterfeit Egyptians"; "the undeserving poor" were subject to very harsh treatment.

There is no doubt that the Poor laws of Elizabethan England were very hard for a variety of people, not just Gypsies. But, the Egyptians Acts specifically targeted Gypsies as a separate population. The 1554 Act targeted the whole community not just because of way of life. To be an Egyptian was punishable by death, as it was for those found in the "fellowship or company of Egyptians" (Kendrick & Puxon, 1972), thereby making a distinction between groups of Travellers of people on the road. In 1650's, there were hangings of the "Egyptians" in Suffolk. At this time other "Egyptians" were transported to America for slavery. In 1713, an

Act for reducing the laws relating to rogues, vagabonds, sturdy beggars and vagrants brought the Acts into one statute. This is known as Anne's Statute, the Vagrancy Act 1714. Gypsies were included in this statute, but not by name. They are covertly covered by being nomadic and by telling fortunes and if anyone could not give their place of birth, or did not work, they were to be taken as "apprentices or servants" to Her Majesty's Plantations or any British Factory "beyond the seas for seven years" (Dawson, 2005).

These acts were not repealed for over two hundred years. Therefore, England had two centuries of persuading its population to the evils of the Gypsies as a race. It also gave the population a sense of deserving and undeserving poor. People who were displaced and went looking for work under the Dissolution of the Monasteries (1536-1541), no doubt joined Gypsy people as outcasts. Nevertheless anti-Gypsy legislation was gradually repealed and the Gypsy community became invaluable as workers in the fields, for instance, they worked in the strawberry fields and harvested the hops. "Eighteenth and nineteenth-century Britain was much more dependent on seasonal and tramping labour than it has since become" (Emsley et al, www.oldbaileyonline.org, 05/04/2014). Farming was not yet mechanised in this period and there needed to be many hands to get varying harvests in. The notion that Gypsy families were on the move all year round has never been correct, with families having winter stops, with examples in the area around Seven Dials in St Giles in the Fields and Norwood in Surrey (Emsley et al, 2013). However the travelling way of life started to become under threat. During the 18th century, between 1755 and 1815, 5.9 Million acres (2.4 million hectares) had been enclosed by 4000 acts of Parliament, the Enclosure Acts. The land base was getting smaller and going into a few hands. There was a fear that all communal land would disappear and there was a decision to legislate to save village commons (Plumb, 1973). The Commons Act 1876 was an Act had an impact on the way of life. As life and law changed, the Gypsies adapted. Enclosure ensured land went into private ownership and with it some traditional stopping places also disappeared.

In the Victorian era, the deserving poor were those who were poor through no fault of their own, either because of illness, accident or age, or because there was no work available for them (perhaps because of a factory closure for example) (Woodhorn, 2012).

The undeserving poor were those who were deemed poor because of way of life or being alcoholic.

> "Many of the poorest in Britain are subject to deeply negative assumptions and extremely unflattering stereo types, which are so widely and consistently held that, the British public is much less sympathetic towards the poor than might otherwise be expected" (Dorey, 2010, p333).

The Gypsies have left subtle traces on history; it was Scots Gypsy Travellers that gathered the Flax to make the sail for Nelson's Ship, the Victory (The Victory Sail Exhibition Portsmouth Historic Docks). Children today can buy "lollipops" or "toffee– apples" (literally red apples from the Romany lolli red and pob apples). There is a long history here, which has been largely ignored, due to a pre-occupation of nomadic accommodation and 'lifestyle' issues.

The lack of knowledge about the Gypsy people helps to support myth, stereotype and misunderstanding and fuels resentment.

Covert racism developed over time; for example, words carried forward from the poor laws and Egyptians Acts, to the Vagrancy Act 1824, targeted the Gypsy community without naming them:

> "[...] every Person committing any of the Offences herein-before mentioned, after having been convicted as an idle and disorderly Person; every – Person pretending or professing to tell Fortunes, or using any subtle Craft, Means, or Device, by Palmistry or otherwise, to deceive and impose on any of His Majesty's Subjects; every Person wandering abroad and lodging in any Barn or Outhouse, or in any deserted or unoccupied Building, or in the open Air, or under a Tent, or in any Cart or Wagon [...]" (Vagrancy Act s1V p699)

There was no thought at this time to the notion of families still living in waggons or even wanting to stop in waggons as a cultural preference. A Methodist preacher by the name of George Smith studied the Gypsy and Traveller populations; he was responsible for many canal boat children been taken into care (Toulmin, 2007). He wrote a small information pamphlet; it did not take long for him to ascribe his own thoughts and construct who a Gypsy was:

> "I would say, in the first place, that it is my decided conviction that the Gipsies were neither more nor less, before they set out upon their pilgrimage, than a pell-mell gathering of many thousands of low-caste, good for nothing, idle Indians from Hindustan" (Smith, 1880, p5).

George Smith develops his theory on Gypsy identity further and affirms that Gypsies are "Dregs of society that will one day put a stop to the work of civilisation, and bring to an end the advance in arts, science, law and commerce that have been making such rapid strides in the country" (Smith, 1880, p193). George Smith did not differentiate between Gypsy and Showmen; to a certain degree, there was less of a distinction in those days, as many Romany Gypsy families had side shows and funfairs. The targeting of the poorer Gypsy and Traveller people threatened the Showman way of life also, as some of the Showmen were Romany Gypsy in origin and others were families that had followed a travelling way of life for hundreds of years.

In 1889 the Showmen rallied to fight the Moveable Dwelling Bill brought forward by George Smith. The formation of the United Kingdom Showman and Van Dwellers' Protection Association in 1889 was and still is the decisive and important event in the history of travelling. Show people as a community, (Toulmin, 2007) and through this, founded the Showman's Guild, which is a well-organised network of regional guilds; it became quite strong in the struggle for traditional Traveller rights, but then evolved and distanced themselves as a distinct culture separate to English Gypsy people or Irish Travellers. However this first struggle saw van dwellers fighting back in a political struggle in unison between Gypsies and Showmen.

The National Assistance Act 1948 (NAA) did not consider the Gypsy Traveller community, at that time. Families had verbal agreements with farmers, landowners for winter yards and many were outside the system brought in by the National Insurance Act 1946 (NIA). This act abolished the poor law system and guaranteed help to those who were homeless. There was no programme to assist Gypsy people to register within this

system. Many did not know birth dates; birthdays were not celebrated until relatively recently. People worked when they could work but work was not regular; times were hard, as it was for many people post war. Places where families had been allowed to stop, whilst the first and second wars were being fought, also started disappearing in the late forties. Whilst families who applied for conventional housing were assisted, through the NAA and subsequent homeless legislation, Gypsies who remained on the road travelling were not. Norman Dodds became an avid campaigner and Lord Avebury (at the time Eric Lubbock), who was bringing forward a Private Member's Bill on mobile homes, took up the campaigning.

In later years the mechanisation of farming meant that the Gypsy population had to adapt to other trades and some found themselves migrating from rural areas to be close to towns and cities for work. In the nineteen fifties and sixties many families also transferred from the traditional horse to the first caravans or trailers, as Gypsies prefer to call them, many of the older generation referring to the modern caravan as 'tin cans'.

Statute law which covertly discriminated against Gypsies came into being as the Fraudulent Mediums Act 1951, which made it an offence to tell fortunes. It carried within it words echoing from the older laws. It is notable that this Act was repealed by the Consumer Protection from Unfair Trading Regulations 2008. But caution here, one is unable to advertise that they are a fortune teller. Although this has always been a traditional trade; advertising must now state "for entertainment purposes only" (Consumer Protection 2008). This has been a very renowned way for Gypsies to earn a living and the trading law has been subject to criticism, for example, from the Spiritualist church, who do not consider foretelling an entertainment, but, this is part of the belief of their church.

The Enclosures of Commons Act, the subsequent Highways Act of 1959 (HA), followed by the Caravan Site Control and Development Act 1960 (CSCDA), caused hardship to many families as men returned to winter quarters to find their families gone. Farmers and land owners were frightened of reprisals as their land may not have the requisite Caravan Sites Licence.

There has always been a misconception that Gypsy families travelled all the year through. In reality, there was always a winter yard and for many the travelling period would not be until March through to late October. The base from which to travel is not a new notion. Farmers and others afraid to let families stay on land without the mandatory sites licence, a requirement of the (CSCDA) had no alternative but to turn families away. The Caravan Site Control and Development Act 1960 (CSCDA) definition stated clearly that Gypsies are "persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showmen, or persons engaged in travelling circuses, travelling together as such" (Circular 1/06, Planning for Gypsy and Traveller Sites DCLG, 2006). "Whatever their race or origin" has been somewhat of an anomaly and as will be discussed later came about through case law. Between the CSCDA 1960 and 1968, three things happened:

– There was a movement from traditional stopping places that were now prohibited;
– There was movement from sites without sites licences;
– And, there was an increase in confrontation.

In the past it has been the case that, if and when an authority figure appeared, most families would just move on, no arguing and a 'keep your head down' philosophy. But as families found themselves in an untenable position, there was confrontation that ended in injury and death: "I remember being a child of about 9 or 10, when I heard the discussion about deaths of children in Brown Hills in the West Midland" (Author).

A statutory duty to provide sites for Gypsies came through the Caravan Sites Act 1968 (CSA). There was respite, but great difficulty in obtaining the provision that was needed. In reality only one third of district and borough councils provided accommodation under this Act. The Cripps report 1977 identified that obtaining sites was extremely problematic and indeed only 38% of local and district authorities had identified and provided sites when the statutory duty under the CSA 1968 was repealed by the Criminal Justice and Public Order Act 1994 (CJPOA).

During the eighties, many young people took to the road dipping their toe in a nomadic lifestyle. Some homeless people joined hippy groups known as the 'peace convoys'. In 1985, this resulted in tensions and an incident referred to, as the 'Battle of the Bean field' (news.bbc.co.uk/onthisday/hi/dates/stories, 1985, accessed 01/04/2014).

The CJPOA 1994 was brought in with the intention to stop the 'peace convoys'. There was concern that the traditional communities should not come under this Act, but again it was brought in with the knowledge that it could affect and cause hardship to ethnic Gypsies and Irish Travellers. We have the situation now where settled non Gypsy people, who took to the road, want to be defined as Gypsies for the purposes of planning law, causing yet another further description that Gypsy people do not accept. The case law from the legal argument has left us with an unsatisfactory definition.

After lobbying by Gypsy and Traveller (Non-governmental organisations) NGO groups the 1/94 circular followed (Department of the Environment Circular 1/94, Welsh Office 2/94) and this put the onus on the Gypsy community to provide their own sites. It did not deliver due to tedious criteria, which was difficult to meet. Evictions increased along with a return of the problems seen in the 1960s.

This was summed up very eloquently in a short history by Sedley J.A in the Post Criminal Justice 1994 *Act of Atkinson*. This passage is quite famous for its summing up of a potted history of Gypsy &Traveller families:

> "It is relevant to situate this new and in some ways draconic legislation [CJPOA 1994] in its context. For centuries the commons of England provided lawful stopping places for people whose way of life was or had become nomadic. Enough common land had survived the centuries of enclosure to make this way of life sustainable, but by section 23 of the Caravan Sites and Control of Development Act 1960 local authorities were given the power to close the commons to travellers. This they proceeded to do with great energy, but made no use of the concomitant power given to them by section 24 of the same Act to open caravan to compensate for the closure of the commons. By the Caravan Sites Act 1968, therefore, Parliament legislated to make the section 24 power a duty, resting in rural areas on county councils rather than district councils (although the latter continued to possess the power to open sites). For the next quarter of a century there followed a

history of non-compliance with the duties imposed by the Act of 1968, marked a series of decisions of this court holding local authorities to be in breach of their statutory duty; but to apparently little practical effect. The default powers vested in central government, to which the court was required to defer, were rarely if ever used."

"The culmination of the tensions underlying the history of non-compliance was enactment of the sections of the Act of 1994. There followed, in section 80(1), the wholesale repeal of the material part, Part II, of the Caravans Sites Act 1968". (R v Lincolnshire County Council ex p Atkinson at 533-534, 1996)

1.2 Gypsies as an ethnic group

In England after a historic struggle the Gypsy community are now recognised as a distinct ethnic group and are covered by the Equalities Act 2010 and relevant race legislation (The 1976 Race Relations Act).
This was brought about by a case brought forward by Gypsy people who were recognised through the legal principle of the Mandla Criteria. The Mandla case originally involved the Sikh community.

1.2.1. Mandla Criteria:

The Mandla criteria are as follows:
1) A long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive;
2) A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. ì

In addition to those two essential characteristics the following characteristics are, relevant:
3) Either a common geographical origin or descent from a small number of common ancestors;
4) A common language, not necessarily peculiar to the group;
5) A common literature peculiar to the group;
6) A common religion different from that of neighbouring groups or from the general community surrounding it;
7) Being a minority or being an oppressed or a dominant group within a larger community. (CRE v Dutton [1989] 1 All ER 306).

However to achieve the status for the purpose of planning law, others constructed their 'label' upon the community once again. The ethnic definition in law was weakened by others perception of the community. Gypsy people and Gypsies were to be defined by certain trades and moving about for work, not by social and cultural movement inherited by tradition and heritage.

2. Legislation and frameworks related to Gypsy definition

The authors of this report would like to clarify a few important points about their research methodology. This is because there has been an intense production of main legislation documents at national levels in England and Wales conjointly in the last few decades. However, most of the 'local' information about our topic can be found mainly in legal documents of planning appeals. And although there is intense activity of appeals recently, very few decisions were made about final approvals; almost every case has been proved to be time consuming and costly. But, the most important thing is that, locally both regional and city councils avoid keeping a lot of information in their archives, especially about planning rejections.

And perhaps Parliamentary Acts, such as the Localism Act, have been so powerful that they empowered the so-called 'locals' to quash easily cases of Gypsy and Traveller sites planning applications; this is because national law became a powerful weapon for 'localism'. In localism, a paradox transpires, which is evident also in the planning frameworks in the last few years; everything has to be distinct about spaces and places for locals. Instead of uniting locals, the 'localism' agenda keeps dividing the local community by considering planning issues with Gypsy and Traveller sites completely out of the main National Planning Policy Framework and in a detached supplementary document of only few generic content pages.

In our previously published national report in April 2014, we have inserted an Appendix A at the end of that document, where all terminology and typology concerning the national and local levels of UK legal system is shown in its entirety and it is also colour coded according to general instructions as a result of discussions during all partners' meetings. In our report and its appendix, it is notable that, as "primary" legislation of acts relating to "constitutional" matters, the authors analysed 6 main acts, which are the most relevant to housing and accommodation issues and proposed solutions. EU Regulation does not appear to have a direct effect to UK Gypsy and Traveller cases of appeals, etc., unless it refers to Equality and Human Rights matters brought to the European Court of Human Rights (ECHR) directly by the claimants and scrutinised by the judge against Article 8 of European Court of Human Rights. This is rare due to the hidden agenda concerning gender issues in the national legislation, for example, where European Court rulings have recognised national detachment as far as planning framework and employment rules' issues are concerned.

Byelaws in the UK legal system are quite inexistent. Therefore a number of publications referring to a variety of guidance texts and, in particular those published by the Office of the Deputy Prime Minister try to set some order. In fact, there are questions rarely raised in Parliament about these issues. In our national report we had included and checked a series of 14 documents which were presented by the Labour Housing Minister Yvette Cooper[3], after she was questioned in the Parliament in 2006; most of them are very brief facts sheets and generic guidance to regulations. However recent updates from the Department for Communities and Local Government show alarming information in "Table P138: District planning authorities – Planning decisions on Major and Minor traveller caravan pitches by authority – Year ending December 2013"[4]. For example, in Derby and Derbyshire Dales no planning applications were discussed (approved and/or rejected) at all. Obviously this specific trend is currently discouraging research on these matters. Therefore, the authors have concentrated in East Midlands mainly by considering nearby local authority jurisdictions; they also

Table 1. The table above shows the numbers of documents considered by the authors in their national report.

thought that South East of England presents a good number of cases to be analysed and discussed (see also general map of all European countries p. 12 *infra*).

Nation	Regional Level	N. Docs	Local Level	N. Docs
UK	South East	1	Kent	33
UK	East Midlands	1	Leicester	18

Our numbers of documents have been also included in the cumulative table of documents from all partner countries in this research project (see also UK Recommendations *Adjustments to communication devices within law and planning frameworks dealing with Gypsy and Traveller accommodation in the UK,* http://weproject.unice.fr).

2.1 Planning and housing definitions

In planning law there is a definition brought forward from the now defunct 1968 Caravan sites Act. Case law informed the definition the *Mills v Cooper* case 1967 whereby, subsequent case law now requires that Gypsies are actively seeking work as a requisite to prove their '**g**ypsy status'. Please note that in planning law, Gypsy is spelt with a lowercase '**g**' and this causes confusion, as Romany Gypsies are now recognised as an ethnic group.

In planning law, being a "gypsy" is determined at the time of a planning application and is not based on ethnic lines, but in how you are living your life at the time of the planning application. Consequently, there have been various anomalies, for example, a mother might be found by planning law not to be a 'gypsy' and instead one of her children is "found" to be a "gypsy"! Subsequently, case law has brought about some very unsatisfactory cases, although the definition within the Planning Circular 01/2006 has tried to rectify past judgments. Irish Travellers also have to prove "gypsy" status but they are not Gypsies as they have a completely separate origin, Ireland not India. How the media use the words Gypsy adds to the confusion. In planning law, *"Gypsies and Travellers"* means:

> "Persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excludes members of an organised group of travelling show people or circus people travelling together as such." (Circular 01/06 Planning for Gypsy and Traveller 2006).

This circular has now been withdrawn, although the definition remains within the new Planning Policy Framework [2010 onwards]. However, the definition is still based on travelling for the purposes of work and this discriminates against women who often do not go out to work, in the traditional 'travelling to seek work'

sense. There have been some cases, all involving women, who have lost their 'status' as (planning-law) gypsies, but they are ethnically Gypsies. (Please, see Medhurst case, further on). More recently, the statutory Housing Act (2004, s225) stipulates that there should be a Gypsy and Traveller Accommodation Needs survey undertaken periodically. This definition also includes Showmen [referred in the legislation as Show people] as they were in danger of having their accommodation needs ignored. Many Showmen families have been on the road for generations, some have Romany roots. But arguably, they are also a distinct cultural group, at the moment not recognised in law.

The Housing definition goes wider still, as it is notable in section 2.2 further on.

2.2 Statutory Housing Act 2004 (C. 34)

We also referred to the Statutory Housing Act 2004 (C.34) specifically in both our national report and our book of recommendations, since this Act had proclaimed and prepared the road for many other successive acts and frameworks in a row during the entire decade as well as in anticipation of the latest developments in planning legislation of today. Between the acts and regulations following, we considered the Planning Act 2008 and the very recent Planning Policy Framework (still under development). This is a very comprehensive document divided in parts with several chapters in each part, which are again divided in numbered sections, such as section s225 in Chapter 5 of Part 6, which introduces "other provisions about housing"; it is obvious that, by stating these provisions as "other" ones, the act opens the road towards issues of "otherness" in housing. Nevertheless, the "otherness" as prescribed here shows its rather discriminatory character rather than meaning "inclusivity" in the housing law definition.

The intentions of the Housing Act 2004, chapter 34 are visibly described in its preface:

> "[...] to make provision about housing conditions; to regulate houses in multiple occupation and certain other residential accommodation; to make provision for home information packs in connection with the sale of residential properties; to make provision about secure tenants and the right to buy; to make provision about mobile homes and the accommodation needs of gypsies and travellers; to make other provision about housing; and for connected purposes" [18th November 2004] (Housing Act 2004, p.1).

In its Part 1, Housing Act 2004 introduces assessment of housing conditions; it is interesting that specific terminology starts building up, as we go through this document. The authors should like to emphasise on these 'terms' as words enforced by law and order; it is also important to compare some parts of this document between them in order to understand discriminatory behaviours of the authorities towards certain factions to inhabit accommodation which is not necessarily houses "in brick and mortar" (and especially social housing). And although Housing Act 2004 intends to regulate Social Housing and Private Initiative, it still separates *"Accommodation needs of gypsies and travellers"* from the needs of the rest of the residents of either existing or new urban sprawl areas by enforcing *"duties of local housing authorities" in section s225*. This is to satisfy *"accommodation needs of gypsies and travellers"* and to offer *"Guidance* in relation to section 225". Of

course the words *"gypsies"* and *"travellers"* show with lowercase '**g**' and '**t**' to accentuate the fact that perhaps Gypsies and Travellers should not be considered as ethnic groups, thus, in strong contradiction with all Equality Acts and recent Planning Policy Frameworks, (although we shall see that serious misunderstandings and deviances transpired when especially the Secretary of State recalled some planning application and rejected appeals in the last couple of years by interpreting both laws and previous decisions in his own particularly stubborn way).

The authors separate deliberately and highlight some words inside the most relevant acts and frameworks in order not only to discuss inclusive and exclusive uses of special terminology, which has been adopted by the central government and the Houses of Parliament and Lords, but also to examine how these meanings of some words have been transferred in the local frameworks, and also if they have been kept integral or have been overruled at the end through the scrutiny of specific law cases.

As a matter of fact the following excerpt needs perhaps a lot more attention, when we shall refer to this during the discussion of our case studies/law cases:

> "Under section 225 of the Housing Act 2004 housing authorities have a duty to assess the needs for housing of gypsies and travellers. That assessment is to be undertaken against a definition of gypsies and travellers which is provided within The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006". That provides in regulation 2 as follows:
> "2 For the purposes of section 225 of the Housing Act 2004 (duties of local housing authorities: accommodation needs of gypsies and travellers) 'gypsies and travellers' means:
> (a) persons with a cultural tradition of nomadism or of living in a caravan; and
> (b) all other persons of a nomadic habit of life, whatever their race or origin, including:
> > (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
> > (ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such)".
> (*McCann v Secretary of State for Communities and LG*, 2009, EWHT 917 [Admin], par. 8)

There is no ethnic definition intended here, although by default there arguably is, by using the words "Gypsy" and "Traveller" with lower case letters.

Some terms have been easily passed from Housing to Planning, not only because of their flexible appeal in proposals and solutions, but also because of their ambiguity and inflexibility. In fact, by asserting words, such as 'gypsies' and 'travellers', Housing Act 2004 sets clearly some precedents of incoherence, which obviously still persist in procedures, guidelines and professional practices and, as shown in its schedules at the end of the document (pp208-312). Moreover, in section 270 we see that:

> "[…] this Act extends to England and Wales only […] Any amendment or repeal made by this Act has the same extent as the enactment to which it relates, except that any amendment or repeal in:

the Mobile Homes Act 1983 (c. 34), or

the Crime and Disorder Act 1988 (c. 37),

extends to England and Wales only" [5].

It is important to make reference to and analyse the data in Part 6 – 'Other provisions about housing,' although we have got s225 and s226 in Chapter 5 and as 'Miscellaneous'. And from this point and further on, the authors will use diacritical marks in order to highlight and emphasise special words, meanings and/or metaphors in housing and planning law etymology. For example, as a starting point, in s225 it is emphasised that local housing authorities have got now 'duties' to carry out "assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district" (Housing Act 2004 c. 34, p.179). Thus, Gypsies are not considered as an ethnic group in s225, but as people 'residing'; that means they are for some reason 'located in' and perhaps can be a member of the community of the place where they need accommodation. On the other hand they may be 'resorting' (= frequently visiting) and being on the move for a job, etc. It is important that the Housing Act 2004 talks about 'duties', of the local authorities who 'must' carry out an assessment of the accommodation needs, but again this may happen "when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68)" (Housing Act 2004 (c. 34), p179). A 'review' is not compulsory though and may be carried out when the local authorities think that there is a need to expand and develop social housing in the main plans. Gypsies and Travellers are not included or are not necessarily included in these processes. The local authorities should release land for accommodation purposes according to the Planning Frameworks, but this does not happen very often, as particularly the sites close to the Green Belt have been always contested.

In fact in a very recent article published in Planning Resource online6, we find that some key roles are by definition very powerful in these processes, such as the Communities Secretary. We shall refer to notorious Eric Pickles and the called-in planning applications and the Planning Inspector, as an arbitrator of appeals recovered by the Communities Secretary. The Communities Secretary expressed clearly his reluctance to approvals for land to become Travellers' sites on green belts; it was found, according to this article that the Communities Secretary delayed recovering of appeals relating to these sites on green belts and perhaps did not 'check' properly that "government planning policies were interpreted correctly." (Ibid.) And, of course, in this article, we come across a surprising statement from Communities Minister Brandon Lewis who "announced that Pickles would recover more appeals relating to traveller sites on green belts" and "... some councils were failing in their duty under the National Planning Policy Framework (NPPF) to allow "... inappropriate development in the green belt only in very crucial circumstances" (Ibid.).

There are a few interesting and alarming points raised above, such as the numbers of appeals of cases concerning Gypsy and Traveller sites which are considered as very complicated by the Communities Secretary who has been often getting confused by planning inspectors uncritically adhering to the rules of the green belt and biodiversity protection, as we explain further. The Communities Secretary is allowed to be flexible or inflexible, according to his/her own judgement and 'interpretation' of extremely open planning policies (as also seen in law case studies). Although councils are not helpful; they do not allow 'inappropriate', thus,

'incongruous' and 'hazardous' developments of sites for accommodation of 'gypsies' and 'travellers' (considered as 'others' in a community, not as legitimate ethnic groups any longer) in proximity of green belts by opposing what the Housing Act 2004 and Planning Act 2008 may say and order them to do. The metaphor of a Gypsy site to be 'inappropriate' allows opposing members of the community to find stronger support in their cases against these sites and generates a lot more conflict and racist exploitation.

Instead, in Housing Act 2004 (c.34), s225 states clearly in point (2) that "… a local authority are required under section 87 of the Local Government Act 2003 (c. 26) to prepare a strategy in respect of the meeting of such accommodation needs" (Housing Act 2004, (c. 34), p.179). The local authority must take the strategy into account in exercising their "functions" and as "functions" includes functions exercisable otherwise than as a local housing authority" (Ibid.). These 'functions exercisable otherwise' remind us of the Community Minister's confirmation that councils 'must' allow "… inappropriate development in the green belt only in very crucial circumstances", as part of this particular allowance. In fact the local authorities should decide about 'crucial circumstances', about 'accommodation needs' in the provision of 'caravan' sites and in cases of 'disabled facilities grant' (as in s224 of the same Housing Act 2004). They should provide "qualifying park homes", which should substitute 'caravans' and, then, a 'pitch' should substitute 'land' (Ibid.).

As a Statutory Instrument, 2006 No. 3191 (C. 111), Housing Act 2004 (Commencement No. 6) (England) Order 2006 was officially 'commenced' on 27th November 2006 by the Secretary of State for Communities and Local Government [7].

In the same official document and at the bottom of it, we can find an 'explanatory note', which "is not part of the Order" and in which we find out:

> "This Order brings sections 225 (duties of local housing authorities: accommodation needs of gypsies and travellers) and 226 (guidance in relation to section 225) of, and paragraph 47 of Schedule 15 (housing strategies and statements under section 87 of the Local Government Act 2003) to, the Housing Act 2004 into force in England on 2nd January 2007" [This means that Housing Act 2004 commenced after quite three years from its enactment in the Parliament]. (www.legislation.gov.uk/uksi/2006/3191, accessed 28/03/2014)

2.3 Planning Act 2008 and latest Policy Planning Frameworks

We see that Planning Act 2008 Chapter 29 has been introduced as:

> "An Act to establish the Infrastructure Planning Commission and make provision about its functions; to make provision about, and about matters ancillary to, the authorisation of projects for the development of nationally significant infrastructure; to make provision about town and country planning; to make provision about the imposition of a Community Infrastructure Levy; and for connected purposes. [26th November 2008]" (Planning Act 2008 c. 29, p.1)

Planning Act 2008 introduces the Infrastructure Planning Commission and defines Commissioners' code of conduct and fees. In Part 2, we can find all details about National Policy statements by the Secretary of State who "…must carry out an appraisal of the sustainability of the policy set out in the statement" (Planning Act 2008, Part 2 – National policy statements, p. 3)

It is important to note the following:

> "The policy set out in a national policy statement may in particular:
> (a) set out, in relation to a specified description of development, the amount, type or size of development of that description which is appropriate nationally or for a specified area;
> (b) set out criteria to be applied in deciding whether a location is suitable (or potentially suitable) for a specified description of development;
> (c) set out the relative weight to be given to specified criteria;
> (d) identify one or more locations as suitable (or potentially suitable) or unsuitable for a specified description of development;
> (e) identify one or more statutory undertakers as appropriate persons to carry out a specified description of development;
> (f) set out circumstances in which it is appropriate for a specified type of action to be taken to mitigate the impact of a specified description of development" (Planning Act 2008, Part 2 – National policy statements, p3).

The excerpts above show clearly that the Secretary of State has not only full responsibilities about setting up national policy, but also about deciding on locations 'suitable' or 'unsuitable' for certain development and setting necessary criteria to be applied during appraisal processes and reviews (as we see in s6 of Part 2 of Planning Act 2008).

We can also find out that the "Secretary of State must review each national policy statement whenever the Secretary of State thinks it appropriate to do so". This means that s/he has full control on timing of policy reforms which are so important for communities and local authorities being supportive (or non-supportive at times) to certain developments directly controlled by national policy.

In recent years (and still in progress) the Secretary of State decided that the national planning policy has to change, because things changed rapidly since a worldwide economic collapse had occurred since 2008 and a strong recovery could be still a remote vision. However no further positive response or reaction has come yet from the Secretary of State when he discusses and decides about planning applications being recalled by him. It is also important to consider *Part 6 — Deciding applications for orders granting development consent, Chapter 5 — Decisions on applications* in Planning Act 2008 (c. 29). In section 103, we can find that, in some cases *"the Secretary of State is, and meaning of, decision-maker"*, as follows:

> "(1) The Secretary of State has the function of deciding an application for an order granting development consent where:

(a) in a case within section 74(2), the Secretary of State receives the Panel's report on the application, or

(b) in a case within section 83(2)(b), the Secretary of State receives the single Commissioner's report on the application.

(2) In this Act "decision-maker" in relation to an application for an order granting development consent:

(a) means the Panel that has the function of deciding the application, or

(b) where the Council or the Secretary of State has the function of deciding the application, means the Council or (as the case may be) the Secretary of State."

(Planning Act 2008 (c. 29), Part 6 — Deciding applications for orders granting development consent, Chapter 5 — Decisions on applications, s103, pp54-55).

In section 104 we find what the Panel and Council must regard in relation "to an application for an order granting development consent" (Planning Act 2008 (c. 29), Part 6 — Deciding applications for orders granting development consent, Chapter 5 — Decisions on applications, s104, p55).

We also wish to note what the considerations must be by the Secretary of State in deciding the application and especially that: "... the Secretary of State must have regard to– [...] (c) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision." (Planning Act 2008 (c. 29), Part 6 — Deciding applications for orders granting development consent, Chapter 5 — Decisions on applications, s105, p56). [This means that the Secretary of State may have to bring his own opinion a lot more in the judicial decisions rather than the application of laws in their own fairness.]

We now discuss the latest Planning Framework Amendments, known as National Planning Policy Framework (NPPF), and published by the Department for Communities and Local Government in March 2012 [8].

In the Ministerial foreword of National Planning Policy Framework (NPPF), Rt Hon Greg Clark MP, Minister of Planning, states:

> "The purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate" (National Planning Policy Framework, *Ministerial foreword.* March 2012, Department for Communities and Local Government, p. i).

The Minister recognizes the fact that it is time for 'change', as economic recovery is still slow and the housing market is in standstill; we can understand that the intention is to 'house' the people of the entire country, to also consider ageing population, but it is obvious that the main intention is to avoid older linguistics of multi-cultural and ethnicity context. There is quite a lot to praise about British historic environment, with reference

to 'buildings' and 'landscape', 'towns' and 'villages'; the policy maker plays more with 'sentimental' issues of the population (the 'locals'), which are related mostly to 'romantic' walks and life in the 'Green Belt'; there is an accentuation of what Green Belt means to a sustainable community. The capital letters 'G' and 'B' in these key words get the attention of everybody. Now most people should fight passionately to preserve the 'Green Belt', whatever it takes, even if that battle could cost an immense amount of money and efforts for some parts of the community, or better, in the 'neighbourhoods', where finally people want to 'house' themselves.

In fact the entire document is filled with superb and passionate ideas expressed in words which either exclude or include people and their needs and according to their ethnic origin; inclusion and/or exclusion depends from one's personal feelings and interpretation. At the very beginning, the document introduces us on how we can achieve 'sustainable' development; there is more emphasis on 'sustainable' rather than mere 'planning' developments. 'Sustainable' as a word is the contemporary term that we can attach to everything, but not to lengthy and money consuming legal battles related to planning applications and mistakes of the policy makers and/or final decision mediators.

In a brief summary and at the beginning of National Planning Policy Framework (NPPF – we shall continue to use the abbreviation format of it in this chapter) we can find that:

> "1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. 2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements [such as European Court of Human Rights – ECHR).
> 3. This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. [...] National policy statements form part of the overall framework of national planning policy, and are a material consideration in decisions on planning applications". (NPPF, Introduction, s1-s3, p1)

It is obvious that local authorities and the 'local' people always have to play a key role in planning decisions, as we see in a footnote ('small print' text) at the bottom of the same page that precisely states: "... In relation to neighbourhood plans, under section 38B and C and paragraph 8(2) of new Schedule 4B to the 2004 Act (inserted by the Localism Act 2011 section 116 and Schedules 9 and 10) the independent examiner will consider whether having regard to national policy it is appropriate to make the plan" (NPPF, *Introduction*, s1-s3, p1). We shall discuss 'localism' further, as our case studies also refer to these particular issues of

planning applications being very often rejected by incontrollable 'localism'. And the most astonishing item is the following though:

> "4. This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant" (NPPF, *Introduction*, s4, p1).

This is all that the NPPF offers to Gypsies and Travellers! It takes us back to previous mistakes and painful legal battles again. However, if we read through NPPF lines, we discover the truth: this document as a whole is a bombshell to human rights and genuine sustainable communities. The local authorities now are only compelled to take care of the economic growth mostly by revamping the housing market at any cost:

> "50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:
> - plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)" (NPPF, *Achieving sustainable development*, s50, p13)

The policy maker sets the context in favour of 'sustainable development' and also wants local authorities to deliver 'high quality' of 'a mix of housing'; it does not refer to any 'mix of ethnicities' or 'mixed cultures'; there is no sign of linguistics of 'positive' discrimination. The discussion is about 'local' demand, 'affordable housing' and highlights only 'mixed' and 'balanced' communities. So, you can be mixed up inside a community, but watch out if you are going to destabilize ('unbalance') the 'locals' life'!
We can see that new homes can be supplied, but the local communities should be aware of the following:

> "52. The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so, they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development" (NPPF, *Achieving sustainable development*, s52-s53, pp13-14).

We see that local planning authorities, including planning inspectors, have to choose between preserving the Green Belt, which is close to new developments and the developments proposed. Green Belt is quite a 'sacred' and dominant space, which surrounds the built environment in England and Wales. And then, beware of 'inappropriate development' of residential 'gardens' which may cause 'harm' to the 'local' area, such as 'gardens/pitches' [of Gypsies and Travellers, missing words]; they can 'harm' [health and safety, missing as

well] the 'local' area that belongs to locals only!

Gypsies and Travellers are now just 'travellers', as tactlessly shown once only at the beginning of this important planning policy document. Then, they get another supplementary document to see what the future is for their own separate cases/applications. Of course this separation does not happen because of inclusive and fair treatment.

2.4 Localism Act 2011 and the Localism Tenet

The Localism Act 2011 was introduced on 15th November 2011 and since then, several substantial orders have been provided locally to give more power to local authorities and communities.

In fact Localism Act 2011(c. 20) briefly is:

> "An Act to make provision about the functions and procedures of local and certain other authorities; to make provision about the functions of the Commission for Local Administration in England; to enable the recovery of financial sanctions imposed by the Court of Justice of the European Union on the United Kingdom from local and public authorities; to make provision about local government finance; to make provision about town and country planning, the Community Infrastructure Levy and the authorisation of nationally significant infrastructure projects; to make provision about social and other housing; to make provision about regeneration in London; and for connected purposes" (Localism Act 2011 c. 20, p.1).

Thus, in Chapter 1, *General Powers of Authorities,* we can see:

> "(1) A local authority has power to do anything that individuals generally may do.
> (2) Subsection (1) applies to things that an individual may do even though they are in nature, extent or otherwise:
>> (a) unlike anything the authority may do apart from subsection (1), or
>> (b) unlike anything that other public bodies may do.
> (3) In this section "individual" means an individual with full capacity.
> (4) Where subsection (1) confers power on the authority to do something, it confers power (subject to sections 2 to 4) to do it in any way whatever, including:
>> (a) power to do it anywhere in the United Kingdom or elsewhere,
>> (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
>> (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.
> (Localism Act 2011 c.20, Part 1 – *Local Government, Chapter 1 – General powers of authorities*, s1, pp1-2).

Although the word 'power' dominates most of the sections of this Parliamentary Act, words, such as 'boundaries' and 'post-commencement limitation' mean clearly 'prohibition', 'restriction' or other limitation imposed by a

statutory provision. According to the Local Government Association, the key measures of the act can:

"[...] be grouped under four main headings:
- new freedoms and flexibilities for local government
- new rights and powers for communities and individuals
- reform to make the planning system more democratic and more effective
- reforms to ensure decisions about housing are taken locally" [9].

Thus, Localism Act 2011 is the fundamental document upon which subsequent planning frameworks, such as National Planning Policy Framework 2012 and beyond, have built their strengths. Localism Act 2011 showed its own weaknesses, in some aspect, when it became too supportive to the community rights. The Local Government Association proclaims that this act is the one that "enshrined in law a new set of rights for communities": the community 'right to challenge', the community 'right-to-bid' and the community 'right to build'. Nevertheless the 'right to challenge' often becomes quite a 'lethal' weapon and also creates more conflict and severe damages to the links amongst members of the same community, such as, for example, Gypsies, Travellers and the so-called 'locals'.

Localism Act 2011 in combination with an amended and comprehensive National Planning Policy Framework (NPPF) could have been a ground-breaking piece of legislation, and especially because of its clear support to neighbourhood planning and the community right to build. The act has been introduced to encourage communities to get involved in planning for their areas by creating their own plans and policies to guide new development. In some cases local communities managed to grant planning permission for certain types of development, such as, for example, projects to create new Green Belt surrounding buildings and infrastructure. But then again, by challenging groups of their own community, people made ruthless use of all legal apparatuses available for their wrong reasons to 'challenge' most of the times.

In some recent publications, such as *The Localism Act: An LGIU Guide (Updated September 2012)* published by the Local Government Information Unit (LGiU), we find three distinct parts: powers and governance, planning and social housing. In *Powers and Governance,* community 'rights to challenge' and 'community assets' are explained. These are separated from the guidance to community right to build orders and the duty to co-operate, now parts of the *Planning* section. Instead there is a good guidance dedicated to homelessness and self-financing in the *Social Housing* part. However disappointment is expressed in a comment by LGiU which is also particularly highlighted inside this publication:

"The general power will be broader in scope than the well-being power. It being subject to constraints in other legislation should in principle prove less of a burden than might be feared from experience of the well-being power.
Despite Eric Pickles [the Secretary of State for Communities and Local Government mentioned before in our study] claim in his speech at LGA conference in July 2012, that "The Act's general power of competence is already being used up and down the country every day of the week", there must be some

doubt about how widely it is used and understood so far...

 [...] It is disappointing that the Government has not made a commitment to review existing legislation and weed out unnecessary restrictions. It will be up to councils to make applications to remove limits in other areas of local government law. It is additionally unfortunate that the process for introducing changes to other legislation has been made quite onerous and therefore expensive of time for local authority officers and civil servants; despite this it is important not to forget the possibility of lobbying for change" [10].

The Communities and Local Government (CLG) association had also published a Good Practice Guide, *Designing Gypsy and Traveller Sites* in May 2008[11] which is available at CLG web site. This guide makes use of paragraphs 12-19 of *Planning Policy Statement 3: Housing* (PPS3) to stress the importance of good design in developing high quality new housing, as it is explained in these paragraphs. The guidance is intended:

"... [for] local authorities who wish to develop a new site, or refurbish an existing one, [for] registered social landlords who wish to develop or refurbish [...] a site, [for] private developers or architects working with site developers [and] people who will be living on a site and are participating in its design" (Designing Gypsy and Traveller Sites-Good Practice Guide, Communities and Local Government (CLG) 2008, p7).

3. Case Studies

3.1 Case Study A: From the abolition of the Regional Spatial Strategy 2010 to the growth of the Localism Act 2011

By using the Localism Act, local residents' groups have emerged to fight, usually successfully, "against Traveller and Gypsy attempts to establish legal sites – and all this despite the fact that local authorities have failed to provide the necessary statutory pitches"[12].

It is not a new thing for residents to join together in force against Gypsy/Traveller sites; however the Localism Act gives them a stronger voice, knowing that they are often backed by the Secretary of State, who abolished the Regional Spatial Strategy plans (RSSs). These plans had ensured adequate provision in a region and meant that there were only nine regional plans for (Non-Governmental Organisations) NGOs to comment on. Abolition of the RSSs now means that NGOs' input into over 350 local and district borough plans is an impossible feat [13].

The following are two examples of residents' associations in the Midlands. The LE4 Action Group in Leicester in the East Midlands, and Meriden RAID (Residents against Inappropriate Development) in the West Midlands. We wanted briefly to show how the latest acts and planning frameworks have not only given help to the Secretary of State to review and reject several applications for Gypsy and Traveller sites, but also reinforced the so-called Settled communities against threats to both their 'traditional' built environment (often fake copies of past architecture-not always listed) and the Green Belt which most of the times is kept there without

any particular care and under threat from other more important factors, such as climate change, pollution, fly-tipping, tree diseases, etc.

There are many of these action groups across the country; they are well organised and many appear to have access to planning consultants and funding. These action groups are seen as 'localism' movement at its best, (or may be worst, depending on which side you view it from). There is something unsavoury in that 'local' people are deciding who should be resident and who should not. What criteria define a local person? It has been noticeable to me (one of the authors of this case study) in over twenty years of assisting families through the planning system, how the local 'committed committee goers', may have only been residents for a short time.

We came across a variety of localism hatred cases since the beginning of our study. Most of the times the localism brutality hits innocent and vulnerable people and especially women who have been fighting for many years for their rights to have a home in a site and, with the burden of having suffered or have to suffer more than others, because of legal aid cuts as well. We have also managed to see that the so-called 'locals' use any means to prevent having Gypsy and Traveller sites in their proximity. They do not only 'pick-n-mix' words and phrases from laws and policy frameworks, but also use Internet petition sites to take their irrational battles further. Unfortunately some of these web sites have already fought good causes and got wins and gains; it would be extremely dangerous, if the locals manage to break through there as well.

3.1.1 Beaumont Leys, Leicester: East Midlands

The LE4 Action Group emerged to campaign against Leicester City Mayor Peter Soulsby's plans to establish three sites in the northwest of the city. They started by gathering 2,700 signatures (although only 713 were from residents of the city), ensuring that the council must debate the locations of the sites, potentially taking the process back to the drawing board[14]. Their website states that (The LE4 Action Group at http://le4.moonfruit.com):

> "Residents have strongly objected to proposed traveller sites in the area. We now need to focus our energy to structured actions otherwise we simply use up valuable time in frustrating conversations about issues that we are already aware of" [15].

Despite the need for identifying and creating more sites within Leicestershire the group currently states:

> "We are committed to fighting the 2 proposed Gypsy/Traveller Sites that are being proposed by Leicester City Council on the County border"[16].

On 30/10/2013, Leicester decision: two sites passed at Council meeting. January 2014 LE4 talk of a 'judicial review challenge', although the Secretary of State decided not to 'call in' the decision on the council owned land at Red Hill Way and Thurcaston Road.

3.1.2. Meriden RAID (Residents Against Inappropriate Development)

Meriden RAID (Residents Against Inappropriate Development) Solihull West Midlands campaigners set up a three year protest camp outside an unauthorised site; the eight caravan pitch site was set up in 2010. Within weeks, about 200 residents formed the campaign group; they also set up a camp opposite the Gypsy site which they occupied 24 hours a day until the Gypsies had to leave. Their website advertises a series of aims, including the following:

> "- To raise awareness of – and press for change in – flawed laws and regulations and promote change to ensure that local residents have equal rights.
> - We want to be a model of how residents can lawfully protect themselves from forced developments which threaten to (a) ruin the local environment (b) destroy the balance of the community and (c) undermine the well-being of local people"[17].

In April 2013 the families at Meriden moved off after a dismissal at the High Court. Before the protest Dave McGrath, one of the organisers of RAID, knew just six other people in the village; he said: "I moved into the village in 2009". That is just one year before the Gypsy people arrived. This poses the question just exactly who is 'local' under 'localism'?

3.3.3 Internet petition against a family's application for extension of planning permission for a Gypsy site[18]

In September the temporary planning permission of 3 years for a family's site ended. A new application is awaiting a decision. The Planning Agent has not yet received the committee meeting date to make that decision. The site is in Staffordshire Moorlands District Council jurisdiction. The adventure of this Gypsy family has been filmed and is part of the ethnographic film produced by Silvia Paggi and due to be on screen in December 2014 (presentation held in Florence, Italy, organised by the Giovanni Michelucci Foundation and the Region of Tuscany). Part of the petition against the site reads:

> "The aim of this petition is to prevent the planning permission for the residential gypsy site ... [in] Checkley. The site has had temporary permission for 3 years which expired 19th September and should have triggered enforcement action. Earlier this year, approached land owners with a view to buy adjoining land and extend the site in future to fulfil the Council's obligation to provide suitable Gypsy and Traveller site" www.change.org/u/173745319, accessed on 13/11/2014).

Petitioner's comments:

> "Gypsy site would spoil the surrounding countryside they always leave mess around the country"
> "Firstly I cannot understand why the enforcement policy has not been undertaken [...]. The historical village has been stolen of its beautiful backdrops and scenery. The thought of extending this so called Greenfield Site would be catastrophic".

"This will significantly devalue properties in the area, travellers need to realise the only way to integrate is to acquire proper employment, pay tax, buy or rent a property and generally operate legitimately like the rest of us."

"This area is not suitable for these kinds of people."

"The harm to the landscape would be too great."

(www.change.org/u/173745319, accessed on 13/11/2014)

The main issue here could be a division between the locals as well; during our study and investigation we were able to see that several local families had written letters of support to the family applying for an extension. Our visit to the site also proved that this particular site is kept out of the people's views, as requested by the Council (being surrounded by a high fence towards the main road; it is a shame though, because as open space and garden should be a best practice example to showcase. The facility building is at the highest standard and all caravans are very well kept and organised in such a way that no health and safety issues could emerge at any time.

3.2 Case Study B: South East England– Mrs Anne Medhurst case

"To be a Gypsy and not be a gypsy"?[19] This is the important question.

It soon became clear (post Circular 2006) that status within the law would still be a problem. Planning Inspectorate decisions weigh by fact and degree elements of an individual's life, so that the individual may or may not benefit from the 'gypsy status'. The inspectors had no option to do otherwise as the case law was not eradicated by the new planning circular and to ignore the law would mean a challenge to the Court by the relevant local authority. Analysis of post 01/2006 Circular decisions illustrates this clearly.

Some decisions read bizarrely. This can be seen, for example, in the Buckland decision (2007 APP/C4615/A/07/2035836). The Inspector states:

> "There is no dispute that the appellants Mr and Mrs Buckland were born as Romany Gypsies". (Para 13)
>
> "In the last few years they have not travelled for business purposes". (Para15)
>
> "[...] give little weight to their particular circumstances. However neither the appellants nor any other person likely to reside in the caravans proposed are elderly or suffer ill health" (Para 17)[20].

But, more worrying was the discussion on the Buckland children who, because they had local work on a regular basis, could not claim 'gypsy status' and were found not to have it in the Inspector's opinion. One of the case law perquisites of 'gypsy' status is that work is sought and not pre-arranged. The principle that, there should be some recognisable connection between the travelling of those claiming to be Gypsies in relation to seeking is found in the *Gibb* case. (R *v South Hams DC ex p Gibb* [1995] QB 158)

Gibb caused considerable disquiet to the Gypsy community, as this case involved 'New Age' travellers wishing to obtain 'gypsy status' for the purpose of planning law.

The future prospects for the Buckland children to live traditionally as a Gypsy are threatened. It has already been written within a case that they have been found not to be a 'gypsy' in their parents planning decision! This is extremely worrying in particular for women. The planning circular of 01/2006 cites three grounds, where the 'gypsy' way of life can be ceased or held in abeyance. This is a problem as it does not cater for an individual who may have taken up a form of settled employment, but still wishes to live in a caravan or particularly for carers where they may come to a point when they are no longer carers. They may suddenly find themselves in no man's land; they have no 'reason' to have ceased the travelling way of life.

Most of these carers, as is the tradition of many Gypsy families may be a daughter that has never married and stayed with parents to look after them; she is in an impossible position. Since she has never travelled to seek a living, she has no status within the law. It also means that employment prospects are denied to the community. Is it that we are to have no Gypsy nurses, or teachers? This is an impossible position to find one's self; that is to give up the prospect of employment for fear of losing permission for a home. This is quite an important aspect; most planning decisions issued from the Planning Inspectorate will state that the permission is only for those defined as gypsies within the law. Therefore the permission can also be lost after being gained.

It has been argued that 01/2006 definition breaches Article 8 of the European Convention on Human Rights, but this was rejected. For example, see *R (McCann) v SSCLG*[21] *and Basildon DC* [2009] EWHC 917 (Admin)[22] and *Wingrove and Brown v SSCLG and Mendip DC* [2009] EWHC 1476 (Admin). These cases have been included and analysed in our book of recommendations as well; we have referred to McCann case in several points and we found the reasons of rejection, as follows:

> "Legislation should not be supportive to the claimant according to the judge who also scrutinises Article 8 of European Court of Human Rights in the case of Chapman v The United Kingdom 33 EHRR 18 and, as a conclusion the submission made by the claimant must fail. The judge does not recognise the right to Gypsies and Travellers to ask for the provision of sites as a mandatory obligation of the Local Authorities. No Human Rights decision is in favour of compulsory obligation to facilitate any provision of sites according to a variety of planning frameworks and legitimate objections by each EU country with specific planning regulations in their territories" (Tracada, Spencer & Neary, 2014).

It could also be argued that there is a breach of article 14, as it is particularly discriminatory to women. Mrs Ann Medhurst is added to a list of women's names (Interestingly all these cases are in the south of the country, where there are higher numbers of Gypsy and Traveller people).

Mrs Medhurst in Medhurst v SSCLG and TMBC [2011] EWHC 3576 (Admin) [23] sought to live on land that she owned. There was also a 'green belt' issue in this case. However the important fact is that, Mrs Medhurst was found not to be a 'gypsy' for the purpose of planning law. This means that she will have difficulty if she buys another piece of land, which is not in green belt, as the law stands. Although Romany Gypsy, she is not recognised within planning law to live in a caravan as it should be in her family tradition.

This case upheld that applicants applying for planning permission have to be of a 'nomadic habit' of life; this is a functional test applied to the way of life at the time of the determination of the appeal. Again if we follow through the timeline of the Medhurst case, we see that 'localism' is raising its head. Amongst many comments in the report to Tonbridge and Malling Borough Planning Committee at the consultation stage, at 5.8, we see that: "The applicants are not local, having come from Gravesend, and provide little or no evidence of any special circumstances to support their case" (Private Reps: Departure Press/Site Notices: (286/0S/124R/0X) Area 2 Planning Committee meeting of 20 August 2009) [24].

Special circumstances only would allow residence and then, this would only be as by the planning circular definition, the need for education or health services. But then, note that these have to be 'really special' within the Green Belt. The report to the August Planning Committee sums up:

> "In summary, Members are advised that the site is occupied by adults with no serious health issues, and there are no resident school-aged children. There is no site-specific case, in my opinion, for these persons being on this particular unauthorised site in the Green Belt" (Area 2 Planning Committee meeting of 20 August 2009, Para 6.28) [25].

Families that may be from one of the older historic settlements – and we use the word settlement in relation to the fact that the community travel pattern was from March to October and not all the year through – are somewhat doomed. The South East area has those historic settlements. Belvedere Marshes Erith, Kent, is a prime example. In 1947 there were 1,700 Gypsies on the Marshes, who dropped to 600 in the summer time (Illustrating seasonal patterns). Due to a flood, many families had to move and some reluctantly went into housing in 1953. In 1956 the remaining 700 who had held on were forcibly evicted [26] (Kumar, 2011).

Kent and the South East has a high number of Gypsy and Traveller families that have been forced into housing through disappearance of traditional stopping places and lack of sites, and as we see, above floods, damage and racism of the time; one Councillor Alford stated that the Gypsies were a "blot on the landscape." (Kumar, 2011). Mrs Medhurst had travelled with her family growing up; but because she had spent some considerable time, recently residing in a house, like many South-East Gypsies, her claim for status fails.

The planning application, illustrates the problems of localism and the subsequent appeal and Court judgment upholds a series of unsatisfactory case law. It is extremely difficult then for families who have had for various reasons to resort to housing; lack of sites is not in the equation for these families within the deliberations of the planning inspector. If a family have deemed to have lost their "gypsy status", they lose at the first hurdle.

4. Conclusions

The authors of this specific study explored several pieces of information and official documents before deciding to concentrate on the main issues analysed and discussed in their national report and a chapter included in this e-book. By reviewing report materials and final findings they were able to make an initial selection of case studies and were able to identify key issues in current processes of planning and housing

for Gypsies and Travellers in England (South East England and East Midlands specifically, regions which present often similarities). They then had to dig deeper in current recent policies and practices in order to be able to make specific comparisons rather than only selecting a large number of documents in order to create long tables. Thus, the authors' research had to be mainly qualitative rather quantitative. As a matter of fact all materials selected were once again analysed in order for the authors to be able to make ten important recommendations to change mainly points in legislation and decision-making by comparing statements and definitions included in them; this work has been mainly included in our book of recommendations.

Case law materials were scrutinised against Parliamentary Acts, Planning Policy and Local Authority Instruments. These processes have made all authors aware that, still today there are unanswered and scorching questions on 'localism' and 'gender' issues in regards to Gypsies and Travellers. In materials produced for the UK, the authors preferred to include their own interpretations to metaphors which hide inside policies and practices; they have also discovered a different situation with the rest of Europe. It is obvious that other European countries refer to Gypsy, Traveller and Roma communities as if they were the same thing. This is not the case in reality, as we recognise that each community is different.

Thus, we wish to recognise diversity in the socio-cultural background of each community.

As regional data are not widely available or they have been lost, the authors' research on case studies was crucial; we focused mainly on cases that were related to localism and gender issues; we focused on England mainly where these issues are dominant and are still fought by communities of Gypsies and Travellers. Also recent studies suggest that travelling of Gypsies and Travellers is a complex matter, as:

> "Travelling is the constant lifestyle for a proportion of Gypsies and Travellers, or the lifestyle for others over extensive parts of the year. Such travelling appears to be predominantly work related. [Thus] accommodation requirements arise in/near the places where work is being carried out, and sometimes on the main routes between work places" (CLG 2007)[27].

In the *Localism act: an LGiU guide,* updated in September 2012, we get a clear idea, for example, of what the 'locals' want to see happening in the processes of applications and also rejections. In regard of notifications of decisions:

> "The Act requires an authority to establish a timetable for making its decision and notifying those concerned. While the timetable must be provided within 30 days after the close of the period specified for submissions, or otherwise receiving an expression of interest, the authority is allowed to take a number of factors into account in determining a reasonable period for considering and reaching a decision. This may include the likely need to agree modifications of the expression of interest, and any commissioning cycle and decision-making processes" [28].

In the case studies which we scrutinised, several points as they are mentioned above were invalidated by local authorities and communities. However in the same document mentioned above, we found some kind

of rejection deception expressed in several points; these points were mainly discussed in our national report. The main issue though is that controversy around the fact who should be considered as a Gypsy is still a permanent obstacle. So, we may ask again: to be a Gypsy and not be a 'gypsy'? How could this materialise in planning and housing? Perhaps some new planning amendment will find a 'finer' solution in the years to come. This was our intention when we made our own recommendations. There are lessons to learn though from international realities around the world and not necessarily from the Gypsy communities. In case law discussed in Canada, *R. v. Powley*, [2003] 2 S.C.R. 207, 2003 SCC 43, we have found that an ethnic group in Canada had managed to produce their own legislation[29]. We read about the case law that:

> "The trial judge found that the members of the Métis community in and around Sault Ste. Marie have, under s. 35(1) of the Constitution Act, 1982, an aboriginal right to hunt for food that is infringed without justification by the Ontario hunting legislation. The Superior Court of Justice and the Court of Appeal upheld the acquittals" (*R. v. Powley*, [2003] 2 S.C.R. 207, 2003 SCC 43).

We also see that:

> "The term "Métis" in s. 35 of the Constitution Act, 1982 does not encompass all individuals with mixed Indian and European heritage; rather, it refers to distinctive peoples who, in addition to their mixed ancestry, developed their own customs, and recognizable group identity separate from their Indian or Inuit and European forebears. A Métis community is a group of Métis with a distinctive collective identity, living together in the same geographical area and sharing a common way of life. The purpose of s. 35 is to protect practices that were historically important features of these distinctive communities and that persist in the present day as integral elements of their Métis culture" (*R. v. Powley*, [2003] 2 S.C.R. 207, 2003 SCC 43).

What a great achievement for this group who are recognised and identified as 'distinctive' peoples with 'distinctive collective identity'; they have the right to share peacefully a common way of life in the same geographical area with other peoples. This is what Gypsy, Traveller and also Roma communities should be aiming for: to define their own distinctive identity and then, make it shared part of any proposed law and framework in every country in Europe.

Acknowledgements

1   This report with the title *Progress report by the Ministerial Working Group on tackling inequalities experienced by Gypsies and Travellers* is available at www.communities.gov.uk; it was accessed on 02/11/2014.

2   In an article with the title 'Picklesgate – Government covers up their Roma neglect' which was published in www.gypsy-traveller.org, we see that initially the Government was asked by the European Commission to produce a Roma Integration Strategy, but they declined to do this. Instead a Ministerial Working Group chaired by Eric Pickles MP published only one 'Progress Report' in April 2012. Then, the Ministers declared that they had held meetings, but they were not able to disclose any other details, because they needed "free space" and, according to them, any disclosure of information "could harm the frankness and candour of internal discussion."

3   Yvette Cooper said: "Local authorities are not identifying enough appropriate locations either for private or public sites". Available at: http://www.planningportal.gov.uk/general/news/stories/2006/feb/2006-02-Week-2/gypsyandtrav. Accessed on 15/11/2014.

4   The table has been officially published at:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294525/Planning_Applications_October_to_December_2013_England.pdf

5   In s270, we find a short title, commencement and extent of Housing Act 2004 (c. 34) and it is clear that it is introduced to England and Wales; Scotland is outside of this Act as this country follows its own patterns regulated by the Scottish Parliament. Instead "s228 and Schedule 12 come into force on such day as the National Assembly of Wales may by order appoint" (Housing Act 2004, c. 34, Part 7 *Supplementary and final provisions,* s270, (7). The excerpt above can be also found in s270, (12): pp206-207.

6   This article makes it clear that "…t here are currently [in January 2014] 250 traveller-related appeals awaiting a decision, with some more than two years old" according to official figures released. This article with the title 'Traveller planning decisions are being delayed for up to two years' was published on 30 January 2014 and was written by John Geoghegan.

7   http://www.legislation.gov.uk/uksi/2006/3191/made. Accessed on 28/03/2014.

8   The document/publication in PDF format is also available at www.communities.gov.uk: Accessed on 20/10/2014.

9   The details of Localism Act 2011 and summaries of the main parts related especially to community rights are explained in the web pages set up the Local Government Association (LGA) at
http://www.local.gov.uk/localism-act. Inside the web pages in regard of this act, individuals and community groups can find a link to a *Plain English Guide to Localism Act* as well as a document with the title *Empowering councils to make a difference-general power of competence-annex case studies* in PDF format; these case studies often show triumphant locals who have managed to block planning applications which could be 'harmful' to surrounding Green Belt and their neighbourhood; 'gypsy pitches' are between their preferable targets.

10 The publication with the title *The Localism Act: An LGiU Guide-Updated September 2012* is a document published by LGiU and available at www.lgiu.org.uk/blog [Accessed on 20/10/2014]; LGiU is a local government think tank and membership organisation with nearly 200 local authorities and others subscribing to its networks. In fact this think tank is affiliated with other associations, such National Self Build Association,

for example, who often lobby policy makers (and pressure) about issues related to self-organising communities challenging the right to self-build. One of the authors of this study has been in contact with these organisations during a recent European funded Leonardo Lifelong Learning research project on *Self Build Processes in European countries– Italy-Belgium-United Kingdom.*

[11] Available at www.communities.gov.uk. Accessed on 20/10/2014

[12] Erfani-Ghettani Ryan, Localism, populism and the fight against sites. Institute of Race Relations http://www.irr.org.uk/news/localism-populism-and-the-fight-against-sites/ Accessed on 20/10/2014

[13] National Federation of Gypsy Liaison Group is the only group inputting professionally on local district and borough plans, across the East and West Midlands. The input will depend on funding.

[14] *Ibid.* Erfani-Ghettani Ryan.

[15] Le4 Action: Home le4.moonfruit.com/. Accessed on 28/03/2014

[16] *Ibid.*le4.moonfruit.com/. Accessed on 28/03/2014

[17] Meriden R.A.I.D – Residents Against Inappropriate Development - www.meridenraid.org.uk/. Accessed on 28/03/2014

[18] The petition appears at https://www.change.org/u/173745319, accessed on 13/11/2014. The petition is also under the title 'Refuse planning permission for Gypsy site in Checkley' and it has been put forward by Checkley Parish Council.

[19] "To be a Gypsy and not be a gypsy" Spencer Siobhan MBE, www.travellerstimes.org.uk/blog.aspx?c=f1b1c82c-0f3c-4edf.Accessed on 28/03/2014.

[20] Buckland (2007 APP/C4615/A/07/2035836)

[21] McCann decision APP/V1505/A07/2050098 at www.compasssearch.co.uk: *Planning appeal decisions.* Accessed between 10/01/2014 and 31/03/2014.

[22] *The Queen on the Application of McCann v Secretary of State for Communities and Local Government, Basildon District Council* [2009] EWHC 917 (Admin)

[23] All cases in these paragraphs have been accessed from Westlaw.

[24] *Area 2 Planning Committee meeting of 20 August 2009at: egenda.tmbc.gov.uk/akstonbridge/images/att8919.doc.* Accessed on 28/03/2014

[25] *Ibid. Para 6.28*

[26] Reena Kumar 2011 *History of Belvedere Marshes,* Bexley Times at:

http://www.bexleytimes.co.uk/news/history_of_romany_gypsies_on_belvedere_marshes_1_811546 Accessed on 30/3/2014 and 05/04/2014

[27] This is an excerpt from the document found in the official website of Communities and Local Government (*Ibid.*) with the title *Preparing Regional Spatial Strategy reviews on gypsies and travellers, 2007.*

[28] The *Localism Act: An LGiU Guide-Updated September 2012,*(p. 17) is a document published by LGiU and available at www.lgiu.org.uk/blog Accessed on 28/03/2014

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WORDS AND WORLDS IN ROMANIAN HOUSING POLICIES

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Introduction

What can we learn about housing policy in Romania, more precisely on the language of documents related to housing policy? The essay tries to tackle the question by putting documents on housing into context and the relevant territorial environment of the research. As such, it describes the general housing condition of Roma in Romania, highlighting some of the most important trends and factors that seem to be responsible for the current situation of housing most of Roma have. It also gives a general review of the institutions involved in this often problematic issue. On the other hand, it presents the main sources based on which we can answer the initial question, namely the documents collected with the aim to analyse their language to see what type of stereotypes, prejudices inform them, and what are the possible causes and implications of framing housing policy in the way they are framed by documents. Nevertheless, firstly we briefly describe the housing, residential segregation as a research topic as scholars have approached it in the special case of Romania.

To be sure, housing of marginal people is probably the most relevant social issue in present Romania. However, its social relevance has not been matched by a similar interest in scholarship. Housing and segregation or spatial isolation has only relatively recently been recognized as one of the major obstacles in Roma integration. Moreover, housing condition and living in ghettos has a special place in some of the mechanisms identified as being responsible for lack of employment or poor education in Roma communities. Despite recognition given to the relevance of the topic as significant variable in structuring the life-chances of individuals, rarely was housing or residential segregation addressed in scholarly literature. When addressed at all it has taken a secondary role. In most cases residential segregation and housing problems are seen as concepts explaining other issues or phenomena pertaining to Roma communities in Romania. In the language of quantitative analysis, residential segregation and/or lack of proper housing is seen mostly as an independent variable that explains many other "hot issues" of social significance, for example, why Roma participation in the labor market is so low, or why educational attainment is so poor. In other words, the history and persistence of segregated communities and improper, low standard housing conditions fell in the background of scholarly interest. The foreground of research is more often than not occupied by the implications of segregation or poor housing conditions, while the genesis and the maintenance of the segregated social and spatial configurations are often considered as secondary topics. Employment and education are more prominent topics in social research on marginality, housing and residence coming only after. This in fact reproduces in research objectives and topics the structure and objectives of political interest expressed through research or action research programs.

The literature on housing comprises two broad types of analysis. Studies based on sociological surveys document the housing condition of the Roma. The general consensus is that Roma people, as individuals and as communities, live in precarious housing conditions. Households are overcrowded, they lack the necessary infrastructure, some dwellings are in fact improvised shelters, and many Roma live on camps in miserable conditions at the margins of urban or rural settlements without legal papers for the buildings they made or for the land they live on (Bădescu, 2007; Berescu, Cătălin şi Celac, Mariana (2006); Berescu, Cătălin. 2010;

Burtea, Vasile. 1996 ; 1997 ; Goina 2009; Rughinis 2007, 2003; Cretan 2007; Zamfir 2003). Moreover, if the general picture on the national aggregate level shows that housing condition for Roma are worse compared to the housing condition of the majority population, surveys also show that Roma confront housing difficulties even in settlements when the general conditions are better than in other places, or they have the poorest conditions compared to the immediate environment in which they live (Fleck 2008; Sandu 2005, Tarca 2009). Finally, there are few historical studies (Achim 1998, 2004; Nastasa 2001) showing that present day situation is not as new as it may appear.

Some word about the sources and the method used

This first sub-chapter presents and describes to some extent the types and distribution of the collected policy documents, the methodological rationale for choosing the sites and makes some remarks on the subsequent analysis regarding the content of the documents from the perspective of the main objective of the project, namely the stereotypes that can exclude the Roma in Romania as they are expressed in policy documents regarding housing.

Method

Finding documents related either to Roma or housing is a simple enough enterprise. However, identifying documents on Roma and housing proved to be more difficult for reasons elaborated below. Therefore, the method we chose was finally informed by the contextual knowledge we have on Roma and policies in general and housing policies in particular. Given this, the best method we could think of in collecting the documents was a dual approach meaning that we identified documents both from starting from laws, strategies on local and national level, and starting from local measures related to an urban camp that has taken shape during the first decade of post-socialism near the landfill of Cluj. As such, we have documents that directly address the Roma (national legislation, including the strategy), documents that implicitly address the Roma (poverty, vulnerable groups), and documents explicitly targeting Roma communities without addressing them per se (regarding social housing, administrative measures of evictions, or urban planning measures). Although this latter type can be seen as more general-purpose policy measure, the most affected by it are the Roma, and implicitly it is designed for Roma, or having Roma in mind.

Methodology owes much and the particular status of Roma housing in Romania compared to Western countries that face immigration of Roma. The relation between Roma and space is not a novelty for public authorities and they have tried to integrate this issue in the general management of urban or rural settlements. Therefore, many documents relating in fact to Roma are not named as such. Consequently our methodology was to use contextual knowledge about Roma communities for searching for documents that refer to the territory where the communities live in addition to searching for documents targeting the Roma. Moreover, putting documents about Roma in a historical perspective we observe that the period following the collapse of the state socialist regime it is more attentive to the so called Roma issue, or Roma problem. Public discourse, and indeed, political and policy discourse has somewhat flourished in the past twenty years.

There are some, not so many, policies, and local practices that are documented and framed in a legal environment. To name or not to name in fact depends on how policies and the Roma question has been framed through time and to the fact that Roma are a historical national minority. Compared to other states that confront a new situation given the massive immigration of Roma, authorities in Romania do not name the ethnic target of policies.

Documents

Central administration elaborates designs, and issues all documents that set the frame for all policies, including social policies, ethnic policies, housing policies in general or policies that explicitly target Roma communities or individuals, among others. Institutions of central administration also designs and issues methodologies for the elaboration, administration, management, and way of implementation housing policies at national and local level. The policies that find expression in national level documents, with a general, all-embracing scope serve as reference, guidance and in fact they provide a structured space within which local policies and projects can be framed and implemented. In other words, it sets the structure of possibilities for all initiatives on national and local level. No local housing policy can be designed without reference to some kind of document already elaborated that is generally valid for the entire administration. This relation between national and local documents shows at least two things: (1) it embodies a relation of authority between central and local administration, given the fact that local documents incorporate obligatory reference to relevant nation level documents, and closer to our topic (2) it suggests that there are good chances for the language of local documents elaborated by local bureaucracy to replicate at least partially the language of national scope.

Responsibility for elaboration and implementation on housing policies do not follow exactly the administrative-territorial structure of Romania. Although there are two mid-level administrative units in the administrative-territorial structure of Romania (namely county administration, which is the next larger unit after local administration referring to settlement administration, and developmental region, which is right below the national level and comprises several counties), they do not have any competencies in housing policies. Only national and local administrations manage the question of housing both in elaboration of policies and the implementation of policies or programs.

In line with the distribution of competencies and responsibilities regarding housing, the present paper takes into consideration documents on two levels: the national level, documents that mainly set the legal, and also linguistic frame for more specific actions, and elaborate the principles of these actions, and the local level, which mainly address local problems and try to fit the envisaged solution to these problems into the principles and objectives of the documents of national scope. As such, we identified the following main types of documents: government decisions, laws, decrees, ordinances on national level, and decisions of local councils, local council meetings minutes, project documentation, and social housing allocation lists on local level. On a first level regarding the date when the respective documents were issued, we observe that local level documents started to be produced in 2008, after the adoption of governmental documents in the process of joining the European Union. The importance of accession is also supported by the yearly evolution of the

number of national policies, documents. All these argue for the relevance of conditionality in the elaboration and implementation of Roma policies. The implication is that policies, also for housing have a top-down direction, which further has some consequences on language use, namely the use of the bureaucratic language of institutions in the European Union. Another implication of the top-down trickling is that local policies sometimes are caught in the phrases of national policies and do not emphasize local needs and context. The point I would like to make is that certain phrases, idioms, and expressions are uncritically transferred from other documents, meaning that local policies sometimes are passively circulating a language that contains could contain stereotypes not even formulated on local level. This holds also for the practice of bureaucratic institution where the production of documents enters routine. Although, documenting these two processes is rather difficult, awareness of them can better contextualize and also give further weight to the meaning of words in documents, words which eventually coin stereotypes or prejudices or trigger cognitive associations in this sense.

Apart from the administrative (top-down) route of policy documents, local documents are informed by the condition of Roma in society and the status in the eyes of public administration. Public administration has a double standard regarding Roma communities. On the one hand, they try to mobilize them in electoral campaigns and promise them amelioration of their condition, which means better schooling for their children, jobs, and housing or infrastructural development. However, this promise is a rather quiet one, since "helping" Roma may hinder the chances of electoral success. In the general situation of Romania, and most of all, after the global financial and economic crises, more and more members of majority population feel that they need more help from the government and local administration. Framed in the language of budget constraints, improving the condition of Roma is decoded as taking something away from the majority population. Hence, there is a reticence to give voice, and indeed to act, on satisfying the needs of the Roma population. (See Vincze, at all in press) This is another reason for the invisibility of Roma in local documents (referred to below).

Social housing

The main process that describes the general context of housing in Romania is the privatization of real estate and the gradual retreatment of state as owner and manager of the dwelling stock. Because of this process, state owned housing facilities have severely dropped in the last two decades and the initiatives to compensate the privatization of housing have not succeeded in filling in the gaps created by privatization. Privatization unfolded in three distinct but related processes:

1. In the beginning of the nineties tenants of former socialist apartments, allocated to them during socialism had the opportunity given by law to buy the formerly rented apartments on a low price.
2. Restoration of properties confiscated or nationalized by socialist regimes. Many churches, institutions, and individuals reclaimed their properties they owned before nationalization.
3. The state abandoned the construction of dwellings. However, it has a program of building social dwellings, but this felt short of demand created by the privatization of real estate.

All these led to a drastic decrease of social dwellings managed by local authorities. For example in Cluj the number of social dwellings per 1000 inhabitants felt from 190 in 1990 to 10 in 2012.

Given the shortage of dwellings and the general level of quality of life in Romania after 2008, competition on the real estate market in general, but also for social housing in particular is high. For the ever-growing poor population of the country, amongst them many Roma, social housing becomes crucial. Allocating state-owned ones along with building new dwelling facilities, can be seen as the key policy that can solve the cumbersome problem of meeting the objectives set down in documents that refer to the fundamental human right to decent housing. International organizations have had and continue to their agenda infused more or less with legislation, recommendations, and declarations pertaining to housing, habitat, dwelling and the right to it[1]. Besides being addressed, documented and described by European and international organizations, be them governmental or non-governmental organisations, a concern that can be traced through conventions, recommendations, reports, and so on, the housing and specifically the relation on housing and minorities, mostly Roma, has become a key issue also for national legislation in the EU member states. The present sub-chapter of the country report describes Romanian legislation regarding housing and social housing in a short historical chronology and the dynamic of housing and social housing in post-socialist Romania to further expand on the context and process in which documents are produced. It also touches upon the emergence of urban and rural camps, populated mainly by Roma and the response of local administration and national government to this situation, which is mostly a post-1989 phenomenon in Romania.

Romanian legislation on Roma and social housing

Most recently, following the *EU Framework for National Roma Integration Strategies* in 2011, Romania adopted the *National Strategy for the Inclusion of Romanian citizens belonging to Roma minority for the period 2012-2020*[2]. This document might be qualified as the most important one regarding policies for Roma people, and it also sets the frame for key issues in the so-called "Roma problem". As such it tackles four key domains like education, employment, health and housing and refers also to the domain of culture, and the prevention of and combating discrimination. The other important aspect of the Strategy, having in mind our main topic, is that it sets the language and the most widely used concepts and terms in relation to Roma and housing, among others.

Although it is the most recent one, and potentially a trend-setter in language use and also a frame for further measures and actions on local and national level, the Strategy is nor the first neither the single one regarding Roma and housing or both. It follows the *Strategy of the Government of Romania for improving the condition of the Roma*, adopted in 2001, and the *Decade of Roma Inclusion 2005 – 2015*. The latter represents a political commitment of the Romanian Government in relation with other states, which agreed to elaborate a program for the inclusion of Roma. The main difference, in administrative and political sense, is that "Unlike previous programs dedicated to Roma inclusion, such as the *Decade of Roma Inclusion*, the *EU Framework Strategy* addresses requirements (although by means of "soft" pressures) to older and new member states alike. In the case of Romania, *the design of the national strategy* (with its first version openly criticized by EC Commissioner Laszlo Andor) "represents an ex-ante condition for Romania in accessing EU funding for the 2014-2020

programmatic period" (Cristina Rat, 2012). On other aspects, the national strategy is a clear continuation of previous programs, harshly criticized by various evaluators, as is also this current strategy[3].

As already mentioned in the introduction, social housing programs and policies cannot be isolated from other programs. Although Law on Housing 114/1996, amended by Law 145/1999 provides the normative frame for granting or allocating social housing, other laws also regulate this field. In other words, the legislation on social housing is part of a larger set of laws, all of integrated to a certain extent and with a certain degree of complementarity. These other laws refer to poverty alleviation and other social programs designed for what is termed as vulnerable groups or people in need. Such programs are the National Anti-Poverty and Social Inclusion Promotion Plan (NAPSIPP), the Joint Social Inclusion Memorandum (JIM), framework programs that supplement the Law on combating social marginalization (Law 116/2002), and Law on guaranteed minimum income (Law 416/2001) [4].

Institutions

Several types of institutions are involved in social housing. First of all, there are national institutions suchas the Government and the Ministries. The government adopts and issues general regulations, laws, programs, plans regarding social housing and other projects pertaining to social policies. Apart from the Government as a whole, there are certain ministries responsible for social housing or related social programs. Their specific role, attributions and competencies are allocated by the Government. The involvement of ministries depends on the type of program it supposes to manage.

As social housing has many ramifications and it is touched upon not only in programs specifically designed for this question but also in programs related to social security, social inclusion, poverty amelioration, and Roma, its dimensions are approached in a more or less integrated manner by the following two ministries: Ministry of Regional Development and Tourism, Ministry of Work, Family, Social Security and Elderly People. However, social housing, poverty alleviation and Roma programs share many objectives that are allocated to different other ministries. For example, the National Strategy for the Inclusion of Roma enumerates more than ten ministries that are responsible for managing specific parts of the program.

The Ministry of Regional Development and Tourism acts in building and rehabilitating social and necessity houses and infrastructures. It has a particular office – the National Agency for Housing – that manages all activities in the domain of social housing. On the other hand, the elaboration of principles of allocating social housing is the duty of the Ministry of Work, Family, Social Security and Elderly People. This state organ develops the principles of inclusion through its special Department on Programs of Social Inclusion. However, this ministry can only allocate funds for certain, well delimited social housing units, namely those that are dedicated to particular categories, defined as vulnerable. These categories are, among others, young people who leave institutions, single mothers, or physically impaired individuals, or people with low income. Roma are not among vulnerable people according to this definition. However, the Ministry of Regional Development and Tourism takes over these principles and applies them to the Roma. As such, there are at least to competing principles local administrations face when allocating social houses, one for vulnerable groups whether they are Roma or not, and one for Roma people who are included in the category of vulnerable groups. In other

words, social housing is both targeted and mainstreamed, which might cause some confusion in local administration.

Although principles are decided on national level by the Government and the involved ministries, the specific criteria they define for people to be eligible for social housing are neither ranked nor exclusive. This means that local administration, namely local councils decide what weight they should attribute to different criteria and include supplementary ones or not. This is why different local councils manage to highlight some criteria over the others and as such to allocate houses to different categories of people.

Topics and words

The entire analysis could be, with few amendments, very well be entitled Strategic presence and local absence referring to the fact that Roma are present in national level strategies and legal frames but rarely so in local documents or positive measures. The title could also be Centrally named solution for locally unnamed targets, meaning laws, regulations, decrees, governmental ordinances, local authority documents and plans that solves a problem without addressing directly or openly its beneficiaries. These add up to a divergence in national plans and local implementations, meaning also that there are different stakes on national level to meet some requirements imposed by the European Union, and on local level where solving problems on the ground are intricate matters of local politics and economy. Nevertheless, overall, Roma are the great absentees of several documents that implicitly address problems related to them. This is true both for some of the local and national level documents and for the public meetings' minutes of local councils who rarely if at all names Roma as the target or subject, or topic of the discussion, debate, or meeting.

It is not surprising that Roma or Gypsy communities and their spatial location within urban settlements are the great absentees in regulations about them throughout socialism and most of the first two decades of post-socialist transition. The reasons are manifold but I think the main one is that form the beginning of the post-socialist transition the so-called Roma question or problem has been defined as a social problem that requires social solutions (in the sense of quality of life, education, employment and so on). As such, the ethnic dimension is rarely present, especially before 2005 and in administrative documents. When it is nevertheless mentioned, it is about what others have termed conditionality, meaning targeting Romanian Roma due to external pressures. This is one dimension that has structured our methodology in collecting data, as we already mentioned above. Another one is related to the administrative, territorial organization in Romania and competencies attributed or held by different authorities at different level. Although regulatory levels in Romania are national, regional, county and local (municipal) we do not have to follow this structure since regional and county level administration has no competencies in housing.

The issue of naming is an important one since it discloses the way authorities frame Roma in general, and the relation between themselves, Roma, and housing in particular. What is said about Roma when explicitly referred to and what is implied when Roma are not explicitly mentioned, but there are great chances that they are the main targeted community. The question of naming is also important because of latent prejudices against Roma, prejudices that recently surfaced again exactly in a debate about the official naming of Roma.

This debate about the proper name for Roma is at least 20 years old. In these two decades several Romanian politicians have repeatedly tried to introduce the term "Gypsy" in the political, legal and everyday usage: first in 1993, then in 1995, and 2000. Silviu Prigoana, member of the Romanian Parliament has launched the latest such attempt in September 2010. All these proposals were refused on the ground of being against European regulations. However, as others have already noted, the debate discloses general arguments in favor or on the contrary, disapproving the change the substitution of Roma denomination with the term Gypsy, which is a racial stigma [5].

Supporting arguments for the term Gypsy referred to the confusion the term Roma could bring in relation to Romanians; Roma is a neologism, an artificial name; Gypsy is the term they use when they refer to their own group. Supporters of the term Roma came up with the arguments that Gypsy is racist and does not comply to European standards; official documents using the term reinforces negative categorization and stigma, Roma should have the right to choose their own name. (Plainer, 2013)

Whatever the arguments to support or disapprove changing ethnic denomination form Roma to Gypsy, what we think is important, is the fact that denying someone to choose the name for self and other identification is a sign of asymmetric power relations in the public sphere. Moreover, questioning an ethnic denomination is in fact a sign of domination, at least a symbolic one. Naming is a struggle between state authorities, Roma representatives, Roma communities and supranational entities such as the EU. Although in this case, certain politicians have failed to introduce the term "Gypsy" as the official ethnic denomination instead of Roma, the latent pressure in the political field cannot be denied and the dominant tendency to dominate is always present. Although there is much talk about the negative or prejudicial connotation of the term Gypsy, since there are voices that consider this term anything but stigma, there is also great probability that behind the term Roma there are ideas about Gypsies as stereotypically constructed by the majority and sometimes by themselves. (see several reports on ethnic stereotypes). Being constructed as stereotypically dissimilar is just the overt form of symbolic exclusion, while "cultural racism" based on acknowledging and debasing cultural particularity and distinctiveness is a covert form of exclusion.

Given the general discursive context of politically correct usage of the term, one can hardly find any negative reference to Roma in this dimension of naming in policy documents. They are identified by the standard ethnic denomination recommended by international organizations and accepted finally by the Romanian authorities. Policy documents constantly and consistently use the term Roma in social housing issues, in supporting documentation for policy planning, in legal documents or in third party agreements regarding programs elaborated and implemented for Roma. Any meaning attached to the use of the term can only be approached from the context within which the term appears and/or in comparison with other similar types of use.

> „Roma population confronts multiple social problems, and to solve them requires adequate approach, counting for available resources. Through PIP, FDRS aims to contribute to reduce the difference between the living condition of Roma communities and the neighbouring communities, and to create the conditions for developing these communities. This is why interventions will concentrate on solving specific needs." Program for priority interventions (Hotarare 3/2008)

Apart from ethnic categorization through denomination or naming, classification is also a good indicator of the majority point of view on Roma. For example, the National Strategy for the Inclusion of Roma classifies its own action as being part of the general frame of poverty alleviation and aiding people in need for help. Therefore, ethnicity is included in other social categories. However, this kind of classification enmeshes social categories for which inclusion or non-discrimination rests on different grounds since there are the products of different social mechanisms.

"The social inclusion policy of the Government of Romania is based on a proactive approach aimed at increasing the overall standard of living of the population and stimulating earnings from employment by facilitating employment and promoting inclusive policies with addressability to all vulnerable groups: Roma minority, disabled people, women, street children, 18 years old young people leaving state protection institutions, elderly people." (NRIS)

The main topics of programmatic documents as the NRIS and also of more particular programs are inclusion, modernization and assistance. People and spaces, areas of urban and rural settlements are to be included in society and in the more or less coherent space of the towns and villages in question. Roma and the places, spaces they inhabit have to be modernized in order to fit into the social and geographical space of majority. This is mostly evident in discussions about marginal, segregated communities living at the outskirts of towns and villages. Modernization as the means to inclusion seems to be the most important way to inclusion and also seems to be the tool surrounded by a large consensus. Educating, providing jobs, housing and infrastructure serve to modernize Roma and spaces they inhabit and hence include them in the orderly communities and residential milieus of Romanian society.

Inclusion appears in all programmatic documents as the main objective of the policies. This is obviously the case of the National Strategy, but also of local project such as the Memorandum of Cluj signed by UNDP and the City Council, the urban development project, or the projects elaborated in Sfatu Gheorghe for the segregated community in Orko. It is a term that appeared relatively recently, and has been borrowed from programmatic documents issued by supranational authorities such as the European Commission and the Council of Europe. In the Romanian Government's Strategy for improving the condition of Roma in 2001, inclusion was a secondary importance and until then public discourse circulated predominantly the term integration. Given that integration as a term was debated along the term assimilation and the introduction of inclusion in other contexts (see for example the Decade of Roma Inclusion), integration and improvement has been gradually replaced by inclusion. The meaning of it however remained the same. It connotes integration and improvement or integration by improvement.

The National Strategy of 2013 starts with the definition of social inclusion stating that

> "Social inclusion is defined as a process that ensures that people at risk of poverty and exclusion gain the opportunities and resources necessary to fully participate in the economic, social and cultural life and that they enjoy a standard of living and welfare considered to be normal in the society in which they live. Social inclusion ensures increased participation of these people in taking the decisions that affect their lives, as well as their access to fundamental rights" [6]. Although this sets a comprehensive

objective that should permeate all of the social life, the Strategy favors education and occupation. Housing has a secondary role evident also in the space dedicated to measures of housing. More importantly, the approach taken up by this document refers to a report elaborated at the request of the Romanian president, a report that squarely identifies the main problem in "the priority issues of the Roma remain the access to education (including the elimination of segregation cases), maintaining pupils inside the system of education on the secondary and superior cycles (especially in the case of girls from traditional communities), the access to training in modern professions and the access to employment and housing and decent living conditions".

It seems that the key word in this phrase is traditional. Although it does not refer to housing, it nevertheless sets the contours of the primary image of Roma communities and the general frame within which the majority perceives them in documents, other types of discourse, and in everyday life. Traditional have at least two meanings: one is about cultural distinction, particular traditions, which deserve to be preserved, while the other refers to backwardness, not being modern, lagging behind one's own time. Apart from customary, traditional is an umbrella term that encompasses qualifications of the "particular way of life of Roma" in the sense of poor hygiene, settling for lower jobs, lack of education, or being satisfied with miserable housing conditions. Documents do not elaborate on the meaning of tradition, but the reference to the second meaning described above makes more sense when interpreting different measures.

For example, in setting responsibilities for the implementation of the National Strategy is stated that "Although the main responsibility for the social and economic inclusion of Roma minority citizens belongs to public authorities, Roma inclusion is a dual process, which involves a change in the mentality of the majority, and also in the mentality of the members of Roma community, a challenge that requires firm actions, developed in an active dialogue with the Roma minority, both at national and EU level." Besides delegating part of the implementation to civil society it is worth mentioning the envisaged social context in which inclusion might occur. Change in mentality is qualified as one key to solving the problem of Roma inclusion. However, in the context of the whole document it is clear that majority have to change in the sense of being patient until the Roma catches up in education, labor, and proper attitude to habitat, while the Roma have to improve, to de-traditionalize (in the pejorative meaning of the term) and to catch up with majority. This way it is implied that not becoming modern is a choice of the Roma, which resembles to a discursive move of blaming the victim.

It is plausible to state that operating a clear demarcation, distinction between traditional and modern, articulated as strange and modern equals with operating a clear demarcation in the social and geographic sense too. Being traditional is being out of place both socially and spatially, and hence segregation, eviction and relocations become legitimate states or measures in the name of modernization. This general view is reflected also in the very first book length study of Roma published after the collapse of communism. This book represents a first in many respects and carved a path for future studies of Roma, especially studies that rely on survey data and quantitative methodology. More importantly, it launches an image of Roma as they are tearing apart by modernization and keeping tradition. It defines the "Roma problem" as a social problem

stemming from poverty and not as an ethnic problem; although in their interpretations of different aspects of Roma communities the authors often build on cultural traits, or the culture of poverty perspective. The study contains a chapter on housing and dwelling conditions. It uses three dimensions or indicators to describe housing conditions in Roma communities: density of dwellers, house quality and comfort, and care for housing condition mostly for furniture. The third indicator has been an exceptional one ever since (Zamfir 1993). Local allocation of housing owes much to this view of Roma not deserving because they are traditional, meaning that they do not able to take care of their living environment. Of course, documents do not address this issue directly, but by ranking criteria for allocation and attributing different values to different criteria. This is why, I think, education and the length of request submitted are considered in allocating social housing, besides other criteria such as income, number of children, having a job and so on. This makes me believe that allocating social housing is not a matter of a technical, administrative decision but more a moral dimension of evaluating deserving. Since, Roma are in general viewed as non-deserving because improper behavior attributed to traditions the allocation of social housing will avoid them and favor others that are more educated and more persistent in submitting applications for a social dwelling.

By way of concluding, we can say that the content of the documents is informed by conditionality, local politics, the administrative route of policy design, and finally yet importantly the moral load of the act of allocating social housing to deserving people. It is in this general context and processes that seemingly ordinary words like tradition, modernity, emphasis on education and training, or employment, and their use in documents can trigger stereotypes and prejudices. In a context where blatant anti-Roma, or more generally, anti-minority language is intentionally avoided, these terms open the way to expressing covert, but nevertheless offensive prejudiced wordings.

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[1] There are many such documents elaborated on international level. For reference we only present an indicative list of them: Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, UN Universal Declaration of Human Rights, United Nations Habitat Agenda. Specifically for Roma and other minorities we can refer to Council of Europe Framework Convention for the Protection of National Minorities or Strasbourg Declaration on Roma adopted at the High Level Meeting on Roma or European Parliament Resolution on the EU Strategy on Roma Inclusion.

[2] In Romanian *Strategia Guvernului României de incluziune a cetăţenilor români aparţinând minorităţii romilor pentru perioada 2012-2020.*

[3] For an overall assessment of the strategy see the analysis of the European Roma Policy Coalition "Analysis of the European Roma Integration Strategies".
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[4] How well these laws are integrated, how their specific measures and possibilities of implementation articulate is another question that deserves further investigation.

[5] For an extended scientific debate on this problem area see Horvath and Nastasa 2012.

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The project *WE: Wor(l)ds which exclude* stems from the empirical experience and studies of the partners as well as from the comparison of the results of research at European level on the issue of housing conditions of the Roma and Travellers people, and of the housing and settling policies related to them. On the basis of the common features arising from the European context – unacceptable housing conditions, discrimination, forced evictions, widespread antiziganism – we have asked ourselves about the existence of a possible stereotyped social description of the Roma and Travellers people, which has become a common element and tradition in European public discourse.

Therefore the project has analyzed documents produced by national, regional and local public institutions in six European countries addressing issues related to the settlement and housing conditions of Roma people. Analysis of the langage and measures proposed in legal, judicial and administrative texts has highlighted a number of critical issues, resulting from simplifications or prejudices observed in linguistic choices, that can be decisive in limiting the effectiveness of the acts themeselves, and even change their meaning and outcome.

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