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IDENTITY AND CITIZENSHIP: THE CASE OF ITALY WITHIN EUROPE

1. Introduction

International relationships and migratory movements, particularly towards European countries, have a crucial importance in the process leading to the formation of society. The intensification of the former and the escalation of the latter have been playing a fundamental role in the course that led to the creaking of the long standing idea of nation-state and the consequent weakening of social cohesion. The change of the migratory configuration that characterized the past few decades, with the increasing number of undocumented migrants and refugees fleeing from areas of conflicts, led European countries to the necessity of enacting new systems and processes for granting political, economic, and civil rights to people involved in migratory movements.

In this context, bonds of identity and feelings of belonging are diversifying and getting more articulated; thus, the traditional concept of citizenship, as mostly based upon nationality, has become inadequate for modern-day Europe. It is clear that it is no longer possible to consider citizenship as solely linked to one's nationality, nor eventually to grant it to somebody only on the base of a fairly arbitrary blood lineage. The largely adopted procedure of bestowing citizenship, along with other rights, according to the *jus sanguinis* is apparently inadequate to face the new context that characterizes European countries nowadays. Citizenship as a concept is undergoing significant modifications and its consequent application as a right has probably to be revised better to satisfy the set of postmodern societies. Old policies, norms, and legislation might not be appropriate anymore and, moreover, they are absolutely unfair towards the emerging political and social actors.

Since the possibility to set up the European Union was discussed, the relationship between citizenship and immigration, along with their class, gender, ethnicity, and identity related aspects, has become a main issue in the international debate. The discussion about new forms of citizenship does not simply mean considering their juridical and formal aspect but a grid of criteria that define the adhesion of a subject to a particular system, along with other related elements, such as identity, political, and social participation and recognition, rights and duties characterized by a variable geometry (Mezzadra 6).

Such a situation reflects the uncertainty and instability that distinguish the contemporary international panorama, characterized by ongoing political and social crisis, as well as by the questioning of the existing forms of legitimization. Within this context it is also possible to outline the development of new theoretical frameworks aimed at replacing what are now seen as polarized explanations of the changing world we live in (Kofman 1). What in the past was easier to define as national identity is undergoing a radical change, whereby identity is actually becoming a fluctuating concept and a multilayered reality. Different processes of integration, yet in some cases just attempted, as well as the effects of globalization and, on the other hand, regional devolution, are all contributing to increase the complexity of defining one's identity and sense of belonging.

2. Multiple Identities

As Paul Gilbert points out, there are two main ways in which we could approach the question of the value of cultural identity (Gilbert 67). On the one hand, cultural identity could be considered as the outcome of an internal diversity which stems from an inborn feeling and which eventually leads to the idea that different peoples are distinct from each other according to objective and pre-political ways; on the other hand, another approach sees the existing differences and divisions, even within the same cultural group, as having a subjective and external explanation. Therefore the focus of the analysis should not be on proving the existence of such differences but on the meaning that they have in drawing the lines of a cultural group and, furthermore, on the political outcomes that specific circumstances would imply (Gilbert 69-70). As a consequence of adopting the latter point of view, which considers culture as the result of phenomena that hardly can be attributed to inborn inheritance, identity is not classified according to the aims it might have, but to the situation that contributes to shape a specific group. The possibility of classifying different types of cultural identity is not approached by addressing the contents that a group fosters, but rather on the specific circumstances that eventually can turn people into a group.

Gilbert's analysis helps us understand cultural as well as national identity in a non-univocal way: identity does not refer to a unitary concept or reality. The first kind of identity that he points out to is the so-called *identity as standing*, which usually emerges when the individuals that compose a group perceive themselves as underestimated by others and, as a consequence, appeal to shared values that accord them self-worth. This aspect can be considered to be fundamental for the recognition of the group and its insistence on claiming certain rights. There is therefore a first component of self-ascription that could lead to the sought acknowledgement by others and, eventually, to respect (Taylor 25-73; Honneth 92-141). A second type of identity is defined as *identity as center*, which is the answer to the

possible menace of the lack of principle that can affect the cohesion of a group, and which slightly differs from the previous one on the fact that the former needs contrast and dissociation with the principles of another group, whereas the latter not necessarily does. We are then introduced to consider what the author defines as *identity as face*, that is the kind of identity that individuals bear in their everyday life, as the 'mask' that identifies somebody in the world. It is usually formed as a response to the fear of being *faceless*, of passing as unrecognized; and so, by adopting distinguishing features, the individual tends to mark the difference from others. This concept is similar to that proposed by Amartya Sen, i.e. the idea that an individual is actually a bearer of different identities according to his or her affiliations (Sen). Next, yet opposite, to identity as face is *identity as affiliation*, which differs from the former in the fact that, while that one was reacting to fear of anonymity, this responds to the possible lack of relationships with other members of a group and to the perceived absence of sameness (Gilbert 82). Closely related to this kind of identity is *identity as home*, according to which one's identity derives evidently from the place they come from, and more precisely from the relationship someone holds with that place. The feeling of belonging somewhere, of having somewhere a place, is here the fundamental aspect and the reply to the fear of not having a place in the world. Another factor that can give rise to a feeling of sharing an identity with other members of a group is the 'project', that is to say the common purpose that a group may have, and this is what can be defined as *identity as mission*. In this case cohesion of the group is the result of the relationships among members on the base of the specified shared purpose. There is then a final type of identity, which can be defined *identity as mere label*, into which all the other kinds of identity mentioned before might fall as soon as the circumstances and conditions that contributed to their initial formation cease to exist. This last concept is particularly important because it helps to understand how, as a consequence of the modifications occurred in the actual circumstances, the fostering of a certain type of identity might become redundant. It is, we may suggest, one of the reasons that in turn make also the models of citizenship out of date and not relevant to the modified conditions. In conclusion, identity is not determined by an assumed content, but it is rather formed through interaction with circumstances. In this direction we may suggest that the way citizenship is understood may be also subjected to multiple approaches and should be adapted to the different situations it has to deal with.

3. Models of citizenship

Citizenship is commonly delineated as the group of rights and duties that address individuals as members of a community, usually the nation-state. This definition implies that those members are fully recognized by the legislation system which is in force in a specific territory. However, this concept leaves aside all those people who are present within that territory even though they are not eligible to enjoy those rights, yet obliged to bear the related duties that the current regulations would confer. In this way it is clear how a practice like the one of bestowing citizenship may lay down a series of limitations and boundaries between those who are included and recognized as full members and those who are excluded, instead. If considered in this way, then, citizenship is more than a legal status, and symbolizes the completion of one's inclusion into society. However, nationality becomes a fairly discriminatory factor, for according to where someone comes from, they will be treated in dissimilar ways and even their freedom to move or the possibility to gain full rights and recognition will be affected. In this multi-layered situation it is possible to single out a lack of focus in the actual redoubling of the borders, which instead of being external have moved to the very core of society: from national frontiers they have become inner discriminatory barriers (Balibar).

Furthermore, the classic conception of citizenship hardly takes into consideration the ambiguous status of individuals and minority groups that have, and in some cases are forced to have, a non-clear relationship with the structures of a state. This status affects many immigrants, ethnic minorities, refugees, asylum seekers and peoples coming from territories which are not completely recognized as a State, as, for instance, Sinti people or Palestinians. Mavroudi's research on the conditions of Palestinians in Athens is, for instance, illuminating in regards to the issues that affect them in their quest of obtaining a legal status. Such a recognition would allow them to benefit of fundamental civil and political rights while maintaining their connection to the place they belong to. Their case sheds light on the actual reality that the concept of citizenship, and its relationship to the one of identity, has acquired nowadays. The diversification of migration groups, refugees, and asylum seekers has increased during the last decades, and this has made it quite difficult for the classical concept of citizenship to stand the challenge. Every individual and group is the bearer of a different background, therefore they set expectations and foster claims that, of course, are expressed according to specific requests

Such a situation might, in turn, bring about the creation of a kind of social stratification according to the legal status and rights people are granted or not. This stratification is the outcome of the different status of migrants, distinguished into long-term ones, transitory people, *sans-papier,* and refugees who are at first instance kept in detention, identification, and expulsion centers. As Kofman (2, 3, 7) points out, the stratification and the following polarization of rights is partially linked to the categories of entry into a foreign country. Skilled and unskilled workers, family members, students, asylum seekers and refugees are all bestowed with different rights. So, for instance, long-term residents, defined also as denizens, holders of temporary permits, or, lastly, undocumented migrants, all

undergo variable levels of granted rights.

With regard to the debate on citizenship, we could point out two main axes. It is possible to single out, on the one hand, the idea that links together nationality and citizenship and, on the other, the one that considers the latter has having a social and political nature. The second model is usually related to the outcomes of the French and the American Revolutions, which chose the civil and civic rights of the citizen as a primary issue. The root of this approach has to be traced back to the direct participation of citizens in the decision-making process of the Greek *polis*, and the contribution of the regulation and systematization of the civic rights fulfilled by the Romans. With the French Revolution such a social model of citizenship was adapted to the frames of the nation-state (Kofman 3-4) and began to be conceived of as related to political rights and duties rather than nationality. The first approach, on the other hand, conceives citizenship as the natural result of nationality and therefore a right of which only people who can claim a blood lineage are entitled to benefit; such an idea is fostered by the legislation based on the *jus sanguinis*. Furthermore, this model can be characterized by, say, an ethnic foundation; in this case then the boundaries of granting the legitimacy of citizens' claims might be seen as detached from the borders of the state and start to be linked to ideas like, for instance, ethnic or national identity.

Kofman (5) points out a third model that could be defined as social citizenship. This is distinctive of the 20th century and aims at extending the access to citizenship by offering solidarity and conferring social and work rights. This approach was meant to be a way towards class abatement, by using the work status of the immigrants as a means for their recognition and participation in the public sphere. Such a point of view is observable in the intention of the Italian legislation on immigration, whose policies, since the law of 1986, have been aiming at granting same working rights to immigrants and Italian citizens. However, the escalation of migratory flows, along with the conservative orientation that has been distinguishing the last years of governance, caused the stiffening of those policies (Bossi-Fini law of 2002) and the closing of the labor market itself, so that the possibilities to be granted a visa, but also political rights and participation, became largely linked to an existing working contract.

Considering the crisis of the nation-state and its patterns of inclusion and exclusion of foreigners, some authors (Soysal; Sassen 21-23) have advanced the thesis of a postnational citizenship related to the internationalization of migrants' rights, at least within Europe. According to them, migrants would be granted protection and legitimization through international cooperation. A second major aspect to be taken into account is the fact that social rights would now be accorded to immigrants primarily on the basis of territorial residence rather than received from full acquisition of citizenship; nevertheless, there is still something that actually distinguishes citizens and denizens, that is, the lack of political rights for the second group (Faist 15, 19). Besides the deprivation of political rights, we ought to consider the actual negligence in fully respecting and according to immigrants basic civil rights, but also economic and work rights, which are often violated (Castles 103-127). As far as Italy is concerned, such a situation is evident in housing issues or in foreigners' difficult access to employment in the public administration. Furthermore, post-national citizenship seems to refer mainly to the rights that should be granted to denizens; however, we also ought to consider the increasing number of immigrants who are totally undocumented, others who manage to obtain temporary permits yet cannot practically benefit from the full range of civil, political, and economic rights, and, finally, those who experience a situation of in-betweenness (Stasilius).

A valuable theory on how to deal fairly with the condition of *sans-papier*, migrants involved in diasporic movements, and those with temporary permits, is that of pragmatic citizenship (Mavroudi). This concept aims at granting the rights that derive from citizenship acquisition while dealing with the unclear legal condition of immigrants in the critical situations mentioned above. People experiencing such a transitory condition are suspended between the abandoning of the homeland and the hope to be accepted into a new, and sometimes unknown, new one. They are very often lost into a zone where their rights are not clear. The situation that many migrants face in order to reach the coasts of Italy is quite symbolic, and expresses this permanence into such an in-between zone. By leaving their land, they are detached from a grid of rights – or very often from a partial absence of rights that anyhow allows at least partial recognizion and representation– in order to follow the hope of being included into a new system of rights. They have to cross lands and sea before being able to reach the coasts, when lucky enough. However, this does not grant them the possibility of enjoying the basic rights they expected, and consequently their condition remains that of in-betweenness, as if they were still at sea. Migrants are involved in a process of deterritorialization and re-territorialization that might bring about feelings of multiple belonging; the concept of pragmatic citizenship would allow respect for such feelings while giving the possibility to acquire the full range of civil and political rights by living elsewhere (Mavroudi). The key concept is to allow the acquisition of a kind of 'migrant citizenship' to those people that, because of their transitional (or transnational) and in-between status, are excluded from the active use of basic rights, such as house and work, as well as political ones. The application of such a principle would probably help to clarify the ambiguous legal status of migrant people, while helping in the safeguard of basic human rights. The possibility of being granted with a migrant and pragmatic citizenship is becoming almost a necessity, considering the increased cross-border movements triggered by wars, ecological disasters and sanitary emergencies. The examples of these cases highlight the fact that many people, despite of their will, are forced to move away from their land by

externally-caused conditions, and their need to migrate might be limited to a period of time. The pragmatic citizenship focuses on the possibility for these people to benefit of the civil and political rights that would allow them to live with dignity in the place they are. This approach takes into account the fact that concepts like citizenship or even identity are not so univocal as they used to be, but they have undergone a fluctuation in meaning and ways of expression, where their foundation as responses to specific situated conditions emerges. The structures of the nation-state have been undermined and, by unlinking the assumed connection of citizenship, state, and nation, new spaces for the acquisition of civil and political rights have been opened; therefore, it becomes possible to negotiate one's position as a member of a community without fully 'belonging' to that community (Nagel and Staeheli 4, 5).

In conclusion, more than being just the result of an assumed national identity, citizenship turns out to be the result of a combination of practices, processes, and claims, that aim at negotiating individuals' and groups' recognition and legitimization in front of specific conditions, and this, consequently, can play a role in the formation of their identity.

4. Policies of recognition in Italy

The Italian nationality law considers citizenship as a status that is passed through generations *jure sanguinis*, with two main changes which are marked by 1861, when the unification of the Italian territory was accomplished, and 1st January 1948, the date in which the possibility for women to transmit citizenship was recognized. The constant increase and differentiation of migratory flows brought about the necessity to modify the law and to extend the right of citizenship, also in consideration of Art. 15 of the Declaration of Human Rights, according to which everyone is entitled to have a nationality. The study of Vink and De Groot points out that one of the main tendencies of the current policies regulating the bestowal of citizenship is the gradual convergence and combination of *jus sanguinis* and *jus solis*, to either compensate the limitations of the birthright citizenship or to restrict the provisions conferred by the latter.

Having been characterized from the early stages of its history as a country of migrants,[1] Italy has become a receiving country by the beginning of the 1970s. The issue of immigration became central to the political debate since the early 1990s. The escalation of migratory flows towards and through Italy between the end of the 20th and the beginning of the 21st century stands as a central phenomenon of the demographic composition of the Italian territory, ranking Italy at the fourth place amongst European countries, after Germany, Spain and United Kingdom for number of foreigners.[2]

In the 1970s Italy substantially adopted an open-doors approach in matter of immigration which led to a constantly increasing entrance of foreigners in the country. A first regularization program addressed to undocumented immigrants was proposed and a few years later, in 1986, the first law on this issue was enacted (Law 943 of 30.12.1986). This first regulation aimed at granting equal working rights to non-European Community citizens. In 1990 the so-called Martelli law was issued, with the purpose of programming and controlling the migratory flows; along with this regulation, the first amnesty of immigrants who were already inside the Italian territory was approved. The fall of the Soviet block, and the consequent Yugoslav Wars, brought about the first mass immigration from the coasts of Albania towards those of Italy. A further attempt to regulate the migratory flows and especially to tackle illegal immigration was brought forth by the Turco-Napolitano law of 1998, which established specific centers (CPT – Centres of temporary permanence) intended for the temporary detention of immigrants who were supposed to undergo expulsion measures. The Single Act of 1998 can be considered the main attempt to review the previous policies and legislation on matter of immigration. It introduced measures meant to regulate the entry of people with the setting of annual quotas, to contrast illegal immigration and its exploitation by criminal organizations, and to facilitate the social integration of foreigners. Several modifications to the law of 1998 were introduced by the 2002 Bossi-Fini law (Law 189/02), making entry of immigrants as well as stay in the Italian territory much more difficult. The deportation procedures of undocumented immigrants were simplified and pushed through, while getting more severe; the possibilities of family reunion were limited; finally, the tangible actualization of asylum rights and access of foreigners to social rights got reduced.[3] The restrictive intent of this law is furthermore shown by the institution of CIE (Centers of Identification and Expulsion), that substituted the previous CPT, deemed to detain undocumented immigrants until they undergo forced expulsion from the country even if no violation of the penal code is committed. The establishment of these centers arose a chorus of criticism on whether such an institution is constitutionally accepted, considering the arrogated right to possibly detain immigrants without any actual accusations and eventually expel them, as well as for the conditions in which they are kept until a decision is made (Ravenda).

Undocumented immigrants face the condition of in-betweenness that characterizes the frontier. They are in the Italian territory but at the same time they are not, unrecognized because undocumented. There is a growing multitude of asylum seekers who therefore experience an "informal regime of asylum" (Kofman 9) which does not allow them to enjoy neither work nor social and political rights. Considering the current legislation on matter of immigration, one notices that actual recognition is becoming progressively more difficult; immigrants receive extensive support from religious and secular NGOs rather than from the State. Furthermore, they have to rely to a greater extent on these

organizations in order to be legally represented, for, although migrants do have right of association, a national program for their full inclusion is still missing.

During the last years the approach to the immigration issue tended to follow a devolutionary line, according to which the regions are increasingly assuming power in regards to economic and social policies. In regard to policies of recognition, such a decentralized system might result in proposing differentiated models of inclusion within the frames of society and in turn, it could cause a polarization in the forms of the acquisition of citizenship. However, if this policy were properly integrated with the role of the central government, it would probably bring about a fairer system of granting recognition and fundamental rights to immigrants, while aiming at finding a balance between the needs of solidarity and the necessity to deal with the migratory flows.

5. Conclusion

When citizenship is conceived in its univocal relationship with an assumed national identity, it results in the actualization of boundaries of inclusion and exclusion within the society. It also seems that, although there is an ongoing process of redefinition in the distribution of rights as well as of the modalities through which identity is recognized and shaped, the nation-state is still the overwhelming model for granting individuals' and communities' claims. However, the concept of citizenship should be considered as a response to situated conditions and not as the natural result of a univocal relationship to national identity. Therefore, a first attempt should be to separate citizenship – as legal rights in practice – and nationality – as belonging – in order to attempt a redefinition of the concept of citizenship as extraterritorial (Kastoryano 2, 14). Such an approach would help to deal with the problematic aspects brought about by transnational (or trans-territorial) belonging and cross-border experiences; it would grant recognition, legitimization, and the full range of civil rights to those involved in migratory flows.

Migrants are the first bearers of the challenge and raise the question of a redefinition of the political structures of the nation-state, displaying also the crisis of integration processes enacted by both the single state and the European Union. We are now facing the paradox introduced by the globalization process in general and especially by the desire of establishing supranational connections: we can notice as a matter of fact the supranational institutions trying to promote the creation of a transnational public space, and in doing so they are paradoxically reinforcing the role of the states in the political construction of Europe keeping on maintaining the idea of nation as a unit of identification (4, 20). This is one of the general reaction movements triggered by the globalization process, showing that the attempt to break the barriers down in matter of politics, economy, information, freedom of movement and so on, has brought about an opposite and parallel process of contraction. Consequently, this led to build up new and even stronger boundaries and to enact new practices of exclusion even within the very society, inside the states' borders.

A clear example of the attempt to control migratory flows and to track the movements of immigrants, especially asylum seekers and *sans-papier*, is the digitized European dactyloscopic system *Eurodac*. The technology of *Eurodac* is based on a Europe-wide database that stores the fingerprints of asylum seekers and irregular migrants, and aims at providing information, communication and, above all, control of migratory flows. This system was established to respond to the increasing number of refugees seeking international protection and to the crisis of European asylum system that, in turn, led to the stipulation of the Dublin Regulation. The purpose of this agreement is to reinforce migration controls by applying border control at a digital level.[4]

The deconstruction of the practices of exclusion enacted by all kind of borders is a fundamental step in the direction of opening the space for multiple identities formation and for decoupling concepts like citizenship and national identity. We notice today the formation of transnational communities where the correspondence between political, cultural, social, and territorial boundaries is possibly no longer valid. The non-univocal relationship of individuals and groups with territoriality calls for the need to rethink concepts like citizenship and identity, by underlying their in-becoming formation as response to specific circumstances as well as their potentiality to respond to one of the main challenges that present-day Europe has to face, that is the creation of a plurality of spaces of recognition.

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1. During the period that goes from the unification of Italy in 1861, until the so-called Italian economic miracle of 1960, about 26 million of Italians were involved in a mass migration process that allows historians to speak of Italian diaspora (Monticelli 10).

2. Data from the ISTAT Report – Foreign population residing in Italy on the 1st January 2011; and Eurostat – Population of the foreign citizens in the EU27 in 2010.

3. Data from http://legislationline.org/topics/subtopic/33/topic/10/country/22 (project of OSCE and ODIHR) and http://www.altrodiritto.unifi.it/ricerche/minori/cimmino/cap2.htm (Documentation centre on detention, deviance and marginalisation).

4. Mig@Net report - *Border Crossing*. The research can be found at the following URL: http://www.mignetproject.eu /?cat=5

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