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Antigypsyism, legal culture and sentencing in Italy: A dialogue between sociology of law and critical Romani studies

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Abstract

This article analyzes the relationship between Roma people and the law by combining two different theoretical approaches, one focusing on legal culture, the other drawing on critical Romani studies. The resulting analytical model supports: 1) the adoption of a multi-level and interpretative approach to examining legal culture, and 2) the focus on the processes of racialization and discrimination implemented by the dominant society, especially within the legal field. The analysis brings to light the mutually-influencing relations between dominant stereotypes about Roma and Sinti people on the one hand, and Italy's legal culture and sentencing on the other. This topic is examined in relation to the Italian and the wider European historical, political and cultural context, since the way in which legal actors see Roma and Sinti people is strongly influenced by their social and political milieu, and by historically-originated dominant cultural repertoires.

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Key words

Legal culture; sentencing; critical Romani studies; antigypsyism; Italy

Resumen

Este artículo analiza la relación entre los gitanos y el derecho, combinando dos enfoques teóricos diferentes: uno, centrado en la cultura jurídica, y otro, basado en los estudios críticos sobre los gitanos. El modelo analítico resultante apoya 1) la adopción de un enfoque multinivel e interpretativo para examinar la cultura jurídica, y 2) la atención a los procesos de racialización y discriminación aplicados por la sociedad dominante, especialmente en el ámbito jurídico. El análisis saca a la luz las relaciones de influencia mutua entre los estereotipos dominantes sobre la población romaní y sinti, por un lado, y la cultura jurídica italiana y las sentencias, por otro. Este tema se examina en relación con el contexto histórico, político y cultural italiano y europeo en general, ya que la forma en que los actores jurídicos ven a los romaníes y a los sinti está fuertemente influenciada por su entorno social y político, y por los repertorios culturales dominantes de origen histórico.

Palabras clave

Cultura jurídica; sentenciar; estudios críticos romaníes; antigitanismo; Italia

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1. Introduction: the analytical framework

This article examines the mutually-influencing relations between the dominant stereotypes about Roma and Sinti people on the one hand, and Italy's legal culture on the other. The aim of this work, which is largely theoretical and based on a review of the literature, is to further analyze a topic that has so far attracted very little attention in Italy, especially in the field of socio-legal studies. It draws on ideas relevant to the two disciplines that this topic intersects – the sociology of law and Romani studies – giving rise to an exchange between theoretical contributions that have hitherto communicated little or not at all, i.e. between the legal culture approach and Critical Romani Studies.

The concept of legal culture is "one way of describing relatively stable patterns of legally-oriented social behavior and attitudes" (Nelken 2004, p. 1). It can therefore serve as a means of communication between culture and law by revealing how rules are interpreted differently depending on legal and social actors' culturally-oriented mindsets (Cotterrell 2016). It is one of the key concepts of the sociology of law when it examines the meanings attributed to norms in a given context of social action (De Felice forthcoming 2022). Starting with the theories advanced by Friedman (1975), legal culture has been variously used to explain the unavoidable gap between "law in books" and "law in action" (Bentley 1908, Pound 1910). It thus represents a fundamental approach to the study of law in society, which offers a way to bring together the "legal" and the "social" when investigating how law works, and how it relates to other social constructs (Kurkchiyan 2012, Nelken 2016).

That said, the meaning of the concept and the ways in which it has been used in empirical research are somewhat controversial and debated. Nelken focuses on two core issues relating to: 1) what the unit of legal culture should be; and 2) how the term legal culture should figure in our explanations. As regards the first issue, the scholar recommends that studies on legal culture that concentrate on the level of the state be limited. It is more important to take a multi-level approach that also analyses the patterns of legal culture both on a more micro level (e.g. local courts, prosecutor's offices, etc.) and on a more macro level. Nelken makes the point that the historical membership of the continental or common law world transcends the frontiers of the nation state: legal culture, like all culture, is a product of the contingencies of history, and many aspects of law are the result of colonialism, immigration and conquest (Nelken 2004). As concerns the second issue, there is a danger in some studies of a circular argument, with legal culture being used to explain legal culture. One way to avoid this risk of tautology is "to use what we are calling legal culture less as itself an explanation and more as something that itself needs to be explained" (Nelken 2016), taking an interpretative approach. The *explanatory* approach to legal culture taken by mainstream social science typically sees it as a separable variable to be set against other causal factors. The *interpretative* approach "seeks to use evidence of legally relevant behavior and attitudes as an 'index' of legal culture" (Nelken 2004, p. 10) and to grasp the nuances of its meanings. This interpretative stance treats culture as part of a flow of meaning and seeks a relationship between legal culture and general culture. It explains how patterns of legal culture are linked to a host of specific legal, social, economic and political features of society, revealing how given aspects of a society's law-related practices resonate with other features inside and outside the conventional boundaries of the legal system, such as the

processes by which facts are constructed in everyday life as part of a culture's way of expressing its sense of the natural order of things (Geertz 1983). This approach therefore shows little interest in drawing a defining line between legal culture and the rest of social life, or between internal and external legal culture[1] (Nelken 2004, 2016).

Drawing on these considerations, I take a multi-level and interpretative approach in examining the relationship between legal culture and antigypsy stereotypes in Italy. As regards the multi-level facet, I analyze the relationship between Italy's legal culture and its society within the broader European context, and taking a diachronic stance. To understand a certain legal culture, we need to retrace its historical roots (Nelken 2004, Santoro 2010, Blengino 2019), as this helps us to focus on the bonds between culture and structure (Quiroz Vitale 2018). As regards the interpretative stance, to see which aspects are more important when it comes to analyzing relations between the Romani and the dominant society (and its laws), I draw on some thoughts coming from a very recently developed line of research called Critical Romani Studies. The aim of these studies is to bring Romani Studies out of the "ghetto" where they have been confined to date (Bogdan *et al*. 2018), and to "contaminate" them with critical social theories like Critical Race Theory, feminist and intersectional theories, and postcolonial theories. Exponents of Critical Romani Studies move away from those scholars belonging to the academic establishment hitherto dominating Romani Studies, the so-called "gypsylorists" (Mayall 2004) or "neo-gypsylorists"[2] (Ryder 2019), who have been criticized for their excessive focus on the topic of "culture" (Selling 2018). Taking an intersectional approach (Crenshaw 1989, 1991), a new generation of Romani feminists (Kóczé 2009, Izsàk 2009, Brooks 2012) proposes to replace the concept of "ethnicity" (prevalent among scholars of Roma and Sinti to date) with the concept of "race" or "racialized minority" (Vincze 2014, Kóczé 2018). This will shift the analytical focus from the "cultural" characteristics attributed to Roma and Sinti people to the structural racism and, more specifically, the processes by which the dominant society racializes the Roma, depicting them as "others" (Stasolla 2020). Institutional actors have a crucial, but under-investigated role in these processes (Simoni 2019), especially in the sphere of the sociology of law. Some exceptions concern a few studies conducted some years ago, but still relevant, on relations between the Romani and the police in Finland (Grönfors 1979, 1981), and more recent research on the subtle forms of discrimination against the Romani in Swedish criminal courts and in the Norwegian child welfare system (Vallés and Nafstad 2020). When examining the relations between legal culture and antigypsy stereotypes, it is essential to consider the influence of the so-called internal legal culture, as expressed in the academic world, and especially by those working in the civil and penal law system, because it undeniably influences the sentencing process. The boundary between internal and external legal culture is extremely porous, however, as mentioned earlier (and as emerges in part from the following pages).

[1] According to Friedman (1975), we can distinguish between an external (or general) legal culture and an internal one represented by the norms, attitudes, and values of lawyers, jurists, and other categories of individuals operating "inside" the legal system.

[2] The reference here is to the Gypsy Lore Society, founded at the end of the 19th century: together with its journal going by the same name (renamed "Romani Studies" in 2000), it promoted a series of studies on the Roma and Sinti taking a culturalist and essentialist approach.

Going into more detail, taking a diachronic view and referring to the European setting in general, and to Italy in particular, the aim in the first part of this article (sections 2 and 3) is to shed light on a sort of mutually-reinforcing effect of the legal culture, the policies implemented, and the "common sense" representations (Schütz 1979) that contribute to consolidating the idea of Roma and Sinti people as "foreigners" and "nomads". In the second part of the article (section 4) I then concentrate on the most relevant research on the specific topic of relations between antigypsy stereotypes and sentencing in Italy. I draw particularly, but not only, on two important studies coordinated by the anthropologist Leonardo Piasere, the most authoritative scholar on the Roma and Sinti in Italy. I have chosen to describe these studies for two reasons. One is that no equally systematic research has been conducted by any sociologists of law on the topic in Italy as yet (there are only much more limited studies, like the one by Pannia in 2014). The other is that it is important for those operating in fields such as law, and the sociology of law, to take part in the recently-begun debates on the concept of "culture" in the sphere of anthropology and similar disciplines, and on the concept of "identity" in the sphere of social psychology. This is a fundamental, necessary step towards exposing the rhetoric inherent in the public and political institutional debate on culture, reified and essentialized so as to exclude rather than include. It is this rhetoric that often accompanies normative actions and legal pronouncements (Mancini 2018). The studies cited in this section take *de facto* the approach adopted in Critical Romani Studies, though not naming it as such (because it was not yet formally born when these studies were conducted). They examine the topic of discrimination against the Romani through the analytical lens of the structural racism existing in European societies. They make some important contributions towards explaining the deep-seated mechanisms governing the action of those who engage professionally with Roma people in Italy's institutions, and the legal ones in particular. In the last part of this work (section 5), I conclude with some comments on the most important issues that emerge in the article, on the usefulness of analyzing the topic of legal culture in the light of contributions coming from other approaches and disciplines, and on the lines of research worth further developing.

2. The historical roots of antigypsyism in Europe and the role of the legal culture

The perception of a radical otherness of the Romani people has always been a characteristic of Western European societies (Heuss 2000). This is partly due to the historical roots of the modern concept of citizenship, and it affects the perception of other, non-Romani immigrants too. In fact, citizenship was construed taking for reference a political community homogeneous in terms of nationality. This influenced autochthonous people's cultural categories, as Pierre Bourdieu and other scholars have shown. Bourdieu, in particular (and, later on, his friend Abdelmalek Sayad) spoke of the *pensée d'État* to emphasize how we submit to the established order because the State – thanks especially to our school institutions – "contributes largely to the production and reproduction of tools for constructing our social reality". The State has thus "imposed the cognitive structures according to which it is perceived", to such a degree that "we constantly run the risk of being conceived by a State that we think we have conceived" (Bourdieu 1994, pp. 101, 125 and 127; my translation). Bourdieu and Sayad claim that one of the effects of the *pensée d'État* is that it makes us see immigrants and ethnic

minorities as *déplacés*, displaced persons who might disrupt an ideal public order grounded on the idea that political community and nation coincide.

This was probably the reasoning that Catherine Neveu had in mind when she introduced the concept of *nationité.* The French anthropologist conducted research on the Bangladeshi in England (Neveu 1993) in an effort to see whether and how Britain was experiencing the crisis of the nation-state that she perceived as being underway in France. She was curious to see if the situation in a country like Britain, where immigrants from the *New Commonwealth* were entitled to vote, and were generally afforded almost the same rights as the autochthonous population, was better than in France (where individuals who were not citizens in the formal sense had no political rights). Her investigation showed that having political rights did not make the situation any better for immigrants in Britain than for migrants in France: the former still suffered numerous acts of discrimination. In her research, Neveu attributed the ultimate, persistent barrier to the immigrants' "integration" in Britain to *nation-ness*, a term indicating the sense of belonging to a national community, that Neveu translated into French as *nationité*. According to the anthropologist, this is a "symbolic boundary" that, in France and Britain alike, "is widely used as the means by which the legitimacy of individuals' and groups' demands and actions is measured" (Neveu 1993, p. 326; my translation).

Neveu's findings were certainly not isolated. Many other studies showed how migrants' access to formal citizenship often does little to ensure their real enjoyment of the rights this bestows due to the persistence of various forms of social and administrative discrimination (Castles and Davidson 2000). The colonial past of the Old World also contributed to making immigrants, especially those of color, come to be perceived as "European others" (El-Tayeb 2011). The symbolic border between first- and second-class citizens was also underscored by studies on the discourses pronounced by representatives of the institutions during ceremonies for the granting of citizenship (see Byrne 2012, for example).

This symbolic border between national and non-national citizens is especially evident in the case of the Roma,[3] and it leads to them being perceived as "internal enemies" (Sigona 2003), who exist not as individuals, but as an undifferentiated mass (Sibley 1981, Fonseca 1995). The anthropologist Piasere clearly explains why:

> Every group lives in what we can call a 'xenological system', which demands the acknowledgement of different degrees of foreignness, starting from an 'us' that is merely a self-construction. Within a given State, there can be as many xenological systems as there are self-constructed versions of 'us' (…). There is also a xenological system that we might call 'official', the one constructed and adopted by the various representatives of the State and the public administration. This system formally relies on legal provisions, a vast cultural construction in which the weight of tradition is fundamental, as in all cultural constructions. In the official xenological system, the concept of 'us' means the set of people who possess what is called 'Italian citizenship'. (Piasere 1996, pp. 23–26; my translation)

Piasere goes on to explain, however, that the official xenological system does not acknowledge all Italian citizens as "us". Along with people not in possession of Italian

[3] The accent on the allegedly fixed and innate features of Romani people (their "mentality") is perceived not as racial, but as "cultural" (Picker 2017, p. 139).

citizenship, it also excludes those who – though not foreigners – are not recognized as entitled to access the material and legal resources of citizens, and this particularly concerns the Roma and Sinti:

> From the earliest documents dating as far back as the 15th century, it is clear that Gypsies enter Europe definitely intending not to participate in the political processes of domination/subjugation that characterized European states of the time. As nation-states emerged in the ensuing centuries, these communities became an annoying issue to solve and defeat (…). This is when a truly anti-Gypsy judicial tradition came to be defined, where being nomadic (a drifter) and being a foreigner were practically taken to mean the same thing (…). That is why I feel we can say that, if one of the main pillars of the construction of modern States is their hostility towards other States, another is surely their being anti-Gypsy/nomad. (Piasere 1996, pp. 23–26; my translation)

Inspired by the works of Foucault, Brantlinger and Ulin remind us that, during the formation of the nation-states, being of no fixed abode (whether you were Romani or anyone else) was extremely frowned upon, defined as vagrancy and tantamount to a crime. This is partly because it was in opposition to the fundamental value of property on which the nascent capitalism was based. The status of "the vagrant, who works only enough to survive, exercises no fixed relationship to property, either as owner or as worker" (Brantlinger and Ulin 1993, p. 41) was always uncertain, and consequently escaped the net of bureaucratic and police control over the population developing at the time.

Again, according to Piasere:

> now that the 'statification' of our planet is complete, the gypsies remain – within these States – among the few to question the great principles on which they are founded. These are the characteristics that lead gypsies to occupy a particularly wretched place in our xenological systems, near the boundaries, as far as possible away from 'us', almost outside the system (…). In many European countries, including Italy, the resident Gypsy populations are in the vast majority of cases citizens of those States. Nonetheless, judicial norms and local and personal cultures coalesce to turn them into 'foreigners' (…). The analogy nomad/Gypsy = foreigner is a constant of our collective subconscious, confirmed and perpetuated by official provisions, whereby the conclusion that continues to be repeated is that nomads, like foreigners, should not benefit from the rights associated with citizenship. (Piasere 1996, pp. 23–26; my translation)

The anthropologist clearly sees a sort of alignment and mutual reinforcement between legal and nonlegal (scientific, popular...) cultures in adopting stereotypic attitudes to Roma and Sinti people, and especially the stereotype that sees them as unequivocally foreign and deviant. This crucial issue was discussed on several occasions by Alessandro Simoni, professor of comparative private law at Florence University. In several interesting articles, he analyzed the perception of Roma and Sinti people in European and Italian legal culture from a historical standpoint, identifying the links with the situation today. Simoni underscored how the criminological positivism "that carried so much weight between the 19th and 20th centuries and was, for a long time (with echoes still observable today), one of the products of Italy's legal culture that met with the greatest success abroad, made room for publications that were ferociously anti-Gypsy" (Simoni 2015, p. 160; my translation) – such as *La polizia giudiziaria. Guida pratica per l'istruzione dei processi criminali*, published in 1906, Italian translation of the famous

Handbuch für Untersuchungsrichter by Hans Gross (founder of the prestigious Austrian criminalist school), first published in 1893 (English translation *Criminal Investigation: A Practical Textbook*, 1924). The text is a "classic of 'scientific' anti-Gypsyism" (Simoni 2015, p. 157) that aimed to serve as a compendium of all the nonlegal notions deemed essential to judiciary policing activities and the preparation of legal proceedings. Translated into at least eight languages, it had an enormous influence and circulated widely all over the world, partly thanks to its presentation as a manual of applied criminology. The book played a very important part in disseminating the stereotype of the "criminal Gypsy" (the book describes "gypsies" as having an inborn dangerousness, a tendency to steal and cheat). The work was received with unanimous enthusiasm by Italian positivist criminologists too.

Another work that exemplifies the image of "gypsies" (who had still come nowhere near to being acknowledged as "Roma and Sinti") in the Italian and European legal culture of its time is the small volume significantly entitled *Il problema di una gente vagabonda in lotta con le leggi*" [the problem of a vagrant people at war with the law], published in 1914 by the Neapolitan magistrate Alfredo Capobianco. The author sought to convey all sorts of information about "gypsies" encountered in his experience as a magistrate in southern Italy, on the strength of which he subsequently devised a recommendation that legislators introduce particularly severe measures to control them. Capobianco described "gypsies" as a homogeneous sect, a "race", whose members all share an aversion for work, a lack of morals, and nomadism (when he mentioned the existence in Hungary of sedentary Roma, he described them as an example of gypsies who were no longer "authentic"). The magistrate also described them as unavoidably *foreign*, and, on this issue, Simoni comments:

> Capobianco is certainly not alone in this construction of a xenological category irrespective of citizenship in the formal and legal sense, neither in his time nor in ours. His case is more than usually surprising inasmuch as he argues on the grounds of his experiences as a magistrate in contact with gypsies in southern Italy – contacts that seem to have been, without exception, with groups who had ancient roots in Italy. Glancing through his work, the names that recur are not Bogdan or Hudorovic, but Bevilacqua, Berlingeri, Rizzo, Sacarella, Bruno – all surnames still widespread among the Roma of southern Italy. (Simoni 2011a, p. 1292; my translation)

That the attitude to Roma and Sinti emerging from Capobianco's book dominated the legal culture of the time is demonstrated by the fact, among other things, that the volume was reviewed in important legal journals, and some reviews made no attempt to question the picture of gypsies painted by the Neapolitan magistrate. Even in the work of a jurist as highly respected at the time as Eugenio Florian, who co-authored with Guido Cavaglieri an important work on vagrancy at the end of the 19th century (Florian and Cavaglieri 1987–1900), gypsies are described as a single, uniform set, a nomadic "race" with their own language, dedicated to criminal activities in order to access economic resources (Simoni 2011a).

Representations of Roma and Sinti impregnated with negative stereotypes had a crucial role in the introduction of discriminatory legislation. The most striking example comes from France, where the famous "Law on the exercise of travelling occupations, and regulations concerning the circulation of nomads" was introduced in 1912. This law (which remained in force up until 1969) made it compulsory for *nomades* over 13 years

old to obtain an "anthropometric ID card" to present for stamping by the municipal police on arrival and departure in a given town. Heads of families were obliged to have a "collective ID card" containing information about the composition of their families, and the fingerprints of children under 13 years old. A complex system of registration plates was then required for the *nomades'* vehicles. There were extremely severe penalties, including detention and fines, for any violations of these obligations. Despite using a category such as "nomads" that was not (strictly speaking) ethnic, this legislation "was unambiguously anti-Gypsy" (Simoni 2011a, p. 1296). If any were needed, proof of this lay both in the preparatory work (which was very explicit on the issue), and several research doctoral dissertations discussed at French universities in the years immediately after the law's approval. These dissertations abound with references to Italian positivist criminologists, giving the impression of a representation shared by the European academic legal culture of the time: "gypsies" were seen as an important danger to society on the grounds of a constant reproduction of stereotypes harking back to the works of the first "ziganologists".

The representation of Romani populations as a homogeneous social group with a behavior incompatible with the legal order of a modern nation-state, as expressed by the legal culture, coincided with the dominant view of the nonlegal culture of the time. This is because the positivist criminologists came to certain conclusions based largely on 19th-century studies on the Romani people already shaped by the stereotype of the criminal "gypsy". From the very influential *Die Zigeuner* by Heinrich Grellmann in the 18th century onwards, gypsies had always been associated with poverty, mendacity, vagrancy, marginality, and criminality. In striving towards a scientific knowledge of human behavior for prediction and treatment purposes, positivist criminology drove the theorists and judiciary to draw on the human sciences, which were of a racist and eugenic bent at the time. Some years later, with the racial science of Nazi-fascism, the German psychiatrist Robert Ritter even went so far as to claim that "gypsies" were a social evil because they had a dangerous genetic defect that he called *Wandertrieb*, or nomadic instinct. As we know, this cultural milieu subsequently paved the way to historical episodes like that of the Porrajmos, the mass killing of Roma and Sinti in the concentration camps (Matras 2015, Taylor 2015).

3. The "Land of Camps": legislation and political provisions for the Roma and Sinti in Italy

Alessandro Simoni explained how, after the First World War, with the decline of the "positive school" and the rise of a "technical-legal" orientation, empirical knowledge of the causes of crime and typologies of delinquents took second place among the intellectual priorities of the jurists interpreting the laws in force at the time. The tendency towards some form of integration between penal law and the social sciences gradually faded in the early years of the new century (Simoni 2015). In the legal world, this meant that knowledge about the Roma and Sinti remained largely "frozen" and, without further input, lawyers tended either to stick to the old sources or to rely on popular stereotypes of Gypsies. Their training generally ignored, or barely touched on the anthropological and sociological analyses of today, which have radically changed our understanding of the Romani populations.

The old term 'gypsy studies' has since been replaced by Romani Studies, and the enormous amount of empirical research conducted in recent decades has given rise to a completely different, much more articulated picture of the Roma and Sinti from that of the past. It has dismantled the idea of a homogeneous community, and shown their remarkable heterogeneity, breaking down a number of stereotypes, including that of the "nomads by nature". A greater political participation of the Roma and Sinti has also added to what we know about this "galaxy of minorities" (Dell'Agnese and Vitale 2007), enriching it with their point of view. But these developments "seem to remain light years away from the planning offices of the ministries and from the legislative assemblies" because of "an apparent incapacity of the institutions, even on the higher levels, to select and use what is produced in the world of research and civil society" (Simoni 2014, p. 73; my translation). This is particularly true in the case of Italy, where the legal world's inability to review its stance "facilitated the creation of long chains of transmission of stereotypes spanning centuries" (Simoni 2011b, p. 15). A significant example lies in that, in 1976, the prestigious *Enciclopedia del diritto* (Panagia 1976) still included the term "mendacity" directly associated with the term "gypsies" drawn from the dictionary of criminology edited by Florian and others in 1943 (Galimberti 1943), which referred in turn to the analyses conducted by the previously-mentioned Hans Gross.

As concerns Italy at least, Simoni claims it is ultimately legitimate to ask ourselves:

> how much Capobianco's thinking has really been overcome (…). For the vast majority of those who professionally interpret and apply legal norms, isn't the idea of 'gypsies', 'nomads', and 'Roma' still perfectly expressed in the title of his book? Aren't 'gypsies' still seen as a 'vagrant people in conflict with the law' or, in other words, as people with a uniform and clearly defined set of characteristics, nomadic (insofar as legal decisions are concerned, 'nomad' is quite simply synonymous with 'gypsy'), in constant conflict with the rules established by the State? (Simoni 2011a, p. 1279)

The professor from Florence provided plenty of evidence to support his claim, though I cannot go into detail for want of space. What I am interested in further analyzing here is how the stereotype of the Romani as "foreign" and "nomadic" induced Italy to establish "nomad camps". This was a typically Italian way to manage the question of where the Romani populations should live,[4] a physical materialization in the urban environment of an otherness perceived on a cultural level.

The origin of nomad camps in Italy dates from the 1960s and 1970s, and can be traced back to the gradual transition of many Roma and Sinti communities at the time to a sedentary lifestyle. This was due to several factors, including drastic changes in the transportation industry, evolving economic activities, a growing inflexibility of the bureaucratic processes and of the State, a gradual shrinkage of the spaces where they could stay, and the decline of the Roma's traditional itinerant trades. With the loss of appeal of travelling entertainment (fairgrounds and circuses), their typical occupations, the Sinti lost the way to legitimize their temporary settlement in a given place. Around much the same time, again starting in the 1970s, signage with the words "No nomad parking" appeared all over Italy, and no legal, state or administrative powers intervened to establish their illegitimacy. The caravans of travelling Roma and Sinti were

[4] Italy holds the dubious distinction of being described as the "Land of Camps" (European Roma Rights Center 2000).

consequently obliged to keep moving, especially in northern Italy. The politics of expulsion adopted by almost all the cities in the north made the life of these families precarious and prevented the children from going to school on a regular basis.

Having to address the housing needs of the Sinti and Roma community prompted the creation of the so-called "Aree attrezzate a sosta" (areas equipped for short stays), a particular mix of State-subsidized welfare and social control. These areas were commonly referred to as "nomad camps"[5] and, though initially conceived as a temporary solution, they crystallized over time to become the status quo, with no real effort being made to develop alternatives. They have consequently turned into permanent ghettos.

While the nomad camps were being conceived and developed, the legal authorities began the process of justifying and bureaucratically supporting such a solution. In 1984 the first regional laws "in defense of the nomad culture" were passed, whereby the nomad camps were officially recognized as the solution to the "Gypsy issue" in Italy (Sigona 2003). An element common to the various regions' provisions was the acknowledgement of nomadism as a cultural trait of the Roma and Sinti, and this safeguarded their right to be nomadic and to stay within the regions' territories. This explains the core role in all the legislation of provisions regarding the creation of specifically-equipped sites where nomads could park and transit. The laws have titles such as: "Intervention to safeguard the gypsy and nomadic population" (L.R., Liguria, n. 21/1992); "Measures to favor the inclusion of nomads in society, and to safeguard their identity and cultural heritage" (L.R., Umbria, n. 32/1990); "Norms for nomadic minorities" (L.R., Emilia-Romagna, n. 47/1988); "Safeguarding the population belonging to traditionally nomadic and seminomadic ethnic groups" (L.R., Lombardia, n. 77/1989); and "Intervention to safeguard the culture of the Roma and Sinti" (L.R., Veneto, n. 54/1989). Clearly, on the level of regional legislation, the identification of 'nomads' as a specific ethnic set, with cultural and linguistic peculiarities of their own, was widespread and taken for granted (Simoni 2008).[6] Luca Bravi and Nando Sigona explain how difficult it is to define a population's culture within the context and boundaries of a law. There is a serious risk of trivializing and oversimplifying its traits in a few broad categories and notions, instead of respecting its fluid nature (Bravi and Sigona 2006). In fact, there is a distinct divide between the lifestyle of various Romani groups that are now sedentary (or much less itinerant than in the past, at least), and what the regional laws aimed to protect, which was essentially the right to a nomadic lifestyle. As it turned out, the sites intended for the local Roma and Sinti populations subsequently became places of permanent residence mainly for Roma arriving in Italy from Eastern Europe in the 1980s and 1990s – people who had been used to living in houses in their cities of origin, and who had never wanted to live in a camp.

So, in the Italian social construct, "Gypsies" were people who wanted to live in camps. They were not seen as Italian citizens, and their ethnic background justified the denial of those rights and services guaranteed to other Italian citizens. For instance, the institutional office for issues pertaining to the nomad camps and their inhabitants was

[5] For further comments on the factors that led to the creation of the nomad camps in Italy and their characteristics, cf. Bravi and Sigona 2006.

[6] Some regional laws have since changed; others (as in the Veneto) have been repealed.

dubbed the "office for nomads" or the "office for foreigners and nomads" in many municipalities, even though they were concerned with Roma or Sinti who were Italian citizens (Bravi 2009).

The existence of a legal culture incapable of formulating an articulated and realistic view of the Roma and Sinti groups unavoidably facilitated the adoption of discriminatory legislation and political actions (Simoni 2011b). This is what happened in Italy in the so-called "emergency phase" (2008–2011) when policies concerning the Roma and Sinti were implemented (Pasta 2017). A few episodes (abundantly covered by the media and instrumentalized) like the killing of an Italian woman by a Rom from Romania prompted the Berlusconi government to declare "a state of emergency lasting one year due to nomadic communities settling in the regions of Campania, Lazio and Lombardy", under a law (N. 225 of 1992) that gave sitting governments the power to declare a state of emergency for natural calamities or catastrophes. This was the first time in the history of the Italian Republic that an ethnic group was earmarked as a risk to civil society. The antilegal nature of such provisions derived from "the construction of a category – that of the 'nomad' – that acquired unequivocally ethnic characteristics, and it represented the emergence in the normative language of a negative stereotype that had already prompted, but in a less obvious manner, an infinite number of discriminatory practices against the 'Gypsies'" (Simoni 2009, pp. 219–220; my translation). This amounted to a special jurisdiction of sorts in matters pertaining to the Roma and Sinti. The only relatively recent example of a legislative system discriminating along ethnic lines concerns the so-called "racial laws", the judicial basis and framework for the persecution of the Jews in 1938 and 1939 (Cherchi and Loy 2009).

During this period, provisions were also implemented to conduct a census and identify the Roma and Sinti (even minors) living in the authorized nomad camps and on illegally occupied sites, irrespective of their citizenship. The older Roma and Sinti people who had experienced them immediately drew comparisons with what had happened to them under fascism. One study conducted by a coalition of European associations and non-governmental organizations in May 2008 spoke out against the role of national political forces in driving the unusual wave of xenophobia and racism against the Romani population in Italy at the time. It underscored how episodes of physical and verbal abuse against Roma and Sinti people increased enormously in terms of their frequency and seriousness from April 2008 onwards, becoming a structural component of Italian life (Center on Housing Rights and Evictions *et al.* 2008). This process was favored by the Italians' very limited knowledge of the Romani peoples' "world of worlds" (Piasere 1999), which facilitated the diffusion of stereotypes and prejudice (Arrigoni and Vitale 2008). Italy is the most Romaphobic country in the European Union, with 86% of people manifesting negative views about the Roma.[7] Nowadays, like before, stereotypes that depict Roma and Sinti as irremediably foreign and "other" pave the way to persecutory policies against them. This is partly due to the fact that in Italy there has never been a clear analysis and a collective acceptance of the country's responsibility for the

[7] Source: Spring 2015 Global Attitudes Survey.Q45a-c.

persecution of the Roma and Sinti under fascism,[8] and their extermination in the Nazi concentration camps.

The change of government in November 2011 brought in a new phase for the policies for Roma and Sinti people in Italy – on paper, at least. Andrea Riccardi, then Minister for Cooperation and Integration in the Monti government, promoted an interministerial round table to implement the Communication n. 173/2011 from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions: An EU Framework for National Roma Integration Strategies up to 2020. This led to the Strategia nazionale d'inclusione dei rom, dei sinti e dei camminanti 2012/2020 [National Strategy for the Inclusion of Roma, Sinti and Walkers 2012/2020], submitted to the European Commission on 28 February 2012. The strategy abandoned an ethnicizing and criminalizing approach in favor of a social view, setting such goals as the inclusion of Roma and Sinti as part of a process of cultural growth involving the whole of society, and replacing the nomad camps with various alternative residential solutions. Several years after the Strategy's adoption, however, it is clear that these good intentions have so far remained largely a dead letter (De Vito *et al.* 2019) due to factors such as "inaction on the part of local bodies (starting with the regional authorities), a lack of adequate central coordination, continuous delays, resistances, a deeply-rooted anti-gypsy sentiment, a shortage of courage, and a weakness of the UNAR (the Italian office against racial discrimination)"[9] (Pasta 2017, p. 744). Meanwhile, local authorities have continued to spend money on setting up camps exclusively for the Romani: the Associazione 21 Luglio (2017) estimated that €31,860,000 were spent on action to segregate them during the years 2012–2016, in addition to the outlay for the ordinary maintenance of the "camp system" (Associazione 21 Luglio 2017, p. 745).

4. Research in Italy on antigypsyism, legal culture and sentencing

4.1. Presumed child kidnappings

The "gypsy who steals children" stereotype has deep roots and dates back a long way. It is discussed, for instance, in Hans Gross's previously-mentioned book *La polizia giudiziaria* published at the end of the 19th century (cf. section 2). In a chapter dedicated to the "stealing of children", the author writes: "gypsies are said to kidnap children, and this myth still fills mothers living in the countryside with terror today". He goes straight on to add that: "in actual fact, no authentic reports can be quoted as proof of this" (Gross 1906, cit. in Simoni 2019, p. 42). Being written in a book that is otherwise bursting with antigypsy stereotypes, this is particularly significant for the purposes of demonstrating the inconsistency of such a myth. But old beliefs die hard, and that is why the research group coordinated by Leonardo Piasere ran two parallel investigations into reports of children being "taken" from the non-Roma by the Roma, and from the Roma by the non-Roma. Tosi Cambini (2015) examined how many Roma and Sinti people had been sentenced by the Italian law courts for kidnapping a child during the years from 1986–2007. Saletti Salza (2010), on the other hand, looked at how many Roma or Sinti children

[8] Studies on this page of Italian history only go back a decade, and the Memors project (see www.porrajmos.it) is the first organic research to be conducted on the topic.
[9] Which was responsible for coordinating the measures.

had been placed in foster care and/or put up for adoption by the juvenile courts and given to non-Roma families during the years 1985–2005. Both these studies generated some useful quantitative and qualitative data.

Tosi Cambini consulted the ANSA (national press agency) archives for the years between 1986 and 2007. There were 29 episodes mentioned, only six of which led to a court case and penal action. The complaints were brought in: Desenzano del Garda in 1996; Castel Volturno in 1997; Minturno in 1997; Rome in 2001; Lecco in 2005; and Florence in 2005. These six cases were analyzed, based on the legal dossiers, interviews with public prosecutors and lawyers, and the author's attendance at the hearings in two of the cases (Lecco 2005 and Florence 2005). The analysis takes several perspectives (ethnographic, anthropological-legal, and ethnomethodological).

The first important finding was that no children had ever been kidnapped by Romani people during the 20 years considered. The 29 cases all concerned *attempted* kidnappings, or rather what were *reportedly* attempted kidnappings. The stories revolve around the same few elements, painting much the same picture. In most cases, it was a matter of "one woman's word against another's" (the child's mother accusing a Roma woman). There were no witnesses. The episode often occurred in crowded places, such as a market or high street. Nobody intervened to help the mother. Quite often, the mothers mentioned being afraid there were "dark motives behind the kidnapping". They (or other figures) thought vehicles or people in the vicinity were the gypsy's accomplices (though the investigations routinely disproved this impression). Combined with the fact that no kidnappings involving Romani ever actually took place, the long period of time and the vast territorial area (the whole of Italy) involved in these cases suggest that such repetitive features of these stories are no mere coincidence. Using the tools of social psychology, the author explains that this phenomenon derives not from a sort of "psychosis", but from simple processes of classification that activate a stereotype. Taking the cognitivist perspective, knowing that a person belonging to a given category has been attributed certain characteristics influences how we encode, interpret, memorize and retrieve information regarding that person. It gives rise to expectations that then make us more likely to absorb information congruent with them (Arcuri 1985). So the stereotype permeates the whole cognitive process, but people are largely unaware of any activation of their own stereotypes. They are gullibly induced to assume that what they have "seen" is not the fruit of their interpretation of reality, but has actually taken place.

Turning to the six cases that came to court, it is clear that an awareness of these cognitive processes was not uppermost in the minds of the magistrates. In several cases, they judged as sufficient "proof" of the mother's claim that someone had attempted to kidnap her child (often in the absence of witnesses) the simple assumption that she would have no interest in lying, or the fact that she was able to give a consistent and credible account of what happened, unlike many of the Roma women accused (who, we need to bear in mind, belonged to groups in a socially and legally weaker position). As Simoni explained, this situation can be partly classified in terms of witness psychology, abetted by a severely inadequate and dubious education of jurists and future magistrates. In fact, the jurispositivist model that still characterizes the courses held at Italian universities today seems wholly unsuitable for training jurists to cope with the complexities and reticularities of the postmodern legal field (Blengino 2019). This helps to explain why the

legal world has never really questioned the 19th-century assumptions regarding the reliability of witnesses based on principles formulated in the so-called "classical school" of penal law. According to these assumptions, witnesses would see and perceive what happens before their eyes, and only give false testimony if they have an interest in doing so. Even today, traditional jurisprudence based on these theoretical assumptions considers it unnecessary to seek any proof of a witness's testimony – with distinctly penalizing effects for a Roma woman accused of trying to kidnap a child (Simoni 2019). Another discriminatory element for the women accused, that led magistrates to give more credit to the mother's story, lies in that cognitive patterns are cultural constructions and consequently inter-subjective, as cognitive anthropology has shown.[10] All members of a society can be influenced by them, magistrates included, especially if they have paid little attention to the contemporary debate in the area of Romani Studies, as in the Italian case (cf. section 3). To explain this phenomenon, Tosi Cambini draws on the ethnomethodological perspective, recalling the studies (such as Garfinkel 1956 and 1963, Gluckman 1963) that clearly describe how those administering the law took a common-sense approach to examining the "moral character" of witnesses. They go to show how the interpretative procedures of *practical reasoning* emphasized by the ethnomethodologists (Garfinkel and Sacks 1970) come to bear on the application of the penal code. Authors like Brannigan and Levy (1983), Sudnow (1983), Lynch (1982), and Atkinson and Drew (1979) published numerous studies demonstrating how people in a courtroom tend to be influenced by countless mechanisms emerging from day-to-day conversation (Komter 1994). Similar studies were conducted in Italy too, albeit much more rarely (cf. Giglioli *et al.* 1997, Quassoli 2002, Balloni *et al.* 2004, Mosconi and Padovan 2005). From this analytical perspective, the magistrates involved in the episodes described in *La zingara rapitrice* generally seem to share the prejudice voiced by many citizens, or at least to disregard the need to correct it or compensate for it. They do not appear to be particularly backward, obtuse or "racist". It is simply that they convey the ideas and interpretations of the society to which they belong. With significant, laudable exceptions, the legal class is undeniably bound by an arid technicism. It can hardly be expected to take independent action to correct the deeply-rooted distortions of others (Simoni 2019).

In the six cases analyzed by Tosi Cambini, the influence of these factors on the penal process and sentencing gave rise to criminalizing stereotypes regarding "nomads" in the judges' sentences, and consequent excesses in the use of measures such as arrests in the act, remanding suspects in custody pending trial, and sentencing to imprisonment[11] well beyond what was demanded by the evidence of guilt or real security needs. In the proceedings at Desenzano del Garda in 1996, for instance, the order of the Court of Appeal in Brescia n. 216/97 states that:

> given that the accused's heinous crime, *combined with her nomadic condition*, is an alarming indication of a personality not alien to extremely antisocial behavior, this

[10] And, I might add, the sociology of culture too; cf. the cultural repertoires mentioned by Michèle Lamont (Lamont *et al*. 2002).

[11] In the cases where women were sentenced to prison, this was not because it had ever been demonstrated that they had actually stolen a child, but always on the grounds of an "attempted crime" (art. 56 of the Penal Code).

> makes maintaining the precautionary measure indispensable to safeguard the collectivity (quoted in Tosi Cambini 2015, p. 137; my italics)

Being identified as "nomads" thus becomes a feature of intrinsic dangerousness. When this was combined (as in the case in question) with a criminal record, it prompted a particularly severe judgement. The four-year prison sentence fully accepted the mother's accusations, even though this woman was on a disability pension because she suffered from moderate intellectual impairment and a behavioral disorder. Even for an accused party with no criminal record, being a "nomad" still had a penalizing effect, however. At the trial in Rome in 2001, the accused was a Roma woman with no criminal record, living in conditions of severe social marginalization. She was condemned to 2 years and 2 months in prison, here again merely on the strength of her accuser's statement. The mother in question had also declared she was sure that a van parked near the marketplace where the episode occurred belonged to "nomads" who were likely accomplices, but it emerged afterwards that it was the property of an Italian street seller. Instead of wondering about the reliability of the mother's statements (also in the light of these elements), the judge empathized whole-heartedly with her point of view. When the mother gave her statement at the hearing of 3 April 2002, the judge said such things as: "I do understand [that you are in a state of shock], but you must try hard, otherwise your children won't recover either", and, "Alright, you can step down, thank you. It has been rather distressing, but we had to hear your statement". The first-instance judgement read: "*Just as any mother would have done in her place*, L. reacted vigorously and with all her strength to take back her child" (my italics) (quoted in Tosi Cambini 2015, p. 142).

Labelling Romani people as "nomads" is often entirely unfounded, though the effects it has are very real. At the trial in Castel Volturno in 1997, the judge motivates the accused's remand in custody pending trial by saying that "being a nomad, the accused could run away" (order of the Naples Law Courts n. 253/97), even though she had no criminal record, she held a normal Italian ID card, and she legally resided in an apartment.

The ongoing importance of the issues raised in the study by Tosi Cambini is confirmed by the fact that its publication coincided with a famous episode: on 10 May 2008, a Romani girl was accused of attempting to kidnap a baby in Ponticelli, a district of Naples. This prompted some autochthonous residents to attack the nomad camps in the area, and the Berlusconi government to declare a "state of emergency due to nomadic communities" 10 days later (cf. section 3). The episode is recalled and discussed in an introduction to the second edition of *La zingara rapitrice* (Tosi Cambini 2015), quoting an in-depth investigation (Zito 2011) that brought to light the numerous similarities between this episode and those described in the book. There were no witnesses. There were severe shortcomings and ambiguities in the injured party's statement. It was a case of the mother's story set against the Romani woman's account of what happened. The court assumed that the complainant's version was true even in the absence of any clear, objective elements on which to formulate a judgement. After just two hearings, the court issued an extremely severe sentence, considering that the accused was also underage: she was sentenced to 3 years and 8 months for the attempted kidnapping of a child, with no alternative to imprisonment at the Nisida Juvenile Prison, where she was taken immediately after her arrest. According to the judges in Naples, the girl "is fully integrated in the typical patterns of the Roma culture" that "common experience shows

give rise to members of their community lacking any respect for the rules". They go on to say that "it is the fact of being absolutely integrated in such a lifestyle that, combined with the lack of any concrete processes of analysis of her experiences, makes the risk of relapse real".[12] Citing a series of commonplaces and stereotypes, and using tautological arguments, the Roma girl is thus actually judged guilty of belonging to a criminogenic socio-cultural and family system.

4.2. Juveniles begging and their adoptability

The study conducted by Saletti Salza (2010) on adoptions involving Roma and Sinti children provides the most valuable and in-depth description of the mechanisms triggered when people having to interact with Italy's legal system are classified as "Roma" by the various professional figures involved (Giovannetti and Pastore 2010, Simoni 2019). The starting point of the study, which involved seven juvenile courts[13] (roughly a quarter of the 29 in the Republic of Italy), was the purely quantitative finding that Roma and Sinti minors are overrepresented among the children put up for adoption. They account for a much higher proportion than might be expected for the size of the Roma and Sinti population in Italy. In 21 years, from 1985 to 2005, these seven juvenile courts declared 258 Roma and Sinti children adoptable (plus another 20 not formally identified as Roma or Sinti, which would bring the total up to 278). Out of 8,830 adoptability procedures (each concerning one or more minors), 227 involved children who were Roma or Sinti, who thus accounted for a mean 2.6% of the total, which rose in some years to 8–9% at some of the courts, and reached as high as 12.2% for Florence in 1988). The Roma and Sinti people living in Italy make up only around 0.15% of the total population, and a proportional number of adoptability procedures would be 13, while 227 is 1700% higher than this figure. In the years and the territories covered by the juvenile courts considered, Roma or Sinti children were more than 17 times more likely to be put up for adoption than their non-Roma or Sinti peers. The vast majority (85%) of the children affected by the courts' decisions were Romani of foreign nationality, coming mainly from the ex-Yugoslavian countries, and most of them (58.8%) were under four years old. Based on the figures for the foreign Roma people living in camps at the time, it is reasonable to assume that 13% of the foreign Roma children from 0 to 4 years old in the areas covered by the seven juvenile courts were put up for adoption (Piasere 2010).

These already highly significant findings provide the foundations for the research that Saletti Salza then pursues in line with her anthropological training. The core part of her analysis focuses on the perspectives of the actors (judges, public prosecutors, social workers, other professional figures, and Romani people) variously involved in the proceedings leading to a child being declared adoptable. One of the most interesting aspects of the study lies in its accurate analysis of the role of exponents of the institutions "upstream" from the law courts, in the decision to refer a case to the courts (based on highly discretionary assessment criteria), and especially the social workers who provide the information needed for the court to make its decision. In fact, the investigation conducted by the court relies on the contribution of the social services, and any other operators generally involved with the minor, who routinely update the magistrate on

[12] Naples Juvenile Court, Sentence n. 136/09.

[13] The juvenile courts in Turin, Venice, Trento, Bologna, Florence, Naples and Bari.

the child's conditions. The study effectively shows how human experiences are formalized in legal terms and submitted to impositions depending on how they are "caught" in administrative or legal mechanisms that "mobilize the law" at the discretion of individuals (such as police officers or social workers) who may occupy a relatively low place in the hierarchy of the institutions (Giovannetti and Pastore 2010). Once a situation has been "captured" by the institutions, the culture of the operators involved can have a decisive impact in leading towards one outcome rather than another,[14] even when all the actors consider themselves perfectly impartial and "objective". The judges' self-representation of their actions as being unaffected by prejudice is particularly strong because it is in line with the canon of impartiality (Governatori 2005), with the rhetoric of an impersonal and neutral approach, and with the universalizing posture underpinning the legal field (Bourdieu 1986).

In analyzing these dynamics, Saletti Salza concentrates on the categories and more or less explicit premises that orient the operators' work, and influence what the author calls the "threshold". This is the limit condition that the operators see as detrimental for the minor, a condition of moral and material neglect as described in article 8 of law n. 184/2001 that would justify an application to the juvenile law court to begin an adoptability procedure. Saletti Salza does not examine the cases of minors in Roma communities who were actually exploited and mistreated (cf. Mai 2008), whose situation was such that whether they belonged to Roma families or not was neither here nor there. She focuses instead on the many cases where the "threshold" for identifying minors as being at risk of harm, to the operators' mind, actually coincided with their belonging to a presumed Roma cultural system, which was judged to be lacking, incapable of protecting its children. The condition of jeopardy for the minor was generalized, and a form of mistreatment was envisaged simply because the child was Roma or Sinti, based on the assumption that every Roma or Sinti minor is mistreated. The operators' failure to understand the children's cultural, social and economic background[15] prompts their mobilization of a series of stereotypes. Despite undeniably important differences between the various operators, related to their cultural and professional resources, the study shows that a "fine dust of anti-Gypsy culture" (Piasere 2010, p. 21) influences operators at all stages of any legal procedure and on every level, in the police force and among social workers, from the judges to the presidents of the juvenile courts, and the various other figures in contact with the Roma families. This leads many social workers (but also magistrates) to feel that the very fact of belonging to a Roma family is a factor prejudicial to the minor's interests. As a magistrate in the juvenile court in Venice put it:

> All Roma children should be put up for adoption (…), but it is impossible to work on all of them, so we have to make a choice. (…) Everything is easier if the child is young, because then everything can be constructed from the beginning (…). Theirs is not a culture, it is no lifestyle to live a life of crime and make certain choices for your children. (Interview quoted in Saletti Salza 2010, pp. 388–389)

[14] These findings are in line with comments made by Lipsky (1980) on the role of the "street-level bureaucracy", though Saletti Salza does not quote Lipsky's work.

[15] When social services adopt appropriate methods in their relations with the families, agreeing a useful project in the minors' interests, then more significant elements may be collected during the course of the investigation to enable a proper assessment of the child's living conditions - but Saletti Salza encountered few instances of cases of this kind in her research.

Failure to interpret the cultural context thus leads to the "culturalization" of the Roma's behavior. Their culture comes to be seen as generically passive-defeatist, and Roma minors are undifferentiated, losing their own subjectivity. Intervention to "protect" them thus becomes undifferentiated too. Removing Roma minors from their families becomes an aim of social and civil protection. In many cases, it becomes a tool for defending society rather than an opportunity to deal with any real harm to the children concerned stemming from the social exclusion of certain Roma families.

Analyzing the dossiers also brings to light various cases in which the social services' action to protect a child did not seem to be due to a lack of understanding of the core issue, but – once the process had been triggered – it went ahead automatically, under its own momentum almost, through preset procedural stages. Throughout the process, the voices of the Roma minors and their families went practically unheard. The non-Roma operators spoke in the children's place, invariably interpreting a child's transfer to a children's home or foster family as a positive outcome. This partly explains why, once these minors have been taken from their families, it is hard for them to return. The protection offered often fails in its primary goal of focusing on the child's welfare, even to the point of generating paradoxical situations where it is the legal action that gives rise to minors being materially abandoned when the adults who took them somewhere to beg are physically removed and deported because they had no residence permit.

Failure to decode the minors' cultural environment prompts two possible reactions in the operators, be they social workers or magistrates (Patrone 1995). The first and more common involves their failure to understand the situation being translated into a refusal to acknowledge other cultural, social and family models, and a consequent determination to impose their own, and to strictly enforce the law. The second is the more rare, but nonetheless significant opposite response, a disinterest stemming from the idea that gypsies are so separate from "our" society that their children could never need our help. Both reactions fit the bill for what has been termed *civilized savagery* (Phansalkar 2004), a situation where the more or less conscious prejudice of the cultural supremacy leads to practices of either a resolute assimilationism or a total lack of interest. In both cases, what is missing is a dialogue with the families (Piasere 2010). Saletti Salza found an example of the second type of reaction in the Public Prosecutor's office at the Venice juvenile courts: for a while, this office implemented a selection process on the reports they received, tending to exclude cases that concerned situations considered "habitual" among Roma people, such as absence from school or begging, based on the assumption that they are nomadic (despite the Roma communities in the area being permanently settled). These cases were put aside: the Public Prosecutor's office would drop the case because "the parents' cultural, religious and anthropological characteristics prevent any legal action".

The pendulum would swing between either refusing to recognize the "Roma culture" and strictly applying Italian law or using this "Roma culture" to justify inaction. The same would happen in other settings too, such as the case of marriages contracted only according to a Roma community's rites. In many cases Roma marriages are not recognized because they have not been conducted in accordance with Italian law. But there have also been situations like that of a Bulgarian Roma woman who appealed to the European Court of Human Rights (ECHR) against the Italian Republic because the

police and legal authorities in Italy had failed to investigate her complaint that she had been kidnapped and repeatedly beaten and raped by a Serbian Roma citizen when she was still underage. Based on evidence of a possible marriage according to Roma customs between the victim and the accused, apparently agreed between their two families, the Italian authorities disregarded her complaint. They instrumentalized the culturalist argument as a way to refuse to take responsibility for safeguarding the girl's fundamental rights – and, with a sentence of 31 July 2012, the ECHR judged in her favor (Mancini 2018, pp. 60–61).

The common matrix behind these two opposing attitudes of those administering the law or, in other words, the logical premise behind the antigypsy stereotype that envisages a "Roma culture" as something consistent and homogeneous, echoes in university law departments too, and this is particularly important given their influence on the magistrates' mindset. The *mainstream* legal literature rarely ventures (for the reasons explained in section 3) into "cultural" descriptions, but when it does – even with "tolerant" and "pluralist" intentions – it fails to deconstruct the unifying image of a "Roma culture" (Simoni 2019). The most obvious example comes from the debate on the so-called "culturally-oriented crimes", in which the Roma are now a well-established presence, usually in discussions on how to deal with the issue of children begging. One very successful book claimed, for example, that "the Roma have a 'flexible' way of life; they do not stay in the same place (…); this 'itinerant' lifestyle is due partly to their difficult relations with the permanent populations, and to the latter's suspicious attitude and hostility towards them" (de Maglie 2010, p. 51). These are all oversimplifications that the anthropological literature abandoned some time ago (Simoni 2019, p. 46). But even in more recent publications on the topic, like the one by two penalists who also write in national journals and dailies, there are comments such as: "even Italian individuals of Roma ethnicity exploit their children as beggars, behaving in line with the tradition of the *mangel*" (Gianaria and Mittone 2014, p. 104). The authors even confidently claim that this is "an undeniably 'culturally oriented' crime" (*Ibidem*). Having established that we can speak of the Roma as a set, with no nuances, we just need to see what they are like – and a magistrate who "recognizes" the Roma people as those sitting in the dock or beggars on the street corner will have no doubts. Wishing to remain focused on the matter of "culture", a more appropriate approach would be to assess the cultural value of begging in the *particular group* to which a minor belongs, because the frequency, economic function, cultural valence and modalities of children's begging vary considerably among the groups that could be defined as "Roma". But it is also worth wondering whether the "cultural" issue should really occupy such an important place, or whether it should be part of more general considerations on the overall family, economic and social context in which a child comes to be begging. Paying too much attention to the "cultural factors" tends to overshadow more general aspects. The difficulties of dealing with the problem of Roma children's social inclusion (their begging is just one aspect) using legal repression or the tools of civil rights such as adoptability procedures reveal the need to embark on a serious debate regarding the limits of the law in relation to the condition of Roma minors (Simoni 2019).

5. Conclusive comments

This article supports the value of analyzing relations between Roma people and the law by combining two different theoretical approaches, that of legal culture and the stance taken more recently in Critical Romani Studies. The theories on legal culture examined here led me to attempt a multi-level and interpretative analysis of this construct (Nelken 2004, 2016). The approach of Critical Romani Studies then helped me to choose the aspects on which to focus my analysis in seeking the association between legal culture and general culture. This showed how important it is to approach the topic by looking not at the assumed cultural characteristics of the Roma, but at the processes of their racialization by the dominant society.

I therefore examined the mutually-influencing relations between the dominant stereotypes on Roma and Sinti people and the legal culture (and sentencing) in Italy in relation to the broader setting, also in a diachronic key. Since the way in which those who administer the law see Roma and Sinti people is strongly related to their social and political setting, and the dominant cultural repertoires (Lamont *et al.* 2002), it is clearly essential to study this wider context from a historical standpoint too, and on a national and European scale (Piasere 2004). This enables us to grasp the links between legal culture and general culture, and to understand how the boundary between internal and external legal culture is hard to define – as emerged, for instance, from the study conducted by Saletti Salza, which showed how antigypsy stereotypes influence people in the legal profession and social workers alike. At the same time, it showed that the legal field has specificities that give it an important role in reproducing discriminatory dynamics against Roma people. Legal culture is a powerful resource for classifying and creating identity (Bourdieu 1986, Ferrari 2004), and "a specific kind of institutionalization of a *medium* of the system of action that, unlike others, can probably use force, and is capable of imposing costs" (Pennisi 2006, p. 45; my translation). Jurists have unavoidably always played a key part in processes of stigmatization, marginalization and criminalization of the Roma and Sinti because these processes have almost always involved the use of tools governed by legal norms – penal procedures, police measures, and administrative rulings (Simoni 2011a). In this context, legislation relating to the Romani populations adopts the dominant representation of the Roma and Sinti, contributing to its reproduction at the same time, and clearly emphasizing the close link between the construction of symbolic boundaries and the construction of social boundaries (Lamont and Molnàr 2002).

It proved fundamentally important to adopt an interdisciplinary approach that ensures an exchange between the literature of jurisprudence and the sociology of law on the one hand, and what emerges from contexts like anthropology and Critical Romani Studies on the other. In Italy, when it comes to Roma and Sinti people, jurists are still all too often anchored to theoretical references that are out of date and entirely obsolete (Giovannetti and Pastore 2010, Simoni 2011b). There is an urgent need to expand the interpretative categories by ensuring a dialogue with disciplines that have generated very important research on the topic of antigypsyism, legal culture and sentencing. Some examples come from the works of Tosi Cambini and Saletti Salza, who concentrate – in line with the approach subsequently taken in Critical Romani Studies – on the processes of racialization implemented by the dominant society in institutional settings. They represent the most important and in-depth research undertaken to date in Italy on the relationship between the Roma and the machinery of the law, but they have had very

little resonance in the legal world to date (Simoni 2019). Through the use of theoretical sociological (including the ethnomethodological), ethnographic and anthropological references and social psychology, these studies have shown that those administering the law, but also exponents of other parties involved (social workers, educators, police officers) have an oversimplified, but entrenched attitude to Roma people's identity (Simoni 2019). An identity that they see as featuring a strong adherence to a homogeneous culture that embraces values in contrast with those of society at large. Their "deviance" is interpreted in terms not of the individual but of the Roma collectively, thus becoming a "cultural" issue and prompting one of two opposite reactions: a resolute assimilationism or a determined disinterest (Piasere 2010).

It seems very important to conduct further research that, using the analytical approach discussed here, can fill the gap in Italian sociology of law on this topic, and elucidate whether there have been any changes in this scenario in recent years. It would also be useful to embrace the invitation coming from Critical Romani Studies that we take an intersectional approach, and consider other variables – such as gender, social class, level of formal education, Italian or other citizenship, and so on – that (in addition to being Roma) may influence the sentencing process. By combining the concepts of legal culture and intersectionality, we can see legal culture as the result of intersecting perspectives, and as the complex social phenomenon that it is (Hotz 2010). Finally, paying more attention to the characteristics of different local legal cultures – examining them on the subnational, as well as the national and supranational scale – would enable us to conduct a genuinely multi-level analysis.

References

Arcuri, L., 1985. *Conoscenza sociale e processi psicologici*. Bologna: il Mulino.

Arrigoni, P., and Vitale, T., 2008. Quale legalità? Rom e gagi a confronto. *Aggiornamenti sociali* [online], 59(3), 182–194. Available from: http://hdl.handle.net/10281/5128 [Accessed 3 March 2022].

Associazione 21 Luglio, 2017. *Rapporto annuale 2016* [online]. 7 April. Rome. Available from: https://www.21luglio.org/rapporto-annuale-2016/ [Accessed 28 October 2021].

Atkinson, J.M., and Drew, P., 1979. *Order in Court: The Organization of Verbal Interaction in Judicial Settings.* London: Macmillan.

Balloni, A., Mosconi, G., and Prina, F., eds., 2004. *Cultura giuridica e attori della giustizia penale.* Milan: FrancoAngeli.

Bentley, A.F., 1908. *The Process of Government: A Study of Social Pressures*. University of Chicago Press.

Blengino, C., 2019. Cultura giuridica interna e cultura giuridica esterna. *In:* A. Cottino, ed., *Lineamenti di sociologia del diritto*. Turin: Zanichelli, 163–211.

Bogdan, M., *et al.*, 2018. Introducing the New Journal of Critical Romani Studies. *Critical Romani Studies* [online], 1(1), 2–7. Available from: https://doi.org/10.29098/crs.v1i1.19 [Accessed 3 March 2022].

Bourdieu, P., 1986. La force du droit: Eléments pour une sociologie du champ juridique. *Actes de la recherche en sciences sociales* [online], 64(1), 3–19. https://doi.org/10.3406/arss.1986.2332 [Accessed 3 March 2022].

Bourdieu, P., 1994. *Raisons pratiques.* Paris: Seuil.

Brannigan, A., and Levy, J.C., 1983. The legal framework of plea bargaining. *Canadian Journal of Criminology* [online], 25(4), 399–420. Available from: https://doi.org/10.3138/cjcrim.25.4.399 [Accessed 3 March 2022].

Brantlinger, P., and Ulin, D., 1993. Policing Nomads: Discourse and Social Control in Early Victorian England. *Cultural Critique*, 25, 33–63.

Bravi, L., 2009. *Tra inclusione ed esclusione: Una storia sociale dell'educazione dei rom e dei sinti in Italia*. Milan: Unicopli.

Bravi, L., and Sigona, N., 2006. Educazione e rieducazione nei campi per "nomadi": una storia. *Studi emigrazione*, 43(164), 857–874.

Brooks, E.C., 2012. The Possibilities of Romani Feminism. *Signs*, 38(1), 1–11.

Byrne, B., 2012. A Local Welcome? Narrations of Citizenship and Nation in UK Citizenship Ceremonies. *Citizenship Studies* [online], 16(3–4), 531–544. Available from: https://doi.org/10.1080/13621025.2012.683265 [Accessed 3 March 2022].

Castles, S., and Davidson, A., 2000. *Citizenship and Migration: Globalization and the Politics of Belonging.* London: Palgrave Macmillan.

Cherchi, R., and Loy, G., eds, 2009. *Rom e sinti in Italia: Tra stereotipi e diritti negati.* Rome: Ediesse.

Cotterrell, R., 2016. *Law, Culture and Society. Legal Ideas in the Mirror of Social Theory.* London/New York: Routledge.

Crenshaw, K.W., 1989. Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum* [online], 1989(1), 139–167. Available from: http://chicagounbound.uchicago.edu/uclf/vol1989/iss1/8 [Accessed 3 March 2022].

Crenshaw, K.W., 1991. Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color. *Stanford Law Review*, 43(6), 1241–1299.

De Felice, D., forthcoming 2022. La cultura giuridica come processo sociale. *In:* R. Altopiedi, D. De Felice and V. Ferraris, eds., *Comprendere la sociologia del diritto.* Rome: Carocci.

de Maglie, C., 2010. *I reati culturalmente motivati: Ideologie e modelli penali*. Pisa: ETS.

De Vito, D., ed., 2019. *Civil society monitoring report on implementation of the national Roma integration strategies II in Italy. Assessing progress in key policy areas of the strategy* [online]. April. Prepared by Roma Civil Monitor. Brussels: European Commission. https://op.europa.eu/en/publication-detail/-/publication/08397637-b1ae-11e9-9d01-01aa75ed71a1/language-en [Accessed 3 March 2022].

Dell'Agnese, E., and Vitale, T., 2007. Rom e sinti, una galassia di minoranze senza territorio. *In:* G. Amiotti and A. Rosina, eds., *Identità ed integrazione. Passato e presente delle minoranze nell'Europa mediterranea*. Milan: FrancoAngeli, 123–45.

El Tayeb, F., 2011. *European Others: Queering Ethnicity in Postnational Europe.* Minneapolis: University of Minnesota Press.

European Roma Rights Center, ed., 2000. *Il Paese dei campi: la segregazione razziale dei Rom in Italia.* Rome: Carta.

European Roma Rights Centre (ERRC), *et al*., 2008. *Security* a la italiana*: Fingerprinting, Extreme Violence and Harassment of Roma in Italy* [online]. Brussels: ERRC. Available from: https://www.opensocietyfoundations.org/sites/default/files/fingerprinting_20080715.pdf [Accessed 28 October 2021].

Ferrari, V., 2004. *Diritto e società: Elementi di sociologia del diritto*. Rome/Bari: Laterza.

Florian, E., and Cavaglieri, G., 1987–1900. *I vagabondi: Studio sociologico-giuridico.* Turin: Bocca.

Fonseca, I., 1995. *Bury Me Standing: The Gypsies and their Journey*. New York: Vintage Books.

Friedman, L., 1975. *The Legal System: A Sociological Science Perspective.* New York: Russell Sage Foundation.

Galimberti, T., 1943. Zingari. *In*: E. Florian, A. Niceforo and N. Pende, eds., *Dizionario di criminologia* (vol. 2). Milan: Dott. Francesco Vallardi, 1050–1053.

Garfinkel, H., 1956. Conditions of successful degradation ceremonies. *American Journal of Sociology*, 61(5), 420–424.

Garfinkel, H., 1963. A conception of, and experiments with "trust" as a condition of stable concerted actions. *In:* O.J. Harvey, ed., *Motivation and Social Interaction.* New York: Ronald Press, 187–238.

Garfinkel, H., and Sacks, H., 1970. On Formal Structures of Practical Actions. *In:* J. McKinney and E.A. Tiryakian, eds., *Theoretical Sociology: Perspective and Developments.* New York: Appleton Century Crofts.

Geertz, C., 1983. Local knowledge: fact and law in comparative perspective. *In:* C. Geertz, ed., *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic Books, 167–234.

Gianaria, F., and Mittone, A., 2014. *Culture alla sbarra: Una riflessione sui reati multiculturali.* Turin: Einaudi.

Giglioli, P.P., Cavicchioli, S., and Fele, G., 1997. *Rituali di degradazione. Anatomia del processo Cusani*. Bologna: Il Mulino.

Giovannetti, M., and Pastore, M., 2010. Review of the book: Saletti Salza, C., 2010. Dalla tutela al genocidio? Le adozioni dei minori rom e sinti in Italia. Rome: CISU. *Diritto, immigrazione e cittadinanza*, 12(3), 277–286.

Gluckman, M., 1963. The reasonable man in Barotse law. *In:* M. Gluckman, *Order and Rebellion in Tribal Africa.* New York: Free Press, 178–206.

Governatori, S., 2005. La debolezza dei rom di fronte al diritto: spunti dall'esperienza di un giudice. *In:* A. Simoni, *Stato di diritto e identità rom.* Turin: L'Harmattan Italia.

Grönfors, M., 1979. *Ethnic Minorities and Deviance: The Relationship between the Finnish Gypsies and the Police.* Helsinki University Press.

Grönfors, M., 1981. Police Perception of Social Problems and Clients: The Case of the Gypsies in Finland. *International Journal of the Sociology of Law*, 9(4), 345–359.

Gross, H., 1903. L*a polizia giudiziaria: Guida pratica per l'istruzione dei processi criminali.* Turin: Bocca.

Heuss, H., 2000. Anti-Gypsyism Is Not a New Phenomenon. Anti-Gypsyism Research: the Creation of a New Field of Study. *In:* T. Acton, ed., *Scholarship and the Gypsy Struggle.* Hatfield: University of Hertfordshire Press.

Hotz, S., 2010. Understanding Legal Culture through the Intersection of Law, Culture and Gender. An example from Japanese Family Law. *Journal of Comparative Law*, 5(2), 194–215.

Izsàk, R., 2009. The European Romani Women's Movement: The Struggle for Human Rights. *Development*, 52(2), 200–7.

Kóczé, A., 2009. The Limits of Rights-Based Discourse in Romani Women's Activism: the Gender Dimension in Romani Politics. *In:* N. Sigona and N. Trehan, eds, *Romani Politics in Contemporary Europe*. New York: Palgrave Macmillan, 133–155.

Kóczé, A., 2018. Transgressing Borders: Challenging Racist and Sexist Epistemology. *In:* S. Beck and A. Ivasiuc, eds., *Romani Activism: Reimagining Power and Knowledge.* New York/Oxford: Berghahn Books, 111–128.

Komter, M.L., 1994. Accusations and Defences in Courtroom Interaction. *Discourse Society*, 5(2), 165–187.

Kurkchiyan, M., 2012. Comparing legal cultures: three models of court for small civil cases. *In:* D. Nelken, ed., *Using Legal Culture*. London: Wildy, 210–250.

Lamont, M., and Molnár, V., 2002. The Study of Boundaries in the Social Sciences. *Annual Review of Sociology*, vol. 28, 167–195.

Lamont, M., Morning, A., and Mooney, M., 2002. Particular universalisms: North African immigrants respond to French racism. *Ethnic and Racial Studies*, 25(3), 390–414.

Lipsky, M., 1980. *Street-level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation.

Lynch, M., 1982. Closure and disclosure in pretrial argument. *Human Studies*, 5, 285–318.

Mai, N., 2008. *Opportunità e sfide per l'intervento sociale rivolto a minori migranti* [online]. Rome: Save the Children Italia. Available from: http://www.andreasermoneta.it/images/files/rapporto_mai_def.pdf [Accessed 3 March 2022].

Mancini, L., 2018. *La diversità culturale tra diritto e società*. Milan: FrancoAngeli.

Matras, Y., 2015. *The Romani Gypsies.* Cambridge, MA: Harvard University Press.

Mayall, D., 2004. *Gypsy Identies 1500–2000: From Egipcyans to Moon-men to the Ethnic Romany.* London: Routledge.

Mosconi, G., and Padovan, D., eds, 2005. *La fabbrica dei delinquenti: Processo penale e meccanismi sociali di costruzione del condannato.* Turin: L'Harmattan Italia.

Nelken, D., 2004. Using the concept of legal culture. *Australian Journal of Legal Philosophy* [online], 29, 1–26. Available from: http://www.austlii.edu.au/au/journals/AUJlLegPhil/2004/11.pdf [Accessed 3 March 2022].

Nelken, D., 2016. Comparative Legal Research and Legal Culture: Facts, Approaches and Values. *Annual Review of Law and Social Science*, 12(1), 45–62.

Neveu, C., 1993. *Communauté, nationalité et citoyenneté. De l'autre coté du miroir: les Bangladeshis de Londres.* Paris: Karthala.

Panagia, S., 1976. Mendicità (diritto penale). *In*: Giuffrè, ed., *Enciclopedia del diritto* (vol. 26). Milan: Giuffrè.

Pannia, P., 2014. Grammatica di un'esclusione: i rom sotto processo. *Studi sulla questione criminale*, 1–2, 121–135.

Pasta, S., 2017. Rom: dopo l'"emergenza" a che punto siamo? *Aggiornamenti sociali*, 68 (11), 739–753.

Patrone, I., 1995. Il diritto diseguale. Ragazzi italiani ed extracomunitari davanti al giudice minorile. *In:* M. Cavallo, ed., *Le nuove criminalità: Ragazzi vittime e protagonisti.* Milan: FrancoAngeli, 101–110.

Pennisi, C., 2006. La trasparenza della cultura giuridica. *Sociologia e ricerca sociale*, 79, 45–54.

Phansalkar, A., 2004. *A civilized savagery: The story of Stolen generations* [online]. Available from: https://opinion.visualstories.com/civilized-savagery-story-of-stolen-generations [Accessed 28 October 2021].

Piasere, L., 1996. Stranieri "e" nomadi. *In:* P. Brunello, ed., *L'urbanistica del disprezzo: Campi rom e società italiana.* Rome: Manifestolibri, 23–27.

Piasere, L., 1999. *Un mondo di mondi: Antropologia delle culture rom*. Naples: L'Ancora.

Piasere, L., 2004. *I Rom d'Europa*. Bari: Laterza.

Piasere, L., 2010. Presentazione. I fanciulli della tredicesima notte. *In:* C. Saletti Salza, *Dalla tutela al genocidio? Le adozioni dei minori rom e sinti in Italia*. Rome: CISU, 15–25.

Picker, G., 2017. *Racial Cities: Governance and the Segregation of Romani People in Urban Europe.* London/New York: Routledge.

Pound, R., 1910. Law in Books and Law in Action. *American Law Review*, 44(1), 12–36.

Quassoli, F., 2002. Il sapere dei magistrati: un approccio etnografico allo studio delle pratiche giudiziarie. *In:* A. Dal Lago and R. De Biasi, eds., *Un certo sguardo: Introduzione all'etnografia sociale.* Rome/Bari: Laterza, 197–217.

Quiroz Vitale, M.A., 2018. L'esperienza giuridica e la trasmissione culturale. *In:* C. Pennisi *et al.*, eds, *Amministrazione, cultura giuridica e ricerca empirica.* Santarcangelo di Romagna: Maggioli, 33–49.

Ryder, A.R., 2019. A Game of Thrones: Power Struggles and Contestation in Romani Studies. *International Journal of Roma Studies* [online], 1(2), 120–143. Available from: https://doi.org/10.17583/ijrs.2019.4197 [Accessed 3 March 2022].

Saletti Salza, C., 2010. *Dalla tutela al genocidio? Le adozioni dei minori rom e sinti in Italia.* Rome: CISU.

Santoro, E., 2010. Diritto come questione sociale: la prospettiva della sociologia del diritto. *In:* E. Santoro, ed., *Diritto come questione sociale*. Turin: Giappichelli, IX–XVI.

Schütz, A., 1979. Sulle realtà multiple. *In:* A. Schütz, *Saggi sociologici*. Turin: Utet.

Selling, J., 2018. Assessing the Historical Irresponsibility of the Gypsy Lore Society in Light of Romani Subaltern Challenges. *Critical Romani Studies* [online], 1(1), 44–61. Available from: https://doi.org/10.29098/crs.v1i1.15 [Accessed 3 March 2022].

Sibley, D., 1981. *Outsiders in Urban Societies*. Oxford: Blackwell.

Sigona, N., 2003. How Can a "Nomad" Be a Refugee? Kosovo Roma and Labelling Policy in Italy. *Sociology*, 37(1), 69–79.

Simoni, A., 2008. I decreti "emergenza nomadi": il volto nuovo di un vecchio problema. *Diritto, immigrazione, cittadinanza*, 10(3–4), 44–56.

Simoni, A., 2009. Appunti per una "lettura romanì" del "pacchetto sicurezza". *Diritto, immigrazione, cittadinanza*, 11(4), 217–230.

Simoni, A., 2011a. Il "problema di una gente vagabonda". Retrospettiva sulla percezione degli "zingari" nella cultura giuridica italiana. *In:* P. Bonetti, A. Simoni and T. Vitale, *La condizione giuridica di Rom e Sinti in Italia* (vol. II). Milan: Giuffré, 1276–1304.

Simoni, A., 2011b. Roma and Legal Culture: Roots and Old and New Faces of a Complex Equality Issue. *European Anti-Discrimination Law Review* [online], 13, 11–9. Available from: https://www.migpolgroup.com/_old/public/docs/200.European_Anti-discrimination_Law_Review_13_19.01.2012_EN.pdf [Accessed 3 March 2022].

Simoni, A., 2014. Dietro il legislatore, nulla: note esterofile sulla tutela della lingua di rom e sinti in Italia. *In:* P. Caretti and A. Cardone, eds., *Lingue e Diritti II*. Florence: Emmeci Digital Media, 69–76.

Simoni, A., 2015. Postfazione. *In:* S. Tosi Cambini, *La zingara rapitrice: Racconti, denunce, sentenze (1986–2007).* Rome: CISU, 157–62.

Simoni, A., 2019. *Rom, antiziganismo e cultura giuridica: Prospettive di analisi.* Rome: CISU.

Stasolla, C., 2020. *La razza zingara. Dai campi nomadi ai villaggi attrezzati: lo "scarto umano" in venticinque anni di storia*. Todi: Tau.

Sudnow, D., 1983. Reati normali. Aspetti sociologici del codice penale nella difesa d'ufficio. *In:* P.P. Giglioli and A. Dal Lago, eds., *Etnometodologia.* Bologna: il Mulino, 145–176.

Taylor, B., 2015. *Another Darkness, Another Dawn: A History of Gypsies, Roma and Travellers.* London: Reaktion Books.

Tosi Cambini, S., 2015. *La zingara rapitrice: Racconti, denunce, sentenze (1986–2007).* Rome: CISU.

Vallés, M.H., and Nafstad, I., 2020. The persistent oppression of Roma in the legal field: from outlaws to epistemic violence. *In:* O. Pérez de la Fuente, M. Falcão, and J.D. Oliva Martínez, eds., *Struggles for Recognition: Cultural Pluralism and Rights of Minorities.* Madrid: Dykinson.

Vincze, E., 2014. The Racialization of Roma in the "New" Europe and the Political Potential of Romani Women. *European Journal of Women's Studies*, 21(4), 435–42.

Zito, M., 2011. *Razzismo "fuori posto". Una ricerca antropologica sulle violenze ai danni dei rom nel quartiere Ponticelli di Napoli (13 maggio 2008).* Ph.D. dissertation, University of Naples "L'Orientale", unpublished.