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

A person’s relationship with the municipal institutions that manage the registration offices is consequently a matter of almost total indifference, or at most of discomfort, such as manifests when a person believes that he/she needs to—or else perceives himself/herself constrained to—modify his/her registrational status, and thus faces probable queues at the offices of the local administration. Realisation that the full enjoyment of
a vast range of rights depends on the recognition of residency is generally rare, if not altogether non-existent.

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

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

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

And yet, the civil registry did not emerge to guarantee the exercise of social and political rights. It was rather introduced in order to gather information on the population and on its characteristics, above all in terms of population mobility—which is to say, in order to study the composition and movements of the population. The original function of the institution of the civil registry, in other words, was that of monitoring individuals and the way in which they are distributed over the territory.
Within the Italian system, residency is therefore a necessary instrument for the construction of a path of individual “autonomy”, but, at the same time, it is a provision for control, and, as such, limits the possibilities of individual action. Residency therefore has an ambivalent character: its lack makes it impossible for a person to exercise his/her rights, while its possession represents a potential restriction of freedom. Moreover, the registry offices have a profoundly “political” nature: while they appear to be a technical-administrative measure, indifferent to questions relative to the priorities and the founding principles of a society, in reality, they substantially condition societal structures, producing effects in terms of justice and equality.

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

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

The ambivalence of the civil registration thus intertwines with that of social policies. Monitoring and aid are superimposed on top of one another, to such an extent that it is difficult to distinguish between the two. As we will see more clearly below, with regard to certain categories of people, the procedures of enrolment perform not only a function of spatial control but also an activity of social control which simultaneously
influences both mobility and individual behaviours. For homeless persons, for instance, aid is conditioned on a person’s continuous presence in a territory and on his/her readiness to exhibit an attitude which is considered “adequate”.

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

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

Citizenship is surely the most important status, insofar as it represents, both symbolically and materially, the centrality of states in the modern world and in the capitalistic system. But it is not the only status: in the course of the twentieth century, other forms of membership arose, forms
less solid than citizenship. Stay permits, reserved by the states to foreign persons who intend to enter into their territories, constitute forms of partial legal recognition. The relevancy of these legal statuses, which was manifested over the course of the twentieth century, and in particular after the Second World War, reveals the ever more detailed control that the states have attempted to exercise on the freedom of movement of persons and on the recognition of rights to those who are not formally their members. More recently, other forms of membership statuses appeared on the scene: supranational citizenships, and in particular European citizenship, add a further level of regulation to the management of individual mobility and to the recognition of rights.

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

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

The refusal to grant residency, however, produces profound effects which are much broader than might appear at a first glance. Those persons to whom residency is denied, though they are not explicitly forced to leave a territory, are in any case induced to seek in another territory that recognition which they do not find in the municipality in which they live; or else, should they decide to remain there, they will be deprived of rights which they formally possess. Since they are deprived of
municipal membership, their connection with the state and with the European Union is weakened: in the absence of civil registration, full access to healthcare or social services cannot be granted through the possession of a specific stay permit, or even of Italian citizenship. The legal statutes defined on the central and supernational level, therefore, can be emptied of their contents at the local level.

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

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

Finally, this book furnishes analytical elements for studies on the mechanisms of control of mobility and on the effects that these mechanisms produce on the social structure. More specifically, the legal and administrative technologies for regulating residency form measures that exacerbate the level of civic stratification and facilitate a differential
inclusion. As we will see more clearly further on, the persons to whom civil registration is denied, being deprived of the status of local citizens, see their state-level status of recognition weakened along with it: two foreigners who have the same stay permit, and who are therefore equal from the point of view of their condition of semi-membership in the Italian state, find themselves occupying different positions on the scale of stratification if one of them is granted residency and the other is not. These persons, moreover, if they continue to live in the territories in which they are not formally recognised, find themselves in a situation of inferiority and of potential subordination, being deprived of access to services and benefits to which they have the right.

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

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

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

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

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

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

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

In order to better interpret this data, telephone calls were made to civil servants and employees from roughly half of the municipalities involved. The municipal staff were asked to provide details concerning the procedures followed for the recording—or non-recording—of the rejections. At the same time, interviews were carried out with eight key informants:
trade unionists, members of organisations and lawyers who were active in contrasting the measures of exclusion carried out by the municipalities involved in my data collection.

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

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

The third chapter focuses on the concept of local citizenship. In the first part, the multilevel system of membership statuses that characterises the European context is described. Immediately after, it is shown how this system, characterised by an elevated level of civic stratification, includes persons in a differential manner. There follows a dedicated analysis of the politico-economical reasons for this kind of inclusion, describing the basic traits of the regime of statuses that has taken form within the capitalistic system. The second part focuses instead on the concept of local citizenship, its various meanings and the historical experiences of internal mobility and of formal recognition of persons at the municipal level.
The fourth chapter takes as its object the forms of membership statuses in Italy. After having illustrated in detail the legal functioning of residency, we focus our attention on the extra-legal meanings and contents of this status. Subsequently, the slow process that led to the institution of a civil registry in the Italian state is retraced, departing from the first origins and arriving at the recent novelties introduced by the Salvini Decree. In conclusion, the discourse moves to the dispute surrounding the meanings of the legal categories and their application, from which enormous effects derive in terms of the recognition of persons.

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

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

The seventh chapter concentrates on the effects brought about by exclusion from residency, and on the forms of resistance that excluded persons might effect. The first part analyses the objectives of the administrative mechanisms and highlights the social categories which are
subject to discrimination, illustrating in detail the kind of separation that is produced. Subsequently, our focus moves to the reaction that exclusion from residency arouses in the denied persons themselves. Towards the end of better clarifying the broader scope of the regulation of local citizenship being carried out in Italy, the second part of the chapter then presents a brief excursus into other states, highlighting the way in which residency is regulated, and the institutional actors involved in civil registration in contexts like China, the United States and Spain. In conclusion, the diverse principles and issues which are at stake in the regulation of residency are precisely stressed and synthesised.

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

Reference

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