

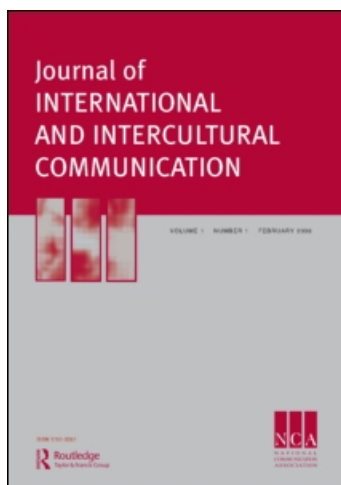
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Susana Martínez Guillem

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# European Identity: Across Which Lines? Defining Europe Through Public Discourses on the Roma

Susana Martínez Guillem

*This paper offers a careful look at the relationships between discursive constructions of minorities and discriminatory policy making in order to better account for the ways hegemonic cultural standards are prevalent in Europe, not only in prejudiced discourse, but also in apparently neutral practices such as institutional law making. By examining the different discourses surrounding a particular controversy—Italy’s so-called “Maroni census”—I illustrate how public rhetoric and policies regarding contemporary Europe’s different ethnic groups reduce racism and discrimination to the blatant deployment of essentializing categories. As a consequence, European institutions are fostering a European identity that, by refusing to acknowledge the existence of dividing, discriminatory lines, is reinscribing the inequalities that come with society’s reliance on those same lines.*

*Keywords: European Identity; Critical Intercultural Communication; Critical Race Theory; Critical Rhetoric; Race and Ethnicity; Roma*

In May 2008, several unauthorized Roma camps outside the Italian cities of Rome, Milan, and Naples were attacked by groups of neo-Nazis, Camorra gangs, and angry residents of neighboring areas after an Italian woman accused a young Roma girl of trying to kidnap her baby. It certainly was not the first time that crime and Roma people were linked with dramatic consequences: Throughout the last decades the Roma have been disproportionately present in media stories across Europe associating them with criminal activities such as the stealing of children or sexual

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aggressions (see Bancroft, 2005; CENSIS, 2002; Triandafyllidou, 1999). This time, however, the violent episodes were followed by the Italian government's declaration of a state of emergency that would allow the governors of these cities to take special measures to deal with what was labeled "the gypsy emergency" ("Maroni Explains Gypsy Census to European Union," 2008). One of these initiatives was the elaboration, in August 2008, of the so-called "Maroni census," named after the Italian Interior Minister, Roberto Maroni. This census would, according to the government, make the people living in these nomad camps "visible" by creating a database with their fingerprints and other information that would allow for their identification. This, the administration's argument followed, would help the Roma integrate by facilitating their access to legal work and education.

The international press, however, was quick to condemn the practice, referring to it as "the census of shame," and pointing to its "echoes of Mussolini" ("Plight of the Roma, Echoes of Mussolini," 2008). The European Union (EU) also expressed its "concern" with this measure and its possible effects—the massive expulsion of gypsies—and released an official resolution asking the Italian government to stop collecting the data and to dispose of the information already collected. The Italian government, however, insisted that the census was not aimed at any specific ethnic group or spurred by a wave of crime-linked anti-immigrant feeling. In the face of protests by different religious and human rights associations—the Italian chapter of Amnesty International, for example, called the move "discriminatory, disproportionate and unjustified"—it submitted its policies to the European Commission, to ensure that they complied with the European law. On the basis of the Italian report, the Commission concluded that the census was not discriminatory as it did not seek "data based on ethnic origin or religion" but only to "identify people who could not be identified in any other way" ("La CE Defiende a Berlusconi" [The EC defends Berlusconi], 2008). The elaboration of the census thus continued and soon after, more than 15,000 Roma left Italy, some deported, others voluntarily, and settled down in other European countries, mostly Spain, France, and Switzerland ("Italy: Many Roma Gypsies 'Gone to Permissive Spain,'" 2008).

In this article I take this episode as a starting point for reflecting on the ideological and structural bases on which the so-called "new Europe" is being institutionally built, a dimension that has not been consistently taken up by communication scholars writing in or on the European context. The progressive enlargement of the EU and the subsequent challenges for its transnational institutions have led in the last decades to a remarkable increase in the amount of research that focuses on the emergent European public sphere, mostly in the form of reflections about what is needed to consolidate it (e.g., Habermas, 1992; Trenz & Eder, 2004). However, thus far, scarce attention has been placed on the ways in which this longed for deliberative space is being discursively and materially shaped such that it systematically excludes those groups that are perceived as Europe's "internal outsiders"<sup>1</sup> (Triandafyllidou, 2001). On the other hand, studies focusing on marginalized communities such as the Roma, although introducing many valuable insights, have only recently started to establish consistent connections between the discriminatory practices they denounce

and the contemporary construction of a European identity (see Bancroft, 2005; Herakova, 2009; Sigona & Trehan, 2009). Thus, historical accounts on the Roma mostly call attention to how they have been convenient social scapegoats in Europe throughout different periods, particularly in former communist states (e.g., Bernath & Messing, 1999; Crowe, 1996; Fraser, 1995), whereas research on contemporary issues tends to concentrate on specific states and/or particular dimensions of prejudice such as media representations (e.g., Erjavec, 2001; Galjus, 1999; Hanganu, 1999).

The primary motivation for my analysis, therefore, is the need for a careful examination of the relationships between discursive constructions of minorities in mediated and public realms, and discriminatory policy making in the different member states and in the EU as a whole. Focusing on these intersections will help us to better account for the ways in which dominant cultural standards are (re)created as a result of the dialectical relationship between the discourses we are enmeshed in—which include prejudiced essentializations but also “progressive” equality notions within mainstream politics—and apparently neutral practices such as institutional law making. As I will show, the interaction of these practices fosters inequalities in different ways, and ultimately the discursive and material realms work together to create a restrictive and exclusionary 21st-century European identity.

Through a closer look at the different discourses surrounding the “Maroni census” controversy, I argue that public rhetoric and policies regarding different ethnic and racial groups in contemporary Europe rely on the assumption that racism and discrimination can be reduced to the blatant deployment of essentializing categories. These beliefs can be seen as embedded in a particular European perception of its own history in which racism is understood almost exclusively as a phenomenon belonging to a shameful pre-World War II past that has now been overcome (Lentin, 2008; Petrova, 2002). The dangerous implications of these assumptions are, on the one hand, the belief that a de-racialized understanding of the legal system is the best strategy to secure a nondiscriminatory society, and on the other hand, that any institutional practice—such as the specific policy discussed here—will not be considered racist, and therefore legally punishable, if it does not explicitly rely on the singling out of specific groups. As a consequence, I will argue, the European institutions are fostering an identity that refuses to acknowledge the existence of dividing, discriminatory lines that systematically exclude some groups from “the ideological and geographical ‘place’ of Europe” (Bancroft, 2005, p. 2). As a result, these European institutions end up reinscribing the inequalities that come with society’s reliance on those same lines. The EU is thus trapped in a vicious circle that can only be broken by implementing changes to the legal system that properly account for existing exclusionary practices.

This discussion thus attempts to direct a critical race approach (Crenshaw, 1988; Delgado & Stefancic, 2000) towards the European context in order to better uncover the unequal outcomes of apparently neutral policies in this particular setting. It also builds on race and immigration scholarship in the United States within the theoretical framework of critical rhetoric (Flores, 2003; Ono & Sloop, 2002) by insisting on the necessity of exploring the rhetorical processes through which borders

are constructed among different groups to uncover the latent discourse of race underneath “nonracial” portrayals and arguments about minorities—whether these are positive, apparently neutral, or negative. Thus, this study takes up and expands the context of Hasian and Delgado’s (1998) call for a racialized critical race theory (CRT) that combines the insights of critical race scholars with those of critical rhetoricians. This multidisciplinary basis, as they argue, is needed in order to account for “race as part of historical, legal, political, and cultural discourses” (Hasian & Delgado, 1998, p. 245). My analysis will try to highlight the possibilities of this approach for European-centered analyses by concentrating on a specific case and reflecting on its implications at a broader level. As Flores, Moon, and Nakayama (2006) point out, critical race scholars demand an emphasis on “historically located assessments of the workings of race” and call for attention “to the specifics of race, as it emerges in concrete conflicts and practices” in order to “uncover the mechanisms that sustain its logic” (p. 184). In the following pages, I will conduct such an assessment by examining public discourses and institutional practices around the Roma in order to reflect on their implications for the ongoing construction of the European public sphere.

### **Race: Biological, Constructed, Both, or None?**

Rhetorically oriented studies that address issues of race (and also of gender) are often linked to McKerrow’s (1989) project of critical rhetoric. As Flores and Moon (2002) point out, this approach, with its emphasis on the significance of both what is present and what is absent in public discourse, seems to be well equipped to analyze overt and covert forms of racism. A generally accepted point of departure for these analyses is an understanding of race as a socially constructed category (e.g., Haney-Lopez, 2004). This constructivist position aligns with a more general approach to rhetoric as constitutive (Charland, 1987/1994) emphasizing the role of discourse in shaping reality in general and, in the case of race studies, our perceptions and evaluations of a particular racial group.

This view, however, has posed some dilemmas for U.S. scholars regarding how best to account for the “materiality of race” without falling into the essentialist trap, especially in these postmodern times (Flores & Moon, 2002). In their widely cited study, Omi and Winant (1986) argued for a possible reconciliation of these two extremes of essence and illusion, urging scholars to substitute *either/or* with *and/both* in this issue (see also Hall, 1996; Lipsitz, 2006). The result was a call for theory that would “avoid the utopian framework which sees race as an illusion we can somehow ‘get beyond’ and also the essentialist formulation which sees race as something objective and fixed, a biological datum” (Omi & Winant, 1986, p. 55).

The specific dynamics found in the European context have led some continental scholars to emphasize the necessity of distinguishing contemporary forms of racism from those that operated under biological assumptions. They argue that, since social constructionism has replaced biology as a way to understand race, it is also a more

adequate framework from which to approach racism. Taguieff (1988/2001) for example, argues for the existence of a “differentialist” or “new” racism. According to this author, this form of racism focuses not on biological but on cultural differences. Differentialist racism would thus emphasize “cultural differences (including lifestyles, habits, customs, and manners) and paint a threatening picture of the mixing and interbreeding of cultures and ethnic groups” (Wodak & Reisigl, 1999, p. 181).

Some critics, however, have pointed out the inaccuracies in seeing differentialist racism as a new and distinct form of discrimination. Wodak and Reisigl (1999), for instance, emphasize that there is no distinction between biological and cultural approaches and that “even the classical, pseudoscientific racism of the nineteenth and twentieth centuries always included a reference to the cultural or national character and to uniqueness” (p. 181). Similarly, one could add, seemingly “new” racism, even though it may emphasize cultural divisions, continues to be linked to physical differences that are treated as essential, and beliefs on the superiority of some races are still very much alive in the semiprivate spheres. This is very much the case with the Roma in Europe, who are still systematically “held in lower esteem than other ethnic groups” (Bancroft, 2005, p. 1; see also Organization for Security and Cooperation in Europe [OSCE], 2005).

In this discussion, therefore, I focus on the degree of explicitness in racist practices and on the need to challenge depoliticizing attempts to confine discussions of race to the realm of personal prejudice. As Lipsitz (2006) points out, “direct, referential and personal racism pales in comparison to the pernicious effects of indirect, inferential, and institutionalized racism” (p. 170). Moreover, I would add, these two manifestations of racism feed each other in important ways: Because rhetorical arguments about race can penetrate into civic society in the form of regulatory discourses that are accepted as common sense, they may pave the way for explicit repressive measures to gain public consent and support more readily. Omi and Winant (1986) draw an important connection between these processes and Gramsci’s (1971/1980) concept of hegemony, arguing that contemporary “racial projects” such as the neoconservative “color blindness” in the United States are hegemony’s building blocks. As such, they perpetuate discrimination as they maintain the illusion of racial equality. Flores (2003) adds an explicit rhetorical dimension to the relationship between hegemony and race, arguing that, for Gramsci, “rhetorical arguments, circulating in society, serve as a type of backup to the more explicit force of police and state institutions” and thus “police and state force could not achieve governmental ideals without rhetorical support” (p. 366). These insights are extremely relevant for my discussion, which tries to make explicit the relationship between institutional policies directed at regulating the social position of minority groups and public discursive representations of those same groups.

Critical race scholars (Crenshaw, 1988; Delgado & Stefancic, 2000, 2001) have been especially effective in pointing out how these hegemonic understandings of race are particularly pervasive at the institutional level, and more specifically in the U.S. legal system. These scholars have emphasized a “call to context” which pays attention to

the particulars of minorities' lives, claiming that this specificity needs to be the basis of any effective civil rights strategy (Delgado & Stefancic, 2001).

A critical approach in general and CRT in particular have been embraced in a number of rhetorical analyses that attempt to point out the explicit or latent discourses of race in contemporary U.S. society (Wilson, 1999). However, whether these discourses are treated as explicit or as implicit, as biologically or culturally based, or as some combination of the two, a common understanding in most of these studies seems to be that it is the existence of our "racial thinking" that leads to inequalities based on physical and/or other types of traits attributed to groups. The "color line" is thus treated as the ultimate obstacle towards a more equal and just society.

But can we automatically translate this understanding of race and racism, a product of a particular space and time, into the European context? Is it always the most appropriate strategy towards social justice even in the United States? Do we have to, like Omi and Winant (1986) claim, always account for race as the "fundamental dimension of social organization and cultural meaning" (p. viii)? Or can we assume, following the insights of CRT scholars, that racism is a natural element in our societies, but still see this color line as always already intertwined with national, religious, class, and/or gender lines, and not necessarily the primary element in these combinations? With this analysis I will try to show that such theorizing is not only possible, but even required when looking at particular discriminatory processes, both within the United States and beyond it. In the next section I reflect on the challenges that tackling these and other important issues present for a European-centered critical study of race relations.

### **Situating Race in the EU Context: The Challenge of "Post-Racism" Ideology**

The study of race and racism in the European context has been marked by a series of structural and conceptual challenges: A first obstacle stems from the diverse experiences and social realities that result from the Western countries' colonial histories, which complicate attempts to explore the marginalization of particular groups at the transnational level. Moreover, as MacMaster (2001) points out, the historical roots and development of racism in Europe "has often been so specific, and formulated through unique stereotypes and entrenched patterns of discrimination, that it makes more sense to speak in terms of *racisms* in the plural, rather than in the terms of a universalizing *racism*" (p. 2). However, at the same time, the contemporary politically motivated European project makes it necessary to consider the implications of nation-based ways to account for "difference" for the whole EU.

Another important difficulty lies in the shadow of Europe's darkest days—represented by the Nazi regime and the Jewish Holocaust—which continues to inform the different national and European antiracist policies, as well as common sense understandings of the extent to which different discriminatory processes may be racialized. As Lentin (2008) argues: "the full realization of the horrors committed in the name of 'Race' after the discovery of concentration camps" made it urgent "to erase 'race' from the lexicon" (p. 319). This consistent reluctance to acknowledge race

as part of the contemporary European scene permeates the different social strata and results in paradoxical effects. Thus, for example, the inability of many governments to collect racial data for official purposes prevents the use of this kind of information for discriminatory purposes but, at the same time, it precludes the development of race-based affirmative-action policies. At a different level, antiracist projects and scholarship are seen as obscuring more fundamental societal divisions and thus they are dismissed, even in intellectual leftist circles, on the grounds that they constitute “culturalist” moves or, even worse, yet another form of cultural imperialism. Thus, “[t]he discussion about the continued conceptual usefulness of race often centres on a continental European versus Anglo-American discussion, which falsely assumes that race is no longer relevant for the former” (Lentin, 2008, p. 319).

In this scenario, it has become increasingly difficult for scholars writing in or on the European context to account for race while still maintaining a credible critical stance—see, for example, the strong criticisms of race-centered scholarship put forward by Bourdieu and Wacquant (1998). At the same time, institutional and grassroots initiatives that try to engage in productive critique of racially based social problems are disregarded as useless, if not misleading, projects. This generally accepted condition of Europe as “post-racist” is also apparent in mainstream political discourse (see Lentin, 2008), and its pervasiveness can be seen as drawing on a founding and still prevalent political European myth: that of cultural homogeneity (Griffin & Braidotti, 2002). In this sense, the uninterrogated notions of post-racism and tolerance of diversity contribute to the normalization of a societal system which, in spite of its rejection of outright expressions of racism, continues to be based upon the exclusion of nondesirable bodies. As Bancroft (2005) points out, the regulation of the position of those groups regarded as “outsider” minorities, such as the Roma, becomes especially crucial in specific historical moments like the current one, in which the EU project is being developed and driven forward. In the following section I consider the ways in which a preferred European identity is consolidated vis-à-vis the systematic exclusion of those constructed as “others” by examining contemporary public discourses on the Roma in Italy and in the rest of Europe.

### **Constructing the Roma Experience: Crime, Immorality, and the Need for “Integration”**

This section briefly traces the historical roots of the Roma as a previous, contextualizing step before exploring the specific circumstances—both material and discursive—that preceded the “Maroni census” controversy. It also looks at the public discourse surrounding the Italian government’s proposal of a census of the Roma, in order to show how before, during, and after the event there was a consistent construction of a Roma identity that drew on biologically and culturally based racism, embedded in nationalist ideology, in order to position this group as an uncivilized and problematic “other.” As we will see, the rhetoric around this controversy is rooted in a larger sociopolitical context which needs to be highlighted in order to better account for and critique its consequences.



*The Roma: A Thousand-Year-Old Exodus*

The several peoples grouped under the label “Roma” can be traced back to nomadic communities which were displaced from India at the beginning of the 10th century (Bancroft, 2005; Fraser, 1995). Their documented presence in Europe starts in the 14th and 15th centuries, when they reached the Southern and Eastern countries and got to be, for the most part, well established in the different societies they entered (Oleaque, 2008). However, the rise of the different monarchies around Europe led to repressive measures aimed at homogenizing what would eventually become independent nation states. The Roma then became targets for prosecution under Eurocentric laws that criminalized their way of life through the implementation of new legally punishable activities such as “vagrancy” (see Bancroft, 2005). The culmination of repressive measures against the Roma in Eastern Europe took place in the form of, what in Romani language was labeled, *porrajmos*—meaning “devouring”—starting in 1940 and continuing during World War II: In this period, between 220,000 and 1,500,000 Roma were exterminated as part of the Holocaust (Hancock, 1987). The fact that the actual number of victims can only be estimated speaks to both the dispersed nature of the Roma identity and the consistent lack of attention that this group has received compared with other ethnic minorities.

But how can we better explore the continuity of race-based, exclusionary dynamics affecting the Roma after World War II? As this analysis will demonstrate, an emphasis on punitive methods of exclusion such as the ones described above does not completely capture the reality of the current historical moment. Even strategies of forced incorporation into a (perceived as) homogeneous society do not account for many of the complexities in the practices exposed here, especially with regards to the legal system. Rather, as we will see, many of the processes taking place at the institutional level are embedded in the rhetoric of a “tolerant” and “multicultural” Europe in such a way that, as Petrova (2002) argues, denial constitutes the new racism. Thus, as Bancroft (2005) explains, the contemporary idea of Europe as a “home, peaceful and prosperous . . . is the veil pulled across the messy, violent, painful history of the existing, historical Europe” (p. 147). In this context, it is important to pay attention to the specific means through which the historically ingrained models of societal order based on the exclusion of “others” are reproduced. More specifically, we need to understand why and how the notion of a “post-racist” Europe coexists with the systematic marginalization and literal exclusion of particular ethnic groups from the idea of Europeanness. As an example of how we can begin this interrogation, I now turn to my case study.

*The Roma and the “New Europe”: Challenging the Italian Nation State*

Even though European countries have a fairly long history of migration, it was not until recently that this phenomenon was reframed to situate, on the one hand, the EU as a wealthy, powerful economy and, on the other, the nonmember states, whose citizens see Europe as a prosperous alternative to the difficult conditions

in their countries. As Balibar (2009) points out, however, one may wonder exactly for how long EU membership will continue to translate into economic and social liberalization.

Since countries such as Slovenia in 2004, and Bulgaria and Romania in 2007 joined the European “club,” their citizens have progressively taken advantage of their privilege to move freely across states. Thus, there have been periods in the last decade of flows of migrants from these poorer economies towards the wealthiest Western European states, and traditional senders of immigrants in Southern Europe have become new and attractive destination countries (Koser & Lutz, 1998)—although the current global recession has considerably reduced and in some cases altered the direction of this flow.<sup>2</sup> However, Eastern Europeans are certainly not the only ones who have left their countries of origin in the last decades looking for a better life in prosperous—at least at the time—Western Europe: North African and Central or South American emigrants, for example, have also embarked on these risky journeys in search of the “European dream.” This phenomenon has led to a rapid transformation in the different destination societies, especially in Southern European states, which has made it difficult to respond adequately to the challenges that it poses (Gutiérrez Rodríguez, 2007; Triandafyllidou, 2001).

Historically a country of emigrants, Italy has gone from having 210,937 foreign residents in 1981 to more than four million in 2006 (ISTAT, 2009). This number currently constitutes around 7% of all residents, with the largest proportions coming from Morocco, Albania, and Romania. To these legal residents, we must add the phenomenon of illegal immigration, which is especially pronounced in Italy and intrinsically linked to the country’s large underground economy. In a growing atmosphere of anti-immigrant sentiment among Italian citizens, Roma people have often been (unwilling) protagonists in controversies related to security and crime rates (CENSIS, 2002). Although the Roma do not have an official nation state, the European country with a highest (estimated) Roma population is Romania, with about 2,500,000 (Marklein, 2005). This does not, of course, mean that they represent all, or even most, Romanians: According to the 2002 census, the Roma constitute approximately 2.46% of the whole Romanian population. Many Roma have lived in Italy for generations, although only a small portion of these are, according to the law, Italian citizens.

### *The Roma as an Inassimilable “Other”: Justifying the Census*

The discursive constructions of the Roma in Italy throughout the 2000s, I argue, set the scene for specific policies with particular outcomes to be implemented with the tacit approval of the Italian public. Thus, these representations manufactured a reality that led to an implicit correlation between the alleged social problems caused by the Roma and the need for measures such as the “Maroni census.”

One way the public European discourse constructed the Roma population as a problematic “other” was by attributing to them essentialized physical or cultural characteristics, together with a presumed (immoral) character. In some extreme cases

this strategy disassociated human qualities from cultural practices such as nomadism, which were then presented as “naturally” Roma. Thus, in 2005, Councilman Pierpaolo Fanton appeared on the local TV news of Treviso, a northern region of Italy, stating: “Nomads, they are animals.” As reported by Nicolae (2006), “he went on to suggest a vaccine for Roma children who, with their saliva and spit, might ‘infect’ Italian children attending the same schools” (p. 138). In February of that same year, after an incident in which two Roma women were accused of trying to steal a baby, Pietro Zocconali, President of the National Association of Sociologists of Italy, was widely quoted in the Italian press as suggesting that killing children was a practice among Roma. He claimed that Roma stole children and then sold them, “sometimes in parts” (Nicolae, 2006, p. 138).

The Roma, and Romanians in general, have also been disproportionately present in the media in the last decade, with news stories often centering on supposedly attempted or perpetrated crimes such as robbery, kidnapping, or sexual aggressions (Sigona & Monasta, 2006). The language used in these reports consistently emphasized the alleged criminals’ violent nature, thus again presenting a dehumanized picture of them. For example, when the police arrested two Romanians—who were later found not guilty—for the rape of an Italian teenager in Rome, *Il Giornale*, a conservative national newspaper, reported: “The Romanian beasts have been caught” (“Rape Inquiry Sheds Light on Racism in Italy,” 2009). In some of these cases there were lynching attempts by Italians as the accused were being taken into custody, even before their involvement in the crimes had been verified. These events support arguments made by other scholars (e.g., Hill, 2008; Santa Ana, 1999) that the use of animal metaphors in the discourse of immigration “enable publics to participate in anti-immigrant practices” (Flores, 2003, p. 365).

Right before the census was proposed, on June 9, 2008, Italian media reported that a settlement of around 100 Romanian Roma in Catania, Sicily, had been attacked and burned to the ground. Interior Minister Roberto Maroni reportedly downplayed the attacks, stating: “As for vigilante attacks on immigrants, that is what happens when Gypsies steal babies, or when Romanians commit sexual violence” (Owen, 2009, para. 32). The direct causal relationship constructed through this statement thus justified violence against certain groups on the grounds of reproachable behavior attributed to Gypsies and Romanians as a whole.

The discourses referred to above not only preceded abusive measures, but they were also used afterwards to justify their legitimacy. Once the “Maroni census” was announced in Italy, these discourses were brought to light again, highlighting the cultural superiority of the authorities and the dubious morality and competence of the Roma as parents, which automatically validated the procedure. The Interior Minister argued that the purpose of the census was to fight crime and identify illegal immigrants for expulsion, but also to improve the conditions of those who had “the right to stay here” and help them to integrate, by sending their kids to school. He said: “We intend to make a census to see who lives in Gypsy camps, who has a right to stay and to live in humane conditions. Those who don’t have a right to stay will be repatriated.” Moreover, Maroni claimed that identification would also serve the

purpose of “reconstructing family relationships, sometimes not very clear, among the gypsies” and would “prevent the exploitation of minors for begging” (“Italy Starts Controversial Plan to Fingertip Gypsies,” 2008). Along similar lines, Italian President Silvio Berlusconi defended the measure as a means of helping Roma integrate as well as stopping gypsies from forcing their children to beg and steal.<sup>3</sup> Maroni also referred explicitly to his measure as a redemption that was welcome by the children in the camps, stating: “Hundreds of [Roma] children have asked us to fingerprint them so that we could give them temporary papers . . . these children must be protected. By giving them papers, I am actually saving them” (Primor, 2008, para. 6).

The arguments expressed by Italian politicians, therefore, were based on a supposed willingness to end discrimination, although their anchoring in essentializing notions that, from a culturally hegemonic standpoint, needed “fixing” made them clearly discriminatory. As Hasian and Delgado have noted (1998), even though the apparent focus of a particular discourse can be a neutral goal such as equality, a closer examination may reveal other kinds of subnarratives and texts. Thus, for example, the alleged “need for reconstruction” of family relationships, apart from lacking any empirical support, implied in this case the application of a normative cultural standard to which the Roma had to conform for their own good, even if they did not share it. We thus see how an argument supposedly based on integration and equal opportunity was rather an argument for forced assimilation into an uninterrogated set of cultural values. Moreover, this assimilation was presented as a desired salvation, at least from the part of Roma children, a position which again reinforced the superiority of one group in relation to the other.

As we have seen, public discourses on the Roma before, during, and after the controversial census, in Italy and abroad, (re)created this group as an inferior “other” in different ways: Universal claims about the Roma’s uncivilized way of life were linked to essentialized biological characteristics such as a violent nature or inherently infectious bodies, and placed in opposition to a culturally, morally and biologically superior European society which had the responsibility to “help” the Roma acculturate into its dominant values. These constructions made it possible for the Italian authorities to argue for the necessity of the census as an integration measure. In the next section I pay closer attention to the role of the European institutions in this controversy in order to explore how, importantly, the social marginalization of the Roma was also facilitated by the European legal system, which failed to account for the racialized aspects of apparently nonracial measures. The exploration of this dimension is thus an attempt to bring into the European scene a discussion of “the instantiation of legal regimes on a daily basis, especially if the word ‘race’ is not used as a social marker of difference” (Hasian & Delgado, 1998, p. 247).

### **Defining Racism: EU Law and Discriminatory Practices**

On July 7, 2008, and in reaction to the “Maroni census,” the European Parliament held a debate which, according to Member of Parliament (MP) Monica Frassoni, had the purpose of “confirming that there is no room for ethnic profiling in Europe”

(European Parliament, 2008a). However, in spite of this specific framing, more than 200 MPs voted against a resolution that would condemn the census as discriminatory. Some of the arguments put forward by the MPs in favor of the measure were explicitly racist, such as the following one by Roberto Fiore, member of the Italian right-wing party *Forza Nuova*, who stated:

The Roma camps and the Roma communities are illegal and immoral. While among civilised Christian European peoples, women and children are regarded as people to be protected and defended, in the Roma communities they are often willingly subject to exploitation, and led into crime and prostitution. The Italian Government therefore has the duty, even while awaiting these people's expulsion, to take action to guarantee justice and protection for the women and children and, by means of the census, to prevent crime spreading to the whole community, and especially children being persecuted or being victims of pedophilia or led into crime. (European Parliament, 2008a, para. 33)

As this quote shows, the kind of overt prejudiced discourse exposed in some of the instances in the previous section is also very much alive in official statements uttered within European institutions. The direct association of an ethnic group with immoral and abusive practices, even towards the members of their own group, together with its placement in an inferior position in relation to a “civilized” and “Christian” Europe, very much parallels the characterization of the Roma in some public discussions about the census. The fact that statements like this were uttered in the European Parliament makes the situation even more shameful, for it reminds us of the painful reality that, not only this speaker, but also the 150,000 voters whom he represents, would unproblematically qualify as racists even under “traditional” European standards. This assessment is corroborated by the immediate response to Fiore's statement, uttered by MP Renate Weber, who stated: “Mr President, I think it is absolutely unacceptable to tolerate Nazi speeches in this House!” (European Parliament, 2008a, para. 34).

However, within the context of this analysis, assertions such as the one quoted above are not the most problematic aspect of the European Parliament's handling of the census controversy. After all, one could argue that Fiore's reasoning is not only unsurprising, but even expected given the nature of his political party. What is significant from the perspective adopted here is the basis of the arguments employed by those mainstream political parties which condemned the Italian measure and, in its turn, argued for its abolition. These arguments run throughout the resolution, which the European Parliament managed to approve, titled “On the census of the Roma on the basis of ethnicity in Italy.” This resolution urged:

the Italian authorities to refrain from collecting fingerprints from Roma, including minors, and from using fingerprints already collected, pending the forthcoming announced evaluation by the Commission of the measures envisaged, as this would clearly constitute an act of direct discrimination based on race and ethnic origin prohibited by Article 14 of the ECHR [European Convention on Human Rights] and furthermore an act of discrimination between EU citizens of Roma origin and other citizens, who are not required to undergo such procedures. (European Parliament, 2008b, para. 1)

The European Parliament considered, the report continued, “that it is inadmissible, with the aim of protecting children, to violate their fundamental rights and to criminalise them” and contended that “the best way to protect the rights of Roma children is to guarantee them equal access to quality education, housing and health care, within the framework of inclusion and integration policies, and to protect them from exploitation” (European Parliament, 2008b, para. 2). Since the resolutions of the European Parliament are nonbinding, they did not have any specific effect on Italian government’s practices. They were, however, largely reported in the European media, which referred to it as a “slamming” of the fingerprinting campaign by the European Parliament. However, on September 4, 2008, and after examining a report submitted by the Italian government, the European Commission declared that the fingerprinting of Roma gypsies in Italian camps did not amount to ethnic discrimination and was in line with EU law. The basis for this decision was that the census did not seek “data based on ethnic origin or religion” and had the sole aim of “identifying persons who cannot be identified in any other way” (Owen, 2008, para. 3). Silvio Berlusconi’s government declared that it had been “fully vindicated” after this (Owen, 2008, para. 1). Roberto Maroni said the statement by Jacques Barrot, the European Justice Commissioner, showed that “the accusations and insults we have received were unjustified.” And he concluded: “Justice has been done” (Owen, 2008, para. 2).

This decision, and the grounds on which it was justified, reveal some important (and problematic) aspects of the European legal system. First of all, by framing the controversy as an issue of racial profiling, the European Parliament limited the types of practices that could be considered discriminatory to those explicitly related to race. Their sole concern was with blatantly racially motivated policies, which could be proven only by establishing that the Italian authorities were collecting specific racially or ethnically based information—such as by asking camp inhabitants to check a box related to their race or ethnicity. This limited focus is of course a consequence of constraints deriving from the legal texts on which resolutions such as the one discussed here are based. We see this, for example, in the above cited Article 14 of the European Convention of Human Rights, which punishes “direct discrimination based on race and ethnic origin” but does not account for the fact that different assumptions embedded in words such as “citizens” can indirectly result in the same kind of discrimination (see Haney-Lopez, 1997). Thus, when the Italian government demonstrated that information regarding race or ethnicity was not being collected, the European Commission had no choice but to authorize the census. However, as we saw in the previous section, the motivations for the census included a mixture of oppressive ideologies—cultural superiority and the implied need for assimilation, among others—whose unfair consequences could not be prevented solely by sanctioning the explicit reliance on racial categories.

Moreover, the European Parliament resolution established a problematic distinction between a type of discrimination based solely on race or ethnicity, on the one hand, and discrimination between EU citizens of Roma origin and the rest of EU citizens, on the other. This logical assumption that the Roma coming from EU

member states are automatically EU citizens, however, is not corroborated in practice. Thus, the European Parliament did not leave discursive—and therefore legal—space for the systematic conjunction, in the case of the Roma, of a particular racial or ethnic identity and the exclusion of citizenship rights. The fact that many Roma are not considered EU citizens due to the culturally hegemonic ways in which European citizenship is defined was thus left out of the equation. However, it is important to recall here the “New Norms on Citizenship” in Italy (Law n. 91 of February 5, 1992) and the precise rules that they establish for granting Italian citizenship. These include residency in the country’s territory for a period of at least three years and/or having been born in the country. Importantly, Roma’s possibilities of providing proof of “residency” are hindered by the fact that unauthorized Roma camps are not considered legal residences and therefore they are not taken into account in appeals to citizenship. The problem to address at the institutional level, therefore, was not whether the targeted Roma were citizens, but rather what standards were being applied when deciding who was a citizen and who was not. However, these standards remained unquestioned by European authorities.

Similarly, when the European Commission allowed Italy to fingerprint the Roma, on the basis that it was a last resort measure to identify people “who cannot be identified in any other way,” they were once again reinforcing the construction of difference based on a “fitness for citizenship” that by definition many Roma were not able to fulfill. The condition that indirectly resulted was that, in order to fully benefit from the rights and protection provided by the EU, minority groups had to acculturate into preferred standards such as a specific type of housing; this, in its turn, would allow them mobility towards citizenship and, therefore, they could go unproblematically through the process of “identification.” Even though one could argue that there is indeed a potential benefit in going through this acculturating process—namely, structural assimilation into mainstream society—the reality is that, for most of the targeted people, this process did not take place. This is especially evident if we consider the events that followed the “Maroni census”: More than 15,000 Roma left Italy if we include those who were deported and those who decided to leave voluntarily (“Italy: Many Roma Gypsies ‘Gone to Permissive Spain,’” 2008). One has to wonder, however, how useful or “definitive” this measure is for the reality of the 21st-century EU, since the Roma ended up settling in other European countries.

One final point with regards to this resolution is a reflection on the implications of the European Parliament’s recommendations for the protection of the rights of Roma children. Here, the European Parliament endorsed an “equal access” ideology, but reinforced its implementation only through “inclusion and integration policies.” In other words, Roma children would be able to equally access the benefits provided by the Italian society *only after* they were included and integrated in it. However, as we have seen, the notion of integration in the Italian context in particular and the European context as a whole is already informed by an understanding of multiculturalism as “just a matter of adding the experiences of ‘others’ onto what we already presume to be true about our culture and history” (Lipsitz, 2006, p. 180).

Therefore, an “equal access” approach in this case will only increase the different divisive lines if it does not take into account the structural impediments for the “integration” of the Roma that prevent them from being considered for inclusion policies in the first place. These considerations need to be made constantly, and thus, as critical race scholars urge us to do, only a continuous assessment of “the ways in which public and legal notions of race influence the ways in which we create histories, cultural memories, narratives, myths, and other discursive units” (Hasian & Delgado, 1998, p. 246) will allow us to challenge counterproductive institutional initiatives such as that of the European Parliament with regards to the “Maroni census.” This implies, among other things, taking into account the possible counternarratives told by marginalized subjects which, as often happens, were not heard in this case.

In sum, by (1) failing to account for the relationship between different oppressive ideologies embedded in particular policy, (2) even fostering part of this oppression through an apparently neutral approach to citizenship which is nevertheless tied to a hierarchical cultural model, (3) responding with an oppressive model based on equal treatment through integration that does not account for the different outcomes that this same treatment implies for different groups, the EU failed to respond adequately and condemn the discriminatory nature of the “Maroni census” with regards to the Roma population, thus contributing to its construction as an “other” that led to further marginalization and even literal exclusion from society.

### **Conclusions: A European Identity Within and Beyond Race**

The “Roma emergency” and the public discourses around it constitute a clear example of how the double bind in which European institutions currently find themselves has dramatic effects on the weakest strata of its societies. Thus, on the one hand, a “post-racism” ideology resulting from the rejection of Europe’s “darkest days” makes it a priority to ensure that no ethnic or racial group is explicitly treated differently, even when the purpose of this special treatment would be to secure de facto equal access to all kinds of rights. However, this same “equal treatment” slogan can be endorsed by policy makers in order to justify controversial measures that will have dramatic consequences for marginalized groups. As a result, we are left with a dangerous situation in which racism persists “through indirect, inferential and covert policies that use the denial of overt racist intent to escape responsibility for racialized consequences” (Lipsitz, 2006, p. 217). European institutions, I would argue, need to account for this if they are to effectively challenge the different dynamics of exclusion taking place in this context.

In the case of the “new Europe,” the fear of naming race translates into a failure to take advantage of the opportunities that the current historical moment presents. As Griffin and Braidotti (2002) explain, Europeans are now in a paradoxical situation in which, in order to have an EU, they need to deconstruct the idea of Europe. However, this process cannot take place unless difference is incorporated into common sense understandings of what it means to be European, rather than juxtaposed with a presumed-to-be homogeneous and “pure” entity. Otherwise, we risk falling into the



trap of recreating the idea of a “sovereign center” (Griffin & Braidotti, 2002), the existence of which has helped justify oppression from and within the European continent throughout history.

In this paper I have tried to show that a suitable way to start this incorporation of difference is to engage in a careful and critical examination of the restrictive societal models embedded in public discussions around discrimination. We also need to pay close attention to the language of European laws, especially those designed to be pro-minorities, in order to expose the inadequate ways in which concepts such as “citizenship,” “equality,” “tolerance,” or “integration” are endorsed. In other words, we need to acknowledge the ways in which law itself privileges particular practices before we can rely on it as a means toward social justice. Throughout this analysis, I have insisted that critical race scholars’ insights can be extremely helpful for this complicated task. However, I would emphasize that, especially in the European context, a racialized critical race theory (Hasian & Delgado, 1998) needs to both include and *go beyond* the color line as a source of oppression. Race needs to be at the forefront because, as we have seen, the reality of discrimination is extremely complicated and cannot be addressed only with “safe” antiracist rhetorics and policies: The removal of categories in both the implementation of (discriminatory) policies and the laws that regulate them does not automatically lead to equal outcomes. Thus, an apparently racially neutral ideology that applauds the erasure of differences in public discourse cannot account for the materiality that comes with the ways in which those differences are treated on a daily basis. On the other hand, antidiscriminatory laws or resolutions may fail to prevent discrimination if they concentrate solely on racial categories, and therefore they should incorporate, when necessary, the intersectionality of different oppressive ideologies, such as nationalism, religion and/or cultural practices. In sum, it is important that we do not abandon the concept of race as long as it continues to be a lived and material experience (Flores & Moon, 2002), but we should also be very cautious about presuming that it is always the sole or even the primary source of discrimination. Inequity, in other words, may rely on the combination of a series of ideological constructs which include, but are not limited to, dominant understandings of race. We thus need to be able to account for other mechanisms through which particular groups are granted and excluded from different privileges. As Wodak (2007) puts it: “Although membership can always be redefined, important ‘gatekeepers’ decide who will have access: new laws, new ideologies, and new borders—in Europe and elsewhere” (p. 676). It is towards those gatekeepers and their changing nature that we should constantly direct our attention.

## Notes

- [1] Most of the communication-oriented work dealing with racism and discrimination in Europe has been carried out within the frame of critical discourse analysis (CDA), which emphasizes the role of discourses in reinforcing inequalities, but does not always include a

systematic analysis of the policies and laws that accompany these (see, e.g., Wodak & Chilton, 2005; Wodak & Reisigl, 1999, 2000).

- [2] I owe this important qualification to one of the anonymous reviewers.
- [3] For a more detailed discussion of the procedures to remove Roma children from their families see Carlisle (2004).

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