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A Contested Script: Conjuring Security through Registration in Italy

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## A contested script:

# Conjuring security through registration in Italy

## Introduction

On October 4, 2018, Matteo Salvini, then Minister of the Interior of the Italian government and leader of the far-right party called the "Northern League," issued a Decree on Security and Immigration which, among other things, prevented asylum seekers from being registered by municipalities. This excluded them from many rights because in Italy municipal registration is the pre-requisite for obtaining social and health assistance and public housing; for voting, holding an ID card, etc. The decree raised some concerns and protests from NGOs, civil society actors and social movements. Some mayors refused to apply the decree, while lawyers, scholars, and legal experts were skeptical about its constitutionality. In the summer of 2020, the Constitutional Court declared Salvini's decree was illegitimate on the grounds that it violated Art. 3 of the Italian Constitution, which guarantees "equal social dignity" and equality "before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions<sup>1</sup>." The decree was against the Constitution in two ways: first and more obviously, the decree established an "unreasonable" disparity of treatment among different categories of non-citizens. The second is less intuitive: "by preventing certain migrants from being registered, the decree has impeded the authorities from monitoring the territory and knowing exactly what people live and circulate in it." Basically, the Constitutional Court states that the Salvini Decree, supposedly heavy handed in the name of security, has paradoxically created insecurity, because migrants cannot be tracked, and so remain administratively invisible.

<sup>&</sup>lt;sup>1</sup> <u>https://www.cortecostituzionale.it/actionSchedaPronuncia.do?param\_ecli=ECLI:IT:COST:2020:186</u>.

On September 1 of the same year, a circular intended to give instructions to police forces about how to evict people from occupied places was issued by the Ministry of the Interior. Signed by Matteo Piantedosi, at that time chief of cabinet of the Home Office Minister, the circular urged personnel to define a priority scale for people to evict, taking into account the needs of vulnerable individuals and families and, at the same time, the presence of people who might represent a threat to security of eviction operations. To this end, the circular noted a concerning lack of information about the people who are illegally occupying their places of residence, as the public registers do not contain information about them. Even though it is not explicitly admitted by Piantedosi, this lack of information is due to legislative action known as the "Housing Plan<sup>2</sup>," taken some years before by a former government. In 2014, this law banned the registration of people living in an illegally occupied home or property. In this way, occupiers have become invisible to population registers and, as implicitly stated by the chief of cabinet, they have consequently become a threat to security, given that lack of knowledge about their presence could compromise the security of police operations.

These two events clearly show how registration is a strategic tool for knowing a territory and its population, and hence for ensuring security. Introduced after the unification of the Italian state in 1861, populations registers or registers of the resident population (*registri anagrafici* or *registri della popolazione residente*) are administrative and statistical records which aim to keep track of the presence of individuals who habitually dwell in a municipal, in addition to the compilation of statistical records on residents of a municipal area who may be homeless or without a fixed abode. In order to effectively monitor people's presence and movement within the space, registration is extended to all Italian citizens, all EU citizens satisfying certain requirements<sup>1</sup> and all non-EU citizens legally authorized to stay in Italy. For all these groups, registration is a *duty*: all the people who belong to these categories are legally obliged to declare their habitual dwelling (*dimora abituale*) to the municipal authorities or, should they be homeless or without fixed abode, their decision to establish

<sup>&</sup>lt;sup>2</sup> The article 5 of Law no. 80 of 23 May 2014, converting into law the decree n. 47 of 2014 containing *Urgent Measures* for the Housing Emergency, for the Construction Market and for Expo 2015, <u>https://www.camera.it/leg17/995?sezione=documenti&tipoDoc=lavori\_testo\_pdl&idLegislatura=17&codice=17PDL00</u> 21130.

therein their domicile (*domicilio*), that is, to consider that municipality the place where they have established the base for their business and interests, or simply their family and affective affairs.. Basically, people who ask to be registered are expected to deliver, in written form, on paper or electronically, a declaration of their condition, and to fill out a form containing mandatory information—name, surname, age, gender, place of birth, citizenship—and non-mandatory information—professional or non-professional situation, educational qualification, possession of driving license, ownership of cars or other vehicles. The information required also extends to—any relatives who are possibly taking up residency in the same place and any other residents living at the same location. At the same time, municipal authorities are expected to verify the accuracy of the declarations received and to register those who correctly declare their position. Those who settle in a specific spot within the municipal territory are registered at the address in which they habitually dwell, while those who are homeless or without a fixed abode are registered at the address where they have established their domicile or, alternatively, at a virtual address, which municipalities are required to institute.

As conceived by the institutions that introduced it, registration is also a *right*: the local authorities are expected to register all the people who belong to one of the above-mentioned groups without asking them more than their presence in a given territory or, alternatively, their main interests there. To fill out the registers—the act of registering (*iscrizione anagrafica*)—produces as its output the formal recognition of a *legal status* called residency (*residenza*). Apart from being a right in itself, residency is also the means to exercise other rights. For instance, social assistance, health assistance, public housing, the right to vote in local elections—for Italians and EU citizens—all depend on registration. Even the acquisition of citizenship is tightly linked to it: the regular presence in Italy of EU and third-country citizens is measured by the number of years they have been enrolled. Without residency, it is therefore impossible to actually enjoy the better part of one's rights.

Besides showing how population registers are a strategic tool to know a territory and its population, and hence to ensure security as monitoring, the events that I recount above, also indicate that registration-for some political actors - involves a very different kind of security. The actors who issued the Housing Plan, as well as the actors that—as will be explored in more detail below—use population registers differently from how they are conceived, do not aim to simply monitor a territory. When they add requirements for registration, they want to select some individuals over others: only the individuals who can meet them can be registered, while the others remain excluded. In some cases, these requirements are explicitly introduced by a legal norm issued by the central authorities. When this happens, added requirements are "legal," namely they are in force, even though they stand in contrast to the stated rationale of registration-to the extent that, in one case, they have been declared as illegitimate by the Constitutional court. In most cases, however, the added requirements are surreptitiously introduced at the local level through formal acts of local governments, such as ordinances or circulars, or by means of the informal practices of the municipal street-level bureaucrats. When this happens, they are "illegal," in the sense that they are in conflict with existing national legislation. In Italy, indeed, the functioning of population registers, given the strategic importance of registration, has historically been completely designed and regulated by central authorities, which, for mere practical reasons, have delegated to local authorities their concrete keeping. Theoretically, while the state apparatuses write the rules of the game of registration, municipal apparatuses are called to loyally stick to them, without any room for interpretation or change. However, added requirements are still often effective, considering that legal actions against the discriminations in the registration procedures are fairly infrequent.

The establishment of adding requirements—whether legal or illegal—excludes, depending on their situation, homeless people, occupiers, Roma people, non-citizens or poor people as such. In this sense population registers are employed in order to *select* "deserving" and "desirable" local citizens and raise administrative *borders* against specific individuals and groups (Gargiulo 2017). When this happens, population registers are as well conceived as security technologies or "apparatuses of classification" (Pelizza, forthcoming), even though the meaning of security evoked by their use

radically changes: it no longer has to do with monitoring and surveillance but rather concerns protection from a hypothetical threat represented by certain categories of people (Gargiulo 2016).

This article aims to map out the diverse meanings of security entailed by the different uses of registration. The intent is to show how security is a variegated and variable notion, which can change over time and cover a wide spectrum of meanings depending on the ways population registers are employed. Basically, two different ideas of security come into conflict with each other: one connected with the idea of monitoring, which is more inclusionary, as it strives to embrace as large a number of people as possible, and one which is selective, that is exclusionary as such. Of course, a certain degree of "selectivity" is always constitutive of monitoring exercises, and therefore a pure screening of what happens within a territory is materially impossible and epistemologically untenable. However, the point here is that, from the perspective of those institutional actors which have designed registration or have tried to keep it in line with its original idea, population registers are meant to be a device that is able to *represent* the population almost as it actually is. Consequently, a gap between the actual population and its administrative and statistical representation is considered a failure in the process of registration. On the other hand, from the perspective of those institutional actors who have changed the rules of registration or have interpreted them in a narrow and exclusionary way, selection is not an undesired side-effect of the attempt to accurately monitor. Rather, it is precisely the desired goal of population registers.

In order to grasp the way regulations about registration are designed and conceived, the concept of *script* proves quite fruitful. A script is a sociotechnical practice crystallized into durable material infrastructures which defines a vision of the world and prescribes behaviours (Akrich 1992; Akrich and Latour 1992; Latour 1992). The script, defines a framework of action, and does so together with the actors and the space in which they are supposed to act (Akrich 1992). A script is embedded in technical objects which constitute the "end product" of a process of "inscribing" a "vision of (or prediction about) the world in the technical content of the new object" (Akrich 1992, 208). Users can

adhere to a script (*sub-scribing*), mediate and re-negotiate it (*de-scribing*), or completely subvert it (*de-inscribing*) (Akrich and Latour 1992).

What is apparent in the analysis presented in this article, population registers embed scripts that are comprised of legal and statistical devices and designed through laws and regulations which have been historically subjected to various uses and misuses. While in some cases municipal civil servants and national political actors have completely sub-scribed to them, in many other cases they have resignified and re-interpreted the rules of registration. Commencing from this evidence, the article aims to show that population registers in Italy embed security scripts which pursue different ideas of security depending on the ways they are employed.

This article contributes then to analyzing the "technical shaping of social outcomes" which is at the center of the call for papers on the continuum between contingency and obduracy in sociotechnical practices of securitization. More generally, in using the notion of "script" to capture the diverse meanings of security involved in the different uses (and misuses) of registration, it contributes to science and technology studies (STS). Specifically, the article shows that population registers, a device quite neglected when compared to tools like censuses, can have different forms of performativity: they shape the population differently depending on whether they are used with the aim of representing it or, on the contrary, of selecting its deserving components. Moreover, the article contributes to security studies by proposing and illustrating in detail the dynamics and relations between certain scripts—or counter-scripts—of security on the one hand, and specific security ideas and practices on the other.

In this way, the article seeks to address the continuum between contingency and obduracy in sociotechnical practices of securitization. It does this by showing how relations between different state institutions, as well as between states and citizens, are renegotiated when, in the name of different and contrasting meanings of security, population registers are interpreted differently. More specifically, I argue that when registers are employed to select rather than to monitor, a conflict between the ideas and interests of those authorities that want to know the population and those who

instead desire to establish administrative borders arises. Moreover, the way people have to behave in order to be registered changes: they are no longer free to live as they want and to simply declare their condition but have to adapt to certain modes of dwelling and behaving.

## **Registration as a script**

In Italy, registration is considered a matter of national importance. As such, it is defined and disciplined by a national law (1228 of 1954) and its implementing regulation (Decree of the president of the republic 223 of 1989). According to these legal norms, the authority that confers residency is the state. However, for exclusively practical reasons the task of registering people is appointed to municipalities.<sup>2</sup> Basically, central authorities delegate their power to the local registry offices (*uffici anagrafici*), which are simply appointed to apply the national rules when they collect information about the population and manage the registers. Of course, municipal authorities are *de facto* autonomous in doing their work and are also formally assigned the delicate task of certifying data. However, this does not mean that they can write down or change the "rules of the game" of registration. *De jure*, municipalities have but a limited and indirect "sovereignty" on populations registers. It is only the state that issues laws and regulations on registration—and determines the conditions under which data is certified. Additionally,— it is only the state that has the authority to supervise the entire process and to revoke the delegation of powers to local registry offices at any time.

The outcome of population registers is a formal and written act which has important legal consequences and relevant technological implications. In this sense, registration is a form of inscription in an administrative system. It might be understood as an *inscription device* (Latour 1987, 68; Latour and Woolgar 1986, 51). Through population registers, individuals who reside or have set

up their domicile in a certain municipal territory are made visible to the state institutions. They become a unique and unmistakable file in a record, which can be analyzed and scrutinized in a place other than that in which it was collected. In this way, they can be uniquely identified, connected to a place of residence and tracked in their main movements within the national territory.

Population registers therefore form part of the technological infrastructures through which states make societies legible and more easily governable (Scott 1999). Like maps, censuses, fixed surnames, cadastral mapping and land registries, they contribute to reducing the complexity of society and standardizing administrative procedures. As other written forms of knowing and tracking individuals, they have made possible a more modern and efficient management of the state's core activities (Goody 1986). Population registers produce documents and certificates, namely, paperwork which has historically contributed to the increase of the government's intellectual capacity to exercise logistical power and engage in territorial governance (Mukerji 2011). As such, , in step with other inscription devices, they provide individual identification (About et al. 2013; Caplan and Torpey 2001; Higgs 2011; Noiriel 1998; Torpey 2019) and surveillance (Lyon 2018; Foucault 2009). More specifically, population registers allow states to make each person administratively classifiable and knowable. For all these reasons, they exemplify the processes and technologies of *bureaucratic inscription* through which information about migrants "and their immigration status is incorporated into official state registers" (Horton and Heyman 2020, 5).

The kind of inscription achieved by population registers does not simply belong to realm of bureaucratic regulation, but entails questions that pertain to wider legal norms. In the Italian context, the two realms are quite different from each other: while the first is characterized by forms of constitutive discretion, the second leaves less room, at least theoretically, for discretionary power. Indeed, within the Italian legal order there is a subjective right to registration, and not merely a legitimate interest in it. This means that in strictly legal terms residency is a *declarative*, and not a constitutive, condition: according to the law, an individual does not become resident because she/he is discretionarily registered, but rather has to be *ipso facto* registered as she/he finds her/himself in

the material condition of being a resident. Theoretically, legal recognition should thus follow a concrete fact. It does not turn an individual into a formal resident but simply constitutes the legal declaration of the material condition of being a resident. In ontological terms, it is the latter condition—having the habitual dwelling or the center of own's affairs and interests in a municipality—that should come first.

The fact that registration is conceived in this way by the institutions which have designed it has to do with its function, namely, with the organizational needs of the Italian state. Since their origins, they are meant as identifying devices which make it possible to produce a detailed "picture" of those living within Italian borders and to distinguish between those who belong to different "categories" and have different interests. From the perspective of state institutions, making residency a duty and at the same time a right would ensure the better functioning of the registration device.

Population registers are legal and statistical infrastructures which act as scripts first comprised of laws and regulations and second of guidelines and more or less informal and infra-law prescriptions provided by various institutional actors which define a clear and precise framework of action and prescribe specific behaviors, both to the civil servants who are called to implement registration and to the citizens who are located and move within the national territory. Civil servants are expected to simply apply, at the local level, the prescriptions provided for by national legislation, that is, registering all the people who legally live and habitually dwell within a municipal territory or, if they are homeless or without a fixed abode, who have established there their domicile. The latter, for their part, are required to declare to the local authorities their presence within the municipal space in which they live or the centrality of this space to them.

The simplicity of the functioning of population registers on paper is also due to the fact that they are meant by the institution that designed them as a particular kind of script, namely, a *script of security*, which serves to monitor the territory and the individuals who circulate and live in it.

#### Performing the population through registration

If subscription means that those who follow a script loyally stick to the instructions that regulate it, de-scripting is tantamount to applying these instructions in a more creative way. According to Madeleine Akrich, de-scription expresses all the complexity of the relation between on the one hand the designer and the user and on the other hand the designer's projected user and the real user of a device which works as a script (Akrich 1992, 208-209). Only by analyzing "the user's reactions that give body to the designer's project, and the way in which the user's real environment is in part specified by the introduction of a new piece of equipment" it is possible to obtain an "inventory and analysis of the mechanisms that allow the relation between a form and a meaning constituted by and constitutive of the technical object to come into being" (Akrich 1992, 209). De-scription, as stressed by Akrich and Latour, thus allows a more accurate understanding of a certain setting and what the various actors at play in it are doing to one another, as it "is the opposite movement of the in-scription by the engineer, inventor, manufacturer, or designer" (Akrich and Latour 1992, 259).

De-inscription (or dis-inscription), on the other hand, is the opposite of sub-scription: it constitutes an alternative reaction to what is prescribed or proscribed (Akrich and Latour 1992, 261). According to their own antiprograms, users can "either underwrite [a script] or try to extract themselves out of it or adjust their behavior or the setting through some negotiations" (*ibidem*).

The history of registration shows that while the script regulating population registers has been clearly designed by the central institutions since its origins, the ways it has been adopted and concretely implemented by its users often diverge from this script. Sub-scription happens when the idea of carrying out a detailed program of population monitoring is meticulously followed by those who are called to accomplish this task. When instead the actors who use registers refuse to register certain categories of people, while at the same time try to monitor them, de-scription takes place: the aim of registration is not totally subverted, but the way it works undergoes some changes. Monitoring remains the goal, but in pursuing it, users have opinions and views that do not correspond with those

of the registers' designers. This happens when institutional actors, in order to monitor people living in certain places, replace or support population registers with other devices which have different characteristics and aims, and which mostly do not have as their output the formal recognition of a legal status. Finally, when the actors who use registers and those who have the power to issue legal norms employ registration or explicitly change its rules to fulfil different aims—namely, to select the desired component of the population—de-inscription occurs.

In order to account for the different ways registration has been de-scribed and de-inscribed, it is first necessary to stress the rationale of population registers. This means grasping their specific *performative* nature.

The role of statistics (Porter 1995) and data (Biruk 2018; Erikson 2012; Tichenor 2017) in shaping social reality is well known in social sciences. Also, the performativity of demographic devices, namely, statistical and administrative tools aimed at knowing the population is something that has been amply ascertained by scholars who study the process of state formation (Anderson 2015; Anderson and Fienberg 1999; Emigh et al. 2016; Kertzer and Arel 2004; Levitan 2011; Thorvaldsen 2017), and, more explicitly, by literature coming from STS. Bruce Curtis has shown that censuses "are made through practices that do not simply reflect but that also discipline and organize social relations" (Curtis 2002, 34). Developing this insight, Evelyn Ruppert has added theoretical elements to the definition of census' performativity by specifying that a population is not only constructed through census making but also produced through census taking as "subjects gradually, but fitfully, acquired the capacity to recognize themselves as members and parts of a whole" (Ruppert 2007, 3-4).

Studies situated in STS also focus on other demographic devices in addition to censuses. Ruppert (2011), for example, analyses "population metrics," which produce *transactional data*, and proposes to replace the term "construction" with that of "enactment" in accounting for how the population is performed. While the former term suggests obduracy (Mol 2002)—as in the case of a building or edifice – the latter entails an enduring process (Law 2008) and objects which change over time and

have fragile identities (Mol 2002). From this perspective, transactional data, through constant measurement and updating, enact population as a thing always in formation, fluid and with a changeable character (Ruppert 2011). Annalisa Pelizza, on the other hand, examines population (or civil) registers. Through in-depth analysis of the registers in Italy (Pelizza 2016a) and the Netherlands (2016b, 2020) and framing them as government information systems, Pelizza shows how information technologies perform institutional identities and reshape the boundaries between them.

Within this literature, however, performativity, though theoretically defined and investigated in empirical detail, is mostly considered in socio-technical terms. This is to say, performativity is framed as a process emerging from the action of devices that have technical characteristics. Even when these devices are triggered and driven by legal decisions and acts, they are mostly considered to be equipped with a performative power because of their technical content, which has the concrete capacity to affect social reality.

By stressing the different (mis)uses of Italian population registers this article therefore aims contribute to analyses of the *socio-technical* and performative power of demographic devices by foregrounding the *socio-legal* dimensions of their performativity. It therefore speaks directly to existing literatures on the performative power of *documents*. Within this literature, documentary items are understood to be material or immaterial artefacts (Riles 2006) which constitute a key aspect of daily life. More specifically, being the product of institutional acts, they are the "effect of practice" and, the same time, they have "effects of practice," meaning that they are performative (Weisser 2014, 47). Documents are the essential infrastructure of bureaucracies (Hull 2012; Vismann 2008) and are strategic for capitalist production (Cavanaugh 2016).

Within this article, registration is framed as being capable of establishing a legal *status border*, namely, a non-physical line separating those who hold a formal status from those who do not. Specifically, registration draws a line between those who are formally recognized as residents and those who are denied residency, even though they live in, or are strictly linked to, the municipal territory (Gargiulo 2021, 2023). Legal status borders, rather than being set up and triggered by the

practices carried out by individuals—for instance, that of crossing the borders of a country without authorization—are, on the contrary, exactly what performs those practices. From this perspective, in the same way as the distinction between "legal" and "illegal" (or documented and undocumented) migrants do not exist in nature but is brought into existence by migration law, which requires noncitizens to obtain documents authorizing their entering and stay (De Genova 2010), the distinction between resident and non-resident is due to the way institutions legally shape and design registration. Habitually dwelling or having established domicile in a municipality are facts which are not relevant as such but become so when they are considered strategic by policymakers and turned into legal statuses. Actually, habitually dwelling or having established domicile in a municipality are not "facts" *per se* but are theoretical conceptualizations of the ways one can live and inhabit the space. They appear as "ontological facts" even though they are legal categories that have the power to mold social reality by forcing people to think about their dwelling and housing behaviors through specific theoretical lenses.

Legal statuses work as borders inasmuch as they are *institutional facts*. These, differently from *empirical* or *brute facts*, 'are so called because they require human institutions for their existence' and arise when a non-institutional fact is assigned a function (Searle 1995). In the case of registration, the social fact of moving within space or dwelling in a territory is attributed legal and political relevance insofar as it is considered worthwhile to limit and regulate it. It is from this attribution of a function that a legal status rises which, as such, allows or impedes movement and sets rules on modes of dwelling. From then on, in order to be registered a person has to indicate to municipal registry offices their habitual dwelling or is called upon to establish their domicile. Habitually dwelling and establishing a domicile are not "natural" conditions but legal ways of defining reality, prescribing how it has to do and forcing it into pre-defined categories. As a consequence of these systems people living in more than one city or town must choose in which of them their habitual dwelling is located, while people who are homeless or live on the move are required to choose in which city or town they have established the base for their business and interests, or simply their family and affective affairs.

All these people are therefore forced to think about their ways of living and inhabiting, and in some cases to act, differently from how they normally do.

Residency as a legal status is an *administrative border* which complies with different purposes and expresses alternative and conflicting notions of security. When registration is sub-scribed by its users, registers have the "proper" function-namely, in accordance with the law that established them-of fostering a detailed monitoring of the territory. Security in this case is meant as the possibility of seeing who lives in, or in any case who is linked to, a territory, by establishing a legal population which is thought to almost perfectly reflect the material population. From this perspective, security is also interpreted in socio-economic terms: by knowing where certain individuals and groups live, authorities are better able to allocate welfare resources within the different areas of the national territory. The same security purposes are fulfilled when registration is de-scribed. However, when this happens, the tools employed change: instead of, or together with, population registers, other devices—"ad hoc" or "pseudo-censuses"—are deployed. The meaning of security radically changes, on the other hand, when their users de-inscribe registration. In this case, registers acquire the "improper" function-namely, contrary to the law that established them-of selecting those who are considered deserving, formally including these within the local society; security is thus meant to design a legal population in accordance with a certain view of its composition by explicitly producing a gap within the material population. While in the case of de-scription, the function of monitoring is maintained but the tools used to fulfill it at least partially change, in the case of de-inscription registers are employed, but in a way that is in contrast with their original aim and logic. What has happened in cities like Rome or Turin, as will be shown in the next pages, is quite emblematic of the shift from de-scription to de-inscription: demographic devices alternative to population registers are deployed, not to co-operate with them or replace them as monitoring tools, but to better identify the components of the population to be selected. The next sections show in detail the different (mis)uses of registration, how they pursue different ideas of security and how such ideas are linked to alternative forms of performativity.

## Method

This article relies on a research ocused on registration as a status border and a bordering device (Gargiulo 2017, 2021, 2023) which has been conducted over the last ten years through several methodological approaches and strategies: the analysis of political discourses (from official documents and media releases) and legal norms (laws, decrees, regulations, ordinances, circulars, and by-laws); in-depth interviews; information and accounts collected by participating in legal and political actions; and the collection of data from municipalities.

The research underlying this proposal began in 2010 with a focus on the procedures of exclusion from civil registration that had been adopted by numerous municipal administrations since 2007. At this stage, the research chiefly concerned the content and discourses of the measures and provisions adopted by local administrations, as well as the categories of subjects involved. To this end, the texts of around 100 ordinances, by-laws and mayors' circulars concerning the issue of registration were collected. In 2013, the focus of the research shifted to the actual application of the measures and provisions aimed at denying registration. Ninety-five of the municipal administrations—mostly located in the Regions of Lombardy and Veneto, which are characterized by a high number of exclusionary acts and measures—that had issued by-laws, ordinances or circulars concerning for registration in the years 2007–2013; the provenance and citizenship of the applicants; the reasons for their rejection; the paperwork used for the verifications. Forty-five of them replied and provided the requested information<sup>3</sup>. In order to better interpret the data, telephone interviews with civil

<sup>&</sup>lt;sup>3</sup> The research underlying this article meets all EU and national standards related to the conduct of research based on ethical principles. I contacted the municipalities by e-mail declaring my identity and my position within the university, clearly explaining my research goals and assuring them that I would take into account issues of anonymity and privacy. Given the absence of specific funding, I did not need any formal approval from the Universities where I have been working during my research or other Institutions.

servants and employees from roughly half of the municipalities involved were performed. 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 in their workplaces with key informants: trade unionists, members of organizations, and lawyers.

Over the following years, attention was extended to other Italian territories by analyzing documents and carrying out interviews with civil servants, lawyers and political activists acting in cities and urban centers of other Italian Regions. Specifically, secondary sources were consulted, especially historical works on registration and manuals concerning registration produced by Italian and international institutions. Moreover, occupants and activists who were denied registration on the basis of Art. 5 of the Housing Plan of 2014 were interviewed. These interviews were conducted in 2019 in a Roman occupation called "Metropoliz," where I also had the opportunity to participate in a path of research/action together with a group of people mainly composed of activists, squatters and some scholars<sup>4</sup>. Moreover, during the past years, as a researcher and expert I have participated on several occasions in legal and political actions aimed at countering discrimination or contesting exclusionary legislative and administrative innovations in the field of registration.

I began further research/action experience in the autumn of 2020, as part of a group of political activists, NGO members, lawyers and scholars who are committed on the one hand to combatting the discriminatory actions of the municipality of Rome and on the other hand to trying to push the Italian Constitutional court to declare Art. 5 of the Housing Plan illegitimate.

## The (mis)uses of registration in Italy: a brief history

<sup>&</sup>lt;sup>4</sup> The people I interviewed were aware of my identity and my position within the university, and they clearly understood my research goals. I anonymized all their names. Furthermore, my research supported the subjects under investigation, and on multiple occasions, I shared the research findings with the individuals I had interviewed or with those who were involved in the occupations or had been excluded from residency. Due to the absence of specific funding, I did not require formal approval from the universities where I conducted my research or from other institutions.

The institution of a uniform system of population registers throughout the entire national territory is a process that started in Italy between 1862 and 1864, immediately after the unification of the country in 1861. A registry was instituted in every municipality on the basis of the 1861 census, and theoretically had to comply with national regulations (Randeraad 1996). The first of them was issued in 1873, and several others have followed over the next decades.

The ambition by the Italian state was to create in every municipality a device comparable to a "daily and perpetual census" (Gallo 2008, 127), through which to obtain an accurate picture of the population. The path toward this device, however, has not been easy (Randeraad 1996). Regulations were not strictly and uniformly followed by municipalities. Basically, the staff of many municipalities lacked the cultural and administrative resources necessary to properly understand and apply national regulations. A territorial heterogeneity in behaviors is hence the consequence of such a differentiation in resources (Gallo 2008). Moreover, state institutions soon renounced keeping track of the mobile part of the population: while the first regulation was quite ambitious in attempting to detect the presence of mobile people, those which were issued later have rather focused only on "that part of the population which is the most numerous and also the easiest to observe, which is to say, the stable population" (Leti et al. 2002, 9).

At the beginning of the twentieth century, population registers gained an even more important role. The numerousness of those who are recognized as formal residents—became decisive for establishing the size and category of a municipality, and hence the remuneration of its civil servants as well as its prestige and territorial pre-eminence (Gallo 2008). In addition, registration became the bureaucratic entry door to welfare services including healthcare and housing. As a consequence, municipalities started to adopt some common tendencies in their ways of managing population registers. Especially during the great emigration at the beginning of the twentieth century, those municipal officers who wanted to make the populousness of the municipality appear greater than it was simply turned a blind eye toward the obligation to expunge the names of citizens that had emigrated abroad. Registers were inflated with "dead souls (*anime morte*)," and this afforded a series of benefits to the municipalities

(Gallo 2008). At the same time, those local authorities who did not want to take charge of the cost of assisting poor people systematically avoided registering individuals of the lower classes, people living at the margins of society, recently immigrated, or simply more likely to require social protection. The practice of overcounting or underestimating certain components of the population resembles other practices that nowadays are also quite common in fields such as politics and public administration. The demographic engineering enacted by the state of Israel in the Occupied Territories (Falk and Tilley 2017) or the vaccination campaigns in South Asia (Closser 2010) are emblematic of a strategic use of the acts of counting and registering.

Since they were first established, population registers were intended to be by the central institutions that created them regulated by a clear and rigid script. At the same time, they have been perceived by many local actors—who should be simply called to comply with them—as an obstacle to their interests. Consequently, population registers have been systematically de-scribed, and often de-inscribed by those who are legally expected to scrupulously fill them out.

With the rise of fascism, the script of registration radically changed. In 1939 the so-called "laws against urbanization"<sup>5</sup> were issued, with the aim of preventing unemployed people from moving toward large cities and obtaining registration there. Under the new script, population registers were intended as means for the development of a demographic politics aimed at increasing birth-rates, regulating rent prices, and maintaining the public order for the benefit of the middle class (Gallo 2007). Selection became the main goal of registration, within a security frame grounded on the idea that poor and unemployed people would represent a threat for "good" citizens.

Laws against urbanization were abolished only in 1961, several years after the defeat of fascism and the proclamation of the Italian Constitution, which in Article 16 provides freedom of movement within the entire national territory. These laws remained in force for a while even though the first actual law on registration was issued in 1954. With law 1228 of 1954, registration as a script reverted to the original idea of security, namely, that of observing the population in an accurate, dynamic and

<sup>&</sup>lt;sup>5</sup> The law n. 1092 of 1939, containing Measures against Urbanism.

territorially uniform way. Toward this end, some institutional actors (especially the technical staff of the Ministry of the Interior and the ISTAT) have explicitly and loyally sub-scribed the idea of detailed monitoring, repeatedly trying to make local authorities stick to the national regulations (see for instance ISTAT 1992 and 2010).

However, during the subsequent decades, many municipalities continued to restrict registration. Their targets have changed through time: up to the 1990s it was mainly homeless Italian individuals, Roma or those with criminal records to be excluded from population registers (Kazepov 1997; Sigona 2002). The increasing politicization of the migratory issue has made non-citizens the most excluded group. Local authorities have taken formal steps, mainly as ordinances and circulars, to tighten requirements for registration provided for by law or add new ones: for instance, holding a job contract, having a decent dwelling place, absence of a criminal record, etc. (Lorenzetti 2009). Local authorities have also done the same without formal acts, namely through informal bureaucratic practices. Just as in the past, local authorities have de-inscribed registration, in some cases to such an extent that they have made normal a sort of administrative "illegal normality."

#### De-inscribing registration for the sake of security(ies)

This brief history of registration shows the obduracy of both the sub-scription of population registers—namely, their use in compliance with the legal norms and the rationale at the basis of their institution—and their de-scription and de-inscription over time. In the name of different ideas of security, some actors have obstinately tried to keep the script of registration coherent with monitoring purposes while other actors have attempted as stubbornly to bend it towards selective aims. Contingent situations surely have triggered specific actions by these different actors, but the tension between the two opposing ideas of registration as a script of security is structural.

The fact that registration is highly contested and used in alternative and ambiguous ways shows that it is intended, or in any case *de facto* employed, as a security device, namely, an item that is not just a "thing" but a technique and instrument "embedded in social practices, deployed in configurations of power, and creating new distributions of visibility, modes of thought and subjective dispositions" (Amicelle et al. 2015, 297). From the perspective of security studies, this kind of device is not relevant per se, but rather insofar as it represents "a broad social matrix of action which enables humans to modulate their environments" (Aas et al. 2009, 4). A security device "is related to a particular history; it is based on negotiated standards, finalities and functionalities that convey specific representations of the sociopolitical issue(s) at stake" (Amicelle et al. 2015, 294).

As a security device, registration makes "deserving" individuals visible while leaving undesired ones in the dark. Not differently from other public policy instruments, it is not a tool with axiological neutrality, but a socio-technical device that represents a condensed form of governmentality (Lascoumes and Le Galès 2004). Moreover, just as with other similar tools, its internal characteristics both constrain and enable the action of their users, dynamically and not statically, as its force of action "depends on processes of production, translation, circulation, appropriation, experimentation or resistance" which "can produce unexpected and unintended effects" (Amicelle et al. 2015, 294).

The political nature of registration as a security device emerges more clearly by looking at how, in the course of time, those social categories which are the object of discrimination and exclusion have changed. These changes, indeed, reflect shifts in the public and political discourses and in the rhetoric regarding registers concerning the link between some specific forms of marginality— economic, legal, cultural, racial, etc.—and security. In different historical phases, various social groups replace each other as being perceived and treated as threats to the security of the deserving part of the local society. Under the pretext of security, the Italian institutions, often with the more or less explicit consent of the people, have marginalized African colonial populations, individuals coming from the South of the country, mentally ill persons, sex workers, vagrants, people living in slums, etc. (Forgacs 2014). In most cases, their way of living and dwelling has been used as a pretext

to depict those who belong to these categories as dangerous, unreliable, unsavory, indecorous, and hence to consider their mere existence as a risk for other people. In monitoring these groups, registration has played a major and ambiguous role: if on the one hand public institutions have desired to view these individuals administratively and statistically, on the other hand the same institutions have preferred to neglect them and leave them uncounted. For instance, this has frequently happened with the Roma people or asylum seekers: both these categories of people have been the object of specific forms of control and, at the same time, have been systematically denied registration (Sigona 2002). Explicit—municipal ordinances—or implicit—street-level practices—strategies of exclusion have been enacted towards them by mayors and municipal civil servants, which often hinge on the hygienic conditions of the dwelling or the lack of an economic income.

The processes and effects of both "invisbilization" and control are evident in the context of the city of Rome, where some changes to the national law on registration introduced by central governments have paved the way for the exclusionary actions of local authorities. The first of these changes was made in 2009, when Law 125-the second part of the so-called "security package"modified the requirements for the registration of those who are homeless or do not have a fixed abode, calling on applicants to demonstrate the "effective reality" of their domicile. This changes have the effect of meaning that those who are homeless or without a fixed abode are no longer able to register by simply declaring that a certain municipality is the center of their affairs and interests, but rather have to undergo the evaluation of social services (Morozzo della Rocca 2017). Moreover, a Register of persons without fixed abode was instituted, which was intended to contain information about people in a position of need and keep record of them. It was then presented as an opportunity for the public administration to confront effectively and efficiently situations of poverty. Even though this register was described as an informative and non-repressive device, the fact that it was established through the Ministry of the Interior and not via the social or health Ministries discloses its real nature and purpose: monitoring the behaviors and movements of those components of the population perceived and framed as marginal (Mariani 2010). This results in a dual and ambiguous mechanism of control that is deployed towards people who do not live and dwell in "normal" ways: in order to be registered, they are monitored and forced to stabilize their existence by having constantly to be in touch with social workers, and, at the same time, they are the objects of a specific and separate action of counting, of which however they are probably not aware. This action is not tantamount to registration but rather constitutes its consequence: only those who satisfy the conditions introduced by Law 125 of 2009 can obtain residency and then are included in the special register. Monitoring, therefore, is detached from inclusion: homeless people or people without a fixed abode are counted as they are registered and not registered as they are counted.

The second important change was made in 2014, when Decree 47—the so-called "Housing plan" (*Piano casa*)—stated that "anyone who abusively occupies a property without entitlement" cannot be registered "in relation to that property." Consequently, a new requirement has been added to those already provided for by the law for the registration: the proof of the entitlement to occupy the dwelling in which one declares one is living. A few months later, a circular issued by the Ministry of the Interior specified that whoever dwells in abusively occupied property nonetheless has the right to be registered, and, since the criterion of the "habitual place of dwelling" cannot be applied in their case, they must be enrolled at the virtual address, analogously to people without fixed abode.

Through this intervention, central governments have carried out an ambiguous action: apparently, they have de-scribed population registers by strengthening their role as "security *aka* monitoring devices,"; actually, they have carried out a de-inscription by turning population registers into "security *aka* selective devices." The local authorities in Rome have taken advantage of such a situation and attempted to merge functions which appear opposite. Toward this end, they have bent different administrative tools to their goals. In short, they have tried to control the territory through devices other than registration. Just as their colleagues of other Italian cities—like Turin, in the Northwest—Roman authorities have practiced a sort of census specifically focused on people who live in informal settings or squats. This kind of enumeration has been employed in order to control but not to recognize: squatters have been counted without being registered, namely, local authorities and

police authorities have entered the occupation and identified all the people who were within it but such an identification has not produced an actual inscription within population registers (Gargiulo 2021) In this way, local authorities were inspired by a logic of security as monitoring. This is also evidenced by the fact that such counting operations were carried out through a visible and intimidatory deployment of police forces. At the same time, local authorities have been informed by a logic of security as selection. Only those who satisfy certain requirements have been registered. In this way, a specific security rationale has been permitted and supported: selection as the main aim has been enabled by a selective use of population registers, while monitoring, which is also considered a strategic objective, has been chiefly achieved through other devices.

The local authorities of Rome have therefore apparently de-scribed registration by sticking to a program of monitoring based on a different device, the "pseudo-census." They have actually deinscribed registration by proposing their anti-program, based on the premise that keeping the municipal territory secure means knowing those individuals who live in occupations but, at the same time, making them administratively invisible by avoiding registration or, alternatively, making them appear as people without a fixed abode. A "distortion" in the legal population has thus been produced: people who dwell in a material place are registered, but only to a virtual address, because they lack a physical space in which to live. Moreover, the logic of social control has been fostered: to be registered to a virtual address, squatters have to deal with social services and be included in the special register of persons without a fixed abode.

The anti-program led by Roman local authorities is selective too. While symbolically it purports to hide undesired individuals and social groups from the eyes of local constituencies, materially, the invisibilization it produces entails an asymmetric distribution of rights and benefits. The counterscript of security proposed by the local authorities of Rome aims at reassuring the "deserving" part of the municipal population – by pledging local citizens to defend them and their goods from migrants and dangerous/indecorous people – and, at the same time, at ensuring social security only to it.

The selectivity of this anti-program relies also on other devices and strategies. The procedures to follow and the forms for the declaration of residency play a major role in this regard. For instance, people are asked to make an appointment to deliver their declaration only telephonically, but they always get a busy signal. The forms to be filled out in some cases are ambiguous or even demand information not requested by the law and regulations. Websites in which instructions for registration are provided also request information that is not prescribed in the national law.

Selection hence hinges on banal bureaucratic devices and actions. But it can also be grounded on more systematic administrative choices. Recently, the local government of Rome has started a program of complete digitalization: the Digital Home of the Citizen (*Casa digitale del cittadino*)<sup>3</sup> aims to be the "bureaucratic door" to the municipal services and administrative procedures in which users are involved. Once such a frame of change will be completed, the access to registration, in the current intentions of the local government, will depend on SPID, a system of nation-wide digital identity. The possibility of holding SPID, however, hinges on the availability of an identity card, which in turn presupposes registration. A catch-22 is therefore triggered: being registered is the beginning and the same time the end of an administrative procedure.

## Conclusions: Or how different (in)securities are performed

By analyzing how population registers are used and misused by different institutional actors in Italy, and specifically in the city of Rome, this article highlights the primacy of de-inscription over subscription and maps out the diverse meanings of security entailed by the different uses of registration. The same script device is employed in different ways to pursue ideas of security— monitoring and selecting—which, despite being theoretically opposed, are in some cases in fact ambiguously merged. This shows the obduracy of the tension between two opposing ideas of registration as a script of security and unveils the different meanings of the last notion. Security, as

emerges from the various uses of population registers, can be meant as the possibility of accurately observing the local population and its dynamics, as the capacity to select its "deserving" members, or as an ambiguous mixture of both.

This article, moreover, explains that the concrete realization of these ideas entails diverse forms of performativity, which are not always recognized as such by their "performers." As previously shown, the institutions which have designed and established registration intended it as a script aimed at a detailed and accurate monitoring of the population. From their perspective, through registration it is possible to view social reality in an objective and dynamic way, namely, to bring the *de jure* population to correspond exactly to the *de facto* population. According to the National Institute of Statistics (ISTAT), "if censuses can be compared to pictures of a specific instant in time, population registers can be compared to a set of pictures of various instants in time, which allow us to know the demographic elements in their continuity, namely, to observe the demographic fact in its cinematic" (ISTAT 1992, 7).

The Italian institutions therefore defend a *representational* perspective of the population. Such "naïve realism" is theoretically untenable, since registration actually occurs in a way directly contrary to how it is legally conceived. Instead of simply certifying a material condition, the act of registration performs the *administrative existence* of a legal population which is shaped according to certain institutional rules and does not reflect how people live within the territory. In fact, ontologically, registration comes first. It forces people to live and dwell differently from how they would if they were free to decide for themselves. Basically, it conditions their decision to settle and how they manage their way of living in the territory. At the same time, it avoids seeing people who are materially resident but fall outside the legal categories on which it is based. As happens in other fields of state action, the concepts and legal notions employed by the institutional actors "can end by becoming categories that organize people's daily experience precisely because they are embedded in state-created institutions that structure that experience" (Scott 1999, 82-83).

Despite being untenable, naïve realism is politically relevant as it expresses a certain idea of state jurisdiction and power. Legal categories like residency, domicile, and dwelling are *naturalized* inasmuch as social phenomena like the material ways one inhabits and lives the territory are confused with their legal representation. Such an overlap gives the illusion that population is a neutral and objective item that can be simply discovered through administrative and statistical means, which render it fully knowable and hence governable.

Consequently, when the script of registration is properly used to obtain security as monitoring, performativity is the unintended effect of a course of action oriented towards achieving an accurate picture of the population. On the other hand, when population registers are de-inscribed towards an idea of security as selection, the legal categories on which registration is grounded express an idea of jurisdiction and power explicitly oriented toward population design and are knowingly used to affect the ways people materially live the territory.

The alternative uses of registration therefore show an interesting dimension of performativity. Normally, this concept is employed to mean processes that affect and shape social reality even though the actors who trigger them are not aware of their performative power or even totally ignore that their actions are able to produce performative effects. This interpretation of performativity allows us to understand how following a certain script—in this case, using population registers for monitoring the population—*de facto* leads to a performing of social reality beyond individual awareness. However, it does not equally permit grasping how the de-inscription of the same script—in this case, the act of using registration to deliberately select and exclude—presupposes that the actors who employ population registers are completely conscious and even deliberate in giving a certain shape to social reality. When this happens, performativity is somehow *intentional*, being the effect of a deliberate course of action—namely, a counter-script—aiming to guarantee security only to the "deserving" part of a local society. Depending on whether it is sub-scribed or de-inscribed, registration performs social reality according to the intentions and will of the designers and the users of the script. The ways it

actually works show therefore that performativity, meant as the capacity to affect and shape social reality, in some cases is, and in others is not, the effect of intentional acts.

Registration shows aspects that are shared by other security devices, which "are performative in that they not only enact or alter particular realities and categories depending on the successful stabilization of complex socio-technical configurations, but also draw legal, gender, race or class boundaries and lines of exclusion" (Amicelle et al. 2015, 298). In the case of population registers, some kinds of formal and social distinctions can be enacted as the mere result of how registration is conceived, regardless of the will of its users. If sub-scribed, registers establish administrative distinctions—homeless people or those without a fixed abode are differentiated from habitual dwellers—and set up requirements for registration—individuals who are only temporarily present do not have the right to be registered. Those who want registration are therefore not simply "photographed" by the institutions in their "natural" conditions but are called upon to think about their ways of dwelling and inhabiting in accordance with the legal categories on which population registers are based and, in some cases, are even forced to adapt their behaviors and lifestyles in order to satisfy the requirements for being enrolled.

Other kinds of boundaries and lines are enacted as the result of conscious (mis)uses of registration. De-inscribing population registers is tantamount to explicitly enacting a stratified and unequal population. By selecting the "desired" residents, legal, symbolic and material borders are deliberately raised against people who live in or are linked to the territory, but are considered "undeserving."

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<sup>2</sup> Such an articulation of powers between central government and peripheral local authorities has not changed. Instead, it has been strengthened after a unified system of registration was launched in 2005, at the time when Legislative Decree 82 was issued. The Digital Administration Code introduced the *Anagrafe nazionale della popolazione residente* (ANPR, National Register of the Resident Population) a sort of national register collecting and connecting in real time the different municipal registers. For the characteristics of this system, see Pelizza 2016a.

<sup>3</sup> <u>https://www.comune.roma.it/web/it/attivita-progetto/casa-digitale-del-cittadino.page</u>.

<sup>&</sup>lt;sup>1</sup> These requirements are provided for by Legislative Decree 30/2007, which implements EU Directive 38/2004.