Chiodelli F., Coppola A., Belotti E, Berruti G., Clough Marinaro I., Curci F., Zanfi F. (2020). The production of informal space: A critical atlas of housing informalities in Italy between public institutions and political strategies. *Progress in Planning* [in press]
https://doi.org/10.1016/j.progress.2020.10

This is the **post-print version** (that is, the final draft post-refereeing, but before proof correction) of the paper:
Chiodelli F., Coppola A., Belotti E, Berruti G., Clough Marinaro I., Curci F., Zanfi F. (2020). The production of informal space: A critical atlas of housing informalities in Italy between public institutions and political strategies. ***Progress in Planning*** [in press] https://doi.org/10.1016/j.progress.2020.10049

The production of informal space: A critical atlas of housing informalities in Italy between public institutions and political strategies

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Abstract

The paper analyses the plurality of urban informal practices that characterize contemporary Italy in the sphere of housing, focusing on its complex connections with a variety of public institutions (e.g. laws, regulations, policies and practices). The paper discusses five cases of urban informality in Italy: the squatting of public housing in Milan; Roma camps in Rome; the *borgate romane* (large unauthorised neighbourhoods in the capital, which were built in the 1960s and 1970s and which have subsequently undergone a long and complex process of regularization); unauthorised construction, by the middle class, of second homes in coastal areas of Southern Italy; illegal subdivision of agricultural land as a standard mechanism for urban expansion in Casal di Principe, Naples.

From these cases emerges a complex picture of hybrid institutions that shape and govern housing informalities. These hybrid institutions are composed of multifaceted networks of actors, policies, practices and rules that exist in tension with each other and contribute to favouring and shaping the production of informal space in different ways (e.g. through their action, inaction and structural features). Against the backdrop of this varied

institutional framework, a selective tolerance driven mainly by politically-mediated interests emerges as the distinctive feature of the public approach to housing informality in Italy.

The paper aims to develop an innovative research approach to informal housing in Italy by overcoming traditional boundaries between research 'objects' and by looking at political uses and forms of institutionalisation that are deployed across housing informalities. By doing so, it also contributes to the literature which analyses informality through the lenses of state theory. Simultaneously, it represents a call for international research to investigate the similarities in the patterns of housing informality – and their multifaceted politics – in Mediterranean welfare states.

Keywords

Informality; illegality; housing; urban planning; public institutions; Southern Europe

Highlights

- The paper investigates the plurality of housing informality in contemporary Italy
- It analyses the complex nexus of informality with a variety of public institutions
- It presents five cases (e.g. squatting; Roma camps; illegal housing construction)
- A selective tolerance driven by political interests emerges as the distinctive feature
- A variegated politics of housing informality is identified

Acknowledgments

Francesco Chiodelli and Alessandro Coppola conceived this paper and edited it. Section 1 has been written by Francesco Chiodelli and Alessandro Coppola, with the exception of sub-sections No. 1.3.2 (written by Emanuele Belotti, together with Francesco Chiodelli and Alessandro Coppola) and No. 1.3.3 (written by Isabella Clough Marinaro). Section 2 has been written by Emanuele Belotti, Section 3 by Isabella Clough Marinaro, Section 4 by Alessandro Coppola, Section 5 by Francesco Curci and Federico Zanfi, Section 6 by Gilda Berruti, Section 7 by Francesco Chiodelli and Alessandro Coppola.

1. Introduction. Between the north and the south: a phenomenology of housing informality in a Southern European country

1.1. The specificity of urban informality in Mediterranean welfare states

Despite the fact that informal housing has been the subject of a vast amount of critical attention, this attention has mostly focused on case studies in the 'Global South', both for their higher incidence (UN-Habitat, 2016) and the structural character of informal self-building as a mode of urban living in such contexts (AlSayyad, 2004). Conversely, informal housing practices taking place in the cities of Europe and North America have been framed in scholarly debates as fairly exceptional phenomena, mainly representing the tactical response of certain marginalised groups (e.g. refugees and the homeless) to a challenging housing situation or the embodiment of counter-hegemonic rationales (e.g. such as squatting as a political action; Coppola and Vanolo, 2015; Martínez and Cattaneo, 2014; Watson, 2016). Although these latter variants of housing informality have been quite extensively analysed and discussed, the conceptualisation of housing informality as a phenomenon peculiar to cities in the Global South remains unchallenged (Durst and Wegmann, 2017), with few exceptions (see for instance research on certain US and Canadian areas: Durst, 2016; Mendez, 2017; Mendez and Quastel 2015; Mukhija and Loukaitou-Sideris, 2014). Furthermore, much scholarly research is based primarily on a binary understanding of the *modes* of informal housing, implying the existence, even if implicitly, of one mode typical of the Global South and another typical of the Global North. Such dualism largely fails to account for the global variety of informal housing. In particular, it is inadequate to helping us understand urban informality in areas where elements of the two idealised modes tend to cohabit and to be recombined in peculiar assemblages, such as we see in countries like Italy, Spain, Portugal, Greece, Cyprus and Israel that are often recognised as Mediterranean welfare states (Gal, 2010).

The gulf between the context of these countries and the stereotypical Global South is relevant. A rapid comparison with the five conditions that UN Habitat (2003) considers essential criteria for the identification of slums is helpful from this perspective. Slums are human settlements that are unable to protect dwellers

against extreme climate conditions, provide sufficient living space, ensure access to safe water and adequate sanitation, and finally to provide security of tenure that prevents forced evictions. In contrast to many cities of the Global South, in Mediterranean welfare states these conditions very rarely apply – with a few exceptions, such as the 'ghettos' of migrant seasonal workers in Southern Italy (like the one in San Severo; Cristaldi, 2015) or refugee camps in Greece (Mavrommatis, 2018). For instance, the material, sanitation and basic service conditions of informal housing in the Mediterranean welfare states are normally incomparably better than those in the slums of the Global South, and a conspicuous part of informal housing is actually not truly distinguishable from ordinary legal housing. At the same time, the scale and incidence of human settlement for which security of tenure has been not achieved (or has been achieved through regularisation processes) – despite not being as high as, for instance, in several African cities – is not comparable to the contexts of Northern Europe and America, where the phenomenon is fairly rare. Simultaneously – and again differently from several Northern European contexts in particular – political and alternative lifestyle-driven practices in Mediterranean welfare states are very far from representing a consistent portion and the main rationale of the overall informal housing practices.

Against this backdrop, our underlying hypothesis is that informal housing in several Mediterranean welfare states is characterised by some shared features. Three of them are, in our opinion, the most important. First, non-compliance with planning law and development controls is a widespread and multi-dimensional feature in the field of urban development, so that informality is not an exceptional and marginal phenomenon, but at the same time is not clearly prevalent. Second, housing informality involves broad social groups – not necessarily the disadvantaged or marginalised – based on a set of articulated and changing conditions of convenience and opportunity which are critically shaped by state authorities. Third, housing informality often materialises in the production of portions of the urban fabric that are barely distinguishable from those that are formally produced. In order to corroborate this hypothesis, an in-depth comparative research on all these Mediterranean countries would be needed. This paper is an attempt to trigger such research by offering detailed knowledge of informal housing practices in Italy, engaging with the investigation of its phenomenology and its social, institutional and regulative logics.

From this perspective and as a general positioning, we believe that informal housing practices in Italy can be

more productively framed in the context of literatures that have addressed the specificities of Southern Europe in the fields of housing and welfare, rather than in the context of the literature on informal housing itself. In their seminal work, Allen et al. (2004) identified the weak presence of state-provided housing in a context characterised by high incidence of homeownership and the pivotal role of family networks in access to housing for younger generations as critical characteristics of such systems (on these issues, see also: Arbaci 2007 and 2019; Bargelli and Heitkamp, 2017). The important role played by informality (i.e. housing self-promotion and self-production) is considered an additional structural feature of the Southern European housing regime, even if its contemporary relevance is rather underestimated by the authors. Other scholars later contributed to clarifying the fundamental role of self-promotion in the housing field in several Southern European contexts, exploring specific aspects of it such as the occupation of public and private buildings (see Di Feliciantonio, 2017; Esposito and Chiodelli, 2020; Grazioli, 2017; Mudu, 2014) or the illegal construction of new housing units (Chiodelli, 2019b; Coppola, 2018a; Zanfi, 2013) in Italy. The main shortcoming of these studies, however, is their lack of interaction and mutual connection, so that each of these phenomena is usually analysed and discussed as practically and theoretically independent from the others.

From another perspective, the literature on welfare systems has also illuminated characteristics of southern European welfare systems that are relevant to the present discussion. Following the seminal work of Esping-Andersen (1990), several scholars outlined factors that in their opinion showed the distinctiveness of Mediterranean welfare regimes in the European context. Among these factors were: the dualism of the welfare protection systems, ensuring on one side high levels of protection to certain social groups and, on the other, lacking forms of support to persisting, extensive and at times spatially bounded situations of poverty (Arbaci, 2019); the particularistic-clientelistic nature of the mechanisms presiding over welfare entitlements and transactions (Ferrera, 1996); the very important role played by the family – and in particular by women within families – in the provision of welfare (Naldini, 2003).[1]

[1] More recently, a call for a research agenda focusing on the commonalities of "an extended family of Mediterranean welfare states" (Gal, 2010: 284) has been advanced, in order to account for countries such as Cyprus, Israel and Turkey that were not included in previous conceptualisations of the Southern European Model (ibid.). Our hypothesis concerning the shared features of informal housing in several Mediterranean countries applies to Israel and Cyprus, but not to Turkey.

Many of the factors discussed in the literature which strives to make sense of the Mediterranean and Southern European peculiarities in the fields of housing and welfare are of critical importance for the framing and articulation of a discussion on informal housing practices in these contexts. Against this backdrop, this paper aims to provide international scholars with an up-to-date atlas of informal housing practices in Italy, looking at them mainly from an institutional and regulatory perspective. More specifically, the atlas intends to contribute to the understanding of the global phenomenology of housing informality by stressing its complex and articulated relations with an array of public institutions and political strategies. In so doing, this article challenges once more the viability of the Global South/Global North dichotomy in the scholarship of urban informality by contributing to it with new empirical evidences and theorisations of informal housing arising from the Italian case – which despite its relevance from this viewpoint has been overlooked by the international research. More precisely, the paper intends to offer three key, closely related contributions. Firstly, our analysis helps to overcome the heuristic value of the formal/informal dichotomy (as discussed in the recent literature; see for Chiodelli and Moroni, 2014; Waibel and McFarlane, 2012; Roy, 2009) thanks to its specific focus on the complex nexus between the informal production of housing and public institutions. Secondly, this paper contributes to the conceptualisation of the variegated politics of informality and to the comprehension of its complex relation to the variety of illegal housing and its institutional assemblages. Thirdly, the specific focus of our study on public institutions feeds into the still meagre literature analysing urban informality through the lens of state theory (Haid and Hilbrandt, 2019). As a response to the need to unveil the complex picture of hybrid institutions that shape and govern the production of informal space, three main strategic political uses of public measures that deal with housing illegality are identified (see Section 7): the exclusionary politics of race and marginalisation; the governmentalisation of social problems; and the selective legitimation of social groups.

1.2 A war on terms: illegal or informal?

A first key task is to clarify some of the essential terms that are employed in the scholarly literature to identify

the phenomenon under investigation. The first and the most popular is *informal*. The second term is *illegal*, which identifies an object mainly in terms of its relationship with the public regulatory system (Chiodelli et al., 2018). A third term, which is also quite common, is *slum* (UN-Habitat 2003), which usually designates precarious dwelling settlements located mainly in the cities of the Global South. To these three terms we may also add *irregular* and *unauthorised*.

None of these terms is completely satisfactory, however. For instance, *illegal* tends to imply otherness and separation from the legal system, while, in many cases, illegal urban objects have a complex and nuanced connection with the law (Chiodelli and Moroni, 2014). *Slum* has been rejected by the majority of contemporary scholars, both for the implicit stigmatisation and oversimplification attached to it (Gilbert, 2008) and, in the form codified by UN-Habitat (2003), for the limited contemporary applicability to many cases beyond the Global South. *Informal* is usually preferred, but once again the term is not completely satisfactory, because it can mean lacking form or be casual in terms of material and aesthetical shape, when in fact certain settlements are neither of these (Dovey and King, 2011). Moreover, the use of the term *informality* often brings with it also the more-or-less implicit idea of "law as tangential" (Datta 2012: 7) to the concern of the actors of the informal city, while, on the contrary, public institutions are crucial in shaping everyday life and development trajectories of informal settlements and practices.

Being fully aware of these terminological questions, we will mainly use the terms *illegal* and *informal* – together, at times, with *unauthorised* – in order to denote the objects under investigation in this essay, considering them as largely synonymous. In our view, they imply a specific process of production/promotion and/or use of housing units which is characterised by a lack of public authorisation at certain stages (for instance, no permit to build on a given plot of land or to build in a certain way) or by the transgression of certain laws and regulations. Such a process of production/promotion and use is not necessarily associated with: any specific social group (e.g. the poor); a low quality structural outcome (e.g. precarious building), negative judgments in terms of the established social norms and expectations (e.g. as an illicit object, that is an object which is considered unacceptable in terms of the dominant social perception and custom); a lack of any sort of relation with public authorities.

1.3. The phenomenology of housing informality in Italy: an overview

Urban informality in Italy is a vast, pervasive, complex and heterogeneous phenomenon that goes well beyond housing per se. In some phases of Italy's contemporary history (for example, after World War II) and in some areas of the country (mainly several regions of southern Italy), informality has been, and still is, an almost ordinary means of production and use of the urban space, with unauthorised construction involving a broad variety of structures such as homes, warehouses, hotels, beach resorts, restaurants and shops. In addition to the unauthorised production of the built environment, the informal use of lawfully produced buildings is a relevant component of urban informality as well. As we will see, tens of thousands of public housing dwellings – and in some cases private dwellings as well – are illegally occupied in Italy (Federcasa, 2015), and hundreds of decommissioned factories, warehouses, office buildings and movie theatres are used by squatters for housing and recreational purposes (Mudu, 2004). Informal uses of legally produced buildings are not limited to these cases, which imply the infringement of property rights, but also concern the use of certain buildings by their owners for purposes different from those originally authorised: attics and cellars used as dwellings, homes used as sites of production, warehouses used as places of prayer (Chiodelli and Moroni, 2017). Informal uses can also involve public and private open spaces: commercial activities such as restaurants often expand in an unauthorised manner into public space (for example, through the creation of a café terrace on an urban sidewalk) or seaside resorts illegally colonise the shore; agricultural land is transformed into quarries or landfill, sometimes in connection with organised crime (Berruti and Palestino 2019) (see Figure 1.1).

In this paper we focus on the most quantitatively relevant component of urban informality, that is informal housing. We will analyse three main 'objects': the construction of unauthorised housing, squatting in public housing units and the creation of illegal Roma camps. Such situations are certainly not exhaustive of the phenomenon; however, they are not only quantitatively predominant, but are also highly representative of the variety of forms and mechanisms – in terms of the main actors, regulatory regimes and prevailing causal patterns – through which housing informality is produced in Italy.

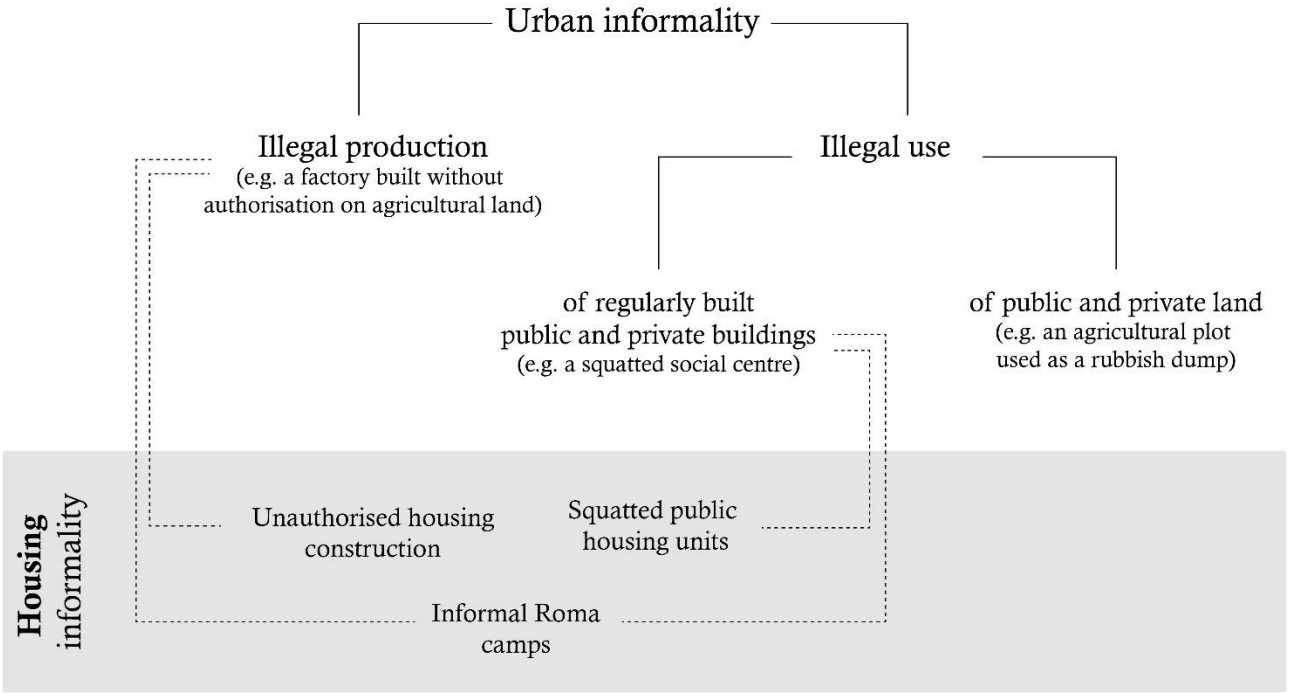

Figure 1.1 - The main types of urban informality in Italy

Before introducing each of the main 'objects' under investigation here, three additional dimensions of contextualisation are needed in order to better understand the framework within which urban informalities occur in Italy.

The first element refers to corruption and clientelism. For instance, corruption of public officials and politicians can be one of the ways in which different kinds of housing illegality arise and persist (e.g. bribes are paid in order to evade inspections, to avoid the reporting of an identified violation, to favour the public toleration of a transgression; see Chiodelli 2019a and 2019b on these issues). Despite corruption being potentially a strong driver of some cases of informal housing, as we will argue in this paper our impression is that most Italian housing informality is related to other, more ordinary and structural sources. More precisely, it is related to the specific features of the Italian political and institutional system and to its inability to provide adequate responses to widespread social needs. Among these political and institutional features there is also clientelism. As we will mention, large clienteles have been built at the local level in many areas of Italy, based on the exchange of tolerating informal housing for electoral support. This kind of 'proper clientelism' (i.e. exchange of goods and services for political support, involving an *explicit* quid-pro-quo) must be contextualised within

the framework of a larger phenomenon, that is the selective legitimation of specific social groups, which has been a cornerstone of national politics for decades (and also of regional politics in some areas in particular).

The second element is the uneven and selective political economy of welfare support and the persisting role of families as essential units in the realms of production, social reproduction and social representation. Several times in recent history, regulatory failures in the field of housing and welfare policy have pushed certain social groups towards informal housing solutions, at times also in the context of entrenched and toxic forms of marginalisation (as is clearly the case with Roma camps; Maestri and Vitale, 2017). At the same time, uneven forms of inclusion in the labour market and access to welfare support have strengthened entrenched cultural preferences for family-centered patrimonialisation strategies that have sometimes resorted to housing informality as a source of competitive advantage in processes of class and social reproduction. Lastly, the central role played by families in practices such as informal housing construction and informal encroachments of public housing has proved to be strategic in the making of justification regimes around formalisation that have relied on the widespread legitimization of the family as a central structure in social organisation.

Finally, the third element relates to the essential structure in the political economy of the Italian spatial planning system, and in particular to its failure to effectively regulate land development. Compared to northern European countries, Italy has experienced a late and spatially uneven process of industrialisation that has led to the persisting economic and political centrality – primarily at the local level – of land-rent extraction actors, mechanisms and institutions. Accordingly, the negotiation of the conditions for the extraction of land rents – that is, land-use decisions – has always been a strategic site for the construction of power relations and hegemonic projects. This has prevented the success of reformist projects that would have overcome the existing highly privatised and discretionary land regime through the establishment of a more assertive role of state land ownership and regulation (De Lucia, 1989). At the same time, the establishment of more equitable and accountable regulatory frameworks able to equitably meet the expectations of all land-owners (e.g. the introduction of a development rights market; Micelli, 2002) has also been prevented. This regulatory failure has contributed to the surge of informal land markets on behalf of owners who were not favoured by planning decisions (Chiodelli and Moroni, 2015), while producing negative impacts on both the private housing market (which has never been able to provide adequate housing to large swaths of the Italian population; Gentili and

Hoekstra, 2018) and the production of public and social housing (whose supply has always been largely unable to satisfy the demand).

These three broad dimensions are variably related to the spread of informal housing practices and are the background against which the families of informal housing practices that we will address in the following sections arose and developed in their constant, complex relationship with public institutions.

1.3.1. Unauthorised housing construction

Unauthorised housing construction in Italy – the so-called *abusivismo edilizio* – is characterised by a profound phenomenological heterogeneity (Cremaschi, 1990). However, in almost all cases, it is not a question of dilapidated constructions made of precarious materials, but of houses that, from a physical point of view, are very similar to – and sometimes absolutely indistinguishable from – those built legally.

In general terms, based on the main regulatory regimes they violate, we can distinguish two main types of unauthorised housing construction (see Figure 1.2). The first is represented by entire residential buildings erected without authorisation on areas that are not zoned for residential use (e.g. agricultural plots or areas under environmental protection). In this case, it is mainly land use laws at the national and regional level, and planning regulations at the local level, that are broken. These forms of unauthorised construction are conducive to a whole range of negative externalities, from the over-exploitation and devastation of natural resources (such as coastal ecosystems and underground waters) to the congestion of existing public infrastructures. This is the type of violation that is most commonly associated with unauthorised building in Italy, both because of paradigmatic cases that have gained much media attention and for its quantitative relevance, especially in the country's central and southern regions.

The second type of violation involves the illegal extension of authorised buildings – for example, the addition of one room to an apartment through the enclosure of a balcony or the addition of an entire floor at the top of a building. In this case the land use rules are not violated, but local building regulations are (e.g. regulations on overall building volume and maximum heights). This second type of violation is generally less visible than the previous one (if not 'mimetic'), despite most housing violations in Italy actually falling under this category. The illegal extension of authorised buildings can produce several negative externalities, such as a reduction in

the resilience of buildings to external shocks (for example earthquakes and climate-related events like flooding), which are fairly common in Italy.

Against the background of these two main types of violation, the structures that are actually built and their social conditions of production can be very different. Among these there are: small extensions to single-family homes, or modifications to apartments made with the aim of accommodating a change in the household composition or a desire for extra space; first single-family homes built by/for low and middle-class households in urban areas; holiday homes built mainly by/for the middle class in seaside, rural and mountain areas; entire multi-storey residential buildings or additions to residential buildings (e.g. an attic converted into housing or an entire floor added) built by developers; homes built in interstitial public areas or within public housing complexes by marginal social groups; large villas mostly for wealthy families (in some instances linked to organised crime).

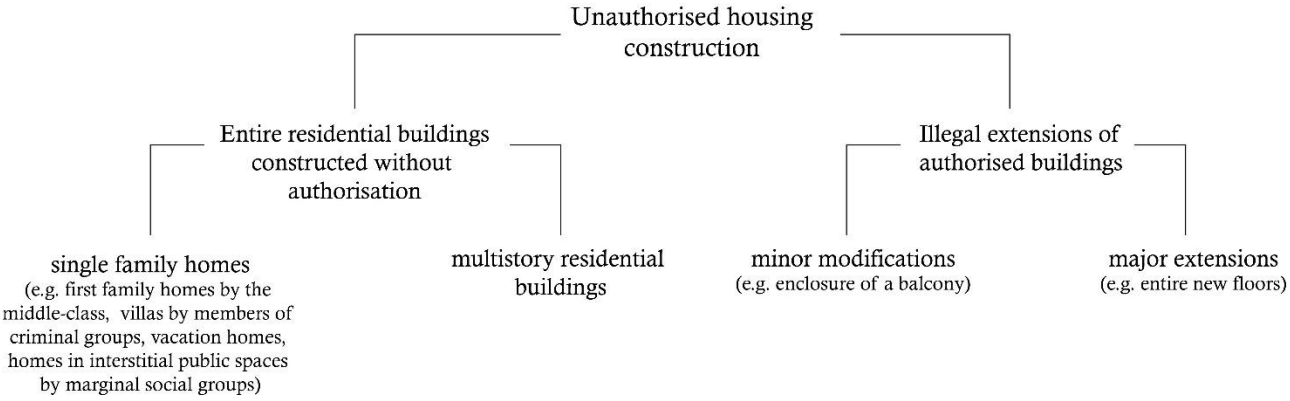

Figure 1.2 - The main types of unauthorised housing construction in Italy

These different kinds of unauthorised housing construction are not evenly spread across the country; certain areas and certain times have significantly involved the production of certain specific forms. Changes have been the result of the social and economic evolution of Italy, as well as variations in the regulatory frameworks governing the production of the built environment. For example, in the years following World War II, a significant proportion of unauthorised housing was built out of acute social need, at the crossroads of massive internal migrations (to certain metropolitan areas in particular) and the under-production of housing for the lower classes by both private actors and public authorities. The case of Rome is probably the most significant

in this regard for both the scale and sophistication of such endeavours (see Section 4). With the passing of decades, however, this pattern of 'unauthorised buildings out of necessity' has increasingly given way to emerging forms of 'unauthorised buildings of convenience' (Cremaschi, 1990; Cellamare, 2013): many middle-class families were able to access types of housing they would have not been able to afford on the formal market through informal construction, as represented by the case of second homes in recreational areas (see Section 5), which have come to constitute a significant proportion of current illegal housing in Italy.

Another change that is worth stressing refers to the ways in which the productive process of unauthorised housing is organised. With the decline of needs-oriented unauthorised housing activity, productive processes increased in sophistication, implying a shift from the mere activity of land plotting (i.e. selling the land to households building their homes through self-construction; see Sections 4 and 6) to the proper construction and selling of homes to final users. In both instances, the suppliers (e.g. developers) were able to make extra profits compared what they would have been able to make by respecting the law, and their customers were equally able to access more affordable housing.

There is no accurate data on the extent of unauthorised housing building activity in Italy. General estimates have been provided from time to time by research institutions and NGOs. For instance, according to the National Institute for Statistics (ISTAT, 2017), the 'unauthorised building index' – based on the number of building infractions uncovered by public authorities – increased between 2005 and 2015 from 11.9 to 19.9 for every 100 legal houses built annually and then decreased slightly from 19.9 to 19.4 in the period 2015-17.[2] Such trends are associated with the reproduction of the strong historical territorial divergence between northern Italy and the rest of the country: at the two poles of such divergence, the macro-area of southern Italy had an index of 49.9 while the north-east was at 5.5 in 2017 (ISTAT, 2017).[3] The current level of unauthorised housing is in line with the development of the phenomenon in the past: for instance, homes created without authorisation from 1971 to 1984 made up 12.3% of the total (Comitato per l'Edilizia Residenziale and

[2] The increase of the unauthorised building index between 2005 and 2015 is related to the heavy decrease in legal housing construction. On the contrary, the construction of unauthorised housing units remained stable. Therefore, unauthorised building proved to be resilient in the financial crisis. In fact, it increased as a proportion of overall construction.

[3] These data do not refer to housing units, but to buildings *lato sensu*; however, evidence confirms that the great majority of the phenomenon involves constructions for residential use.

Ministero dei Lavori Pubblici, 1986). To have an idea of the absolute size of the phenomenon, consider that the number of homes built illegally in Italy between 1994 and 2014 amounted to 364,000 (Legambiente, 2014). It is against this backdrop that illegal housing has been defined as a *structural* phenomenon intrinsic to the country's urban development (Cremaschi, 1990; ISTAT, 2013).

1.3.2. Squatting of public housing

Public housing units represent less than 5% of the overall Italian housing supply. 'Public housing' in Italy is understood as state-subsidised, socially rented housing, mostly promoted and managed by regional public authorities and local governments. Public housing rents are far below market rates (the national average in 2014 was 99 Euros per month; Federcasa 2015), serving low-income groups on the basis of specific socio-economic criteria. Eligible households can access public housing units through municipal waiting lists. After over two decades of both the State's withdrawal from the public housing sector and the privatisation of portions of stock, which led to a sale of 22% of available housing units from the 1990s (Adorni et al., 2017; Puccini, 2016), there are currently estimated to be around 760,000 households living in public housing (or 2 million individuals). At the same time, 650,000 eligible households are still on municipal public housing waiting lists across the country (Federcasa, 2015). Waiting time for accessing housing varies from municipality to municipality, but it can amount to several years or even decades. This is not only due to a lack of proper public flats, but also to the fact that, in several cases, public housing units are in such a condition of severe physical decay as to be removed from the available inventory (around 16,000 units are so derelict that they cannot be allocated; ibid.).

This critical condition of the public housing system is associated with an overall Italian housing context that in recent decades has been characterised by the rise of homeownership, the deregulation of the rental sector and an increase in housing distress. Indeed, the Italian homeownership-based housing system has assigned a residual role to public housing since after World War II (Arbaci, 2007), while the contextual deregulation of the private rental market in the 1990s contributed to the increased inaccessibility of rents for some social groups (e.g. the lower-middle class) (Gentili and Hoekstra, 2018; Coppola, 2019). Monthly rent went from absorbing on average 15% of the household income in the 1970s and 1980s to 30% in recent years (Fregolent

et al., 2017). The percentage of households living in a situation of housing distress – with rents absorbing more than 30% of their monthly income – went from 16% of all renting households in 1993 to 35% in 2016 (totalling two million households; Nomisma, 2016). Evidence of evictions also bears witness to the housing problems of renters: eviction notices rose from 40,000 in 2002 (of which 27,000 were for arrears) to over 77,000 in 2014 (of which around 55,000 were for arrears), albeit with a slight decrease between 2014 and 2016 (Ministry of the Interior, 2016). It is against this background that squatting practices in the Italian public housing sector re-emerged during the 2000s. Squatting has historically been a 'parallel channel' through which to access (public) housing stock in Italy, but in the last twenty years it has become a major grassroots response to the affordable housing crisis, especially for international migrants.

According to estimates, over 6% of public housing stock in Italy is currently illegally occupied (Federcasa, 2015). The phenomenon of illegal occupations can be traced back to the origins of the sector in the second half of the twentieth century, with a large presence in the big cities of central and southern Italy; however, since the 2000s it has also spread in northern regions, where the number of squatted public housing dwellings increased of about 300% between 2003 and 2013 (ibid.). Although movements for housing rights have occasionally supported or promoted squatting in public housing in the past, the phenomenon has mostly been spread outside such political action. In fact, from north to south, forms of the black market are a persistent co-regulatory principle in the informal allocation of vacant dwellings, sometimes involving criminal groups (Belotti and Annunziata, 2017; Esposito and Chiodelli, 2020a and 2020b; Maranghi, 2016).

Although the specific processes of occupation differ from one region to another due to the influence of distinct normative and policy frameworks, in general unauthorised occupations may involve, firstly, individuals who replace legitimate tenants in an illegal way (for instance households who move in the dwellings of departed relatives without public authorisation) and, secondly, tenants in arrears who refuse to leave their dwellings. Thirdly, there are also households who break into vacant dwellings with the intent to squat in them, commonly with support or connections provided by networks of relatives and acquaintances. According to Italian law, the first and the second cases represent 'administrative irregularities', while the third (which is here the main object of our analysis) is a criminal offence.

1.3.3. Roma camps

As mentioned before, most informal housing in Italy cannot be described as precarious shacks made from improvised materials. However, there are some slum-like settlements self-built by particularly vulnerable segments of the population. These are often international migrants (many of them undocumented) who cannot afford mainstream housing. Some notable cases involve seasonal agricultural workers (Cristaldi, 2015) and refugees and asylum-seekers who are unable to find formal accommodation (Allaby 2018). The most paradigmatic case in terms of the longevity and pervasiveness is that of Roma camps. These exist throughout the country, although their numbers and geography are not accurately mapped. Nonetheless, an estimated 26,000 Roma live in conditions of 'housing emergency' nationally (Associazione 21 luglio, 2017), 9,600 in unauthorised encampments.[4] In 2000, Italy was famously described as 'Campland' (ERRC 2000): the only European country to have produced a system of concentrating thousands of members of a single ethnically-defined group – both Italians and foreigners – in camps, mostly on the fringes of urban areas. These camps have various legal statuses: some are entirely unauthorised, others are tolerated by local authorities, others are formally authorised but conditions and services are nevertheless comparable to those characterising slums.

Some Roma, Sinti and Caminanti communities choose to live in such settlements because they are seasonally mobile, or because these environments provide necessary storage and work-spaces, as well as the ability to live in extended family groupings. However, in many cases, families are forced there due to a systemic lack of alternative housing policies resulting largely from Regional Laws introduced in the 1980s. These asserted that Roma were culturally nomadic and thus should be offered temporary halting sites. While it is now widely recognised that this was a flawed culturalist assumption – indeed most residents settled permanently on sites which were unsuitable (and unplanned) for long-term habitation – the majority of Italy's municipalities have since failed to develop effective strategies to help significant numbers access mainstream housing. In various cities, the main evolution has been the creation of municipally-built camps, where housing infrastructure is of

[4] Since Italy does not collect ethnic-specific data, statistics are very approximate. Here we rely largely on estimates by 'Associazione 21 luglio', the leading NGO that carries out research nationally and in many of Rome's camps. While the organisation has a political agenda and thus cannot be considered a neutral source, its data are nevertheless more reliable and complete than many other sources, including governmental ones.

higher quality, but which retain the same problems of spatial and social exclusion as informal camps (see Section 3).

1.4. Norms and actors in illegal housing

1.4.1. The public approach to housing informality

The public approach to illegal housing in Italy has been characterised by a structural ambivalence between repression and tolerance. On paper, repression is the main pillar of public action on urban informality. However, repression is seldom applied as prescribed by the law. This determines a situation of widespread and well-known tolerance of informal housing practices – if not, in some cases, of direct support. Furthermore, amnesty and formalisation procedures have been approved by the state and local authorities on several occasions. These latter measures are, in themselves, a form of tolerance, but their regularity made them become something more: incentives to the development of new rounds of informal housing practices, by creating a broad social expectation that a new amnesty law would follow soon.

The case of legislation involving unauthorised housing is paradigmatic in this perspective. Italian law contains harsh terms and conditions: building illegally is a criminal offence; unauthorised buildings have to be demolished at the owner's expense. This applies to both entire buildings constructed without permission (e.g., unauthorised homes built on agricultural land) and to major unauthorised modifications of otherwise legal buildings (e.g. adding a new floor without authorisation). In the case of an owner not carrying out the demolition order, the property of the illegal building and of the land on which it sits is transferred to the municipality with no compensation for the owner. The municipality must then demolish the building, even while its former owner is responsible for paying the costs of this operation (Centofanti and Centofanti, 2015). Such severe legislation, however, is associated with an implementation record that is, at best, patchy. This is epitomised by the fact that between 2004 and 2017 just 19.6% of demolition orders (14,018 over 71,450) were effectively implemented with, once again, a greater incidence in the north than in the south: in the Friuli Venezia Giulia region, 65.1% of the orders (536 over 823) were carried out, compared to 3.1% (496 over

16,596) in the southern region of Campania (Legambiente, 2018).[5]

At the same time, national legislation has also been characterised during the past four decades by three 'conditional amnesties' for buildings erected without permission. A 1985 law known as the '*Condono edilizio*' [building amnesty] allowed unauthorised constructions to be regularised in exchange for the payment of a fine and of development fees to the state and to local councils (Centofanti and Centofanti, 2015). Amidst the protests of environmental groups and urban planners, this law was presented as a one-off amnesty to deal once and for all with the legacy of more than 30 years of unregulated urban building expansion. In 1994 and 2003, however, new amnesty laws were passed, although significantly restricting the cases in which amnesty could actually be applied. Further amnesties have been envisaged several times in the past few years on both a regional and national scale, and other interventions (e.g. the so-called 2010 *Piano Casa*) have also been interpreted as disguised amnesties aimed at formalising unauthorised building extensions. As recently as December 2018, Parliament passed legislation regarding the reconstruction of areas hit by recent earthquakes in Italy. This legislation included illegal buildings in public funding schemes, a allowance that caused the opposition to claim that the government had once again passed a *de facto* amnesty (Coppola and Chiodelli, 2020). The political and policy rationale for such controversial interventions has consistently included the same kinds of arguments: that it is necessary to raise revenue in order to face contingent budget constraints, to expand the assets base of the country and therefore to widen the revenue base, and to include more families in homeownership through formalisation of assets. Behind the official rationales, however, the opportunity for ruling political forces to strengthen their electoral consensus by such discreet, highly targeted interventions has historically been one of the main drivers of such decisions.

Participation in the three national amnesties was massive: 15.4 million individual applications were filed. However, around 5.4 million of these applications are yet to be processed (Centro Studi Sogeea, 2016). The factors behind such a dramatic delay by the municipalities – the administrative level that is responsible for the

[5] Certain regions of southern Italy have achieved 'good results' in terms of demolitions when compared with the high number of demolition orders and, above all, with a context that is particularly hostile to the repression of illegal housing. This is the case of Sicily, where 1,089 of 6,637 demolition orders (that is, the 16.4% of the total) have been carried out between 2004 and 2018 (Legambiente, 2018).

entire process – are not clear, but it cannot only be explained by a lack of staff, bureaucratic inefficiency or challenges in the management of complex governance relations, especially in areas of environmental and heritage protection (see Section 4). Broader political factors may also have played a role, considering the highly sensitive nature of the matter (Coppola, 2013). In fact, rejecting applications would lead to demolition, a situation incurring significant social and political costs that municipal authorities are not often willing to face (Chiodelli, 2019b). By not proceeding to examine the applications, such costs can be indefinitely postponed, leaving the buildings in a long-term liminal condition in which they are neither completely illegal nor legalised. Through such strategic neglect, administrations can operate a *de facto* amnesty outside the boundaries of the *de jure* amnesty (Berdini, 2010).

The state's approach to people squatting in public housing presents similar characteristics and challenges. In this case too, national legislation seems quite unequivocal: squatting in both public and private buildings is a criminal offense, punishable with a two-year jail sentence and a fine of up to 2,000 Euros. There are also further deterrents to squatting. For example, in 2014 a new law established that anyone who resides in a building that is illegally occupied is excluded from basic services and welfare support offered by the municipality (Gargiulo, 2016). Then, in September 2018, a national decree aimed at facilitating the clearance of squatted buildings was approved. Moreover, in some regions, squatters are also excluded from the ability to apply for public housing (e.g. for five years in the Lombardy region and ten years in Emilia Romagna). These harsh measures, however, have been combined with periodic amnesties at the regional level to regularise squatting in public housing units. For example, the Campania region has issued two amnesties in the past twenty years (Esposito and Chiodelli, 2020a). In other cases permanent parallel mechanisms to regularise occupations involving households in particular conditions of need (e.g. households with minors) have been introduced (this is the case of the Lombardy region; Belotti and Annunziata, 2017) and public funding has been allocated to provide subsidised housing for people in squatted buildings or to involve them in the participatory regeneration of abandoned public assets (this is the case of the Lazio region).

The only case of housing informality for which there has never been national- or regional-level regularisation is that of unauthorised Roma camps. Some municipalities have enacted upgrading strategies in some of the more established encampments, replacing shacks with sturdier housing units (usually prefabricated huts

designed as temporary shelters for earthquake victims) and amenities, and converting their status to formally authorised camps. However, in the majority of cases, self-built Roma camps are simply tolerated by municipal authorities for a certain period of time, before being targeted by evictions and the destruction of residents' homes. Such evictions are often intensified at politically expedient moments to signal to voters that complaints about urban neglect and insecurity are being addressed (Clough Marinaro 2009 and 2015). Indeed, since the 1990s, Roma camps have been repeatedly and increasingly constructed by politicians and the media as a core source of crime and fear in urban peripheries. Since evicted Roma families are rarely offered accommodation which allows them to stay together (sometimes women and children are offered places in temporary shelters, but the men are excluded) they simply informally rebuild their homes nearby (Solimene 2019), and the spiral of toleration-eviction-relocation starts again.

1.4.2. The complex status and processes of housing informality

The result of the aforementioned complex legislative and policy picture is the stratification, over the time, of a plurality of administrative statuses involving housing informality. Such plurality is one of the main challenges in both the theorisation of and policy approach to informality in Italy. In broad terms, an unauthorised housing practice, when it comes into contact with public authorities, can belong to one or more of the following categories (see Figure 1.3):

i) *Identified but not formally reported*: the violation is known by police forces and other public authorities, but they do not initiate any formal procedure for its termination. This can happen as a result of corrupt processes (e.g. the payment of bribes to the police or administration forces; see Berruti and Palestino 2019; Chiodelli, 2019a) or simply because the authorities do not want to proceed due to the high political and social costs of the repression (e.g. the risk of violent confrontation or the need to find alternative solutions to relocatees).

ii) *Identified, reported, but not (yet) sanctioned*: the violation has been officially identified and reported to the authorities, but this is not (yet) followed by any sanction (e.g., demolition or eviction order). In some cases, the lack of sanction is a temporary situation, linked only to the time necessary to process the case (months or even years). Often, however, the lack of a sanction is a permanent condition: the

action against the illegal practice has become defunct (for example due to lack of interest on the part of the municipality in implementing this sanction, for political or financial reasons), resulting in *de facto* tolerance.

iii) *Identified, reported, condemned but appealed*: the decision of public authorities to proceed with the demolition or eviction is appealed by the owner (or user). In this case, we are speaking of a further extension of the interim condition described above (i.e. 'Identified, reported, but not yet sanctioned'). This may be the case, for example for the owner of an unauthorised construction that has been deemed not eligible for amnesty, who then appeals against this decision (see Chiodelli, 2019b for several examples).

iv) *Identified, reported, condemned but accommodated*: the violation has been identified, reported and even condemned; however, the public authority involved does not move to implement sanctions (e.g. carrying out the demolition or eviction order), for a variety of reasons (e.g. economic or political motives). On the contrary, it acts in some way that recognises the situation (even if such acts do not lead to the recognition of any legal right over the illegal assets). This is the case, for example, with people who have squatted in public housing, who are asked to pay an 'indemnity of occupation' to the public housing authority, or with Roma people living in an illegal camp who receive some form of public support anyway (see Section 3).

v) *In the regularisation phase*: an application for regularisation was presented for the violation in question, which is still under scrutiny by the relevant office. This state of 'awaiting regularisation' can last for years, if not decades, as is the case for 3.5 million applications for building amnesty submitted in 1985, which are still awaiting examination. This is an interim, formal condition within which subjects and assets are not at risk of demolition or clearance because public authorities are checking their eligibility for legalisation.

vi) *Lawful because regularised*: the violation has been amended thanks to an amnesty provision, so that uses and/or assets are now lawful. This is the case, for example, with people occupying a public housing dwelling without a title who regularised their position thanks to a regional amnesty, or of a home that has been built illegally, for which the owner has successfully applied for a building amnesty.

In many of these situations, the condition of illegality is maintained and repeated by public authorities in different ways: deliberate neglect (as in cases 'identified but not formally reported'), inaction ('identified, reported, but not yet sanctioned'), policies which grant public recognition but not formalisation ('identified, reported, condemned but accommodated'), complex judicial and administrative procedures ('identified, reported, condemned but appealed' and 'in the regularisation phase') which in some cases are intentionally lengthy (such as for unauthorised buildings awaiting regularisation since 1985).

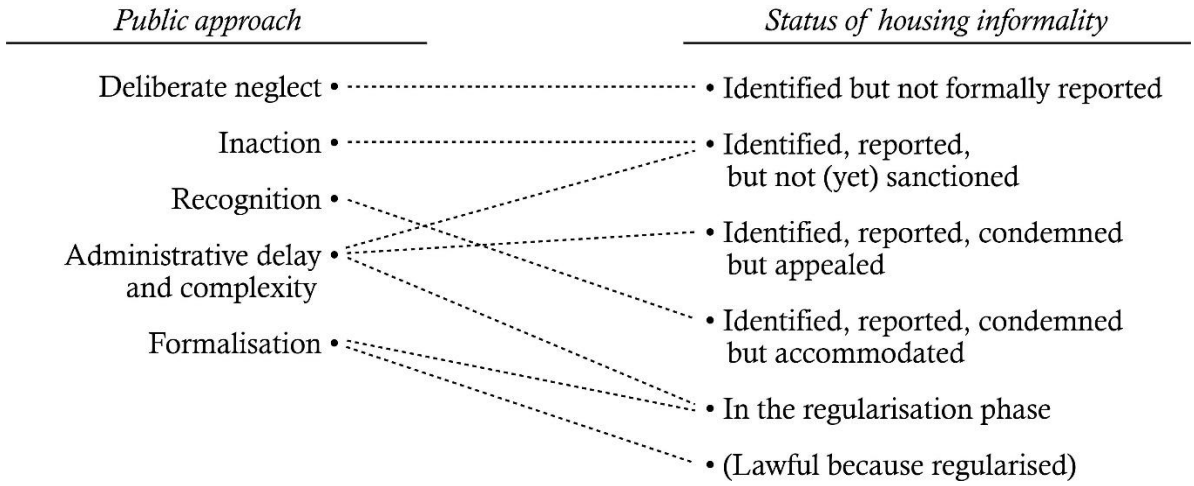

Figure 1.3 – The relation between statuses of housing informality and public practices

This complex variety of statuses is coupled with a range of actors who play, formally or informally, a role in the production, promotion and formalisation processes. These actors belong to different spheres (administrative, political, professional, social) and are of different kinds (private, collective, public). Generally speaking, we can say that the more complex the nature of the case – and the wider the scale of the illegal practice and the formalisation policy – the wider the network of the actors involved.

Actors can be identified as follows (see Figure 1.4): (i) end-users of informal housing practices, such as squatters or inhabitants of illegal houses; (ii) promoters and enablers of informal housing practices, such as families, landowners, real estate promoters, squatting organisations (this role is sometimes also performed by criminal groups); (iii) socio-technical mediators, providing (often on the black market) a whole range of services, such as design, financial, construction and legal services – these services are offered to end-users and

promoters, for both the production, promotion and formalisation of the assets involved; (iv) advocacy organisations formed by and in support of end-users, such as squatters, residents of unauthorised houses and Roma people living in informal camps (representational advocacy); (v) advocacy organisations involved in policy arenas related to housing, spatial planning, environment and heritage protection (thematic advocacy, for instance as practiced by the environmentalist NGO Legambiente or by the Italian association of urban planners); (vi) local (and sometimes also regional and national) politicians; (vii) local authorities presiding over aspects related to the production, use and repression of housing informality (e.g. national government local offices [*prefetture*], municipal planning and building departments, local police, public housing management companies, utility companies) and over the treatment of involved populations (e.g. social support and welfare agencies); (viii) national and regional (representative and executive) bodies as the source of regulatory frameworks in relevant fields; and (ix) national institutions involved in different aspects of repression and formalisation processes, such as environmental and heritage protection agencies, national police, and the judiciary.

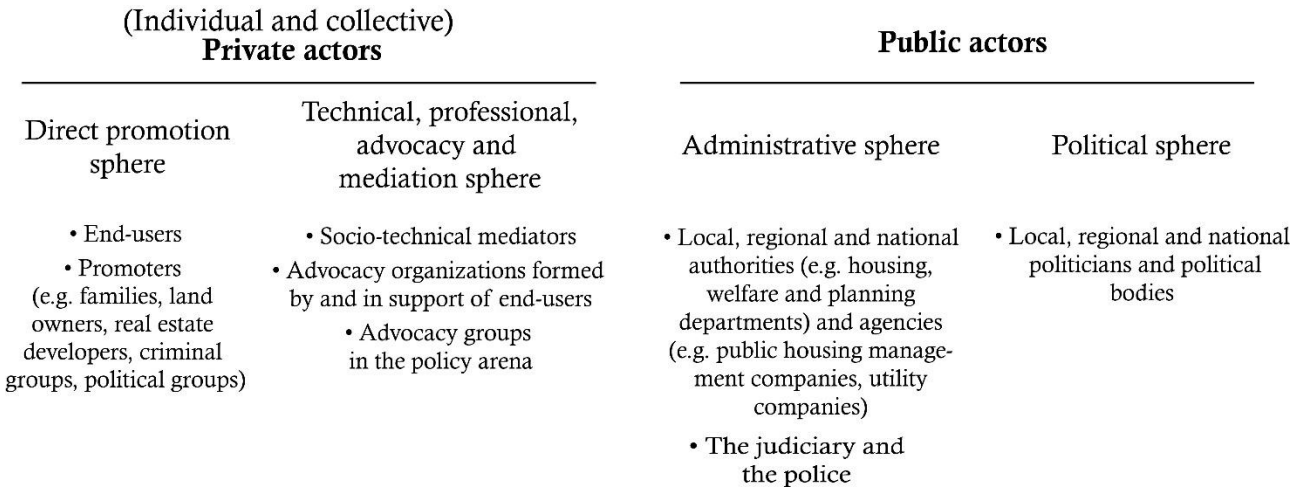

Figure 1.4 - Actors in the production, promotion and formalisation processes of informal housing

1. 5. Five exemplary case studies on housing informality in Italy

The case studies presented in the following sections are the result of independent fieldwork research conducted by some authors of this paper, using an array of qualitative research methods. Fieldwork observation, semi-

structured interviews with civil servants and inhabitants of informal housing and analysis of primary documentary sources (e.g. planning documents, judicial materials, laws and regulations) have been the main methods used in the case studies under investigation (a specification of the research methods employed in each case study is provided at the beginning of each empirical section). All this fieldwork research has been possible because the authors speak Italian fluently, so they have been able to both access documents which are available only in Italian (e.g. planning documents, policy reposts, judicial material) and collect interviews with individuals speaking only Italian (e.g. civil servants and inhabitants of informal housing). The Italian embeddedness of such research, whose results are however communicated in English, is not only what made such fieldwork possible, but is also a source of some challenges (Gkartzios and Remoundou, 2018). In particular, certain nuances of the phenomenon which materialise in the use of specific Italian words are lost in translation, in that they do not correspond precisely to any English term (one example is *abusivismo*). Despite this, we preferred not to use Italian words in the paper in order to make it more fluent and to dialogue better with the international debate on informality/illegality.

Far from being exhaustive of all the nuances and local variabilities of housing informality in Italy, the cases (see Figure 1.5) have been selected based on their ability to illuminate certain junctures in the understanding of the informal housing practices that we have advanced in this introduction, mostly focusing on the institutional, regulatory and political aspects of the production, promotion and governance of informality in the housing field.

The case of San Siro in Milan (Section 2) addresses the spread of squatting practices in the city's public housing inventory. The combination of the state's financial disinvestment in the production and upkeep of public housing units and the growing number of precarious international migrants in the city has led to the creation of informal markets involving abandoned public housing dwellings. The state response, far from being simply repressive, has instead created a peculiar hybrid governance and policy arrangement.

The Roma camps in Rome (Section 3) involve one of the most important cases of strategic informalisation of the Roma people in Italy, showing clearly its continuous political use through the construction of a state of emergency. By discussing the overall evolution of the local policy regarding housing for the Roma minority,

the section shows how informality is not a side-effect of policy, but the primary governance tool used with this marginalised population.

The case of Borghesiana, a neighbourhood in the city of Rome (Section 4), reconstructs the story of a 30-year legal controversy involving a typical informal settlement developed in the 1970s through illegal plotting and self-promotion. Its intricate, decades-long trajectory shows how legality can be continually negotiated by different state agents (e.g. the city administration, the judiciary and the national government) without ever reaching a final settlement over the different claims and interests at stake.

The case of Porto Cesareo (Section 5) involves the extensive development of unauthorised housing for recreational purposes, initially on behalf of a mostly local middle-class demand, in a coastal area in the southern region of Apulia. Such developments have been largely facilitated by the benign neglect of local administrations, the social legitimacy they have enjoyed and some shortcomings in the sphere of spatial planning.

Finally, the case of Casal di Principe, in the southern region of Campania (Section 6), examines the workings of the illegal subdivision of agricultural land and the way that it turns into a standard mechanism for urban expansion across several decades. Such practice encompasses an entire locality – its institutions, professional networks, economic actors and inhabitants – in an assemblage between the formal and the informal that has its own ordinary procedures and rules.

These case studies are followed by a theoretical concluding section which uses them as the basis for discussing the multifaceted politics of housing informality in Italy and the complex relationships between public actors and the production of informal space.

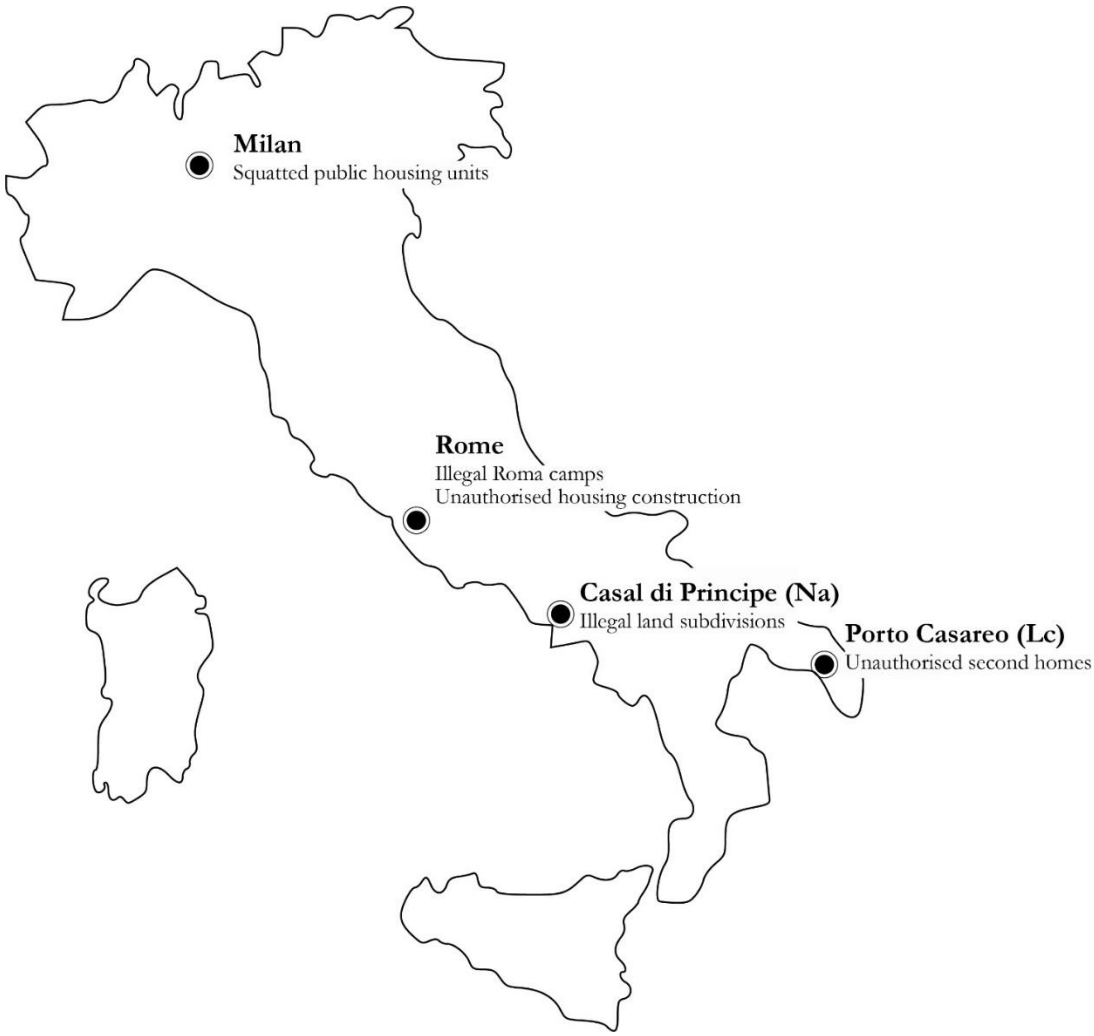

Figure 1.5 - Five case studies of housing informality in Italy

2. Grey spaces of governed informality: the case of squatted public housing in Milan

2.1 Urban squatting in the Italian public housing sector

In Italy, squatting of public housing dwellings – primarily unauthorised occupation of single housing units by homeless households (see section 1.3.2) – originated with the creation of the public housing sector itself, providing a parallel channel to access the public housing stock for marginalised groups traditionally excluded by eligibility criteria (Tosi and Cremaschi, 2001). The phenomenon has acquired new significance in the 2000s as Italy has experienced an affordable housing crisis under the pressures of the broader processes of housing/labour re-commodification and increasing international immigration. Since the late 1990s, the national government's withdrawal from the public housing sector has led to decay and partial abandonment of the stock, where the 'availability' (that is, vacancy) of a growing number of vacant public housing dwellings has paved the way for a new rise in unauthorised occupation.

In northern Italy, the number of squatted dwellings (though remaining lower than the national average) rose by approximately 300% from 2003 to 2013 (Federcasa, 2015). The increase was especially dramatic in Milan, where the squatted stock exceeded 4,100 housing units, accounting for about 4.5% of the overall public housing stock in 2014 (Prefettura di Milano, 2014). That same year, the Prefecture of Milan launched an action plan to cope with the rise in unauthorised occupation. The plan, however, largely failed to place the stock under the control of local public housing management companies and instead increased the marginalisation of squatters. The squatted public housing stock in Milan has thus become an ambiguous grey policy response to the affordable housing crisis, especially for international migrants: a governed outcome of the tangle among institutional law-enforcement agenda, urban movements' action and the informal (trade) mechanisms underlying the unauthorised allocation of vacant dwellings.

2.2 The background: the affordable housing crisis in Milan

In the 1990s, structural changes fostered a housing re-commodification process that led to a critical reduction in affordable rental housing. First, the removal of rent control in 1992 resulted in rent increases by more than 105% over the next two decades (Cittalia, 2010). Second, a combination of lower mortgage interest rates (Camera dei Deputati, 1999) and tax incentives for first-home buyers further encouraged homeownership, thus strengthening the marginalisation of the rental sector in the already homeownership-dominated Italian housing system (Arbaci, 2007). Third, the national government's withdrawal from the public housing sector reduced the stock and accelerated its deterioration (Mugnano, 2017).

Labour system reforms simultaneously became a major source of socio-economic tension. In the aftermath of the 2007 financial crisis and alongside (consequent) drastic cost cutting in local welfare policy, these reforms significantly deepened the affordable housing crisis. Nonetheless, the growing international immigration dynamics emerged as the key factor behind the new rise of urban squatting. The phenomenon, indeed, brought with it a growing number of migrants experiencing uncertain legal status, marginalised employment and, most importantly, difficult access to the housing system. These dynamics were even more apparent in Milan (Alietti and Riniolo, 2011; Tosi, 2010), where migrants doubled from about 118,000 to more than 266,000 between 2000 and 2017 (Comune di Milano, 2018).

Unsurprisingly, Milan was among the Italian cities hit the hardest by the affordable housing crisis. In the province of Milan, annual possession orders tripled from 2,062 in 2007 to more than 6,400 in 2010 (Ministry of Interior, 2017). The growing number of evictions contributed to extend the local public housing waiting lists: applications rose up from about 13,000 in 2007 to more than 25,000 in 2016 (Comune di Milano, 2007; 2016), while the available public housing dwellings never exceeded 1,500 units per year. At the same time, decreased public funding for public housing and the partial abandonment of the stock paved the way for the growth of unauthorised occupations, which rapidly grew from 2,963 housing units in 2012 to more than 4,100 in 2014 (Prefettura di Milano, 2014). In this context, international migrants came to constitute the majority of homeless households relying on squatting practices (Galli and Santucci, 2014).

2.3 The 'migrant neighbourhood' of San Siro

As the affordable housing crisis intensified, San Siro, in Milan's north-western periphery, became one of the main local contexts where squatting practices re-emerged.[6] The neighbourhood was built from the 1930s to the 1950s as one of Milan's biggest public housing neighbourhoods, with more than 6,100 dwellings (Cognetti, 2014), that is about 8% of the local public housing stock. After 1993, the introduction of the right to buy led the sale of approximately 20% of the neighbourhood's public housing dwellings (Cognetti and De Carli, 2013), while the rest of the stock remained owned by *Azienda Lombarda Edilizia Residenziale* (ALER, Lombardy Residential Housing Company), the main regional public housing management company operating in Milan. The national government's withdrawal from the public housing sector was felt deeply in San Siro. Poor construction quality accelerated decay and partial abandonment of the stock (Cognetti, 2014), while a regeneration programme launched in 2004 touched only limited areas of the neighbourhood (Fianchini, 2012) and was reduced in scope due to financial mismanagement by ALER. These factors favoured a rise in unauthorised occupation, and the neighbourhood came to contain more than 25% of squatted dwellings owned by ALER in Milan. The large population of migrants in San Siro – more than 40% of about 11,000 neighbourhood residents (Cognetti and De Carli, 2013) – indirectly affected the underlying dynamics of informal access to the vacant public housing stock. A combination of 'availability' of vacant dwellings and rooted networks of nationals abroad made San Siro an informal urban magnet for (newcomer) migrants.

2.4 Urban squatting and the informal trade of vacant dwellings

Urban squatting in Milan's public housing sector has taken the form of unauthorised occupation of single housing units by homeless households. However, this practice suggests is neither individual nor spontaneous. Squatting requires local knowledge and technical expertise; relatives and acquaintances, especially within

[6] The case study stems from a broader research project conducted in Lombardy over July 2015–July 2018 on the re-commodification of the Italian housing system and the related recrudescence of urban squatting. The empirical work covered a total of about twelve months in Milan, including a four-month ethnography in San Siro in 2016. The research includes twenty semi-structured interviews with actors involved in the public housing sector and related policy (e.g. policy makers, civil servants, housing and welfare providers, tenant unions and activists), thirteen semi-structured interviews with neighbourhood actors in San Siro and Corvetto, eighteen biographical interviews with squatters.

extended family networks, give crucial support to enter the squatted stock, providing practical help in squatting and connections to squatters' neighbourhood networks.

Although urban squatting in the public housing sector is partially based on relationships of reciprocity, informal trade also acts a key co-regulatory principle in the informal allocation of vacant stock. Small criminal groups (commonly referred to as 'the racket' by neighbourhood inhabitants) have taken control of vacant dwellings in San Siro and offer them for payment. In the neighbourhood, racket groups, mostly based on common national backgrounds, function as resources for migrants with little local knowledge and weak extended family support. Racket groups have not monopolised the informal allocation of public housing dwellings (which can also be based on reciprocity) or covered the whole range of transactions (which can take place between individuals who episodically trade in single housing units without any support by racket groups). Nonetheless, they offer easier access to the vacant stock for homeless households that otherwise lack the necessary socio-economic and relational resources for entry. Payments for housing units vary based on dwellings' features and the support provided to the homeless households: help to break into a dwelling requires a one-off payment of 500–2,500 euros; less frequently, homeless households rent already squatted dwellings, usually for less than 500 euro a month.

Informal allocation of vacant dwellings by racket groups follows a dominant pattern. A small amount of local knowledge (such as connections established through relatives and acquaintances) is needed to get in touch and conclude agreements with racket groups. Once racketeers target a suitable vacant housing unit, they force the front door and help the homeless household move in. The latter has to enter the dwelling as soon as the racketeers force the front door and prepare for the inspection by public housing management companies and police. The racket group may provide additional services, such as moving assistance and basic information on how to delay eviction, but it never gives protection from eviction.

During the 2010s, a racket group of Egyptian migrants played a prominent role in the informal allocation of vacant dwellings in San Siro until police arrested five members in May 2017. The racket group was not the only one engaged in the informal trade of dwellings at the neighbourhood scale, but it dominated its competitors by exercising substantial control over the vacant stock, also thanks to the deep-rooted networks of

Egyptian migrants in San Siro (Egyptians are the largest non-Italian population in the neighbourhood since the 1990s).

2.5 A grey housing-policy measure

The large squatted stock is not an ungoverned space. At the local and the neighbourhood scales, the (non-linear) interplay among institutional and non-institutional, formal and informal actors involved has led to the emergence of hybrid management of the squatted stock, making it a grey housing-policy measure. Amid drastic cost cuts in local welfare services, unauthorised occupation of public housing dwellings has thus become a *de-facto* response to the affordable housing crisis. Two distinct clusters of actors have played parts in producing this outcome in San Siro.

The first cluster is composed by actors involved in the action plan intended to tackle unauthorised occupations in the public housing stock. The plan, launched in 2014 by the prefecture with the regional and local governments, was aimed at enforcing eviction, preventing new unauthorised occupation and strengthening the coordination among public housing management companies, local social services and police forces. The plan thus got these actors (and, in particular, public housing management companies) to re-organise their operating modes to more effectively manage urban squatting in public housing neighbourhoods. In parallel moves, the national government introduced new repressive measures to prevent squatters from obtaining legal residence, enrolling in the healthcare and education systems, accessing local welfare assistance and applying for visas. Overall, the plan deepened squatters' marginalisation by prioritising evictions and displacement of homeless households, without offering definitive solutions to reduce the squatted stock and eradicate the informal trade of vacant dwellings.

The second cluster of actors emerged partly as a counterbalance to the plan's repressive approach. Among them, there is the Committee of San Siro Inhabitants, created in 2009 by a group of squatters and activists from the Cantiere, a squatted social centre located in north-western San Siro. The Committee's neighbourhood network, coordinating with the tenant union *Associazione Inquilini Abitanti* (Tenant and Inhabitant Association), helps squatters fight eviction with legal aid and collective pickets, gain a political voice and self-provide welfare facilities (e.g. health club, bicycle repair shop, ethical purchasing group, swap meet and Italian

language school). With significant participation by migrants, the Committee has become a support organisation for them and thus come into (silent) conflict with racket groups, challenging their hegemony over informal allocation of vacant dwellings.

The conflicts and negotiations between these two clusters of actors have made the squatted stock in San Siro a contended space. They have also resulted in grey management of this stock, consolidating a hybrid regulation which makes urban squatting a governed, yet unauthorised component of the public housing sector in Milan.

2.6 The four-stage 'journey' into the squatted stock

From an analytical viewpoint, we can identify four stages constituting the individual journey into the squatted stock (Figure 2.1). Although schematic, these stages show that the hybrid procedures *de facto* regulating unauthorised occupations involve not only conflicts among institutional and non-institutional, formal and informal actors but also consequent hybridisations of legal provisions and everyday practices – in the form of legislative manipulations, negotiated lawbreaking, unauthorised supplements to legislation, formal extensions of informal mechanisms and selective compliance with the law. These four stages highlight the constantly re-negotiated nexus between formality and informality in grey management of the squatted stock.

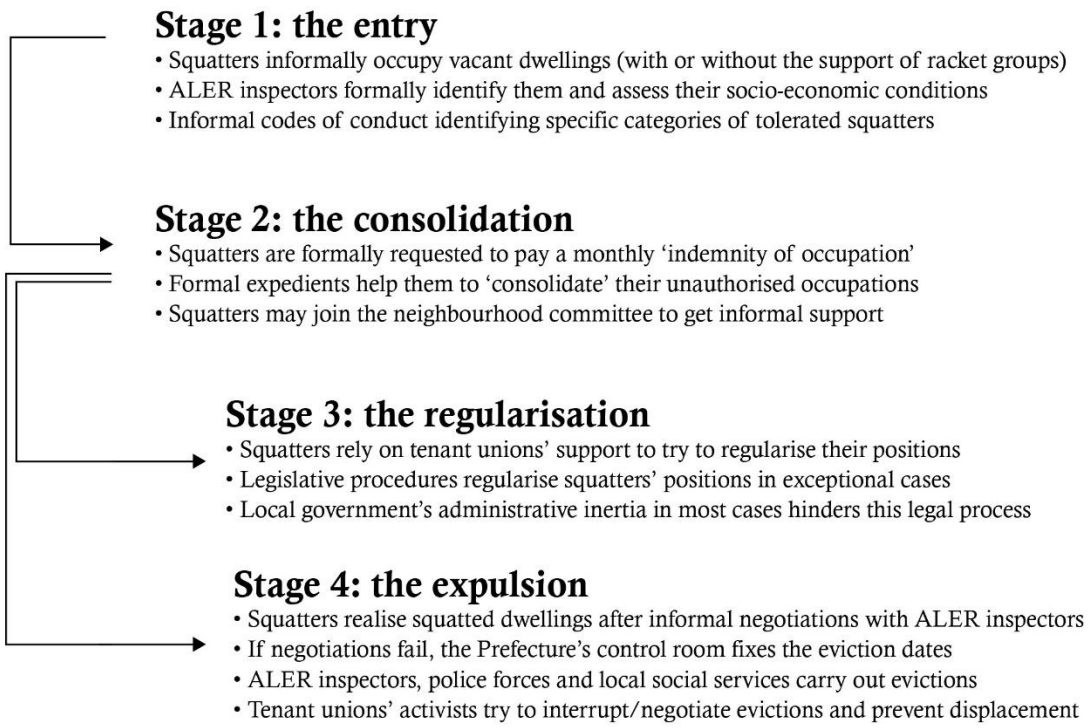

Figure 2.1 - The four-stage 'journey' into the squatted public housing stock in Milan.

The first stage ('entry') presents three options for entry into the squatted stock. First, individuals can acquire dwellings from tenants who informally bequeath tenancies to relatives or acquaintances or sell them to third parties. Second, tenants in arrears can refuse to leave their dwellings. Third, individuals can break into vacant housing units (with or without the support of racket groups); in this case, after forcing the front door, squatters must await formal inspection by ALER inspectors and police and prepare to resist immediate eviction. Informal decisions to suspend eviction are based on assessments made on the spot by the inspectors, who gather new squatters' personal data and verify their socio-economic conditions. Although squatting is prohibited by law, informal codes of conduct allow considering socio-economic factors as reasons to suspend evictions, thus identifying specific categories of tolerated squatters: pregnant women, single women with children, individuals with disabilities and socio-economically deprived households with minors.

The second stage ('consolidation') begins when squatters receive a formal request for indemnity of occupation by mail from the public housing management companies. The request, which does not provide any guarantee of later regularisation, imposes a monthly payment, a sort of informal rent for squatters required as

compensation. From this moment onward, squatters try to extend the time before eviction through expedients that strengthen their administrative links with the place of residence, local welfare and networks of local actors (e.g. the formal request for local social services' help, school registration of minors and connections to tenant unions). During this stage, for instance, squatters may join the Committee of San Siro Inhabitants' political and social initiatives. This participation is intended by the Committee as a condition to collectively ensure resistance to eviction, a political voice for squatters, room to negotiate with the local government and the self-provision of welfare facilities.

The third stage ('regularisation') originated in the 2000s, when the regional government introduced two legislative procedures allowing homeless households to move from squatted to regular public housing dwellings in exceptional circumstances. According to the first procedure, squatters (on a case-by-case basis, only after social services checks of their socio-economic conditions) could become tenants, formally bypassing the five-year ban on squatters applying for public housing. The second procedure authorised allocation of dwellings off the waiting list to two special categories of squatters: individuals with serious disabilities and individuals in urgent need of secure accommodations (e.g. parents ordered by family court to provide their children with decent accommodations). Amid local government' administrative inertia, tenant unions played a major role in pushing for making these legislative procedures effective in the form of a hybrid process involving tenant unions and local government. However, these measures met opposition from local government and have been *de facto* frozen since the mid-2010s.

The fourth stage ('expulsion') is an alternative ending to the third stage: expulsion from the squatted stock through either voluntary or planned eviction. The former is more common and mainly arranged by public housing management companies through informal negotiations between inspectors and single homeless households. The latter occurs when these negotiations fail. The prefecture conducts planned evictions weekly after checking single homeless households' socio-economic conditions and the risks associated with potential collective resistance. Planned evictions are performed in the early morning by police forces and local social services. Rarely, collective resistance by the Committee and/or networks of relatives and acquaintances interrupt evictions. The informal forms of self-defence promoted by the Committee generally give delegates

of the tenant union room to negotiate formal agreements with social services on reliable (yet temporary) housing solutions for evicted homeless households.

This intertwining of contradictory formal and informal actors and the resulting hybrid procedures (re)codify the use of the squatted public housing stock in Milan, where the systematic presence of government institutions keeps squatting firmly within the scope of policy action. Squatting thus is not a spontaneous outcome of housing unaffordability but, instead, appears to be a governed externality of, and constantly revocable solution to, the affordable housing crisis: a contended grey space where forms of limited inclusion coexist with marginalising mechanisms.

2.7 Grey spaces, migrations and limited inclusion

Three aspects of the case of the squatted public housing stock in Milan have theoretical implications for the debate on urban squatting and, more generally, the understanding of the relationship between formality and informality in housing in Italy.

First is the role of the state in (re)producing urban squatting within the Italian housing system. Despite renewed attention to urban squatting in Italy (Grazioli, 2017; Mudu, 2014) and Europe (Cattaneo, Martinez and SqEK, 2013; Martinez, 2013; Pruijt, 2013), the literature mainly addresses it from the perspective of urban movements. Whether and how the state fosters urban squatting remains under-researched. In an attempt to fill this gap, this section analysed law- and policy-making action regarding urban squatting in Milan, thus showing how, at different levels of government, the state has played key roles in both creating the structural conditions for (re)producing urban squatting and shaping hybrid management of occupations as an instrumental, grey housing-policy measure. The action plan promoted by the prefecture conflicted with (but also steered) the use of the squatted stock. Conflicting interactions between government institutions and urban movements, along with the separate action of racket groups, have not resulted in coherent governance, but the State remains a driving force behind urban squatting. The informal sphere thus does not appear to be alien or alternative to government institutions and coherently falls within the wider scope of policy action.

Second is the nexus between international migrations and urban squatting in the Italian context. During the 1990s, work on this nexus largely focused on (the role of institutional frameworks in fostering) migrants'

access to informal segments of the labour system (Mingione and Quassoli, 2000; Reyneri, 2004; Quassoli, 1999), but little attention has been paid to the way in which this nexus unfolds in migrants' informal access to housing. Squatting of public housing dwellings is not done exclusively by international migrants, but this analysis contributes to exploring this overlooked field of research. Consciously, if not intentionally, the governing of urban squatting as a grey policy responding to the affordable housing crisis has obviated the lack of policies addressing migrants' access to the housing system. Urban squatting, therefore, cannot simply be reduced to an imported phenomenon consisting merely of individual and collective strategies of migrant housing stabilisation. Instead, urban squatting constitutes an endogenous structural feature of the Italian housing system. It developed as an unauthorised, yet tolerated channel for marginalised groups to access public housing and has continued to perform this function as a grey housing policy measure for (often irregularised) international migrants who serve in (informal) low-productivity sectors of the economy.

Third is the mode of governing migrant housing deprivation associated with grey management of the squatted public housing stock. Challenging the idea of an absolute divide between formality and informality (Chiodelli and Tzfadia, 2016; Roy, 2005), scholars have disentangled the fluid hybridisations of legislative provisions and informal practices that allow the state to extend its power beyond its legal purview. Despite the action plan's explicit law-enforcement aims, the squatted stock has emerged as a grey space (Yiftachel, 2009) neither authorised nor unauthorised, but subject to continuing (re)negotiations. This grey arrangement reflects a flexible mode of managing migrant housing deprivation that falls between tolerance and repression, conditional incorporation and displacement. The crucial role of housing within the proliferation of internal borders and local border controls (Lebuhn, 2013; Mezzadra, 2004) appears clearly. Urban squatting is an individual and collective tactic to access the housing system and a key step in migration. However, as a governed externality of the affordable housing crisis, the squatted stock is also a grey space of extraordinariness between the inside and the outside, which serves as an always-retractable flanking measure for (migrant) poor populations marginalised in the labour system and local welfare policies. Here, advances and retreats across the line between formality and informality constantly redefine the mobile boundaries of urban citizenship.

3. Informalities, illegality and marginality: Roma camps in Rome

3.1. Roma camps in Rome: institutionalisation of informalities

Rome is home to approximately three hundred illegal encampments, eleven 'tolerated' informal settlements, and seven publicly-built but legally ambiguous camps, housing between 7,000 and 12,000 people mislabelled by the authorities as 'nomads'.[7] Although many (though not all) camp residents self-identify as Roma or related terms, this is a heterogeneous population of diverse groups with distinct histories, cultures and socio-economic situations.[8] While the majority of Roma, Sinti and Caminanti (RSC) in Italy live in mainstream housing, in Rome camps have been the primary means of managing situations of poverty in ways that have racialised their residents, constructing them as a single group of deviant outsiders. These camps are the outcome of evolving and often contradictory urban planning trajectories which have shifted their statuses between the illicit (violating urban social norms), the informal (their regulatory status is unclear or contradictory), and the illegal (contravening housing codes or other legislation) over the last three decades.[9] These statuses have, in turn, had direct effects on the possibilities of residents to access public services, citizenship rights and legal work, and are thus central to institutional perpetuation of urban marginality as well as contributing to informalities in related spheres such as income generation.

Italy's estimated 120,000 to 180,000 RSC have primarily been targeted by regional or municipal policies, resulting in variegated situations around the country (Giovannetti et al, 2016; Pontrandolfo, 2018; UNAR

[7] We use the term 'camp' to refer to all these different formations, specifying their legal typology where relevant. Some activists prefer the term 'slums' to underline their inadequate housing conditions irrespective of level of authorisation. See Maestri (2017), Picker (2017), and Van Baar (2011), for a discussion of the power of the 'nomad' label. For a map of the main camps in Rome see: https://www.nextquotidiano.it/wp-content/uploads/2015/05/quanti-campi-rom-ci-sono-a-roma.jpg

[8] For an initial anthropological and sociological overview of Roma groups in Italy, see: Piasere (1996 and 1999); Piasere and Pontrandolfo (2002); Piasere and Saletti Salza (2004); Pontrandolfo and Piasere (2016).

[9] For further discussion of boundaries between these concepts, see Van Schendel and Abraham (2010) and Chiodelli et al. (2018).

2012). Of the estimated 26,000 living in conditions of 'housing emergency' in camps (see Section 1.3.3), approximately 41% are in the Lazio Region, mostly concentrated in Rome (Associazione 21 luglio, 2015). The capital is thus both emblematic of a national problem of segregation and institutional neglect and its most extreme manifestation, with approximately 6,900 living in gravely inadequate conditions, usually in make-shift shacks hidden among vegetation, exposed to extreme weather conditions and without access to basic hygiene facilities or public services (Associazione 21 luglio, 2017). This situation is the result of successive municipal administrations having implemented emergency measures merging supposedly temporary accommodation in camps with securitising policies increasingly targeting them as public order concerns (Clough Marinaro, 2015). Financial investments have focused on building, bulldozing and monitoring camps rather than developing long-term housing for Roma and others affected by the city's shortage of affordable accommodation.

The camps therefore help shed light on how authorities shape informality and marginality through their selective allocation of resources, through legitimising certain informal or illegal practices while punishing others (Roy, 2009; Yiftachel, 2009), and through juggling formal and informal techniques of social control (Chiodelli and Tzfadia, 2016). While informalities operate at all social scales and are often important means of getting things done (Ledeneva, 2018), here we focus on their roles within mechanisms of urban grey governance, exploring how institutions "manoeuvre […] among a variety of legal systems" (Chiodelli and Tzfadia, 2016: 7), at times legalising or illegalising informalities, at others acting illegally but in 'light of the rules', at others using the letter of the law in ways that penalise vulnerable groups. In this context, informalities are understood as modalities through which hierarchies of power are expressed and perpetuated by public institutions and their representatives. We argue, through the case-studies that follow, that in producing ambiguous statuses for Roma housing and then managing them through ad hoc and often contradictory policies that rarely develop sustainable solutions to critical situations, Rome's municipal authorities continue to use informalities as the primary governance tool regarding this population.

In an attempt to overcome a history of fragmented and often short-sighted local policies and to respond to the European Commission's requirement that all member states address Roma's systemic social exclusion, Italy instituted a National Strategy for Inclusion of RSC groups in 2012. The document acknowledges that

segregation in camps hampers inclusion and fuels stereotypes upon which much anti-Roma discrimination is based (UNAR, 2012). It therefore promotes a holistic approach, targeting education, employment, health and housing simultaneously. Among its objectives for 2020 is increased "access to a wide range of housing solutions for the RSC people, with a participatory approach, in order to definitively overcome emergency approaches and large sized mono-ethnic settlements" (UNAR, 2012: 48). Local authorities are now required to develop long-term planning mechanisms to address both informal settlements and municipally-built ones which nevertheless violate European anti-discrimination legislation and housing codes (Clough Marinaro, 2014 and 2015). While the Strategy is not legally-binding, it coheres with various court decisions which in 2012 and 2013 found the implementation of ethnically targeted and segregating housing policies discriminatory and illegal (ibid.). Whether Rome is now moving towards untangling its thirty-year legacy of shifting informalities in managing Roma housing and implementing these national-level requirements is assessed below.[10]

3.2 Governance of Roma settlements in Rome: advancing without progress

Rome's development of segregated Roma settlements has emerged through three main historical phases. The first lasted from the end of World War 2 to the early 1980s, during which shantytowns of self-built shacks, with no plumbing, electricity or paving, proliferated in the city's peripheries, home to many urban poor left out of Rome's mainly privately financed construction boom.[11] As Solimene (2018) underlines, many Italian Roma lived stably in those slums and relations with non-Roma neighbours were mostly peaceful. However, the authorities' slum clearance campaigns from the mid-1970s resulted in many Roma losing their homes while mostly being unable to benefit from public housing, either because they were bureaucratically ineligible or because its cramped and isolated conditions were rejected by families whose economic activities required open spaces for work and storage. Thus began their gradual segregation and the dramatic worsening of living

[10] The cases analysed draw on twenty years of ethnographic fieldwork in numerous informal encampments and formal Roma camps in Rome, including: a) various visits to the Camping River camp between 2013 and 2019 and open-ended interviews with activists fighting against its closure; b) on-going visits to the Monachina camp since 1997, involving observer participation and unstructured conversations with residents, as well as in the local neighbourhood.

[11] For an overview of informal housing in Rome, see Section 4.

conditions, as they – joined by growing numbers from the Balkans – were forced to develop precarious encampments in the interstices of expanding residential neighbourhoods. The municipality ignored the proliferation and ever-worsening conditions of these settlements, except to demolish them, without providing housing alternatives, when neighbourhood complaints escalated. Solimene (2018) traces the intensification of these protests during the 1980s and the multiplication of police actions against settlement residents as the only institutional approach until 1987, when the municipality developed its first 'nomad plan' in response to the introduction of new regional legislation (Law 82/1985). The law required construction of nomad camps furnished with basic utilities and integrated into the local social and infrastructural fabric. However, the municipality's first plan to build formal, permanent camps further aggravated local residents' protests and it was thus abandoned. During this initial phase, Roma's unplanned housing shifted from being part of a broader, shared licit response to housing shortages, to an ethnicised separation of poor groups now treated as illicit by Romans and as illegal by the police. The municipality temporarily authorised 21 informally-built settlements, but provided almost none of the legally stipulated amenities, thereby creating the first layer of grey governance, acting in light of the rules by implementing camps' exclusionary features while ignoring the protective and inclusionary elements of the law.

The second phase began in 1993 as thousands of escapees from the Yugoslav wars were becoming visible in the city (Solimene, 2018). The new municipal administration drafted an updated nomad plan, implementing it in ways that set a political pattern for the next twenty years. The situation of settlements was thenceforth repeatedly defined as a 'nomad emergency', to be tackled by censuses in camps, collection of ethnic-specific (and thus illegal) data and the creation of mega-camps ('villages') of the sort that had already proved highly inflammatory among voters. Decisions on whether to replace an existing informal camp with a formal 'village' were, however, made ad hoc without standardised regulatory procedures or criteria for reaching and implementing such decisions. The determinations were based on how critical living conditions were in a specific informal camp, the availability of suitable public land in an alternative location and the level of anti-Roma mobilisation among local residents and lobby groups. Daniele (2011), for example, chronicles the ambiguous process through which one such transfer to a new 'village' was implemented, largely to accommodate the interests of one of Rome's universities. The lack of clear-cut procedures meant that a wide

variety of manoeuvres were used. In many cases, Roma were placed in 'tolerated' camps by the municipal police when conditions in encampments became too dangerous (e.g. due to river flooding). In other cases, individual boroughs temporarily authorised sites through informal negotiations with Roma residents or NGOs. Lacking a coherent regulatory framework for these practices, municipal administrations until 2008 introduced a succession of post-hoc formalisations attempting to systematise what had developed haphazardly. The status of camps was thereby repeatedly changed (some illegal encampments were given temporary authorisation while others were not, some 'tolerated' ones were upgraded, some authorised ones were moved while others became 'villages'). The confusion was such that the panorama of formality/informality reached new levels of complexity, with residents often unclear about the legal status of their homes and whether they were vulnerable to eviction.

Meanwhile, camp demolitions intensified and became normalised practice throughout the 1990s and beyond, to such an extent that in 2008 the left-wing mayor boasted of having evicted fifteen thousand Roma from their homes in the previous seven years (Clough Marinaro, 2009). The fact that such forced evictions violated EU housing rights legislation did not seem a concern; on the contrary, the lack of any sanctions encouraged the subsequent right-wing mayor to make them a central policy tool and measure of 'success'. In this phase, therefore, we see an oscillation between the formalisation of some camps, informal acceptance of others and the illegalisation of yet others, in what Yiftachel (2009) would call the selective 'whitening' and 'blackening' of informalities. At the same time, the authorities themselves operated on the margins of legality, not only through ethnically-targeted evictions but also through legally dubious deportations of EU citizens (Solimene 2018). In the context of Roma's ever-rising criminalisation, the municipality's use of highly mediatised punitive measures against conditions of informality that it had been central in producing, suggests that Roma's informality had become a strategic tool of governmentality rather than a mere by-product of bad planning.

The third phase, under a right-wing administration from 2008 to 2012, saw the aggravation of all these features. A new nomad plan set out to definitively formalise the situation by eradicating all tolerated and informal settlements and creating thirteen legal 'villages' for select individuals (see Figure 3.1).

Figure 3.1 - La Barbuta municipally-built 'village'. Photo: I. Clough-Marinaro

These were usually equipped with portacabin-type temporary housing units, connected to the electricity and water grid; while living conditions are less basic there than in most self-built camps, the villages often lack spaces for play, socialisation and greenery, and utilities repeatedly break down due to inadequate maintenance. Like its predecessors, though, this policy was only partially implemented, as legal and political obstacles blocked the relocation of some villages (e.g. Lombroso), the refurbishment of others (e.g. Salviati), and the construction of two new mega-camps. Moreover, the Roma's own complex bureaucratic statuses – often caused by having lived for decades in informal accommodation or having been denied the refugee status to which many were entitled – made the intended triage impossible. The municipality crammed many more into the formal camps than they were designed for, thus infringing housing codes, while at the same time persevering with intensive demolitions of informal settlements. The latter thus fragmented, becoming smaller, more numerous and hidden in isolated and perilous locations to avoid police detection.

Although this policy was a linear progression of previous administrations, its explicit formulation as part of a national 'nomad emergency' which suspended normal civil law (Clough Marinaro, 2009) allowed the Supreme

Court in 2013 to declare it ethnically discriminatory and illegitimate.[12] The Supreme Court thus finally and definitively shifted Rome's policies into the realm of illegality. Simultaneously, another legal crisis was brewing: police investigations publicised in 2014 and quickly dubbed *Mafia Capitale* indicated that Rome's right-wing administration had illegally allocated funds for infrastructural and construction work in various 'villages' and the management of others to politically allied NGOs through cronyism and kickbacks. Moreover, allegations emerged that public funds were siphoned to members of a known criminal organisation to monitor camps. In 2016, various key municipal and NGO figures were found guilty of corruption (Angeli, 2017a and 2017b; De Santis and Sacchettoni, 2018). In this third phase, Roma were targeted by the municipality through police repression of unauthorised housing while it simultaneously informally over-allocated housing in some 'villages' to offset its failure to create sufficient legal accommodation. It thus became evident that the formal control effected by demolitions was complemented by informal techniques of power enacted through a range of illicit, informal and illegal practices by state actors. A further layer of opacity was thus added to the municipality's long history of 'grey governance', underlining how selective legitimisation of informalities/illegalities by privileged actors and the concomitant use of the letter of the law to punish poverty can make informalities important vectors for the exertion of domination and private interests.

Rome is currently in the fourth phase, which began with the Supreme Court's overruling of the nomad plan in 2013. The two mayors elected since then both announced their commitment to transpose the National Strategy into urban policy and planning and move beyond nomad camps by facilitating access to mainstream public or self-built housing (Nozzoli, 2016; Rossi, 2015). In practice, though, few families have been provided with the means to make that transition. Five hundred people continue to live in one 'village' – La Barbuta – which the municipality persisted in building despite it having been made illegal by the Supreme Court's decision, and which another court has since ordered it to shut down (Tribunale di Roma, 2015a). Others reside in 'villages' where attention to education, employment and health required by the National Strategy is absent; and others still in 'tolerated' camps whose demolition has been temporarily suspended. The only camp residents for whom an active policy continues are those in the unauthorised camps where forced evictions have slowed but persist.

[12] Much has been written on the 2008 'nomad emergency' nationally and locally, for example: Hepworth (2016) and Hermanin (2011).

The city has effectively returned to informality characterised by non-planning (Roy, 2009), reminiscent of its institutional inaction of the 1970s and 1980s. However, while the original approach was contextualised within a lack of national policy guidance and funding, the current one exists in light of the requirements of the National Strategy, while failing to implement it.

3.3 Life in grey spaces: two examples

Two brief cases are paradigmatic of these variegated shades of grey. One concerns a former 'village' known as Camping River, authorised and equipped by the municipality in 2005 on a privately-owned former campsite and home to approximately 420 people in 2017. As an authorised 'village', until the judicial interventions discussed above, residents were subjected to round-the-clock video surveillance and entry was allowed only to those with formal permission from the municipality. The sense of confinement was pervasive, not helped by its location, at the end of an isolated rural road, on the riverbank, miles away from shops, services and public transport (see Figure 3.2).

Figure 3.2 - Camping River municipally-built and subsequently municipally-destroyed 'village': aerial view.

Source: Googlemaps

Nevertheless, residents were housed in prefabricated portacabins served by running water, sewage and electricity, making its conditions significantly better than many 'tolerated' camps. On 30 September 2017, however, the city's contract with the NGO managing the camp expired, residents were told to leave and the water supply was cut off six weeks later. The municipality presented this development as part of its commitment to helping Roma move out of camps in line with the National Strategy, verbally promising to support residents' rent in their new homes if they were able to produce legal rental contracts. Nevertheless, most families were unable to find alternative accommodation due to anti-Roma hostility by private landlords (Gennaro, 2017) or because they were refused contracts since they were unable to provide evidence of long-term financial stability, which – circularly – they could only receive from the municipality if they showed that rental contract (Associazione 21 luglio, 2017). Thus, residents remained in the space that had been their home for twelve years, but other elements of their daily lives were gravely disrupted, such as school attendance, which fell by 55% compared to the previous year (ibid.)

Although it no longer had a contractual and financial relationship with the NGO, the municipality legally obligated it to reinstitute running water until June 2018 to serve the residents who, in legal terms, were now squatting their previously formal, publicly provided homes. The lack of any monitoring of the camp, moreover, caused alarm that newcomers were now able to move in without any controls. The response of the municipality to the situation of regulatory vacuum it had created was to implement a large scale police operation in April 2018 – the first of many in the following two months – to evict some residents, and permanently stationed police outside the gates, thereby restricting the vehicular movements of many others (see Figure 3.3).

Figure 3.3 - Police stationed outside entrance to Camping River. Photo: Associazione Cittadinanze e Minoranze

Unable to resolve the situation, on 21 June 2018 the municipal police destroyed 17 of the prefabricated homes owned and provided by the municipality itself, with an estimated market value of 20,000 Euro each (Favale, 2018), in order to make them uninhabitable before the camp's definitive destruction. Various residents appealed to the European Court of Human Rights (ECHR), which imposed a suspension of the eviction until 27 July. The suspension order was, however, violated by the municipality, which sent in the police to destroy the remainder of the camp on the 26 July.

In less than a year, therefore, the city administration transformed the status of a legal and publicly funded camp into one of regulatory void and informality, and then into illegality, imposed within a single space and on a single group of people, in violation of the provisions for schooling, stability and anti-discrimination enshrined in the National Strategy. Following the eviction, only 9% of the residents accessed formal housing in line with

the Strategy; 52% were left entirely homeless – many of them building precarious encampments close by – while 123 people were placed in temporary shelters for two months (Associazione 21 luglio, 2018). The infringement of the Strategy and the ECHR order were, nevertheless, presented by the Mayor and Interior Minister as imposing law and order on the Roma (Magliaro, 2018).

Another camp slated for closure, this time a 'tolerated' one, is named Monachina and has existed since the early 1990s, when various families that had been camping precariously on car-parks and waste-land, constantly moved on by the police and, in some cases, targeted by arson attacks, were informally advised by a municipal employee to move onto an isolated piece of wasteland. For much of the 1990s the encampment was authorised by the municipality although it was self-built, exposed to snakes, rats, high pollution levels, prone to flooding and accidents due to its proximity to a main traffic artery into the city (see Figure 3.4)

Figure 3.4 - La Monachina 'tolerated' camp, aerial view. Source: Googlemaps

The only publicly-provided amenities were four chemical toilets that were rarely cleaned, a fence and gravel (see Figure 3.5). One water tap to service the approximately 100 residents was only installed ten years later; until then, residents drove two kilometres to the nearest public fountain to wash their clothes and collect

drinking water. They also lobbied the electricity company to give them contracts but were refused due to the settlement's ambiguous status: although it had been authorised, it was not formally legal. For over a decade, residents connected illegally and visibly to the grid. This practice was tacitly ignored by the many institutional actors who visited the camp over the years until, in the run-up to the 2008 elections, police suddenly arrested eleven residents – considered 'heads' of the families that had hooked up to the electricity supply – in a dawn raid, many of them the primary breadwinners of their families. Some of these were jailed for over a year, leaving their kin in conditions of grave financial insecurity, and now tainted with criminal records that would further hamper their possibilities of gaining formal employment.

Figure 3.5 - La Monachina: publicly provided amenities. Photo: I. Clough-Marinaro

Despite these structural problems, the camp had a stable population of around 100 people and attracted little municipal attention due to peaceful cohabitation both among its residents and with the local neighbourhood. Thus, its status of informality endured for almost three decades under the benign neglect of the authorities, despite members' repeated requests – supported by local activists – that it be definitively formalised. According to the latest municipal plan, it is now scheduled to be shut down by the end of 2020, again as part of the city's campaign to "overcome camps". The core justification provided for removing this specific camp is "the historic presence of most of the families settled there and the relations already established with local services, helping to facilitate participation in the project and the ultimate achievement of its goals" (Associazione 21 luglio, 2017: 79). Thus, while the rationale for many previous camp closures was based on conflictual relations with local residents and services, here the opposite reasoning has been employed. This decision has not, however, involved any consultation with the camp residents involved, who learned of it via news media. Many of them are very concerned about their fates: having worked hard to build social and institutional networks that have produced high school attendance rates, incomes and neighbourhood friendships, they fear future upheavals. They are likely to be refused rental accommodation in the formal private housing market since most do not have stable work contracts and they oppose being moved to public housing where they fear attacks similar to those reported in the media targeting refugees and other minorities (Monaco, 2017). Rather than a move towards stability and further integration, therefore, residents perceive this planned housing formalisation measure as punitive, indifferent to their needs and disruptive of their quiet encroachments to improve their lives (Bayat, 2013).

3.4. Surviving at the crossroad of formality and informality

In both these examples, Roma have been criminalised for seeking to survive in spaces where informality/illegality were engendered by municipal actors. The precariousness of life in camps is not limited to informal settlements but extends to formal and tolerated ones whose statuses remain vulnerable to institutional shifts "between what is legal and illegal, legitimate and illegitimate, authorised and unauthorised" (Roy, 200: 80). Roma who live in these conditions are forced to organise their lives in ways that permit them to adapt quickly to unpredictable change. This means often operating in the informal economy in ways that

allow day-to-day flexibility and building individualised support networks that help buffer against upheavals (Clough Marinaro, 2017). In such circumstances, municipal institutions are rarely trusted and Roma express cynicism about politicians' claims to be working towards inclusion. Indeed, the National Strategy has so far proved disappointing: while its potential to build long-term and multifaceted routes to inclusion remains unexploited, its existence has provided municipal representatives with a widely legitimised policy frame within which to discursively locate practices that run counter to its intentions. As the Camping River case demonstrates, the authorities can selectively implement parts of the Strategy by activating camp closures while ignoring the requirements to do so in ways that promote sustainable schooling and work. Families are thus left in significantly worse conditions where their amplified criminalisation fuels the cycle of social exclusion.

The launch of the National Strategy was widely welcomed for its promise to guide local authorities towards new and sustainable planning techniques that would involve Roma directly while overcoming ethnic-specific approaches. Its weakness lies, however, in the assumption that those authorities have the necessary long-term planning competencies, commitment to transparent consultation practices and political interest in overcoming segregation. The chronology of the last thirty years demonstrates that none of those assumptions reflect Rome's political realities and the current administration has not shown signs of breaking that continuity except rhetorically. The oscillations that have occurred between managing camps as illicit, informal and illegal components of the city – alternating between punitive, inadequate formalisation drives and strategies of non-planning – demonstrate that informalities are not a side-effect of policy but have been used as the primary governance tool regarding this marginalised population.

4. The stratified, contentious and fuzzy legality of a Roman *borgata*: the case of the Valle della Borghesiana

4.1. The development of informal urbanisation in Rome

The spread of urban informality in post-war Rome had structural causes. In a context dominated by the policies of the '*blocco edilizio*' – i.e. the complex of highly influential land and real estate interests as defined by Italian Marxist critique (Parlato, 1970) – and by the lack of state interventions (Insolera, 1981), the housing demand associated with the substantial internal migratory flows coming from the central and southern regions of the country found no satisfaction in a housing market biased towards the preferences and possibilities of the middle and upper classes. This demand, marginalised on the formal market, contributed to the formation of a parallel informal land market in which landowners, whose holdings had been excluded from the highest return uses by spatial planning choices, participated (Berlinguer and Della Seta, 1976 and 1981). Such land-owners would illegally sub-divide the land and sell it to families who would develop it, mostly in the form of single-family homes through the use of their own labour or, over time, through the recourse to an increasingly wider range of promoters and mediators (Clemente and Perego, 1981). Mostly in this way, over three decades (1950s, 1960s, 1970s) Rome saw the formation of hundreds of informal settlements – generally named '*borgate*' – for a population estimated as over 800,000 inhabitants in the 1980s (Coppola, 2008). State reaction to such illegal activities was patchy and characterised by limited and inconsistent repressive activity: although some prosecutors specialised in the fight against illegal subdivisions (Albamonte, 1983), the state intervened only occasionally by sizing some of the properties involved.

The spread of informal settlements had significant effects on forms of political mobilisation and mediation, and on the public agenda, first at the local scale and then at the national. From the 1960s, the city administration promoted an early round of public policies targeting the issue of informal settlements by including them in the

Masterplan, and by prescribing the design and implementation of Reclamation Plans[13] to upgrade them (Berlinguer and Della Seta, 1976; Coppola, 2008). Such plans, while acknowledging the existence of many *borgate*, zoned land for both new building initiatives and public services. This approach was systematised and applied on a wider scale once the left hegemonized by the Italian Communist Party seized control of the city administration between 1976 and 1985, with the inclusion of an additional 80 informal settlements in the Masterplan, by prescribing the design of a reclamation plan for each one, and promoting an ambitious program to equip them with infrastructure and services (Salvagni and Garano, 1985).

The introduction of the 1985 building amnesty (see Section 1.4.1), which saw more than 400,000 applications in Rome, allowed residents to close their conflicts with the state, and allowed the city administration to collect money to support the provision of primary services in the previously informal settlements. Both amnesty and planning procedures proved to be extremely slow and cumbersome; these implementation challenges justified the introduction, starting in the 1990s, of a set of innovations aimed at ensuring greater flexibility in the planning and infrastructural upgrade of informal settlements. A new 1993 centre-left majority promoted the planning recognition of 71 more informal settlements by including them in the new 2008 Masterplan and supported the formation of so-called Urban Reclaim Associations [*Associazioni Consortili di Recupero Urbano*, ACRU]. These organisations were freely formed by homeowners residing within the perimeters of *borgate*, and were recognised as playing a leading role in, firstly, the planning of infrastructure and, secondly, in the design of reclamation plans (Cellamare, 2010; Coppola, 2016). ACRU performed the first function by collecting and using the fees generated by both amnesty requests and by new developments in the same *borgate*, and employing them in the implementation of essential public works. They performed the second function by gathering at least 75% of the property within the perimeter of the plan around a specific spatial development scheme for the *borgata*.[14]

[13] Reclamation Plans are based on the norms and procedures of so-called '*piani particolareggiati*' (detailed plans). These plans imply the identification of discreet perimeters within which new private initiatives can take place; areas for public services have to be identified based on the population projected within the entire plan.

[14] This role was only included in the last round of formalisation decisions in 1997-2008

Overall, fifty years of public interventions in different policy realms (see Figure 4.1) have left a complex spatial and regulative legacy made of a multiplicity of planning tools and zones for the treatment and regularisation of informal urbanisation in Rome.

Year	Actor	Decision	Effects
1965	City of Rome	City Master Plan	Inclusion of and start of planning processes (Zone F1-F2)
1974	City of Rome	Public works program	Construction of basic infrastructure, schools, social services, extension of mass transit connections
1980	Lazio Region	Regional Law on Informal settlements' Reclamation	Guidelines for the design of Reclamation Plans involving informal settlements
1983	City of Rome and Lazio Region	Variation to the Structural Plan	Inclusion of 71 informal settlements in the City Masterplan (Zone O)
1985	State	National building amnesty	Amnesty for illegal building activity, issue of formal titling and introduction of Reclamation Plans
	City of Rome	Second Housing Plan	Further investment in social and public housing as a means to upgrade informal settlements
1988	City of Rome and Region Lazio	Variation to the City Masterplan	Inclusion of 5 more informal settlements in the structural plan
1994	State	National building amnesty	Amnesty for illegal building activity and creation of ACRU (*Associazioni Consortili di Recupero Urbano*)
1995	City of Rome		Establishment and regulation of ACRU
1997	City of Rome and Region Lazio	Proposal of a variation to the City Masterplan	Identification of a list of further 55 informal settlements to be included in the City Masterplan ('*Toponimi*')
2000	City of Rome	Approval of the Variation	The list of settlements to be recognised grows to 80 new settlements
2003	State	National building Amnesty	Amnesty for illegal building activity
2008	City of Rome and Region Lazio	New City Master Plan	Final recognition of a total of 71 new informal settlements ('*Toponimi*')
2009	City of Rome	City guidelines on Toponimi's reclamation plans	Possibility to widen the Reclamation Plans' perimeters and increase building indexes

Figure 4.1 - Fifty years of formalisation policies in Rome

4.2. The multi-layered and fuzzy legality of *borgate*: the case of Valle della Borghesiana

The settlement of Valle della Borghesiana (see Figure 4.2) is a quintessential example of the organised system of production of the informal *borgate* at the peak of their expansion.[15] It is located east of the city, beyond the *Grande Raccordo Anulare* (Rome's beltway)– at a distance of approximately 18 km from the centre. It now

[15] The study is based on over ten years work on the issue of housing informality in Rome and more specifically, in reference to this case study, on the extensive examination of official documents - mostly of the City Of Rome and of the Judiciary - and newspapers articles, the participation to relevant events and meetings with relevant actors.

harbours a population of over 53,000 inhabitants, mostly native working-class families and younger newcomers settling into the most recent components of the housing stock (Ufficio Statistica di Roma Capitale, 2018). The settlement is mostly made of lower-density single-family homes, except for more recent, higher-density clusters associated with social and public housing projects. We can identify different layers of public interventions within the territory, which created a historical sequence visible in the form of spatial juxtaposition: occurrences of the second round of planning tools for the reclamation of informal areas introduced in the 1970s and 1980s; public and social housing developments that started in the 1980s and 1990s; the last round of planning tools for the reclaim of informal areas introduced between the 1990s and 2000s, which have yet to be implemented.[16] Valle della Borghesiana was among the areas that, from 1997, the city administration aimed to include in the new City Masterplan that was eventually approved in 2008. Twenty years after the initial 1997 decision, however, having encountered particularly significant obstacles and despite more than twenty years of negotiations, the plan is still far from being adopted. To fully understand the causes of this delayed implementation and its transformation into a long-standing contentious planning object, we need to outline the essential terms of the peculiar, contended legality of Valle della Borghesiana since its beginning in the late 1960s.

[16] These reclamation plans are based on the norms of so-called '*piani particolareggiati*' (detailed plans) that imply the identification of perimeters within which new private initiatives can take place and areas for public services have to be identified.

Figure 4.2 - An aerial view of the area of Valle della Borghesiana, Source: Google Earth

4.2.1 The highly organised birth of an informal Borgata

On February 8th, 1978, Carlo Francisci – a landowner and developer – was arrested in Rome, charged with having promoted extensive illegal land plotting (L'Unità, 1978a). Francisci was new to neither the judiciary nor to the news; five years before he had been found guilty of the same crime, but the highest court acquitted him amidst the protests of urban activists and the left (L'Unità, 1973). Having amassed a consistent inventory of land in the *Agro Romano* (the productive countryside surrounding the city) in the post-war years, Francisci became the promoter of several episodes of illegal planning in Rome. Illegal subdivisions were created in the late 1960s, mostly involving immigrant families from other central and southern Italian regions (L'Unità, 1973). The first holdings to be included in the illegal plotting were in the Rocca Cencia area, east of the city, and amounted to an area of 40 hectares; the second holdings were located in the nearby area of Valle della Borghesia and amounted to an area of 60 hectares (L'Unità, 1973; Albamonte, 1983). Francisci promoted the illegal plotting through a relatively sophisticated organisation that provided plots which were already equipped with essential infrastructure and ready to be developed to their final users. In Rocca Cencia, plots were already equipped with a complete street grid, a water and sewage network and an electricity post. In the larger area of Valle della Borghesiana, the level of infrastructural provision was equally impressive, with the provision of a

two-way street grid, an artesian well and water-pumping station connected to a tubed network and two electricity posts (Albamonte, 1983).

In both Rocca Cencia and Valle della Borghesiana, the illegal plotting had involved land that, according to the 1965 City Masterplan, encompassed uses other than housing. In Rocca Cencia, agriculture was the only permitted land-use, while in Valle della Borghesiana agriculture and single-gardened family homes were allowed, with development limitations for the protection of underground watersheds, the creation of new highway connections and the preservation of distances from existing ones (L'Unità, 1978a). Considered this planning framework, Francisci's illegal plotting activity clearly involved uses that – either in their nature or intensity – were different from those envisioned by the plan. At the same time, the fact that he and his mediators had made clear in the contracts for the selling of the plots that the only acceptable use for that land was agriculture showed that they were fully aware of the city planning provisions (Albamonte, 1983). Therefore, they were also aware that by selling plots far smaller than the ones usually associated with agricultural uses, and by equipping them with infrastructure and networks unmistakeably associated with housing uses, they were breaking such provisions. The prices at which the plots were sold – higher than those for agricultural land, but lower than the those for prospective, legal housing land uses – confirmed this circumstance. Thanks to the denunciations of activists, this first round of the illegal plotting process was not only discovered, but also stopped, with the seizure of land and the incrimination of Francisci in 1973 (L'Unità, 1973). He was arrested again in 1978, put on trial and found guilty of a range of criminal behaviours, such as illicit plotting and fraud. From the first trial, the city administration and Acea – the water and energy city-controlled company – brought a civil action against Francisci (L'Unità, 1978b). Even if he was found guilty on several trials, the land and its assets seized and indemnifications requested from the city and judiciary, the legacy of his activity was longstanding, and several thousand families lived in areas that had been developed in the framework of his illegal planning activities.

4.2.2 The formalisation efforts and the formation of a long-standing ownership and planning controversy

As we have seen above, from the 1970s, local and national actors contributed to the shaping of a complex field of policy interventions aimed at both settling legal controversies with the state and promoting formal planning

in informal developments. Valle della Borghesiana's residents were involved in several of these initiatives: in the late 1970s the '*Piano Acea*' brought new water, sewage and energy infrastructure to some parts of the area (Perego, 1980) and, in 1986, residents filed for amnesty and titling requests based on the national amnesty law. Valle della Borghesiana was not formally included in municipal planning until 1997, when it was included in the Structural Plan along with four neighbouring areas (Roma Capitale, 2008).

Property owners in Valle della Borghesiana gathered in seven different ACRU – Due Colli, Colle Aperto, Colle Reggillo, Nuova Capanna Murata, Valle Margherita, Valle Serena, Peroselle – and started to design a plan that was eventually presented to the municipality in 2004. In the meanwhile, residents filed amnesty and titling requests with the city administration (771 requests have been presented by residents of the Colle Reggillo Consortium, while 554 requests by the residents of the ACRU Due Colli). With the resources paid by the residents to file and obtain their amnesty requests, the ACRU funded the construction of new basic infrastructure, such as the lighting and sewage systems. Due to the city administration's failure to acquire the land through the standard mechanisms of eminent domain and compensation, new interventions in roads were directly funded by residents (Lanzetta and Perin, 2013). All planning efforts were fundamentally undermined once a company named Scatola Ltd – which was apparently created in 1973 by Francisci himself – claimed the ownership of the plots on which some of Valle della Borghesiana households had built their homes, and, as we have seen, had also often obtained formal titling.

The whole *Scatola Ltd VS Valle della Borghesiana's residents* controversy is very complex and contradictory and has involved several trials over a timespan of roughly 40 years (see Figure 4.3). Two lines of conflict that began to develop in the 1980s can be identified. On one side a former company stakeholder accused other stakeholders of illegally depriving her of the stakes she held, and to have taken, based on this fraud, illegitimate decisions. On the other side, the company unanimously claimed that a total of 58 hectares occupied by the homes built by more than 400 families in the areas of Due Colli and Colle Reggillo had to be considered their property and that, therefore, these families had to be incriminated of squatting and illegal construction. The accusation was based on the fact that the private agreements with which current residents had bought the plots during the early 1970s had not been completed before the seizure of the land by the city administration in the context of the 1973 trial against Carlo Francisci (Tribunale di Roma, 2015). Many residents had paid the entire

amounts agreed to a man, Mr. Fiorirti, who had allegedly bought the land from Scatola Ltd. The transaction was demonstrated by the existence of both private agreements and promissory notes, but the residents, not having finalised the deeds, could not sustain their status of owners of the land (Tribunale di Roma, 2015). Before Scatola Ltd legally claimed the property of the plots, with the argument that Mr Fiorirti was not in a legal condition to sell them, several attempts had been made to reach a settlement with Carlo Francisci, who was apparently in control of the company, but those attempts were unsuccessful (Baldi, 2004). The trial against Francisci and the seizure of the land by the city administration made the whole controversy even more complex. Eventually, the city administration decided in 1987 to renounce to its right on the land in exchange for a guarantee that the residents, in the framework of their participation in the national amnesty, would have invested in the area's upgrade.

4.2.3 Looking for ways out of the messy legality: using planning to regulate ownership (and failing)

The ownership conflict became a relevant and urgent policy issue once the Reclamation Plan agreed among the different consortia in 2003 had to be adopted by the city council. The existence of such conflict made the prosecution of the planning process unfeasible and ultimately risky for the city administration. This was especially due to the fact that the municipality had already been accused of putting in place illegal actions such as giving the land back to the residents, granting amnesties and titles to the plot occupants, building infrastructure in the area and involving the ACRU Colle Reggillo and Due Colli in a planning process to which, with the lack of formal property requisites, they could not participate. To resolve this situation, in 2005 the city administration proposed a solution encompassing a complex transaction between the Municipality, Scatola Ltd, the ACRU of Colle Reggillo and Due Colli and the other neighbouring ACRU. According to the scheme Scatola Ltd had to grant full ownership of the plots to the residents in exchange for the acquisition of development rights. Such rights were to be implemented within a wider perimeter encompassing the areas not only of Valle della Borghesiana, but also of Finocchio-Via di Vermicino, Finocchio-Valle della Morte and Via del Torraccio (Roma Capitale, 2005). One more obstacle had to be overcome: Scatola Ltd was in fact still in bankruptcy, and to return to an operational state it had to pay a fine that the ACRU offered to pay with a clause recognising equivalent building rights in case of Scatola's failure to repay. Such an agreement was not

implemented, allegedly for the defection of one of Scatola's stakeholders, but most likely for its intrinsic legal vulnerability and for the opposition of some residents.

More recently, between 2014 and 2015, another solution was supported by the city administration in a more realistic stance, the set-up of a broad agreement between Scatola Ltd and the residents to formally sell the properties they occupied at a fixed price per square meter (Fiera dell'Est, 2014). Even if a limited number of transactions appears to have taken place, the overall agreement did not stand. As of 2018, Scatola Ltd had publicly manifested again its intention to sell the plots at a settled price of 25 euros per square meter (Fiera dell'Est, 2018), while some residents claimed to have reached a more favourable agreement with Scatola Lim in 2017, but that apparently has not made any progress neither.

Recently, one more judicial decision apparently put a definitive end to the 40-year controversy. A Roman court, presiding over the trial initiated by the ACRU Colle Reggillo and Due Colli against Scatola Ltd, ruled that the 58 hectares of land located within the 200 hectares perimeter of the Reclamation Plan of Valle della Borghesiana was Scatola's property and ordered residents to leave their homes and give back the plots to the legitimate owner (Tribunale di Roma, 2015). The ruling also had an impact on the planning process, since Scatola Ltd was now the owner of roughly 30% of the land involved in the reclamation plan of Valle della Borghesiana, which, in order to be initiated, needs the agreement of the owners of 75% of the land. In this context, there are only two possible ways out of the impasse: the residents buy the plots from Scatola Ltd and the Reclamation Plan is therefore promoted by the ACRU or the dispossession of the residents and the planning process beginning again, based on a new majority and having to include Scatola Ltd as the main stakeholder. Such latter circumstance would create an additional layer of legal complexity, since many of the residents have received the *condono* of their homes, and it is not clear how this could be transferred to Scatola Ltd if the residents had to abandon their homes.

Year	**Event**
Early 1970s	Illegal subdivision of roughly 60 hectares in Valle della Borghesiana. Urban activists denounce illegal land-subdivisions.
1973	Carlo Francisci is arrested and acquitted the first time. Scatola limited is formed and it acquires the property of Valle della Borghesiana.
1974	Scatola Ltd acquires more land.
1976	Francisci and his collaborators are found guilty of fraud and illegal plotting.

	The city administration receives the land, and the Piano Acea starts.
1978	Francisci is arrested the second time for illegal plotting and for fraud.
1987	The city administration renounces the land and concedes it to the residents.
1991	Beginning of litigation between different Scatola Ltd stakeholders, and between the residents and Scatola Ltd.
2000	Ruling that settles the ownership of Scatola Ltd.
2003	The first Reclamation Plan of Valle della Borghesiana is presented.
2005	The city administration passes legislation to grant extra building rights in order to settle the ownership controversy.
2007	Private agreement between the ACRU Colle Reggillo and Due Colli for the settlement of the ownership controversy.
2012	Two ACRUs sue Scatola Ltd.
2015	New ruling recognises Scatola Ltd as the owner of the plots.

Figure 4.3 - The Valle della Borghesiana affair: a timeline of events

4.3. Informalisation as limited rights and fuzzy behaviours

It is difficult to precisely reconstruct the factual and judiciary trajectory of the whole story – and, in particular, the exact role of Carlo Francisci and the path of Scatola Ltd – and it is not relevant here. What is relevant is, first, the significance of the story in showing how actors and practices related to the illegal subdivision and selling of land were, due also to the strengthening of state repression, increasing in sophistication and complexity by involving the creation and use of formal companies, intricate networks of dummies and other forms of mediation. Second, the long-term outcome of the controversy – the formation of an arena that for over 30 years has involved a fairly broad set of actors including the residents, the company, the city administration and a wide range of mediators – is also significant. This arena, which was created on very rough terrain of regulative conundrums and dilemmas, has experienced periods of conflict and negotiation revolving around one central issue: the recognition of property and development rights, whose expectations on behalf of the different actors have been shaped and stratified in the specific context of the informal production of this part of the city.

All actors have used strategies that may be characterised as ‘formal’ and ‘informal’ throughout the entire process, from the development of the *borgata* to the closure of the ownership controversy. The outcome of such a process is an unstable realm in which all actors seem to enjoy limited rights due to sharing a contentious and undefined legality. Residents have been able to build and occupy their homes and to receive formal titles

for them, but they have not able to sell their homes nor to start the planning and development process allowed by current planning provisions. The legitimate owners have been able to make conspicuous gains from the initial (illegal) transactions and to block any further valorisation of the area on behalf of the residents, but they have not been able to fully access the land they own. The city administration has been able to gain indemnifications in the context of the trials involving Francisci, and to collect the fees due for the houses' titling in the context of the national amnesty laws, but they have not been able to start the planning and development process that would generate additional resources. In this context, only the judiciary – which has intervened at multiple junctures of the whole controversy, but with apparently limited real effects – appears to have followed its role as guarantor of the established, formal systems of rights, and in particular of property rights.

Within this framework, it is particularly important to discuss and underline the role of the city administration, which seems to have practiced a sort of redistributive, although fuzzy, legality based on the assumption that, being the victims of extensively documented illegal practices in a condition of relative need, residents had a fundamental, deep right to see their claims somehow accommodated. The social legitimacy of such a claim was clearly strengthened by the workings of electoral democracy that would make it a potential source of consensus and power for local politicians. City institutions, both for this attitude and the approximations that have characterised practices and procedures in this field of policy, have put in place a range of behaviours that are extremely controversial from a legal perspective. The city has renounced its liens on the land, established in the context of the arrest of Francisci, to give it back to residents; it has issued amnesty titles that were not sound in terms of ownership requisites; it has implemented public works without referring to established mechanisms and regulations based on the clarity of property entitlements; it has involved the ACRU in a planning process that, again, did not seem to have essential ownership pre-conditions to be started. Ultimately, it has gone as far as to grant development rights in exchange for the land, ensuring on one side that Scatola Ltd have the right to build within the Reclamation Plan – provided with higher development indexes – and, on the other, the granting of the land acquired by the city in this transaction to the residents. This decision implied the use of public resources (i.e. the issuing of building rights and the acquisition of land) to solve a conflict that ultimately concerned two private parties. This move was not implemented however, because, most

probably, it collided with the protection of proprietary rights on one side and with fiscal responsibility on the other, putting a limit to the ultimate formalisation of informality as the only possible solution to the controversy.

5. Unauthorised construction of second homes in Southern Italy. The case of Porto Cesareo

5.1. Unauthorised housing construction, amidst public discourse and real practices

5.1.1. A fragmented reality and a polarized debate

As we mentioned in Section 1.3.1, unauthorised construction – so-called *abusivismo edilizio* – has represented a sizeable share of construction activity in Italy since the 1960s, in particular with reference to southern regions, and has been characterised by a variety of geographical, social and economic aspects.

First, it constituted the main way in which entire neighbourhoods were self-promoted and built on the outskirts of the metropolises that sprang up following World War Two, such as Milan and Rome (Alasia and Montaldi, 1960; Berlinguer and Della Seta, 1976; Clementi and Perego 1983; see also Section 4). Yet it was also the way in which certain local power elites undermined the reconstruction plans of the 1950s and land-use plans of the 1960s with vast speculative developments in cities like Naples and Palermo (De Lucia, 1989; Salzano, 1998). Finally, it has been the means by which many citizens have been able to build their own primary and secondary dwellings in small provincial towns, or along the coasts of Southern Italy – the issue which constitutes the focus of this section (Fera and Ginatempo 1985; Nocifora, 1994).

Over the years, a wide-ranging national debate on unauthorised housing construction has reflected the same variety of the aforementioned regional situations. On the one hand, influential urban planners have stigmatised the phenomenon by emphasising speculation and highlighting the contrast with norms and the public good (Insolera, 1962; Salzano, 1998; Berdini, 2010). On the other hand, some post-modern architects have looked at unauthorised self-built edifices as an expression of creativity and self-determination of dwelling spaces (Orlandoni, 1977; Portoghesi, 1982). Moreover, some sociologists have focused on unauthorised construction practices as a way of critically reconsidering the effectiveness of urban planning legislation and public housing provision (Crosta, 1984; Tosi, 1989). More recently – since the late 1990s – there has been an increasing preoccupation on the part media with what has been termed an *ecomostro* (literally eco-monster), emphasising

how large-scale unauthorised development flaunts landscape protection measures and 'scars' environments (Legambiente, 2000).

Taken together, these positions have provided a detailed picture of the many forms of unauthorised construction throughout the country. Retrospectively, what was problematic within this debate was the instrumental use of *certain* specific cases to compose general portraits, resulting in overly rigid one-dimensional interpretations. Since the 1960s, a polarised, ideologically-oriented narrative has thus limited – instead of supporting – the enforcement of effective policies to tackle the phenomenon (for a critique of policies implemented in the 1970s and 1980s, see Zanfi, 2008 and 2013).

5.1.2. 'Individualistic mobilisation', building amnesties and what is currently at stake

The theoretical framework we adopt in this section stands outside this debate. Our understanding of unauthorised housing construction builds on the positions of scholars such as Alessandro Pizzorno, who interpreted post-war building policy in Italy as an implicit social contract between the middle classes and the power elites. In this tacit pact, the response to the shortcomings of public intervention – housing policies in our case – consisted in tolerating a widespread 'individualistic mobilisation' of families who were able to independently satisfy their needs for living space – even contrasting with planning regulations – thanks to incentives and the opportunistic lack of controls and planning from local authorities (Pizzorno, 1974; Secchi, 1984; Crainz, 2003).

The explosion in unauthorised building in Southern Italy in the 1970s can thus be seen as a local variety of this broader phenomenon. In particular, unauthorised housing was prompted by a series of conveniences that intertwined with local societies and economies in many ways. The elites increased their consensus among, and social control over, local communities. Small, backward construction firms found a suitable market. Families and small developers benefited from lower prices of land marked as not suitable for building, as well as unofficial employment and tax evasion. Self-construction, finally, offered off-the-books, occasional earnings for the unemployed and low-wage workers.

The implicit corollary of this mechanism was to be found in a retroactive regularisation of illegal buildings through national amnesties laws (see Section 1.4.1). In total, over 15 million applications were submitted,

which produced huge demand for new infrastructure and services: most municipalities – particularly small southern towns – were unable to implement effective rehabilitation plans, resulting in partially or wholly inadequate urban integration of unauthorised development (Fontana, 1988). Moreover, the large number of applications impacted local government: currently, more than 5 million applications are still awaiting the decision of local municipalities (Centro Studi Sogeea, 2016). Today these delays grant a *de facto* amnesty even to buildings that ultimately cannot be granted legal status as they do not meet planning or landscape conservation regulations.

5.2 Unauthorised second homes on the coasts. The case of Porto Cesareo

5.2.1 The problematic distinction between 'necessity-driven' and 'speculative' transgressions

Around such amounts of building stock awaiting regularisation and currently 'suspended' in a sort of legal limbo, widespread interests gather and political battles are played out. Periodically, attempts are made to save some of the buildings on which demolition orders are placed by introducing ad hoc legislative instruments, usually based on a distinction between 'necessity-driven' and 'speculative' unauthorised building, and between first- and second-home unauthorised construction (the former to be regularised, the second to be demolished). However, this differentiation is not clear-cut enough to be effective in Southern Italy, where second homes built by middle-class citizens accounted for most new building production in the 1970s and 1980s, especially in small rural and coastal settlements (Cresme, 1984; Coppo, 1993)[17], and embraced a variety of situations. Settlements of unauthorised second homes – built in the vicinity of major metropolitan areas such as Naples, Catania and Bari or of small centres a few kilometres inland such as in south-east Sicily, in Salento or along the Calabrian Ionian coast – were actually a response to growing demand for recreational spaces and emerging consumer lifestyles. This growing demand had never been met by institutional mechanisms of land rent distribution or public urbanisation policies. When these second homes were built, individual recreational purposes prevailed over speculation in the strict sense, as typical constructions featured one or two units for direct use by the owner's family, and possibly one extra unit to be rented to tourists. Only in recent decades

[17] At the beginning of the 2000s second homes constituted 11% of the national housing stock (Bir-Cresme, 2004).

has some of this building stock actually come on to the tourism market. The fact that such former family holiday homes are today rented via web platforms such as Airbnb is still not enough to justify these buildings being characterised as entirely speculative. To sum up, although these aspects deserve a more finely-tuned analytical framework and policy approach, the issues of unauthorised second home construction has never been addressed specifically on its own terms, but simply treated as a less legitimate variant of unauthorised construction of primary homes (Curci, 2014).

Such interpretative inertia prevents us from grasping certain significant trends that are affecting unauthorised second homes throughout Italy and redefining their role and perspectives. We can approach these transformations by describing two main trends.

The first phenomenon concerns the loss of value and *filtering-down* of many second home coastal allotments. Examples of this trend can be observed in settlements made up of seasonal/second homes near the main cities of Southern Italy (e.g. Bari, Naples and Taranto), which have gradually been transformed into residential districts, as under-utilisation of these holiday homes – mainly as a result of a broader environmental decline – has turned them into permanent dwellings for individuals and households of limited economic means (such as young couples, the elderly and international immigrants). This, in turn, causes increasing demand for facilities and infrastructures from the new permanent residents (Curci, 2017). This process can be seen in its most extreme form when poorer residents, often immigrants, reoccupy the most neglected second homes, giving rise to a significant rental black market, especially in agricultural districts, where the decline of former second homes intersects with overcrowding, exploitation of international migrant labour and ethnic ghettoization. Here, public measures need to tackle both housing precariousness and human rights violations (Laino and Zanfi, 2017).

The second phenomenon, conversely, concerns the exploitation of many second homes for tourism purposes, which is leading – especially in attractive coastal settings such as Salento, Ischia and Sorrento peninsula – to greater informality. Here, indeed, the hospitality sector, based on illegally-built housing, is often based on other illegal practices such as non-compliance with the minimum quality standards for tourist accommodation, offering hospitality services without a licence, evasion of local and national taxation, failure to notify the authorities of numbers and details of the guests. All of this makes it impossible to monitor the impacts of

tourism on delicate environments lacking in adequate facilities (Curci, Formato and Zanfi, 2017) as well as raising serious regulatory and fiscal issues, as the case study described in the following section illustrates.

5.2.2 Unauthorised second-home development, the informal tourism sector and collective externalities in Porto Cesareo

Porto Cesareo is a small municipality of some 6,000 inhabitants located along the Ionian coast of Puglia. It is known for two main reasons.[18] First, it has one of the most beautiful, crystalline seas of the Salento peninsula. Second, it is one of the Italian municipalities with the highest number of unauthorised buildings in proportion to the resident population, at about 1.7 per inhabitant according to Legambiente (2004).

Such unbalanced development has many causes. The first goes back to the land reclamation process of large estates which began during the Fascist period and the subsequent land subdivision carried out by the Ente Riforma Agraria.[19] In this period, small plots of land were first assigned and then released for agricultural use to families living in nearby inland towns (Ramondini, 1978). However, the crisis in coastal agriculture and the beginning of a process of land abandonment in the 1960s, combined with the acute inflation of the 1970s, led many families to invest their savings in those same plots, converting them into sites for holiday homes. This trend was compounded by former residents who had moved away wishing to have a place to return to and stay in during their holidays or even to resettle in their homeland upon retirement, which led people living abroad to invest remittances in new buildings. Lastly, a specific cause can be identified in the mid-1970s, when Porto

[18] The research work was carried out between 2007 and 2018. First, as part of two thesis works conducted by Francesco Curci at the Polytechnic University of Milan; then, within the TAMC.lab research network coordinated by Zanfi and Curci with Enrico Formato (University of Naples Federico II). The bulk of the fieldwork on Porto Cesareo was conducted between 2007 and 2012. It consisted of surveys and photographic campaigns, semi-structured and unstructured interviews with residents and owners of second-homes, local and regional administrators, local technicians and regional officials. The main documentary sources relate to municipal planning (urban schemes and regulations) and to historical and thematic cartography and aerial photography. These sources were joined with public acts of various kinds, related to infrastructures and facilities management, as well as building amnesties.

[19] The Reform Authority of Puglia, Lucania and Molise was established in 1950 to conduct the expropriations of large landowners' estates, to parcel out and reassign them to low-income agricultural workers in order to make them independent. In Puglia the Reform Authority has mainly created small farms, less than 10 hectares in size (InSor, 1979).

Cesareo was split off from the adjoining municipality of Nardò and became an independent municipality. While the latter was enforcing its zoning plan, the former's acquisition of municipality status created uncertainty around planning regulations. Porto Cesareo would later inherit the part of the Nardò zoning plan originally meant for its area. However, the process took years[20] and many inhabitants profited from this transitional phase by building without permits and relying on the laissez-faire attitude of local authorities.

As a result, in the early 1980s, unauthorised development spread along Porto Cesareo's twenty kilometres of coastline, progressively transforming its landscape into a disorderly sequence of second homes (see Figures 5.1, 5.2 and 5.3). Young families who inherited land from parents or grandparents often divided it into smaller lots and sold them for houses to be built on them. Some of these families – especially the wealthiest ones, with entrepreneurial skills – would also act as developers on their land. Larger dwellings were usually kept by landowners for their own families, while smaller or less comfortable dwellings were rented to holidaymakers.

[20] Porto Cesareo's independence from Nardò became effective on 27 July 1976. Nardò's general urban plan was approved on 30 May 1974 while the municipality of Porto Cesareo only approved its own general urban plan (*Piano Urbanistico Generale*) on 23 June 2012.

Figure 5.1 - Comparison of the situation in 1954 and 2018, to the south of the original nucleus of Porto Cesareo. Sources: IGM 1954; Google Earth 2018.

Figure 5.2 - Comparison of the situation in 1954 and 2018, to the north of the original nucleus of Porto Cesareo. Sources: IGM 1954; Google Earth 2018.

In some cases, these houses were also sold to fellow countrymen from inland towns. The consequences of all these processes would later emerge clearly when in 1985 Porto Cesareo featured amongst the villages with the highest number of building amnesty applications (8,000 applications submitted).

In spite of partial regularisation and a severe lack of infrastructure, during the 1990s this vast stock of second homes became a popular destination for tourists from other provinces in the Puglia region and abroad. German tourists, in particular, came on the advice of Salento's natives who had emigrated abroad. By cutting out agencies or intermediaries, both parties benefited. Foreign tourists spent less than they would have for an organised holiday, while Italian emigrants took a percentage of the rent while helping local friends and family let out their flats for the summer. Other segments of the tourism market gradually started to find informal solutions to cater to their needs in an area which was becoming accustomed to unauthorised development and where such informality was socially tolerated. These included not only tourists visiting for a few weeks and renting unauthorised holiday homes without signing any legal contract, but also the more 'nomadic tourists' who could find unauthorised campsites or daily bathers that could enjoy unauthorised beach amenities and parking areas.

Today, Porto Cesareo is a sort of seasonal town that is 'invaded' every summer by tens of thousands of tourists, most of them from the inland surrounding towns. This model has its most severe impact on the marine environment, which is exposed to serious pressure from human activities (Figure 5.4), mainly due to intensive use of unauthorised houses with inadequate or entirely absent basic amenities (Figures 5.5 and 5.6), often discharging wastewater directly into the soil and the sea. The implications are twofold. On the one hand, water pollution undermines the oceanic posidonia, the marine plant which constitutes the reproductive environment of marine fauna, thus impoverishing the maritime ecosystem. At the same time, this weakening of the posidonia – a key natural curb to the advancement of the sea – exposes the entire coastline to coastal erosion. Similarly, due to the peak of production of solid waste in the summer (Viganò, 2001), Porto Cesareo is the town with the highest annual per capita rate of urban solid waste in the whole province of Lecce.[21] Both cases underline how

[21] 2017 data from the ISPRA Waste Report (*Catasto Rifiuti*: http://www.catasto-rifiuti.isprambiente.it).

excessive tourism and generalised informality are becoming a threat to the same landscape on which the local tourism industry depends.

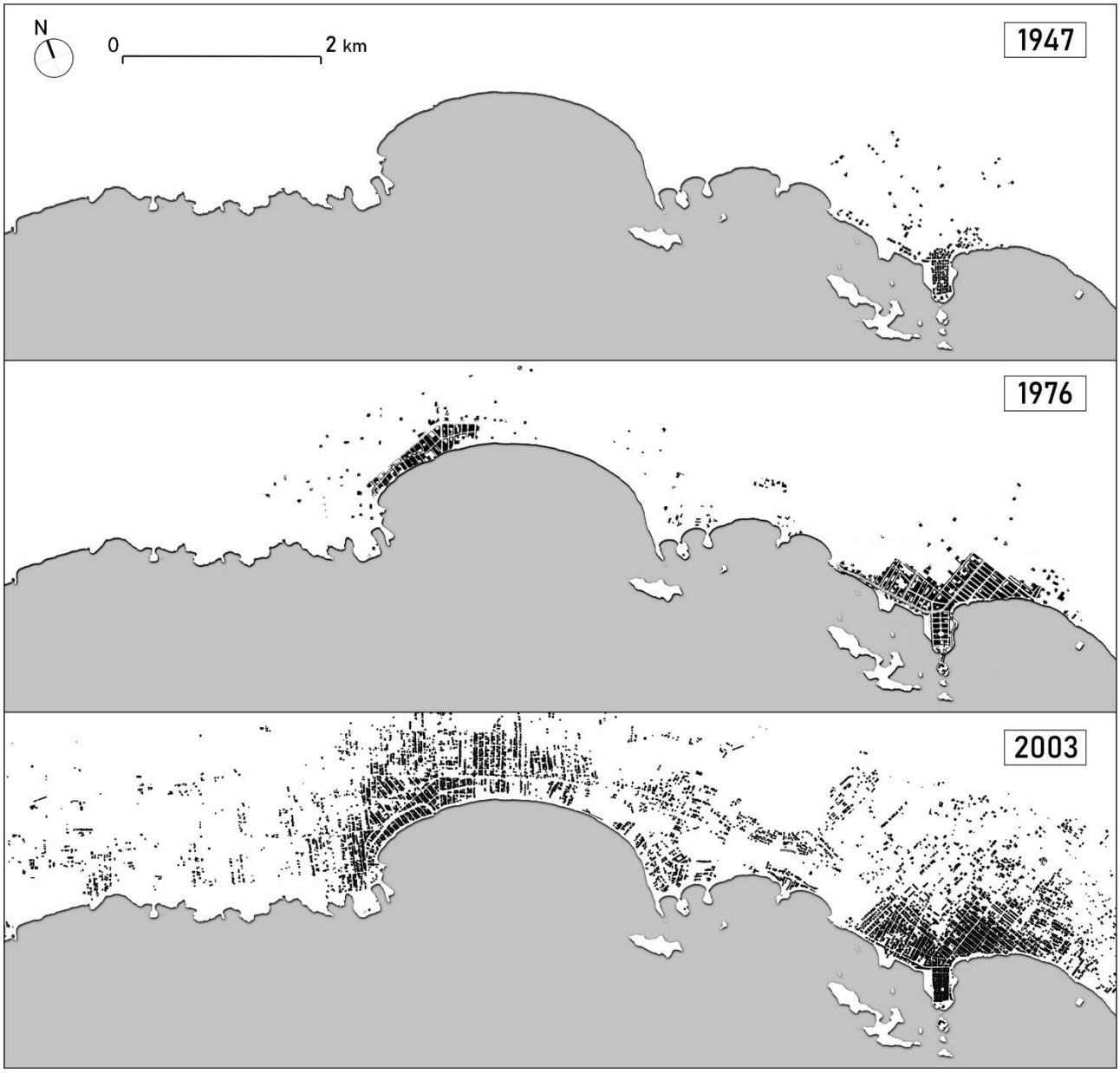

Figure 5.3 - Development of the urban fabric in Porto Cesareo: from the first nucleus concentrated around the original port to the spread of constructions along the whole coast. Source: Curci and Zanfi (2020), based on IGM and Puglia Region data

Fig. 5.4 - Porto Cesareo: development on dunes in the Punta Prosciutto area

Source: Google Earth 2018

Fig. 5.5 - Unpaved road serving unauthorised coastal secondary housing at Porto Cesareo. Photo: F. Zanfi

Fig. 5.6 - Ex-post infrastructure along rows of typical informal second homes in Porto Cesareo. Photo: F. Zanfi

It is precisely in response to persistent, unsustainable situations of informality such as in Porto Cesareo – where thousands of recreational homes are located less than 300 metres from the sea (i.e. within the no-build zone) – that the Puglia Region has recently introduced a law aimed at speeding up the demolition of illegal constructions to which the amnesties described above do not apply. In setting up a dedicated revolving fund, the Region's aim was to overcome local government delays and inertia and eliminate illegal buildings in the most critical contexts (Della Rocca, 2012). However, very few demolitions were carried out in Porto Cesareo since such law enactment, and most of them concerned unfinished and unoccupied buildings.

Furthermore, during the 2000s, the municipality of Porto Cesareo has zoned 13 areas as Territorial Recovery Intervention Plans (PIRT), aiming at recovering the totality of coastal settlements affected by unauthorised construction (Figure. 5.7). But even these recovery tools are moving slowly, and in February 2019 only one PIRT scheme had been drafted. Apart from the obvious hostility of the owners of non-condonable buildings which are intended for demolition, one of the main obstacles towards the progress of recovery plans seems to be the resistance made by those who own the undeveloped plots on which the needed public infrastructures and facilities should inevitably occur.

Figure 5.7 - Areas in Porto Cesareo zoned as PIRT (Territorial Recovery Intervention Plans). Source: Porto Cesareo General Planning Scheme (PUG) and Municipalities of Porto Cesareo, Avetrana and Manduria (2011).

5.3. Open issues, amidst persistent contradictions and emerging awareness

The case of Porto Cesareo is useful to understanding the current critical situation of all those tourist destinations in Southern Italy – such as Triscina in Sicily, Bacoli and Ischia in Campania – where high-value landscape has encouraged the unauthorised building of second homes for tourism and recreational purposes since the 1960s. In these places, demolition and environmental restoration policies are increasingly important to the survival of the natural beauty and ecosystems that can maintain both high property values and tourist appeal (which are, in contrast, threatened by the negative implications, at many levels, of disorderly, inefficient urbanisation).

The case study is also paradigmatic of the multiple causes – both private and public – of unauthorised housing construction in Southern Italy. Unauthorised second-home building on the Porto Cesareo coast clearly illustrates the socially-rooted nature of the phenomenon and its intersection with infrastructure policies and the role of local government, as well as how it has provided an opportunity for emigrants abroad to invest remittances and to preserve the link with their places of origin. It makes us aware that classing such phenomena as a form of deviance or crime leaves us with an insufficient grasp of its complexity and hence ability to implement effective policies in response to them.

Although the limitations of such categorisations and the consequent need for more precise, more effective and less ideologically oriented representations are evident, the outlook for action is much less clear. Recent voices in the debate have pointed out that resolving the remaining amnesty applications may offer a chance to articulate public action well beyond mere administrative regularisation and formulate more focused policies, starting with concrete situations and pilot projects (Curci, Formato and Zanfi 2017). There is a growing awareness that – in the midst of a highly intricate situation with responsibilities branching off at different levels – the principles of public action with regard to legality, territorial protection and compliance with planning provisions can no longer be considered separate from their concrete social and political feasibility.

In contexts such as Porto Cesareo, where the only possible positive outcome is a more sustainable model of tourism, the preconditions for demolishing the non-condonable buildings and for environmental restoration can be obtained by pursuing actions able to give immediate evidence to the collective gain (in the specific case: free access to the sea, cleaner water and an urban landscape which is better integrated into the natural environment). In a context in which deregulated behaviour is (or at least has been) widely accepted as the norm, new, virtuous social pacts should be based not only on 'restoring legality', but also on an awareness of the damage produced by individualistic appropriation of the territory, and should be given concrete form in transformation projects capable of fairly distributing the benefits and costs of tourism.

6. Illegal land subdivision as a source of informalities: the case of the urban region of Naples

6.1. An overview of illegal land subdivision

The subdivision of land into plots is the first link in the chain leading up to illegal housing. Nowadays, Italian cities are punctuated by the scattered illegal settlements that result from such informal practices. These settlements are illegal because they are non-compliant with planning laws and rules, and because they have been built without the preliminary submission of a development plan to the municipality – and, subsequently, without a building permit.

The illegal subdivision of land in Italy is widespread especially on the metropolitan fringes, at the rural/urban interface.[22] This kind of informality is not easy to identify, since the way in which plots are subdivided does not necessarily differ visibly from planned land subdivisions. In fact, the lot size and the development scheme are usually the same for both legal and illegal subdivisions. What characterises areas developed through illegal subdivision is the lack of basic urban infrastructure and services.

As pointed out by Leontidou (1990: 20), "unauthorised settlements in Mediterranean cities have been based on illegal use, not illegal occupation, of land. Houses are built on land illegally subdivided into plots, but duly sold to the settlers by petty or large landowners". This is different from many countries in the so-called Global South. In fact, in Italy as well as in many other western (Mediterranean) countries, formal property rights are almost always abided by, even in the case of illegal developments (Calor and Alterman, 2017). It is usually the plethora of planning and building regulations that is transgressed, including rules on land subdivision. Although illegal land subdivision is a pervasive phenomenon in Italy as well, it has basically been ignored by academic research. The present section aims to reduce this gap by unravelling the workings of illegal land

[22] It is not easy to define the magnitude of illegal land subdivision in Italy, as there are no comprehensive and detailed surveys. Even research centres engaged with reporting illegal housing (e.g. Legambiente) tend to ignore this specific phenomenon.

subdivision, along with the chain of subsequent informalities and grey institutional relationships it produces.[23] Such an objective appears to be urgent if we share Durst and Wegmann's (2017, p. 291) argument: "more than almost any other regime, the informal subdivision of land tends to beget other forms of informality".

Starting from the assumption that informality is a general condition of the contemporary urban process (Roy, 2005; Gaffikin and Perry, 2013), this investigation of land subdivision provides the opportunity to deconstruct the 'entanglement' (McFarlane, 2012) between formality and informality in a specific case. A grey spacing approach is adopted (Yiftachel, 2009, p. 243), which "bypasses the false modernist dichotomy between 'legal' and 'criminal', 'oppressed' and 'subordinated', 'fixed' and 'temporary'".[24]

6.2. Theories and practice of informal land subdivision

Informal land subdivisions are widespread in many cities of the so-called Global South. This phenomenon has been extensively studied (see, among many others: Harris, 2014; Sarita Swain and Mohanty, 2016; Soliman, 2004), and two main factors fostering the informal subdivision of land have been identified: the need for housing and speculative real estate investments. First, illegal land subdivision has often been explained as a reaction to the public sector's failure to fulfil housing demands, which are then exploited by private actors (De Soto, 2000; UN Habitat, 2004; Payne and Durand-Lasserve, 2012). In this respect, informal land subdivision might be considered a 'supplementary informality' (Altrock, 2012), working to replace formal institutions (e.g. the municipal planning department) that are unable or unwilling to implement their formal rules. The second reason for illegally splitting land into plots involves speculation and the aim of private agents to profit from development via land conversion (this is the case of so-called pirate subdividers; Doebele, 1977). These processes often lead to informal residential developments on privately-owned agricultural land that are defined

[23] The fieldwork was conducted within the framework of an agreement signed in May 2015 between Federico II University and the Municipality of Casal di Principe to support the planning process in the town. It consisted mainly of direct observations of the area, semi-structured interviews (twenty-four in depth interviews with key actors, such as residents, local administrators and professionals, were conducted in 2016) and participant observation during the preliminary phase of the planning process.

[24] For a discussion of the grey spacing approach linked to urban informalities in Southern Italy, see Berruti and Palestino (2018).

as 'semi-informal settlements' (Soliman, 2004 and 2008), since the owner has the legal land tenure, and what is not compliant with urban law is the subdivision into lots and the subsequent construction of housing units on them.

Illegal land subdivision has also been investigated in reference to a handful of Western countries. In the US the issue mainly concerns the development of the so-called 'colonias' along the Texas-Mexico border (Durst and Wegmann, 2017). There are also 'informal homestead subdivisions' (Ward and Peters, 2007), such as the so-called 'premature subdivisions' (Shultz and Groy, 1988) in the western United States. Another example is 'wildcat developments' across Arizona (Christensen et al., 2006), where loopholes in the national law allow lot splitting, generating a lack of public facilities and landscape blight. In Italy, illegal land subdivision is part of the complex phenomenon usually described by the blanket term *abusivismo* (unauthorised building construction).

6.3. The institutional framework of illegal subdivisions

In Italy, illegal land subdivisions were not completely regulated until 1985, when national law n.47/1985 was introduced. This defined the practice as one in which non-buildable land is illegally subdivided into plots and subsequently sold with the clear purpose of building. Indeed, a preceding law (n.1150/1942), although dealing with the allocation of areas, did not contain an explicit definition of allocation, giving rise to contrasting interpretations. One of the most frequent interpretations of this law considered allocation to pertain to land development and not to land subdivision. Until 1985, therefore, practices of land subdivision were the result of an "informal interaction in a setting that is not covered by formal rules" (Altrock, 2012: 171). This is the reason why most land allocation happened in the 1970s and in the first half of the 1980s.

When a clear definition of what constituted illegal land allocation was introduced in 1985, land confiscation was established as the enforcement mechanism for non-compliance with planning regulations (and illegal land subdivision was established to be a criminal offence). However, as we already stressed with reference to unauthorised housing per se (see Section 1), planning laws and regulations are rarely enforced in Italy (as well as in many other western countries; Calor and Alterman, 2017).

The law and formal regulations are manipulated by land subdividers in various ways, as we will describe in the following section. In this arena, 'grey governance' exists when "formal institutions juggle between formal and informal performances" (Chiodelli and Tzfadia, 2016: 7), and informality appears to be produced as a result of formal structures. Several actors are implicated in this juggling between the formal and the informal: citizens, entrepreneurs, local professionals (belonging to the building sector, but also lawyers and notaries), municipal civil servants, and politicians. Each actor plays a specific role in shaping the relationship between the formal and informal. However, overall, the complex and intertwined interaction of public officials, politicians, professionals and owners of adjacent plots generates an environment of mutual, 'contributory negligence' that is the necessary condition for accomplishing the illegal subdivision of land (Zanfi, Curci and Formato, 2015). This entanglement between the formal and informal is even more complex in the presence of mafia-type organised crime groups, who are notable actors in urban development in many regions of Southern Italy (Sales, 2015), playing the role of direct promoters or of 'constant enablers' of illegal practices (Chiodelli, 2019a).

6.4. Casal di Principe's informal urban development

Urban development in the municipality of Casal di Principe – a town of around 21,000 inhabitants in the urban region of Naples – is characterised by low quality urban growth unsupported by the necessary infrastructure, and involving a broad encroachment onto rural areas,[25] which is the result of widespread informal housing development generating from illegal land subdivision (see Figure 6.1).

[25] The prevalent urban pattern is one of low density with isolated homes surrounded by high walls. The recurrent typology is of houses built around a private courtyard, derived from the local agricultural tradition and spread throughout Campania.

Figure 6.1 - The urban fabric in Casal di Principe. Source: Google Earth

A strong grey interconnection between politics, organised crime and the economy (Camera dei Deputati, 2011) is also responsible for this situation of large-scale urban rule-breaking. Entrepreneurial activities (in many fields, including urban development) are often facilitated by connections with local politicians and organized criminals, in exchange for votes and financial resources. The rooted presence of organised crime in the area is epitomised by the fact that the municipal council of Casal di Principe has been decommissioned three times since 1991 due to criminal infiltration, with the municipality being governed by a commissioner appointed by the Ministry of Interior.[26]

[26] It is worth noting that local politics have recently broken with the past, stimulating a political, social and cultural renaissance which materialised for the first time in the 2014 local elections and brought into office a new political force (Berruti, 2017).

The current land use plan of Casal di Principe, which was approved in 2006, allows new constructions to be erected in the town centre upon the submission of a simple request for building permission to the municipality, while submitting a development plan is required for new building projects in peri-urban green areas. Despite this requirement – which was also included in the previous plans – no development plan has *ever* been submitted to the town council. Irrespective of this, residential settlements in peri-urban areas have been repeatedly built (see Figure 6.2). Just outside the town centre, a variety of informal space appropriations can be identified, on areas classified both as developable and rural: some plots await construction; others are enclosed by walls, despite still being empty; several others have been illegally built.

Figure 6.2 - Peri-urban areas in Casal di Principe. Photo: L. Migliardi, 2015

The absence of formal development plans despite the presence of several residential developments shows that the transgression of planning laws and regulations has been the norm in urban development for the last 30

years (Berruti and Palestino, 2019; Berruti, 2019). According to the town council's estimate, there are approximately 1500 unauthorised buildings in Casal di Principe, approximately 25% of the total building stock.

6.5. Speculative and family-based land subdivision

The average size of a building lot in Casal di Principe is the '*quarta*', corresponding to 428 square meters. Since each new plot must have access to a public road, the road width (3 metres) is subtracted from the parcel size, and often split between adjacent plots.[27]

Two systems are usually adopted to divide land informally into plots. Private developers subdivide properties into plots and sell them, before or after construction. Contrary to the law, no development plan is submitted to the town council before these operations. In some documented cases, land sales are illegal, characterised by a false deed statement, involving not only the land sale, but also the sale of allegedly formal construction rights. In fact, colluding municipal civil servants often support the process with the aim of ensuring a semblance of order and legality; they thus release formal building permissions which, however, violate various laws and regulations: first, because no development plans have been submitted and, second, because new buildings do not comply with planning and building regulations. Changes in the buildings' end uses have also been manipulated in many cases: for instance, residential units are built in zones classified in the land use plan for tourist or rural use.

In addition to the aforementioned speculative system, there is a family-based system that exploits some ambiguities and opportunities in the law in order to escape public control and sanctions. Plots of land are again divided and then bought individually, and no development plan is presented to the town council before building (so that, frequently, no space is left for the inner courtyard or the required streets and public space; and basic infrastructure is lacking). A subtle mechanism is usually adopted in order to evade public sector control when dividing land into plots. According to Italian law, the deed of a gift between husband and wife, or close relatives, does not require public sector supervision, since the issuance of an end-use certificate by the municipality is not required. Relatives consequently split their plot of land and transfer the ownership to their

[27] Building plots in the town centre are usually square, approximately 20 metres by 20 metres. In urban expansion zones, however, plots are rectangular, with a length of approximately 15 metres.

heirs, who in turn, in several cases, sell these plots to new owners, before or after construction (so that these family-based land subdivisions often lead to speculative use of the land). In order to define the land subdivision as illegal, the intention of development has to be clearly recognised, for instance in the way that plots of land are divided and how they are assigned to the heirs, their size and how many building plots are extracted from the original plot.

Figure 6.3 - One *quarta* of land under construction, Casal di Principe. Photo: M. Pagnano - Etiket Comunicazione

6.6. Impacts on the urban fabric and the dynamics among actors

Speculative land subdivision into lots by private developers is very similar to practices that have been studied in the Global South, where landowners or developers subdivide the land into plots and sell them, before or after carrying out building. The case of family-based land subdivisions discussed here are more interesting and original and can be classified as a concrete case of nomotropic behaviour (Chiodelli and Moroni, 2014; Conte, 2000). Nomotropism can be defined as "acting in light of rules (i.e. on the basis of rules, in view of rules, with

reference to rules). Acting in light of rules does not necessarily entail acting in conformity with rules" (Chiodelli and Moroni, 2014: 164). Although it violates planning law (e.g. failing to submit a development plan), the family subdividing its land informally acts in light of other rules (e.g. those concerning gifts between relatives).

The two systems involve different relationships with public institutions and the law; on the one hand, the direct violation of rules, often associated with the issuance by a civil servant of a formal building license which, however, transgresses several regulations; on the other, their elusion, through legal strategies pursued to achieve illegal objectives.[28] In both cases, informality is produced through the fundamental negligence of formal institutions, which play a role not only in issuing 'illegal formal documents, but also in failing to ensure that the law is enforced. Professionals, from architects to notaries, are also implicated in this chain of urban informality.

Both actions (speculative subdivision and family-based subdivision) produce not only illegal houses, but also a poor quality urban environment: streets are residual spaces and often belong to the private domain; there is a chronic lack of public spaces and infrastructure, and a poor connection with the main public services in the town.

6.7. Land subdivision as a lens through which to investigate the relationship between urban informalities and formal rules

Illegal land subdivision represents a type of informality that strongly conditions urban growth in many parts of southern Italy; despite this, it has not yet been empirically investigated in depth. This section aimed to take a step forward in this direction. The analysis of the case of Casal di Principe corroborates the argument that the informal subdivision of land is a source of several informal practices in the urban domain. This is true in relation to the built environment, to rules and institutions, and to dynamics among the actors involved in the building process. These informal dynamics show how the law is exploited and put to work with different aims.

[28] See Amatucci and Cordeiro Guerra (2016) about the difference between evasion and elusion.

It becomes a mask for informal actions, thus giving them some semblance of legality (as in the case of speculative land subdivision), or works as a form of compliance with the aim of eluding other laws and regulations (as in the case of family-based land subdivision).

In addition, processes of 'grey governance' strongly impact public institutions. Municipal civil servants are not able to carry out their duties in urban planning and issue formal documents that have dubious legality in order to pretend to re-establish legality. Each action carried out by institutions involves a *selective compliance* with the law. This refers to civil servants who do not identify the boundaries of illegal settlements, ignoring the prescriptions of regional law, but also to local authorities that tolerate and permit the failed law enforcement. The circle of policy makers, entrepreneurs and organised criminals contributes to making the relationship between formal and informal even more complex.

The phenomenon of illegal land subdivision in Italy is an interesting lens through which to look at this middle ground relationship between urban informality and formal rules. As is evident from the case explored here, informal land subdivision prompts different informalities, and assemblages between the formal and informal are repeatedly performed, with their own procedures and rules. Deconstructing these procedures is the only way to identify effective remedies for the current condition, especially when one kind of informality prepares the ground for another.

7. Conclusions: the multifaceted politics of informal housing in Mediterranean welfare states

7.1. Housing informality beyond the Italian case

The five case studies analysed in the previous sections form an extremely varied picture of housing informality from many points of view, including forms, factors and actors. This varied picture is the product of several contextual specificities (historical, social, cultural, economic, political and institutional) of Italy. Despite this, our impression is that the case of Italian housing informality may be analogous to that of other Mediterranean welfare states, so that, more than an exception, Italy must be read as a hyper-example of phenomena occurring elsewhere as well.

This hypothesis is sustained by the fact that several of these Mediterranean countries share some structural conditions with Italy that are at the root of the proliferation of Italian housing informality. Some of these conditions are directly related to illegal housing. Consider, for example, the fact that the public approach to housing informality in many Western Mediterranean countries is characterised simultaneously by enforcement failure (Calor and Alterman, 2017) and periodical recourse to amnesty laws (Potsiou, 2014). Other conditions relate to the housing system in which informality takes shape. We refer in particular to the existence of a Southern European housing regime, characterised by four distinctive aspects: 'high rates of home ownership coupled with little social housing, the significance of secondary housing, the relationship between access to housing and household cycles, and the role of families in housing production' (Allen et al. 2004: 15; see also Bargelli and Heitkamp, 2017). Finally, other conditions relate to the general – social, political, cultural, historic, economic and institutional – context in which informal housing emerges. Different theoretical frameworks have been developed in order to conceptualise these general conditions shared by Mediterranean countries such as Italy, Spain, Portugal, Greece, Cyprus and Israel. One of the most relevant for the purpose of this paper is the framework of Mediterranean welfare states (See Section 1), according to which the aforementioned countries would be featured (in particular vis-à-vis other welfare states) by some key elements. These include 'the dualism, fragmentation and ineffectiveness of the social protection system, which often led

to marked gaps between segments of society and high levels of poverty within specific geographical or social sectors; the existence of universal (or near universal) health provision by the state alongside a flourishing private health market; the particularistic-clientelistic form that the welfare state took in these nations; […] the major role of the family, rather than the state, the market or the workplace, as a provider of welfare' (Gal, 2010: 287).[29]

All these theoretical insights (in particular, failed enforcement in the planning sphere, Southern European housing regimes and the characters of the Mediterranean welfare states), which try to account for the specificity of several western Mediterranean countries from different perspectives and at different levels, must be read as the fundamental background of the wider societal position and function played in these contexts by informal housing.

Obviously, in order to corroborate such hypotheses of the existence of similarities in the patterns of housing informality in some Mediterranean welfare states, and to account for their connections with different elements of the aforementioned conceptual frameworks, it is necessary to carry out extensive comparative research, which is beyond the scope of this paper. In this regard, the current paper both represents a call for this comparative research and offers two elements of conceptualisation about housing informality/illegality that can be used as heuristic tools for such research. The first concerns the hybrid institutions that govern the informal (see Section 7.2). The second concerns the public approach to housing informality, which is characterised by a long-lasting policy of selective tolerance driven by politically mediated reasons (see Section 7.3).

7.2. The hybrid institutional assemblages of informal housing

[29] Another conceptualisation relevant for our analysis of housing informality is the (controversial) framework of the so-called 'Mediterranean Syndrome' (La Spina and Sciortino, 1993), whose clientelistic administrative traditions, poor co-operation between various administrative sectors, widespread corruption, and weak civil society would be the constitutive elements. The concept of the 'Mediterranean syndrome' has been accused of gross overgeneralisation (Börzel, 2000; Diamandouros and Gunther, 2001) and must be handled with caution; despite this, some symptoms of a persistent, albeit weakening, Mediterranean syndrome come to the surface in our analysis of informal housing in Italy.

In all cases analysed in this study, a complex picture of hybrid institutions that shape and govern the informal situation emerges. These hybrid institutions are composed of varied networks of actors, practices and rules that exist in tension with one another. Although this tension sometimes gives rise to conflict, tension is mainly decompressed and accommodated through negotiation, often with the more-or-less legitimate intervention of public actors and bodies. Against this backdrop, it is clear that none of the examined cases of informality is simply outside the law. On the contrary, these informal practices are typically the product (direct or indirect, voluntary or involuntary) of rules, policies and practices of the countless public bodies that interact with informal housing, including police forces, the judicial sphere, government controlled companies responsible for certain services and goods (e.g., public housing management companies and utility agencies), municipal departments and political bodies at the national, regional and local levels.

In general terms, we can identify three main modes in which public institutions favour and shape the production of housing informality: structural features, action and inaction.

Structural features. The first mode in which public institutions shape the production of housing informality is linked to the structural characteristics of these institutions. Consider, for example, the under-staffing and therefore slowness and inefficiency of certain public bodies (e.g., the judiciary or the public authorities in charge of controlling land-use violations) that make the discovery and sanctioning of illegality unlikely (Coppola and Chiodelli, 2020). Or consider the complexity, incompleteness and self-contradiction of the legislative framework in certain spheres that produce 'spaces of possibility' within which illegal practices can arise and spread (Esposito and Chiodelli, 2020a). And, more broadly, think of the prevalence of an organisational culture that underestimates essential dimensions in the making of policy-cycles such as monitoring and evaluation of certain public decisions and regulatory changes.

Action. The second mode encompasses the actions of public institutions. Among these actions, there are policies and laws – such as building amnesties, which reveal a striking case of how a public measure that was created to address the problem of unauthorised housing construction has become instead a powerful incentive to produce new informality. But there are also varied *practices*, promoted by institutions or individual representatives of these institutions. These practices frequently move in the direction of legitimising or recognising – although not regularising – some cases of housing informality, thus producing an effect similar

to that of building amnesties from the point of view of increased security of tenure (see Section 3). In some cases, these practices are borderline legal and illegal; such was the case in the instance mentioned in Section 2, in which ALER inspectors informally suspended evictions for specific, fragile categories of people, although such a provision was not accounted for by law. Sometimes, the practices of public bodies also decisively move into the field of illegality, as in the case of construction permits issued for illegally subdivided plots at Casal di Principe (see Section 6).

Inaction. The third mode in which public institutions favour the production of housing informality is public inaction, which in turn concerns two spheres. The first sphere is inaction with respect to illegality per se, materialising in different ways, including lack of controls, enforcement and sanctions (see Section 1). The second sphere is the absence of actions taken to address structural causes of illegality, which mostly take the form of a lack of policy – for example, a lack of policy ensuring that the number of public housing units available is in line with actual need as shown by the long waiting lists of applicants, or a lack of policy providing for accommodation and support for people (e.g., international migrants) who do not fall under the access criteria of the same public housing and thus often end up squatting (Tosi, 2017).

All of this leads to a complex picture, in which the boundary between formal and informal is uncertain, mobile and politically (and/or bureaucratically) mediated. This relates not only to the fact that public institutions (or their individual representatives) often contribute to the production of the informal, but also to the fact that the space of possibility produced by public institutions is 'inhabited' and exploited by a variety of actors, non-public in nature even if publicly relevant from many viewpoints. In some cases, such actors are individual players who implement actions of collective relevance and enter into a complex negotiation process with public bodies, as in the case of the landowner of the informal urbanisation of Valle della Borghesiana in Rome (see Section 4). In many other cases, these actors have some degree of collective organisation and reach forms of institutionalisation and political representation. This is the case, for example, of social movements for the right to housing that promote squatting for housing purposes (Grazioli, 2017) or movements of the inhabitants of illegal settlements (Coppola, 2008). These groups can involuntarily end up 'coexisting' with criminal organisations, as in the case of the occupation of public housing in Milan (see Section 2). Sometimes, this involvement can be characterised by mafia-like terms and the criminal organisation can exercise broad

territorial control in certain areas, going as far as assuming pseudo-state governmental functions (e.g., the allocation of public housing or in the effective regulation of land use) (see Chiodelli 2019a and 2019b).

7.3 The variegated politics of selective tolerance

The framework of Italian norms, policies and practices regarding housing informality is characterised by a distinctive feature: a selective tolerance driven mainly by politically mediated reasons. The overall framework of tolerance in Italy – directly, through amnesties, indirectly, through failed enforcement, and effectually, through partial, tactical recognition – seems to respond to some precise social, bureaucratic and political rationalities.

On one hand, there is an entrenched and articulated social majority in the country that defends the existing order and opposes any attempt to proceed with new land and housing regulations that could effectively tackle the political-economic roots of urban informality. On the other hand, there is the structural inability of municipal bureaucratic offices to manage such a massive phenomenon, since these municipal structures are in a perennial deficit of human, economic and cognitive resources (this deficit has been further dramatized in the context of recent austerity measures). The result is a picture characterised simultaneously by a lack of institutional capacity in the deployment of state repression and a persistent consensus for an unbalanced and inequitable land and housing regime. Within this framework, public actions dealing with informality respond to a highly varied set of political incentives. Three main strategic, political uses of public measures for housing illegality emerge from the case studies collected: the exclusionary politics of race and marginalisation; the governmentalisation of social problems, and the selective legitimation of social groups (see Figure 7.1).

The exclusionary politics of race and marginalisation. The first strategic use of public interventions on forms of urban illegality is the politicisation of informality in the context of exclusionary policies. The restoration of legality through the removal of informality has been the object of local and national political campaigns that have responded to politics involving race and marginalisation. These campaigns have rarely targeted widespread phenomena, such as unauthorised housing construction; rather, they have mainly focused on the informal practices of marginal groups, such as in the case of the Roma camps or the illegal occupation of private and public buildings (see Sections 2 and 3). Having been quite popular in the past, this practice of

selective repression has recently assumed further centrality, becoming a pivotal political strategy of Matteo Salvini, the Italian far-right Minister of Interior between June 2018 and August 2019 and leader of the *Lega*, currently the main political party in Italy. It is due also to this strategy of exclusionary politics that informality has not become a political issue in the framework of public discussions on housing and land-development regimes. On the contrary, informality has been politicised almost exclusively in the context of regressive discourses against the poor, ethnic minorities and social movements, somehow deflecting the attention of the public opinion away from the consideration of its structural nature. Against this backdrop, while political incentives to re-establish legality against stigmatised groups (e.g., the Roma people and squatters) are very high, the incentives are extremely low with reference to the massive phenomenon of unauthorised housing, which mainly involves natives (therefore voters).

The governmentalisation of social problems. The second political use of public approaches to urban illegalities is the governmentalisation of certain social problems. Such political use of informality is encouraged by the fact that tolerance has become, intentionally or unintentionally, a way to (partially) remedy the lack of effective policies in some critical fields of public action. In fact, informal arrangements in the housing sphere often replace formal public actions – in particular with regard to the needs of poor families, but also in regard to the increasing housing problems of growing portions of the (lower-) middle classes. From this point of view, an effective governmentality arises at the crossroads of the twofold inability of public actors to repress illegal behaviour and to provide goods and services that are required by large sectors of society. Such governmentality allows certain political and bureaucratic actors to build positions of power, thus providing them with strong incentives to reproduce wicked situations. The case of the illegal Roma camps is paradigmatic to this point of view. As stressed in Section 3, in Italy there is no clear and effective policy (nor political will) to integrate the Roma groups living in marginalised situations; as a consequence, the issue is mainly dealt with in the form of emergency measures, materialising above all in the form of evictions. However, evictions do not solve the problem as, at most, they delocalise the issue. It follows that 'turning a blind eye' and letting the demolished illegal Roma settlements re-emerge elsewhere becomes politically (and sometimes also economically) beneficial for several actors who have built their political careers (and fortunes) on the question of the illegal Roma camps.

The selective legitimation of social groups. The third political logic of public interventions on housing informalities materialises in the proactive policy (and politics) of recognising the rights of some relatively central social groups – and, by so doing, building political consensus. As visible in the cases of Rome, Casal di Principe and Porto Cesareo (see Sections 4, 5 and 6), the production of unauthorised housing has distributed a wide range of benefits across many groups and actors: political elites, small and backward construction firms and developers, middle-class families, unemployed people and low-wage workers. As soon as these unauthorised dwelling units were required to leave the condition of complete informality in order to become fully productive (e.g., by producing rent in the tourist sector), political actors have skilfully and laboriously engaged themselves in the production of a semblance of legality, often based on discourses of rights, social cohesion and economic inclusion. Fairly large clienteles have been built at the local level in many areas of southern Italy, based on the exchange of tolerance/recognition/regularisation of informal housing for electoral consensus. While this process of selective legitimation for building political consensus has worked for native groups, it does not seem to work when informal adaptive practices involve other social groups, such as international migrants and the Roma people.

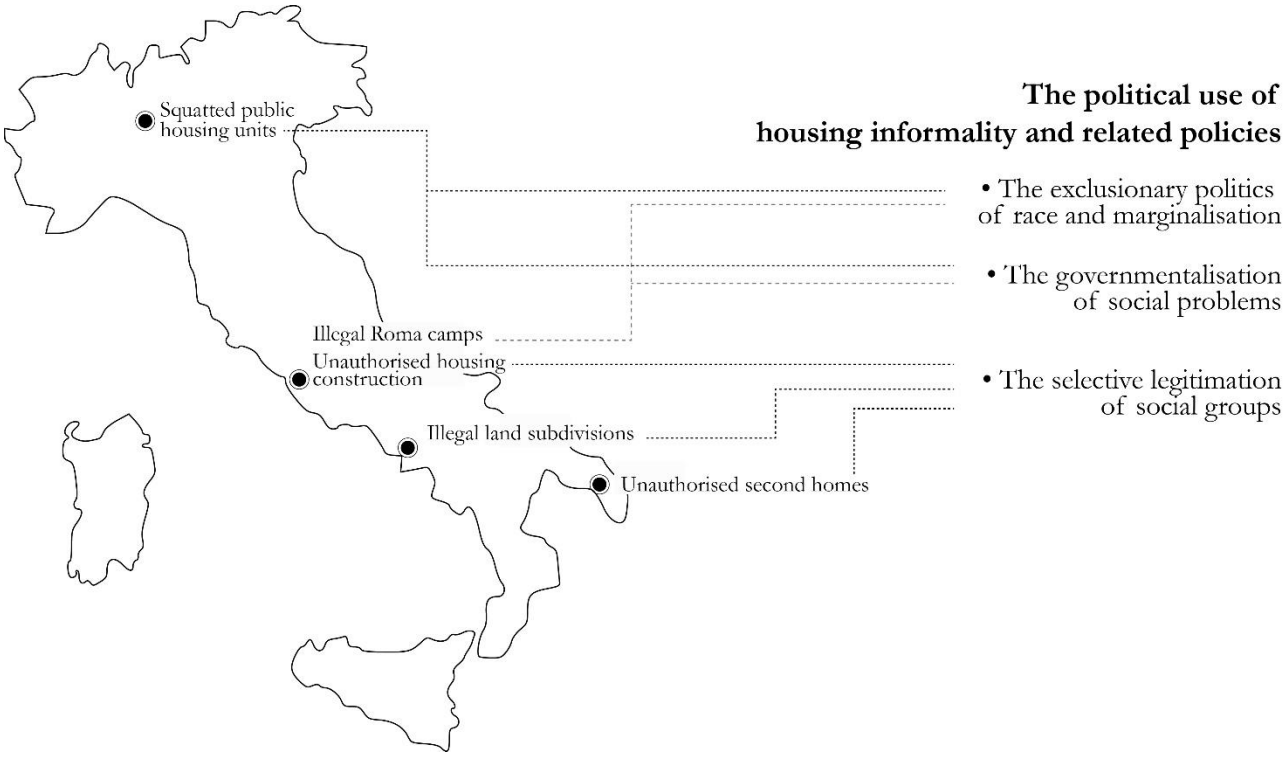

Figure 7.1. The strategic, political uses of housing informality in the five case studies under consideration in this paper.

7.4. For an institutional reading of informality/illegality

The complex institutional arrangements and political uses analysed in the previous sections indicate that housing informality in Italy is an arena governed by hybrid and flexible assemblages, in which different actors coexist (public and non-public, individual and collective, legal and illegal) who, in order to pursue their aims, move with ease between the formal and informal spheres. This gives rise to a composite picture, in which the boundary between legality and illegality is uncertain and always mobile, and is the object of constant interaction, conflict and negotiation.

These extensive forms of institutional hybridisation are also possible because informal practices take place in the context of a widespread lack of legitimacy of existing public policies and regulations, which are seen by a wide variety of social groups as ineffective (and, sometimes, even illegitimate) in presiding over the production and distribution of the social goods that public institutions are supposed to produce and distribute. Put another way, informality can also be seen as the response of actors to regulatory and policy frameworks that suppose the existence of political, economic and institutional conditions that are currently not in place in certain places and under certain circumstances. This lack of legitimacy and effectiveness has led to a variety of widespread informal adaptive practices, which clearly indicates the existence of distorted mechanisms both in the articulation of social demands and in their satisfaction by public bodies.[30]

Against this backdrop, a structural reading of the wider political economy and institutional context is needed to understand and theorise on informal housing practices. This context is composed of many elements, including: the political economy of relevant policies and regulations; the complex relationships that informal practices entertain with public institutions; the paths of collective action aimed at changing regulatory and

[30] Within this framework, informality is not simply the outcome of structural factors: it has also become a structural factor itself, associated with differentiated political incentives and outcomes. Being a broad area of political mediation, informality contributes to the reproduction of a wicked system in which social demands are extremely fragmented and public responses reproduce such fragmentation.

policy frameworks; the measures to accommodate formalisation practices and their forms of political mediation deployed by politicians and bureaucrats. This picture is made even more complex by the fact that all these elements can emerge simultaneously at different levels (e.g., local, regional and national), without any apparent internal consistency. By advancing this heuristic approach, we hope this contribution can trigger in-depth investigations of the similarities (and differences) in the patterns of the production of informal/illegal space in the Mediterranean welfare states. Such an investigation would not only fill a huge research gap, but at the same time, it would make the international debate on urban informality more complete and more nuanced.

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