

ROMA, GYPSY TRAVELLERS, GENS DU VOYAGE: PEOPLE WHO TRAVEL?

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ABSTRACT

Roma, Gypsy Travellers, Gens du Voyage: People who Travel?

In this turbulent world, different people live highly mobile lives and some seem to be living on the move. On the other hand, there are people known as Gypsies, Travellers, Gens du Voyage or Roma, imagined as nomads, although their mobility has been highly controlled or restricted by repressive regimes, nation-states and local communities of Europe throughout history. Following the "mobility turn" or the "new mobilities paradigm" in social studies and based on ethnographic records of travelling Roma who visited Slovenia as "tourists", I will look at studies of mobilities of Roma. The intention of this paper is first to shed light on the juridical categories of nomad within a certain historical context. Second, within the new mobilities paradigm, and with reference to the immobile platforms that make mobility possible, I will look at the provision of Travellers' sites that paradoxically make some Travellers less mobile or even sedentarized.

KEY WORDS: Roma, Gypsy Travellers, Gens du Voyage, mobilities, marginality

IZVLEČEK

Romi, Cigani popotniki, ljudje potovanja: Ljudje, ki potujejo?

V tem turbulentnem svetu nekateri ljudje živijo potujoč način življenja, saj so tako rekoč v nenehnem gibanju. Na drugi strani ljudem, ki so znani kot Cigani, 'popotniki' (Travellers), 'ljudje potovanja' (Gens du voyage) in si jih zamišljamo kot nomade, v Evropi različni represivni režimi, nacionalne države in lokalne skupnosti omejujejo mobilnost. Ob upoštevanju »preobrata mobilnosti« ali »nove paradigme mobilnosti«, o katerih teče razprava v družbenih znanostih, in na temelju etnografskega zapisa o potujočih Romih, ki so obiskali Slovenijo kot »turisti«, avtorica predstavi problematiko mobilnosti Romov. Namen pričujočega članka je, prvič, osvetliti pravne kategorije pojma nomad v določenih zgodovinskih kontekstih, ter drugič, skladno s »paradigmo novih mobilnosti« pregledati študije o prostorih za kampiranje, ki so namenjeni 'popotnikom' (Travellers) in ki naj bi kot nemobilne platforme omogočali potujoč način življenja. Avtorica osvetljuje naslednji paradoks: medtem ko je dandanes tako rekoč ves svet v gibanju, mobilnost nekaterih Romov različne oblasti ovirajo ter jih želijo sedentarizirati.

KLJUČNE BESEDE: Romi, Cigani, popotniki, ljudje potovanja, mobilnosti, marginalnost

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INTRODUCTION

7 May 2004. After my lectures, I was driving in my blue Citroen van on the motorway from Koper to Ljubljana, thinking about my students who had offered me their representations of newly arrived Roma. After 1 May 2004, when Slovenia became a member of the European Union and when the borders seemed to be more permeable, people with 50 caravans, whom the media represented as “tourists”, “guests” and “a caravan of Roma”, came to Koper and then to other cities in Slovenia.

The students’ narrations described Gypsies who were parking at different locations: one group parked in the parking lot in front of a hypermarket, some people were temporarily camping on gravel parking areas near the town centre. In the next few days, the Roma went from door to door offering various services and items for sale. Their activities upset several people, who reported the Gypsy business to the local police.

Two days later, on Sunday, I met some long-haired men in bright well-tailored suits and women who visited the city’s antiques fair. In the afternoon, passing by the parking area near the west motorway ring, I noticed 8 cars with 8 caravans waiting in line as if they intended to leave. I asked them where they were going. They told me that the police had evicted them from the parking area and asked them to go to a camping area. They had been refused as guests in some camping areas around Ljubljana. They asked me to escort an older man to the police station, where he intended to ask for permission to stay for one day longer at that particular parking area. They were looking for a stopping place where they could stay for a while (field notes excerpt, 7–9 May 2004).

While over the last decade the issue of boundless worlds (Kirby 2009) and the fluidity of culture has been widely discussed as a new trend in anthropology, and mobilities proposed as the new paradigm (Sheller, Urry 2006), Roma and Gypsy Travellers have recently been again brought into the “mainstream” discussion of mobility (Shubin 2010; Shubin, Swanson 2010; Sigona, Zetter 2010).

The main part of this article will highlight the construction of the nomadic image of Roma as well as their (im)mobility through an overview of juridical categories. Within the historical description of juridical categories I will focus mainly on the French case. This choice is somewhat arbitrary: the first reason is that almost a decade ago I spent 9 months in France as a researcher at the EHESS in Paris, where I studied migration and movement of Roma, and the second is that France has a long tradition of concise scholarly analysis of space/place and nomadic Gypsies.

The image of the Gypsy¹ as a nomad “is the longest established of all definitions and representations of the group” (Theodosiou, Brazzabeni 2011: 157). Roma are also seen as a marginalized population in contemporary Europe, socially excluded due to structural disadvantages in European societies (Day, Papataxiarchis, Stewart 1999).

Even when Roma are not explicitly labelled as nomads, they are defined with a reference to movement. The more exotic definitions present Roma as idealized mythic seducers, “errant” artists closely connected with the forces of Nature (Reyniers 1995: 45), or rely on the diffusionist thesis that they are a people of Indian origin who “left” their country in the 10th century and are “distributed” all around the world (cf. Williams 1995). The second trend in definitions argues that Roma are seen as indigenous peoples at the “margins” of European societies, operating within a particular economic niche and providing

1 I will use several terms for groups of people who are known under several names, such as Roma, Sinti, Travellers, Gens du Voyage. While some definitions use the term Roma for a more politically correct denomination and as an umbrella term, others use the term Tsiganes or Gypsies. Within Romani studies, these groups are known in accordance with self-denominations as Sinti, Roma, Kalderash. In historical records, they are unclearly defined as Bohemians, Romanichals, or Gitans (Reyniers 1995: 45; Okely 1983). In the United Kingdom, the term Gypsy-Traveller includes English Romanichals, Welsh Kale, Scottish Travellers (Nawken) and Irish Travellers (Minceir), and New Travellers or New Age Travellers (Bancroft 2005: 5; 12). The European Commission uses “Roma” as an umbrella term that includes groups of people who share similar cultural characteristics and a history of segregation in European societies, such as the Roma (who mainly live in Central and Eastern Europe and the Balkans), Sinti, Travellers, Kalé etc. (Stewart 2010: 2).

several services and occasional labour while they live in “caravans” and “travel” to find work and are not dependent on wage labour² (Williams 1995: 7; Okely 1983: 49).

MOBILITY, NOMADISM AND PERIPATETICS

Roma migration from Eastern to Western Europe after the collapse of the communist regimes in 1989 led some scholars to reopen discussions of Roma migration. Within these discussions, the main intentions were to critically deconstruct the notion that Roma are an inherently nomadic people and that their westward migration is connected with their inherent essential nature (Matras 2001; Acton 2010).

Roma were also labelled as atypical nomads who do not have their own land and are merchants and moving campers, or travelling people who are different from the settled communities (Reyniers 1995: 45). Exploring nomadism within the ecological approach, anthropologists proposed a new paradigm of a “peripatetics’ niche”, which was defined as “the regular demand for specialized goods and/or services that more sedentary or pastoral groups cannot, or will not support on a permanent basis” (Berland, Salo 1986: 2). It was pointed out that peripatetics, as ubiquitous nomads, had been overlooked in the social sciences: peripatetics were defined as marginal, itinerant endogamous nomadic groups, with “flexibility and sensitivity to the elements comprising the social and ecocultural environments of those communities among which they maintain themselves”. Among others, Berland and Salo stressed that “movement may also be closely linked to a host of internal as well as to external social and cultural factors” and that the “relative levels of mobility and/or sedentarization are not viewed as opposites” (ibid: 3).

The sociologist Thomas Acton challenges the culturalists’ conception, which postulated Gypsy nomadism as a cultural feature and/or ethnic, i.e. “racialized” trait (Acton 2010: 8). Within the theory of economic and social development, he defined nomadism as “the recurrent exploitation of spatially and temporally discontinuous economic opportunities” (ibid: 6) – if one place does not offer continuous opportunities for productive labour, then movement is required. Acton defines nomadism as an economic phenomenon which gives rise to culture, but is not culturally inherent. For him, only some Gypsies, who live in mixed urban rural societies where they may provide their services and certain skills, practise commercial nomadism, which is different from the “traditional nomadism” of hunter-gatherers and pastoral nomads (ibid: 7). Thus nomadism is a particular form of exploitation of resources available in a particular territory and is based on the circulation of individuals within social entities which organize access to this exploitation.

Reyniers (1995) listed the traditional services provided by Gypsies and defined their circulation as “peripatetic nomadism”: it is an exchange game of work with a sedentary population (gadje). The work of peripatetic nomads is independent, it may be specialized (such as a circus), polyvalent (i.e. they provide several services) and seasonal. Gypsies’ economic exchange with non-Gypsies demands displacements or a particular pattern of travel. Based on the concept of the “peripatetic niche”, the terms “peripatetic community” and “peripatetic strategy” were also proposed. Piasere (1986) used the term “peripatetic phenomenology” and later the term territorial behaviour (Piasere 1992; Casimir, Rao 1992).

Anthropologists conceptualized travelling patterns (Okely 1983) with highly variable contours, thus not conceiving them as rigid typologies but emphasizing their flexibility (Reynier 1995). As a central theme in recent social science, mobility was recognized as a “resource to which not everyone has

² In addition to Roma and Gypsy Travellers, some scholars also include other European travelling populations within this mosaic of autochthonous groups, such as Tattares in Sweden, the Yeniches of Belgium and France, Wonwagebewoners in the Netherlands and Landfahrer in Germany (Okely 1983: 10).

an equal relationship" (Skegs, in Shubin, Swanson 2010: 919; cf. Rogelja 2012).³ It was pointed out that mobility "transcends disciplinary boundaries; it encourages a rethinking of the politics of travel and metaphors for movement" (Skegs, in Shubin, Swanson 2010: 919). Below, I intend to show how nomadism has been regulated through legislation and how mobility metaphors reveal the domination of the sedentary state and the marginalization of the itinerant group.

MOBILITY CONTROL: A LESSON FROM HISTORY

Historically, there were differences between the regimes of Western and Eastern Europe with respect to their repressive legislations regarding Roma. In Europe, the Habsburg Emperors, as well as the sovereigns of Prussia and Spain, implemented assimilative strategies and developed a repressive system of forced sedentarization (Asseo 1995; Fraser 1992; Piasere 1986). In the West, discriminated and ignored as "social outcasts" (Bancroft 2005: 12), Gypsies were "more often the subject of legislation or populist action which was exclusionary by purpose" (ibid.).

The legislation of mobility was the result of the intention to control the mobile population (Asseo 1995; Fraser 1992; Okely 1983; Liégeois 1980); networks of official sites were located in the United Kingdom, France and other countries in which some sites were state-owned and, consequently, dependency on welfare higher, while the intention of this policy was to end nomadism and enforce sedentarization (Okely 1983; Bancroft 2005; Drakakis-Smith 2007; Shubin 2010). As an ascribed essential quality, mobility became a central argument for political regulation and intervention in everyday life and movement.

The French Law of 1912: nomads as a juridical category

In France, there was no law against nomads from 1789 to 1912. In describing "vagabonds of ethnic character who live in our territory as in a confiscated country, who do not want to know the rules of hygiene or the civil rules" (Aubin 2001: 27), Senator Flandrin's explanations reflect the xenophobic climate of the time. He stressed the fact that in the miserable wagon there were always numerous tribes [...] and that they enjoyed all privileges in the hosting society.

The Law of 1912 was conceived for the purposes of surveillance and repression of "vagabondage in wagons" (Delclitte 1995: 23–24). As a result of this law, nomads without permanent residence became a juridical category. While it was quite easy to overlook the mobility of people with travelling vocations and fairground folk, the authorities found it more difficult to control the mobility of nomads (i.e. Gypsies). People in wagons were strictly regarded as dangerous parasites in the world of travellers and were collectively criminalized (ibid.). If fairground folk who needed to obtain an identity booklet were perceived as suspects due to their itinerancy, then nomads were perceived as groups of criminals who need to be exposed to identification and control (ibid: 29).

Nomads were required to carry *The Anthropometrical Booklet for Nomads*. This booklet had to include records of their anthropometric features and every movement/displacement; their vehicles had to have registration plates for control. Their freedom of movement was restricted in the name of the state and for the sake of public law and order. The Law of 16 July 1912 introduced constant surveillance: people who were constantly on the move were perceived as dangerous and a greater threat to the public order than other people.

The Law of 1912 socially and juridically excluded nomads from French society. The main expli-

³ Nataša Rogelja (2012) showed that although the economic practices of liveaboards in the Mediterranean may be seen as precarious, the possibilities for the mobility of Mediterranean liveaboards might be understood as somehow privileged, since many of them have European passports and are thought of as sailors.

tion is grounded in the social order: owing to their mobility and because they did not have a permanent residence (domicile fixe), “people of travel” could not be integrated into the national community. During the Second World War, from the Decree of 6 April 1940 until the liberation, 3000 nomads were detained in French internment camps (Bidet 2010; Aubin 2001). The Law of 1912 remained in force until 1969.

The French Law of 3 January 1969

French law is based on a republican conception of citizenship and ignores the specifics of cultural and ethnic minorities (Aubin 2001: 31). According to French law, it was possible for mayors and the police to allow or forbid nomads from stopping within a community’s territory. Travel became more and more difficult, due to the expulsion of some Gypsy families, parking prohibitions, and public authorities demanding welcome/reception sites for Travellers. The Decree of 20 February 1968 designated “terrains de passage” for nomads, allowing the regulation of nomadic flows, and “terrains de séjour” for an unlimited period that would lead to a sedentary way of life. Stopping in other locations was prohibited in communities that organized authorized sites⁴ (Reynier, Williams 2001: 13). The state did not revalorize nomadism: the policy was directed towards sedentarization without force, since there were new restrictions imposed on the Gypsies (ibid.). The main contribution of the Law of 1969 was striving for the elimination of discriminative obstacles in the Law of 1912, which hindered the integration of nomads. The legislature established a more liberal regime for nomadic circulation, control was less severe and the anthropometric booklet was discontinued (Aubin 1996: 18; 2001: 31).⁵

Aubin pointed out an ambiguity, since the Law was striving for the sedentarization of nomads and used different terminology for Gypsies: instead of being conceptualized as nomads, they were conceptualized as “persons who circulate in France and do not have a domicile or permanent residence”. This law also included all categories of non-sedentary populations (Aubin 1996: 19) who were French citizens.

The Law of 1969 introduced the notion of a community of “rattachement”: an administrative unit which partially forms a domicile for those who do not have one and where nomads may arrange their administrative affairs. In the background of these communities’ provisions was the intention to “normalize” the way of life of *Gens du voyage*. Persons who submitted a circulation document to the authorities had to choose one of these communities, but the final decision was made by a mayor and a prefect. There was also one additional condition, namely that no more than 3% of population of any given community could be without a permanent residence (cf. Reynier, Williams 2001: 13; Aubin 1996, 2001).

The Law of 3 January 1969 created “new circulation documents”. At first this act seemed to be an enactment of freedom of movement. Yet through the lens of public order, nomads were seen as a priori suspicious people, a dangerous class, and their activities had to be subject to regulation for the sake of public order (cf. Reynier, Williams 2001: 13). Thus the freedom of movement was only apparent, and later, with the Law of 2 February 1981 on Safety and Freedom, the mobile population became further marginalized and even more exposed to identity checks.

4 These authorized sites were limited to 60 caravans, and in future years the number became more and more limited. The sites needed to be close to a settlement, nearby hospitals and schools, and markets. They also needed to have permanent staff, such as socio-educational workers, gardeners etc.

5 The main argument of this law was based on archaic ideas that nomadic persons who move permanently are dangerous. This interpretation is possible on the basis of Article 5, which states that the absence of a circulation document constitutes a violation of the law punishable by imprisonment for 3 to 12 months (Aubin 1996: 20).

The Law of 31 May 1990

Some scholars have pointed to the other side of the problem – i.e. that freedom of movement also gives rise to the freedom to stop (Aubin 1996) – claiming that over the years, Gypsies' stopping and parking grew more and more regulated and hindered due to urbanization. The Law of 31 May 1990 officially aimed at integrating *Gens du voyage*. However, the issue of Travellers was not subject to this law, but was addressed later on, in the three paragraphs of Article 28.

The first paragraph laid down a departmental scheme specifying the conditions for the specific reception of Travellers, transition sites and residential/permanent sites for living, and stipulating that all sites must provide access to schooling and economic activities. Among other problems, there were difficulties in articulation between the scheme for the reception of *Gens du voyage* and the departmental scheme for disadvantaged people. The second paragraph stated that every community with more than 5000 inhabitants should provide *Gens du voyage* with the conditions for transit and living in its territory, reserving a site with equipment and facilities.

Communities were supposed to find locations where people would not be excluded: sites were to accept people and satisfy the needs of Travellers. According to Aubin, it was not possible to reject the legal obligation to provide an equipped site for the reception of *Gens du voyage*. It was a subsequent obligation for communities to reserve sites for *Gens du voyage* within their urban planning (Aubin 2001: 34). The last paragraph stated that if the reception site defined in the 1st and 2nd paragraphs was provided, then the mayor could prohibit the stopping of *Gens du voyage* in other parts of the community's territory. The main problem was that councillors enforced the 3rd paragraph without providing the required stopping place for the reception of *Gens du voyage*, when they were fighting against illegal stopping.

The Besson Law of 2000

The new Besson Law relates to the welcoming/reception of people. It was the first republic-level law exclusively dedicated to nomads (Aubin 2001: 40). The law defined the notion of a habitat adapted to the needs of Travellers. This law was also made to control the mobility of Gypsies and to solve the problem of caravan parking (Bidet 2010: 23). It created new administrative categories: *Gens du voyage* and *habitat*, meaning traditional dwelling in a mobile residence, and imposed on municipalities the obligation to welcome "people who travel" in welcoming/stopping places (Bidet 2010: 23; Aubin 2001).

According to their needs, every community with more than 5000 habitants was obliged to provide a departmental scheme, with permanent and temporary welcoming places. Temporary places were intended for traditional or occasional gathering under certain conditions and for the seasonal work of Travellers. These sites were to be authorized in accordance with urban codes. The law foresaw a consultative commission for the departmental scheme, with a mediator to make an evaluation of the implementation of the scheme. The representative of the state coordinated the activities and in case of a delayed provision of the scheme, the state could intervene or transfer the responsibilities for the management of the departmental scheme to intercommunity cooperation and, finally, the state could provide sites and organize the management of work. The state was obliged to provide funds for the sites. This law also changed some articles of social security legislation and urbanism legislation.

The law prohibited stopping outside of welcoming sites and regulated the conditions under which caravans could be forcibly evacuated. It was possible to install a caravan on private land, but only under a certain conditions and with authorization. Again, and with a juridical euphemism, mobility control measures targeted Gypsies, through a continuous although implicit reference to nomadism. The second interpretation of this law offered an explanation that this was also an attempt to solve technical problems, such as parking caravans, at the local level and also at the central level (Bidet 2010).

IN PLACE OF A CONCLUSION

As in France, legislation in the United Kingdom and in Italy was discriminatory towards Gypsies. Recent studies on space and movement have revealed that specific practices of governance and spatial ordering have led to the marginalization of itinerant Roma/Gypsies (Bancroft 2005; Shubin 2010; Sigona 2010; Willers, Ryder, Johnson 2010). There were fewer and fewer legal places to stay; encampments became strictly regulated by legislation, and possibilities for mobility were limited. The legislation includes several imagined features of mobility and travel which may contribute to the marginalization and social exclusion of Roma. Travellers were conceptualized as people who are constantly on the move or, in the case of Scotland, as a “rotating population” with no intention of being based or settled in their “home sites” (Shubin, Swanson 2010: 924). The mobility of Gypsies was restricted by the institutional infrastructure and legislation: they were allowed to camp only in authorized camps which were regulated by law. The legislation forbade encampments on the side of the road and on unused land where they traditionally had their unauthorized encampments.⁶

Bancroft explained the regulation of Gypsy Traveller mobility within the framework of the project of modernity. This project has developed a particular form of spatial regulation and control; institutional processes which govern contemporary societies make some places into ordered zones and leave others in their dark zones: the countryside as well as urban places have become subject to restrictive control and strict police surveillance, and this fact has severely affected the life of Gypsy Travellers (Bancroft 2005: 23).

Roma were represented to the various authorities as nomads, and nomadism was a justification for legal intervention. The authorities have introduced a legal basis for restricting the mobility of Roma communities which were identified as mobile Gypsies. In this paper, I have shown that they are constructed from the sedentary perspective as mobile in opposition to the fixity in the legislation (Shubin, Swanson 2010: 924–927). Imagined as nomads, they were forcibly made immobile through legislation and power, and consequently they are often pushed outside the law and onto the margins of society.

When Roma came to Slovenia in May 2004, their mobility was already policed. As foreign Roma they were not accepted and treated in accordance with the Slovenian ethnic community legislation, which gives a special legal status and rights to “indigenous” Roma (cf. Šumi, Janko 2011; Janko Spreizer 2011/12). They were considered ordinary tourists whose presence has to be reported to the police within 24 hours, in accordance with the law. Their presence in the country has to be registered at the address of a tourism facility or at the reception address.

When I visited the police station with the elderly man and explained that Roma were not able to find a proper parking place for their caravans, I was told by the policemen that they were well informed about Roma travelling routes around Koper, Kranj and Ljubljana. Mobility was under control, since the policemen had already visited and intended to evict a group of 20 people from the parking area, where they could not stay for more than a few days. It seemed that there were no camping areas as “institutionalized moorings that configure and enable mobilities” (Sheller, Uri 2006: 3, cf. Hannam, Sheller, Urry 2006). Available for the travelling Roma, who were already labelled as illegal and problematic.

The Roma had already learned that stopping and parking was difficult and that they were allowed to stay for a day or two without reporting their presence to the police: the elderly man explained to the

6 Rogelja’s observation is highly relevant here: “The recent events in France, where the Sarkozy government introduced a new crime bill (in 2010) in order to raid the Roma camps, connected the individualized actions of the younger French generation who moved sporadically to rural areas and built yurts in search of alternative or cheaper lifestyles with ‘traditional’ peripatetic groups. As the proposed crime bill includes a clause that gives local officials more power to break up ‘illegal installations that threaten public health, security or tranquillity’ (<http://www.treehugger.com/sustainable-product-design/yurts-cause-controversy-in-france.html>, 19 Feb. 2013), many yurt dwellers (called modern nomads on internet sites) (ibid.) were afraid that this legislation would be used against them” (Rogelja 2013).

policeman in German that they had arrived early that morning. When they were evicted by the police from the parking area and instructed to go to a camping area for tourists, they spent the afternoon searching for camping areas. At my insistence, the policeman on duty checked some camping sites around Ljubljana. I was told that the receptionists at several camps had rejected the Roma as guests, as they had been informed about the visit of a group of Roma from Italy and France. For the police it was "normal" that the presence of Roma might disturb some other guests and such a treatment from the receptionists was not perceived as racist or discriminatory behaviour.

There was no stopping place that would allow the travelling Roma to stop. Paradoxically, they were trapped in constant displacements and movement: since they were already known as nomadic Roma, they were not allowed to stay for a while at institutionalized places for travelling tourists. Roma movement is then even enforced by denying them possibility to stop or stay at designated stopping places for tourists for more than a few days, thus reinforcing their marginality.

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