Migrant Marginality

This edited book uses migrant marginality to problematize several aspects of global migration. It uses case studies from Western and Eastern Europe, North America and the Caribbean to examine how many societies have defined their national identities, cultural values and terms of political membership through (and in opposition to) constructions of migrants and migration.

The first section of the book examines the limitations of multicultural policies that have been used to incorporate migrants into the host society. The second section examines anti-immigrant discourses and get-tough enforcement practices that are geared toward excluding and removing criminalized "aliens". The third section examines some of the gendered dimensions of migrant marginality. The fourth section examines the way that racially marginalized populations have engaged the politics of immigration, constructing themselves as either migrants or natives.

The book offers researchers, policy makers and students an appreciation for the various policy concerns, ethical dilemmas and political and cultural antagonisms that must be engaged in order to properly understand the problem of migrant marginality.

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This chapter analyzes Italian immigration policy and immigration law, giving special attention to the political discourse that keeps forcing immigration to the top of the institutional policy agenda. In this body of discourse, immigration is criminalized and foreign-ness becomes synonymous with criminality. Italian political parties have reinforced this association between crime and immigration to keep a firm grip on the electorate in a climate of political instability. This chapter examines several aspects of this political strategy. It also observes that institutional approaches to immigration have not changed substantially over the past three decades. Most governments, whether conservative or progressive, have governed immigration through an axiomatic that relegates immigration policy to a constant state of emergency that associates immigration with criminality.

All of these elements, along with the Italian uneasiness about its colonial history, and the chronic slowness of the Italian judicial system, form the basis for a new and more punitive kind of Italian immigration regime. Excessive bureaucracy, a confused corpus of law and harsh security-oriented policies leave immigrants unprotected and vulnerable, especially in prisons and detention centers.

This chapter also contributes some new information to the existing scholarship on Italian immigration policy through its analysis of the legal and political discourse of Italian immigration attorneys. The data for this analysis was gathered through structured interviews with immigration attorneys and legal practitioners, who were all members of the Association for Legal Studies on Immigration (ASGI), which is one of the largest and most well-organized immigration attorney organizations in Italy. This interview data supplements the analysis of legislative acts, statistics, newspapers, websites, videos and posters that were used to document the other aspects of Italian immigration discourse that were described earlier.

A flexible approach to the research process was needed to integrate these diverse sources of data. It was also necessary to take a flexible approach in constructing the sample of immigration attorney interviewees. This is because: 1) in Italy, the immigration attorney is still a rather new legal-professional figure; 2) Italian immigration attorneys' organizations are few and very new (ASGI was founded only in 1990); and 3) even though ASGI has approximately 270 members, only one-fifth of them practice immigration law exclusively. I was permitted access to this association and many individual lawyers because of my experience collaborating with two immigration attorneys for more than a decade. I also gained access to penitentiary personnel because of a contact I established with a police officer who had worked in a pretrial detention center for many years.

From the very beginning of the research process it was evident that both the immigration attorneys and the penitentiary officers shared very similar opinions about Italian immigration law and policies. Some main themes that surfaced in all of these interviews include: 1) critical observations about the disjuncture between the goals of Italian immigration laws and the recommendations of immigration experts; 2) the complicated language of the laws; 3) the lack of governmental attention toward integration policy and exaggerated attention toward repressive measures; and 4) the racist inclination of some politicians, which can be seen in the most recent Italian legislation on immigration.

The next several sections describe these conditions in more depth, by reviewing key features of the historical, legal and political context for Italian immigration law and policy. The closing segments of the chapter focus on the interview data that was just described, explaining how Italian immigration attorneys have interpreted and responded to these conditions.

CONTEMPORARY EUROPE AND IMMIGRATION

Faced with a very low birth rate and an aging population, Europe needs immigrants to keep the labor market alive and to maintain an expensive welfare system, but the general attitude toward immigration seems to be hostile. Immigration is viewed as a constant emergency; it is a problem that no country in Europe has been able to solve, although it is a common assumption that immigration is an integral part of European (and global) history.¹

Because it is so closely tied to the sovereignty and identity of the nation-state, immigration has been deeply politicized and manipulated as a crucial tool of control and coercion. Although northern European countries have been dealing with immigration for several decades in the twentieth century, they are still trying to create a homogeneous policy, whereas the southern European countries strive to take full control of the problem. Immigration policies vary widely from country to country, and Europe is still trying to pursue a sort of general equilibrium.² An obstacle to this goal is the opposition between countries that are considered the fulcrum of Fortress Europe and countries with weaker borders that are considered an open door to Europe.
Moreover, throughout Europe there is a worrying phenomenon of right-wing xenophobia and anti-immigration parties, which are gaining higher and higher percentages of the popular vote. There are well-organized groups of nationalists, fascists and neo-Nazis in France, Denmark, Germany, Austria, England, the Netherlands and Italy. The increasing use of racism and xenophobic and anti-immigration discourse affects not only the right-wing parties but also the mainstream political parties.

In the last few decades the EU produced many declarations, directives and official statements against racism, anti-Semitism and xenophobia. Some documents are directly based on Article 13 of the Treaty of Amsterdam, and 1997 was even declared the “European Year of Equal Opportunities for All.” Although the EU legislation against discrimination is considered among the most extensive in the world, racism in Europe still is very pervasive. Laws, statements and declarations are not enough to ensure equal opportunities and civil rights.

With the Resolution Res (2002), the Council of Europe created the European Commission against Racism and Intolerance (ECRI) to “take firm and sustained action at the European level to combat the phenomena of racism, xenophobia, anti-Semitism and intolerance.” In 2003, the Parliamentary Assembly of the Council enacted Resolution 1344 (2003) on the “Threat posed to democracy by extremist parties and movements in Europe.” With this resolution, the council expressed concerns about the “resurgence of extremist movements and parties in Europe,” affirming that “no member state is immune to the intrinsic threats that extremism poses to democracy.”

In spite of these legislative efforts, discrimination based on ethnic origin was still the most common form of racism in the EU in 2008, according to the Eurobarometer 296. It has also been observed that the management of borders is still one of the main challenges facing European migration policy.

HISTORICAL ITALIAN BACKGROUND

There are many scholars working on the so-called elite migrations to Italy during the Old Regime and the nineteenth century, but large, sustained immigration flows to Italy first arrived in the late twentieth century. Historically, Italy was a country of emigrants to the US (which, from 1876 to 1976, was the largest recipient of Italian immigrants in the world), Northern Europe and Canada. It also was—and still is—a country of heavy internal migration from Italian southern rural areas to northern industrial centers.

A significant flow of immigration into Italy began to occur in the 1970s. In the last three decades, Italy—which has since become a member of the Group of Eight industrialized nations—has been transformed into a country that can be considered a ‘golden door’ to Europe. After the oil crisis of 1973–1984, countries such as France, England and Germany began to limit immigration, closing their frontiers to noncitizens. The decolonization of many African countries set the stage for a boom in African immigration to Europe in the 1960s and 1970s (especially from Algeria, Tunisia and Morocco). Until 1973, France and Germany considered these migrant labor flows an important economic resource, and decided to include foreign workers into the national labor market.

When migrants found the door closed in some Western European countries, they began to look at Italy as a new point of entry. At that time, Italy was seen as an open and friendly door, and many immigrants, who initially were planning to migrate to other parts of Europe, eventually decided to stay in Italy. For a long time Italy received immigrants, but did not consider itself a society of immigrants, because of deeply held beliefs in a homogeneous national culture. Even recently, Prime Minister Silvio Berlusconi defined Italy publicly as a “not multicultural country.” Moreover, colonialism is not viewed as being as central to Italian history as it has been for other European countries such as France, UK or the Netherlands. Many scholars have complained about this silence on the legacy of Italy’s colonial history, and it’s likely that this silence has affected Italian attitudes toward immigration in the present day. Even after WWII, during the Italian Trusteeship Administration in Somalia (1950–1960), Italy failed to lead this former colony to independence. Today the National Italian-Somali Association claims that the Italian government is still indifferent to them, despite the fact that they are all children of Italian parents.

ITALIAN IMMIGRATION POLICY AND LEGAL FRAMEWORK

In the 1980s Italy became a more popular alternative to traditional countries of immigration, mostly because of its less restrictive immigration policy and its less complex immigration laws. Due to its location in the Mediterranean and the peculiarity of its borders, Italy offered easy access, especially to those coming from Northern Africa and Eastern Europe. Another important factor is the underground economy. Many immigrants can find jobs only in the underground economy, especially in sectors such as agriculture, family care and construction. Recent reports show that illegal jobs account for more than 20 percent of the employment sector in the south of Italy, reaching as high as 40 percent for some occupations. In 2004, immigrant workers—at that time representing about 8 percent of the Italian labor force—reported an accident rate double that of Italian workers. In the few last decades, the expansion of this sector of domestic and personal services has been exceptionally rapid, and the large number of small industries, factories and businesses seems to have facilitated the growth of the illegal workforce.

In 2008, the number of documented immigrants in Italy was almost four million (6.7 percent of the total population). They came mostly from
Romania (which joined the EU in 2007), Albania, Morocco, China and Ukraine. Of this number, 52 percent are European, 23 percent are African, 16 percent are Asian and about 9 percent are from the Americas. More than 60 percent of these immigrants live in the northern part of Italy, 25 percent live in the center of Italy and only 10 percent in southern Italy. In the last few years the acquisition of citizenship has doubled, but Italy still has one of the lowest citizenship rates in Europe. In 2005 and 2006, France granted 303,000 new citizenships, whereas Italy gave only 35,032 for the same period.

In the 1990s, Italy began regulating immigration. Besides a regional act in 1998, the first immigration law was the so-called Legge Martelli in 1990. Until then, the only legislative document defining the status of foreigners had been the Act of Public Safety of 1931, the sole aim of which was to maintain public order. The Legge Martelli not only was the first attempt to bring Italy in line with other European countries in the matters of asylum and immigration, but also forced Italy to see itself as a country of immigration. It was made up of ‘urgent regulations’ and included an ad hoc pardon law. The first systematic Italian Immigration Act, the Testo Unico (or Turco-Napolitano Act) was promulgated in 1998; it also introduced the detention of undocumented immigrants in special temporary detention centers, where they could be identified and where their application for asylum would be evaluated, leading either to admission or instead to repatriation.

The Testo Unico was modified in 2002 by the two right-wing politicians who later became prime minister, the Legge No. 286 of 1999 (also known as the Bossi-Fini Act). Enacted after the attacks of September 11, 2001, it reflected the transformed concept of global security, the tightening of sanctions and the hardening of Western countries with regard to immigrants. The Bossi-Fini Act introduced more restrictive norms for undocumented immigrants: their stay in temporary detention centers was raised from thirty to sixty days. Unidentified immigrants were expected to leave Italy within five days; those identified were immediately repatriated by the police. Before the Act of 2002, only undocumented immigrants were fingerprinted. Today, all non-EU immigrants applying for a stay permit must be fingerprinted.

Since the end of the 1990s, the National Alliance (formed in 1995 by Gianfranco Fini from the Italian Social Movement—an ex-neo-fascist party) and the Northern League (founded in 1991 by Umberto Bossi) found a common interest in immigration as a powerful means to attract a larger electorate. Together they created a correlation between criminality and immigration, which they have constantly reiterated through the years.

The Northern League, which after the most recent elections has become the third most popular party in Italy, is a populist party, which claims Celtic heritage and focuses on political and fiscal federalism, and separation from Rome and southern Italy. With a very conservative stance on social issues, the League uses a racist political discourse and sees immigrants—when not as plain criminals—only as a necessary source of manual labor. Several recommendations have been addressed to Italy from the EU on racism and xenophobia in political discourse. One of the most notable examples is the Legge No. 205 that was enacted in 1993. But these antiracist laws did not inhibit the Northern League from issuing racist proposals for immigration, one of the most sensational coming from Giorgio Bettio—a League councilman in Treviso. During one of the council’s sessions, he declared: “With immigrants, we should use the same system the SS used, punishing 10 of them for every slight against one of our citizens.” This anti-immigrant rhetoric reinforces the association between immigration and threats to the public safety. Immigrants are generally viewed as illegal or ‘outside the law’, and therefore inclined to criminal behavior.

IMMIGRATION, SECURITY AND POLITICS

Part of the right-wing success in the Italian elections of April 2008 lies in fostering this general climate of fear. According to a 2007 report by the Italian National Statistics Bureau (ISTAT), the public perception of risk was high and related to the fear of foreigners. According to a 2008 report by Eurispes, Italy’s leading independent research institute, 40.7 percent of Italians thought that foreigners were the main perpetrators of crime; 10.6 percent said that the increasing number of immigrants into Italy made crime more widespread; and 19.2 percent would restrict the entry of immigrants into Italy.

The widespread fear is also closely connected to the concept of ‘emergency’. Since the 1980s, the term ‘emergency’ has always been related to immigration, and in 2002 Silvio Berlusconi declared the status of immigration a national emergency. On December 18, 2008, the prime minister enacted another decree (equivalent to an executive order) that he used to extend “the national emergency to keep opposing the unexpected unprecedented arrival of immigrants.” These actions illustrate how the governmental agenda on immigration is still dictated, primarily, by the Northern League. The most severe legislative proposals come from the League, with the goal of securing the loyalty of those social groups that are predisposed to fear and racism. Moreover, to secure its local power, the Northern League seeks to give mayors full powers over security matters. According to several legal practitioners, “media—through constant daily attention to criminal facts related to immigrants—are helping the League to portray the image of a weak state, incapable of managing and eradicating crime.” In addition, the minister of the interior, Roberto Maroni of the Northern League, proposed a ‘security package’—the pacchetto sicurezza—that sought to make illegal entry a crime. Remaining in Italy without permission would constitute a criminal offense punishable by imprisonment. The Northern League wanted to make illegal immigration punishable by up to four years in prison, and it also proposed that doctors report to police any
patients who are in Italy illegally, as well as the creation of separate classrooms for immigrant children. One immigration lawyer observed: “Italy currently has an overall criminal view of immigration . . . even landlords are being asked to become policemen. Criminal law fills the deficiencies of the social system.”

ITALIAN IMMIGRATION LAWYERS

Italian immigration lawyers are a new, fast-growing pool of younger legal professionals. Among a few professional associations of immigration lawyers, ASGI (Association for Legal Studies on Immigration, instituted in 1990) is the most influential. It is very active and since 1999 has published, with Magistratura Democratica (an association of left-wing judges), the journal Diritto, Immigrazione e Cittadinanza. In 2008, I began to interview a group of thirty-two Italian immigration attorneys who are associated with ASGI (seventeen women and fifteen men).

The average age of lawyers involved in the study was 35.5. With the exception of a small number of lawyers, the average number of years of experience is less than seven. Six out of the thirty-two had written a final thesis on immigration at law school; twenty-two out of thirty-two responded that the lack of a specific course on immigration law in law schools can cause problems during practice, and one-third suggested creating a specific register of immigration lawyers within the Italian Bar Association. Almost everyone claimed to have acquired training and skills through personal efforts, through reading books and journals; surfing the Internet; participating in conferences and workshops; and exchanging ideas with colleagues. The most senior Italian immigration lawyers began as criminal lawyers in the 1990s during the immigration boom and decided to become immigration consultants to associations, political parties or Catholic volunteer groups.

According to a senior expert on immigration, immigration lawyers in Italy can be divided into three groups: the first is made up of very motivated professionals, who chose to work in the immigration field because of their strong interest in fundamental civil rights; the second is made up of lawyers not specialized in immigration and who decide only occasionally to work on immigration cases; the third is made up of those not really interested in immigration, but attracted by the pro bono activity—particularly in criminal defense work—that can guarantee a basic salary, given the excessive number of lawyers in Italy. This excess of lawyers is a matter for concern within the legal profession and within the Italian Bar Association. In his 2008 report, the chief justice of the Italian Supreme Court revealed troubling data: Italy is the only country in Europe where the number of lawyers exceeds two thousand out of a general population of sixty million. Almost forty-two thousand lawyers have been admitted to practice in the Supreme Court in Italy, compared to just ninety-five in France and forty-four in Germany. ASGI is one of the biggest critics of the government’s proposals regarding immigration. The association states that the biggest problem is the government’s investment in preventing illegal immigration and punishing illegal migrants. It insists that the government should adopt more realistic policies to increase legal entries and to integrate immigrants into the social fabric more effectively. In general, ASGI foresees that the disappointment and frustration produced by the current policies could foment more social tension and foster a distorted discourse on cultural identity. In particular, they accuse the pacchetto sicurezza of being not only counterproductive but also in some cases illegitimate—even unconstitutional. These criticisms are consistent with comments gathered from several immigration lawyers, who all defined Italian immigration laws as confusing and incomprehensible. An Italian immigration lawyer with ten years of experience in the immigration legal field said: “In Italy the gap between law and its enforcement is huge. Italian immigration laws are really complex, stratified, inconsistent and ever-changing because they are at the mercy of the current government.” Another lawyer said: “The worst side of the Italian immigration law is the confusing language of the laws; they are sometimes completely incomprehensible. The lack of training for government officials and employees, the chronic lack of forms to be filled out and the continuous errors in institutional software endure beyond even the different governments and political parties.”

A member of the ASGI board of directors stated: “Italian immigration laws are intentionally complicated. They seem to be written to give more and more power to the public administration, . . . broadening the possibility of different interpretations . . . The laws seem to be made to create situations of illegality rather than to regulate the immigration phenomenon and to promote legality.” Another lawyer said: “Our immigration law is incoherent; it doesn’t reflect the real needs of immigrants. It is often xenophobic and characterized by an irrational fear. The legislation should consult with experts who deal with immigration at the ground roots level and should avoid manipulating immigration law to divert the general attention from bigger social issues, which are not connected to immigration at all.”

On February 19, 2009, ASGI, along with the Italian Council for Refugees, Amnesty International, Doctors without Borders and several nongovernmental organizations (NGOs), sent an open letter to the president of the Italian Republic, to the prime minister and to the minister of the interior. They expressed serious concern about the facts that were surfacing concerning the treatment of immigrant detainees in Lampedusa, in the Center for Identification and Expulsion (CIE). Eight hundred people detained there participated in a hunger strike, and a large fire broke out. The center had been recently transformed from a Center of First Assistance to a Center of Identification and Removal. The first removals caused several concerns, at
both a national and international level. The Italian government had decided to concentrate all the migrants arriving to the Italian coasts in Lampedusa, whatever their legal status. This decision provoked tension on the island. Many thought that Lampedusa could not be a different destination than that of a first assistance center, from which migrants are transferred briefly to other centers. Those who signed the letter asked: 1) for a prompt transfer of all the migrants to other centers, where paperwork for asylum in particular could be completed immediately; 2) that Lampedusa go back to being a center for first assistance and reception of immigrants; 3) that liability for whatever their legal status. This decision provoked tension on the island.

On February 21, ASGI criticized the law decree—enacted by the government just the day before—that would increase the detention of immigrants subject to expulsion or refusal by up to six months. ASGI interpreted the new measure as a clear signal of an authoritarian policy, given that just a few weeks earlier a similar proposal had been rejected by the Senate. Raising the length of detention from two to up to six months changes the nature of detention, enabling it to become a long-term form of confinement. Such a distressing situation could lead to rebellions in the detention centers, with serious consequences for the safety of the centers. ASGI observed that the Italian government has adopted a repressive policy agenda that is based on ideological propaganda. Moreover, the new measures completely ignore the De Mistsura Report—prepared during the previous government—which pointed out not only the dilapidated state of the centers but also their inefficiency.

At the end of its work in 2007, the De Mistsura Commission reported several serious problems in the Italian centers dedicated to the reception and detention of immigrants. They include: lack of legal information for asylum seekers and absence of psychological assistance; overcrowding of vulnerable people such as women, children and traumatized asylum seekers; the denial of access to organizations providing advice and support to asylum seekers; structures similar to prisons, where detainees are constrained to near immobility; and use of primitive procedures for determining the age of unaccompanied children. The commission recommended several urgent changes, leading toward the overarching goal of eventually eliminating the centers. At the core of these recommendations was the idea that the reception of asylum seekers should be based on a more humane approach.

These recommendations are especially relevant given that the flow of asylum seekers into Italy has continued to increase. In 2008, Italy received 31,200 applications from asylum seekers—more than double the figure of the year before. Thus, Italy has become the fourth most popular destination for asylum seekers in the industrialized world. Only in 1999 did a higher number apply for asylum in Italy (33,400 claims). Nigeria is the main country of origin of applicants in Italy, with 5,300 new claims (+300 percent), followed by Somalia, with 4,500 new claims (+491 percent), Eritrea, with 2,700 new claims (+21 percent), and Afghanistan, with 2,000 new claims (+202 percent).

IMMIGRANTS’ CRIMES AND ITALIAN PRISONS

Before discussing the discomfort of immigrants in the Italian penitentiaries, a brief description of the critical situation of Italian state prisons is necessary, because it was also underlined in a report on human rights in criminal justice systems presented at the 9th Asia-Europe Meeting Seminar on Human Rights. Although prison overcrowding is a major problem worldwide, Italy has the highest level of jail occupancy in Europe, with an incarcerated population that is at 131.5 percent of the official capacity. Spain follows with 129.5 percent, and third is the UK with 112.7 percent. In 2006, these conditions became so extreme that the Italian Parliament passed an ad hoc pardon law granting a three-year sentence reduction for some categories of offenders. The reports from recent years on the situation in Italian prisons confirmed a constant overcrowding, which makes it impossible to guarantee the conditions and treatment established by law and prison regulations, starting with the prisoner’s right to have enough space.

The director of an Italian district penitentiary in the north of Italy (a pretrial detention center) explained that Italian prisons suffer not only from overcrowding but also from a chronic lack of funds, adequate infrastructure and staff. This critical situation affects all the inmates, but being an immigrant makes this situation even harder to bear.

Judicial and penitentiary statistics demonstrate that crime rates for immigrants and native citizens are very similar (the crime rate of immigrants is slightly higher). Immigrants, however, commit fewer serious crimes than Italians. So even though there has been a recent increase in the number of immigrants in Italian prisons, it is not because they are more inclined to commit crimes.

Social exclusion and privations are only one aspect—although an extremely important one—of the forces driving these higher incarceration rates. Foreign inmates: 1) are often drug-addicted and do not qualify for or cannot afford reintegration programs into social life; 2) are often extremely poor; 3) are often in a state of effective solitude; 4) very often cannot communicate because of linguistic difficulties; and 5) very often do not have a job, housing or social relations.

The other side of the story is that foreigners’ experience with the Italian penal system differs from that of Italians. Immigrants, especially if undocumented, are not permitted to await their trial outside prison, as many Italian are allowed to do. There is an important legal consequence to this different treatment: immigrants tend to accept alternative proceedings such as plea bargaining. Moreover, immigrants 1) usually do not appeal adverse judgments; 2) lack a professional defense; and 3) lack access to pro bono defense. When immigrants lack a fixed residence, they cannot claim the benefit of house arrest or other alternative measures to detention before sentencing/trial. Therefore, under the same charge or sentence, immigrants stay in prison longer than Italians.
Prison overcrowding can be the result of a specific government’s policy on crime prevention, but it can also demonstrate the slowness of the justice system, rather than an increase in the crime rates or an increased interest in prosecuting violators. The percentage of foreign prisoners (proportionate to the entire prison population) is 37.4 percent in Italy, 35.7 percent in Spain, 43.9 percent in Greece, 26.9 percent in Germany and 19.2 percent in France.

Even if Italian laws encourage equal treatment of Italians and immigrants, immigrants receive worse treatment. It also seems that the recent policies and laws have reinforced this inequality. Article 1 of the penitentiary law clearly states the principle of equality among Italians and immigrants. But on comparing sentences received by immigrants and Italians it appears that there is a double standard, especially with regard to alternatives to incarceration. Not only is it very difficult for immigrants to access alternatives to incarceration, but also, even worse, Italian laws tend to use deportation as the only alternative measure that is available for immigrants.

CONCLUSIONS

With a population of sixty million and the lowest birth rate in Europe, Italy is torn between the advantages that immigration brings and the resistance offered by a ‘new’ racism and a rising xenophobia—both of which are augmented by strategies and propaganda that instill fear in the population. Political parties work behind the scenes, fueling this dilemma and reinforcing the connections between immigration and crime.

The government of Italy is now using the political and legal systems as its primary tool of racialization and associated subordination. A country of strong regionalism, parochialism and north-south divisions, Italy seems to find a renewed unity by rejecting immigrants and forgetting (or pretending to forget) many other social and economic problems that preceded the new immigration, such as the (Italian) mafia, unemployment and widespread corruption. The deep divisions among Italians are seemingly erased in order to recreate a homogeneous community that is united against the Other.

Since the 1980s, political, social, legal and cultural approaches to immigration have not changed substantially. Most governments have treated immigration as a national emergency that is closely associated with criminality. Despite the egalitarian and antiracist principles contained in the Italian Constitution, and European and international laws, immigrants are treated differently by the Italian administration: even when open racism is not involved. An excessive bureaucracy and a confused corpus of laws leave immigrants unprotected and vulnerable, especially in critical contexts such as in prisons or in detention centers.

Today, immigration law could be seen as a sort of ‘ritualized form of exorcism’ in a country that is clearly obsessed with foreigners. The myth of the ‘immigrant invasion’ has become increasingly widespread, acquiring a collective credibility based on feelings of insecurity and fear. Some political parties have taken the role of rescuers upon themselves, choosing a hybrid—but clearly conservative—identity that blends the popular image of the Christian crusader with that of the Celtic warrior. As observed throughout this chapter, these identities must also be understood as political strategies; the structure of political alliances in Italian society and the workings of the electoral system have to be taken into account.

NOTES


4. It reads: "the Council, acting unanimously on a proposal from the Commis­sion and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation." The Treaty of Amer­terdam, Oct. 2, 1997.


8. Eurobarometer, Discrimination.


We Are Not Racists, but We Do Not Want Immigrants
41. Composed of 270 members, mostly lawyers, but also professors, social workers, trade unionists and volunteers.


43. Within the whole category of immigration lawyers, asylum and refugee lawyers represent an even smaller group. A large majority work as consultants to NGOs or public institutions, whereas others practice exclusively for these institutions as full-time employees.

44. Annual report by the chief justice of the Italian Supreme Court, legal year 2008.


46. In comparison, in terms of the number of judges, Italy is within the European average, with around eight thousand judges.


51. Lampedusa is an Italian isle strategically located south of Sicily, where Italian-bound immigrants from Africa might be intercepted.


56. According to Associazione Antigone, IV Report on the conditions of the prisoners, Carocci Editore, 2006) at the date of July 31, 2006 there were 61,246 inmates in Italian prisons. Due to the 241 Law of 2006 about clemency toward prisoners, 17,449 inmates were freed.

57. Manuela F, in discussion with the author, Mar. 9, 2009.