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‘We are against a multi-ethnic society’: policies of exclusion at the urban level in Italy

Maurizio Ambrosini

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Abstract

Local policies for immigrants in recent years have attracted a growing interest among scholars. It is increasingly accepted that they are distinct units of analysis in the governance of migration, with significant degrees of autonomy with regard to national policies. Most of the literature, however, deals with the inclusive role of local policies. The argument of this article, on the contrary, is the development of local policies aimed to exclude migrants from various kinds of benefits and rights. It is based on a pilot research, conducted in Lombardy (northern Italy), on seventy cases, referred to forty-seven different local authorities. Then, the outcome of these policies is analysed: the exclusion of migrants is a tool to seek political consent, but is also a battlefield, where anti-discrimination institutions, advocacy groups and courts react against the measures approved by local authorities.

Keywords: Immigration; local policies; exclusion; discrimination; advocacy; populist politics.

It is a well-known fact that immigration is a controversial yet priority topic on the political agenda. It is equally well recognized that the positions of national governments have hardened, reaffirming the importance of boundaries (Balibar 2006), entry and residence permits (Düvell 2006) and integration in the receiving society (Goodman 2010). The terrorist attacks of 11 September 2001 have fostered stricter policies of control of migrants’ movements, emphasizing both external and internal controls (Faist 2002; Mitchell 2002). Another well-known fact is that in many countries the political parties that included the

fight against migration in their key programme points have gained ground (Swank and Betz 2003; Albertazzi and McDonnell 2008).

The phenomenon of local policies and programmes affected by xenophobic views is, however, less well explored: the literature tends to emphasize the inclusive trend of local policies, in spite of the pressure towards closure in democratic systems (Boswell 2007), even though some recent contributions from the USA have highlighted the link between national policies of irregular migrant deportations and local policies of exclusion (Hagan, Rodriguez and Castro 2011).

I intend to deal with this issue in this article, based on a pilot research study conducted in Lombardy, the largest region in northern Italy.

Local policies between inclusion and exclusion

Local policies for immigrants in recent years have attracted a growing interest among scholars. It is increasingly recognized that they are distinct units of analysis in the governance of migration, with significant degrees of autonomy with regard to national policies. Indeed, not infrequently local policies attempt to compensate for the limitations and shortcomings of national policies, moving away from the 'models' of the host countries (Alexander 2003). Their importance also originates from the awareness that many services and resources that contribute to the integration of immigrants are produced and delivered locally. Their de facto inclusion in the citizenship system depends greatly on decisions, organizational processes and ordinary practices that are developed locally, in the education system, in housing policies, in assistance to families in difficulty and in employment services.

Usually, however, the research and institutional production on this topic favour the inclusive horizon of local policies and the positive, sometimes innovative, role of city governments in promoting new measures, institutions and projects for the benefit of immigrant populations (e.g. Penninx et al. 2004; Cities for Local Integration Policy 2010; United Nations Education, Scientific and Cultural Organization 2010). Alternatively, they are interested in the difficulties and the obstacles encountered in the implementation of inclusion policies (Triandafyllidou 2003; Caponio and Pavolini 2007). Less attention has been paid to the aspect of local policies whose aim is the exclusion of immigrants, an issue connected, but not coinciding with, the appearance in the European political situation of new political formations that have placed the containment of migration at the centre of their programmes. Even when a 'paradigm of exclusion' is thematized, as in Penninx and Martiniello (2007, p. 47), it is put forward within a concept of immigrants as temporary guests and the

consequent absence of policies; as noted by Alexander (2003), the cities considered to be more reticent within the policies of immigrants (in this case, Rome and Athens) are characterized by a lack of measures for the integration of immigrants, not by explicit policies of exclusion. Nevertheless, it is not exactly easy, in democratic regimes that are sensitive to the value of equality and the protection of human rights, to propose measures that are openly hostile toward minority groups. Discriminatory measures therefore in general have to disguise themselves as universalistic, aimed at the protection of general interests: for example, urban standards, compromised by the presence of annoying beggars. At other times they are based on reasons of containment and rationalization of expenditure to justify the exclusion of non-citizens or new arrivals. At other times they identify urban safety, a goal that meets with broad approval among the citizen-voters; expressed vaguely, this issue allows a wide range of prohibitions and expulsion measures to be introduced. It should be remembered that, in order to renew and revive city centres, to foster urban tourism and to promote city marketing, several local governments on both sides of the Atlantic have tried to expel people seen as undesirable and rather disturbing for residents and visitors: vagrants, beggars, vendors, drunkards, drug addicts. Some authors have spoken about a revanchist urban strategy of the dominant classes against the poor and marginal components of the local population (Smith 1996; Semperebon forthcoming). In a growing number of cases, these policies select specific components of the foreign population, such as residents with an irregular status, or the Roma minorities.

One of the issues that has most fuelled local conflicts in several European cities is that of permits to build places of worship for Muslim minorities. Especially after the attacks of 2001, the climate of suspicion towards Muslim immigrants resulted in multiple episodes of protest by citizens' committees and in the political closure by the municipal authorities with regard to the building of religious centres, especially when they take the form of large mosques (Maussen 2009). The Swiss referendum that banned the construction of minarets eloquently expresses the symbolic dimension of the conflict: to oppose the visible transformation of the urban and social landscape, due to the raising of a symbol of a religion perceived as foreign to local cultural traditions.

The subject of this article, however, is what we might call the dark side of local policies: the measures that in various ways target the exclusion of immigrants as a legitimate and recognized part of the local community. The field of investigation is northern Italy: the most prosperous and economically advanced region of the country, which has attracted over the past two decades the largest number of immigrants, but also where populist political forces and movements

of opinion have established themselves, making immigration a key theme in the election campaigns and political agenda. The research consisted of collecting and analysing a series of ordinances, resolutions or other acts of democratically elected local government authorities. Therefore these are not merely political speeches, election posters or other forms of propaganda; the material considered here consists of measures designed to affect actual real life, the manner of integration and the prospects for the future of the people concerned. As we shall see later, the line between acts of government and political rhetoric, however, is tenuous and uncertain.

The Italian case: de facto advent and refusal on principle of a multi-ethnic transformation

Italy, which was until the 1970s a country of emigration, now accommodates some 5.3 million immigrants, including about 500,000 foreign residents in an irregular situation (Fondazione Ismu 2011). The growth has been very rapid: over the past seven years, there has been an average growth of 431,000 units a year, a rate of 12.7 per cent. Only the recession that occurred in 2008 produced a slowdown. The largest number of immigrants is concentrated in the northern and central regions of Italy. At the same time, in the main northern regions (Lombardy, Veneto, Piedmont) the political formation of the Northern League (*Lega Nord*) was created, has emerged and has achieved major successes; from the beginning it has included defence against immigration among the highlights of its political proposals (Cento Bull 2010). Wherever there is greater integration of immigrants in the economic and social structure, there is also stronger political rejection of their presence (Calavita 2005). This fact shows that the acceptance of the settlement of foreign immigrants has been reticent and thwarted, amid fears and disagreements. The demands of the labour market have been the fundamental basis of legitimacy. Italy has a quota system of entry for work, which is not just seasonal or highly qualified. But in fact the main mechanism of the migration policy consists of regularization programmes: six in twenty-two years, with the last one in 2009. The same entries allowed under the quota programme are actually used as disguised regularizations. In other words, the Italian state must periodically bend its rules in the face of the reality of an economic system that absorbs many more immigrants than the political system would like to admit (Ambrosini 2008): it is the Italian version of the attitude of reluctant importers of foreign workers that characterizes all developed countries in various ways (Cornelius, Martin and Hollifield 1994). Even if the regularizations are not an exclusively Italian characteristic (International Centre for Migration Policy Development 2009), what is incontestable is Italy's primacy in this matter: 1.2 million

immigrants settled by regularizations during 1996–2008, 300,000 applications made in 2009 (and still under evaluation) and hundreds of thousands of additional regularizations that are hidden thanks to decree-flows (the last being in January 2011).

With the complex of small companies of several sectors (construction, catering, cleaning, agriculture, but also small manufacturing industries, especially in the industrial districts) Italian families as employers are the main actors in the regularization process. In many ways, they are involved in hiring unregistered migrants and in managing the migrants' underground work, especially that of women, as they welcome and accommodate them in their homes. The estimates of the extent of this phenomenon suggest a figure of one million immigrants, the majority of whom are women, employed in the domestic sector, especially in the care of children and the elderly: the latter are mainly employed on a living-in basis (Ambrosini forthcoming). The same families that mostly demand stricter regulations and tighter controls against immigrants queue up to regularize them when they work for them.

In the last political elections (spring 2008), issues of security and the struggle against illegal immigration dominated the campaign and contributed considerably to the overwhelming victory of the centre right, which promised 'no more illegal immigrants on the doorstep' (Trindafyllidou and Ambrosini 2011). In the two-year period of 2007–8, according to research by Diamanti (2011), the share of Italian citizens who considered immigrants a threat to security exceeded the threshold of 50 per cent. According to a comparative analysis of various surveys in Europe, Italy was the country with the greatest concerns about immigration, with the issue of security being the primary point (Valtolina 2010a).

After its victory, the new administration went to work, conferring responsibility for security and immigration on Mr Maroni, a representative of the Northern League, who was appointed Minister of Home Affairs. The *Lega Nord* dictated the government line in this matter for the entire period. A series of measures taken or announced endeavoured to communicate to public opinion the idea of a critical hardening of the government's attitude toward immigrants. Protests by the opposition, humanitarian organizations, the Catholic Church and some international institutions only confirmed, in the eyes of most Italians, the seriousness of the new severity exhibited by the government.

On the other hand, the government reigned in workplace inspections, as it did in the struggle against the underground economy, letting it be understood that in times of crisis it is unwise to put too much emphasis on regular recruitment.

This approach met with undeniable domestic success, as was shown by the regional elections of March 2010, which mainly rewarded the *Lega Nord*: the majority of Italians are convinced that it is safer, approves tougher immigration laws, rallies on the side of local governments opposing the construction of worship centres for Muslim immigrants, wants to reserve certain social rights only for Italians and is happy to limit the rights of immigrants.

The then head of government, Mr. Berlusconi, said: ‘I am against a multi-ethnic society’.¹ It is a feeling widely shared by most of the population. Valtolina (2010b, p. 167) observes, commenting on the results of a series of opinion polls:

The demands that strongly emerge from the analysis performed require immigrants to respect legality; the suspension of privileges – real or hypothetical – attributed to immigrants, such as welfare benefits and access to schools, kindergartens, hospitals and first aid services; a greater presence of police in cities in order to more easily ensure order and security in the districts where immigration is numerically greater; more guarantees of teaching quality in schools, establishing, for example, a maximum number of immigrant pupils per class; more supervision on places of worship, and of meeting places in general, especially for Muslims, to prevent the risk of attacks.

The citizenship law reflects this vision, making a distinction between the descendants of Italians who emigrated a long time ago, who are immediately recognized as citizens; citizens of the European Union and other developed countries, for whom four years of residency are required to apply for citizenship; and non-EU immigrants, for whom ten years of uninterrupted legal residence are required to apply for citizenship. Applications go through a process that lasts an average of four years and applicants finally receive a discretionary answer from the authorities (Ministry of Home Affairs), which in most cases is negative. For the second generation the path is also not easy. Only those who are born and have always lived in Italy can achieve almost automatically the status of citizen, applying after eighteen years of age and before the age of nineteen. However, the relative ease of complying with the citizenship by marriage requirements, at least until restrictions were introduced by the current government, has meant that until 2009 naturalizations through marriage each year exceeded those awarded for length of stay. This created a debate about a ‘familistic’ concept of citizenship (Zincone 2006, p. 157). After the reform of Greek law in 2010, the Italian law is the most restrictive in Europe 15.

Finally it should be remembered that immigrants are excluded from the active and passive vote in the local polls, an important finding for

the subject discussed here. Although about one million of them are unionized workers and, in general, immigrants, including those in an irregular condition, are defended by a broad range of forces ranging from the Catholic Church to radical social movements, the lack of voting rights deprives them of an important resource in the political game, a resource that has played a prominent role in protecting internal migrants against the political exploitation of hostility not unlike that with which their settlement in northern Italy between the 1950s and early 1970s was received (Foot 2003).

The exclusion of immigrants in local policies: the research

The situation described above is the overall context in which the measures of local policies take form in various ways to combat the settlement, integration or expression of specific requirements on the part of immigrants. An institutional aspect that has encouraged this type of intervention should be added: the new rules, included in the security package approved in 2008 and strongly demanded by local authorities, have given more powers to mayors on the issue of urban safety. The result was a run at full speed to introduce local regulations that refer to a widespread idea of urban safety, in which aspects of combating crime are extended to include protection of urban standards and the repression of behaviours that can disturb or annoy citizens. This resulted in 788 by-laws, issued between the summer of 2008 and that of 2009 by the 445 municipalities involved, mostly concentrated in Lombardy, Veneto and Friuli, but also with examples in a region ruled by a centre-left party such as Emilia-Romagna. The main areas of intervention focused on prostitution, alcohol abuse, vandalism and begging. The classification of by-laws can be divided into three groups (CITTALIA 2009): (1) *situational ordinances*, aimed at restoring 'the safety and decency' in specific areas of the city or at certain times (ibidem, p. 37); (2) *behavioural ordinances*, aimed at suppressing behaviours considered annoying, indecent, contrary to good manners; (3) *reinforcing ordinances*, aimed at strengthening already existing prohibitions, either directly or indirectly (e.g. punishing behaviours associated with what the authorities want to target; some by-laws, aimed at illegal street vendors, have banned the transport of big bags). Many ordinances thus have directly or indirectly targeted the poorest and most disorderly component of the immigrant population: those who seek refuge in abandoned houses, sleep on park benches, consume alcohol in public or beg. Other ordinances have prohibited gatherings in certain public places, where immigrants gather, and others have affected economic activities started by immigrants, especially when they become meeting places where groups of people congregate and that stay open late. There are

also interventions that have obstructed the freedom of worship for Muslims or sanctioned the use of veils that hide their faces.

Our analysis delved into local policy measures related to a limited regional context, Lombardy. It took into account not only the by-laws, which are the prerogative of mayors, without any form of mediation with other political actors, but also other measures, adopted democratically by the local authorities at various levels, from regional government to city councils.

First of all, I define as local policies of exclusion the measures adopted by local authorities that aim to separate immigrants from the indigenous component of the population, by establishing specific, albeit implicit, indirect or hidden prohibitions against them, setting up special screening procedures or limiting their access to benefits and resources of local social policies. These are therefore policies aimed at marking the boundaries of the legitimate local community, reinforcing a duality between rightful members (the insiders, coinciding with the native population or those of Italian nationality) and outsiders, whose right to residence tends to be redefined in more limited and conditional forms. Thus, policies of exclusion aim to reassure the indigenous citizens, the only holders of voting rights, about the priority of their status compared to that of outsiders, and to communicate that they are actively defended from the 'invasion' of urban space, by which they feel threatened. At the same time, by identifying certain groups, urban areas or behaviours as dangerous, local governments encourage a demand for protection by citizen-voters and represent themselves as guardians of safety, dignity and social order.

With regard to the research, the goal was to build a framework of reading, analysis and cataloguing of local government interventions aimed (mainly) at immigrants. After the approval of the first security package of 2008, these actions have become particularly frequent and 'creative', but it is a phenomenon that started several years earlier.

It was also called a spatial-geographical criterion, narrowing the field of data collection only to Lombardy in northern Italy. It must be noted that similar measures were adopted in various regions throughout the Italian peninsula, but certainly the north of the country in general and the Lombardy region in particular stood out for their high concentration of cases (at least those detectable according to the criterion of selection described above). Lombardy is indeed the most populous and wealthy Italian region, and one that receives the largest number of foreign immigrants.

Against the local government's growing inclination to intervene in this regard, there have been initiatives of reaction from various civil society actors who have opposed the measures, not only with public protests (interviews, press releases, demonstrations, information

packs), but also with legal action. The selection criterion for cases originates from the intersection of these two possible modes of reaction, and led us to select as relevant cases those measures that were the subject of organized public protest, which were covered by the media or, finally, which were brought before a court on a charge of being discriminatory. Particular mention should go to the Association of Pro-Bono Lawyers (*Avvocati per niente*), the protagonist of many legal battles, and which has provided much of the material analysed here.

There were therefore two sources for the collection of cases: the judgments of the courts and the media, particularly the online archives of newspapers and periodicals. Several episodes have been omitted and therefore the cases presented have no claim to completeness; but the goal was to build a classification system that can serve as a guide for the analysis of such events. In all, seventy episodes have been considered, referring to forty-seven different local authorities. They have been catalogued and about half of these are regarded as particularly significant.

The material collected can be divided into five categories (Table 1).

1. The first concerns the exclusion or limitation of civil rights, which we can then define as *civil exclusion*. This is divided into two areas:
 - a. The first area relates to *registration*, and therefore the possibility to reside officially in the territory of a given municipality. We found numerous cases of the restriction of this right, usually through the orders of the mayor (referring to the first security package of 2008 and the extraordinary powers of mayors in cases of 'emergency'). On the one hand it can be seen as a 'copy and paste' measure adopted from municipality to municipality, even after initial steps have been cancelled with judgments. On the other hand there are cases involving a particular 'creativity' on the part of some mayors:

Table 1 *Forms of migrants' exclusion in local policies, Lombardy, 2008–2010*

	<i>n</i>	%
Civil exclusion	17	24.3
Social exclusion	25	35.7
Cultural exclusion	8	11.4
Security exclusion	14	20.0
Economic exclusion	6	8.6
Total	70	100.0

Source: Research of the author, with the collaboration of Patrizio Ponti.

- i. The exclusion of those without a residence permit or EC permit (Brignano Gera d'Adda).
 - ii. Request for additional documentation: presentation of an income tax return to prove the availability of adequate means of support etc. (Montichiari, Calcinato), certificate of criminal record (Ospitaletto), entry visa.
 - iii. Health check and/or 'decency' of the dwelling (Brugherio).
 - iv. A combination of the points above (Castel Mella, Verolanuova, Villa Carcina, Bassano Bresciano).
- b. The second area relates to a combined set of prohibitions and controls that we can gather under the label of the *limitation of individual freedom*:
- i. Ban on begging (Barzanò, Lecco, Pavia).
 - ii. Control of freedom of residence: duty to report to local police if you rent a home or if you take in a regular foreign non-EU person (Calcinato).
 - iii. Permission to marry only with a residence permit and if able to understand Italian (Caravaggio); inspections in the homes of newly-weds to ensure healthy conditions (Cernobbio).
2. The second category consists of the ordinances that exclude immigrants from receiving certain social benefits, such as financial contributions for newborn babies. We can speak here of *social exclusion*. The different measures are classified below:
- a. Contributions for newborn babies: access rules are set, which may be limited to Italians (Brescia, Palazzago, Tradate, Morazzone), or to EU citizens and/or those with further requirements for non-EU citizens, such as a longer period of residence (Milan, Fagnano Olona).
 - b. Limitations related to housing policies. These are provisions of various kinds:
 - i. Subsidized rent only for Italian or EU citizens (Adro).
 - ii. Access to public housing stock: the exclusion of foreigners (Alzano Lombardo, Ghedi), or greater constraints in terms of years of residence (Rodengo Saiano Pagazzano, Bassano Bresciano).
 - iii. Student housing: exclusion of foreigners (Province of Sondrio).
 - c. The third area includes the provision of financial assistance by municipalities:
 - i. For medical expenses (Brignano Gera d'Adda).
 - ii. For the elderly: excluding foreigners without a residence card or EC permit (Milan).
 - iii. Scholarships and awards for degrees: exclusion of foreigners (Ospitaletto, Castel Mella, Chiari, Rodengo Saiano).

- iv. Anti-crisis measures for workers who lose their jobs: exclusion of foreigners (Villa d'Ogna, Castello di Brianza).
 - d. The fourth and final area is exclusion from other services, usually through the modification of existing regulations or the adoption of new regulations of the service. In Milan, the exclusion of the children of irregular immigrants from nurseries and nursery schools has been ordered; in Angolo Terme it concerns the school bus service, with different rates based on years of residence.
3. A singular but important sector, which could fall into the category of civil rights, but which seems appropriate to highlight separately because of its symbolic resonances, concerns opposition to cultural pluralism. We are therefore talking about *cultural exclusion*. We can include in this category:
- a. Limitations in the use of other languages: this includes the obligation to use the Italian language in all public events (Trezzano, ordinance); the prohibition to use other languages on shop signs (Milan, Regulation); the removal of Christmas lights in other languages (Milan, direct intervention of the town councillor and municipal police).
 - b. Opposition to the freedom of religion, almost always referring to the Muslim religion: closing of prayer halls, or prohibiting their opening, even though this is motivated by the safety standards of the premises where public events are held, by the intended use of buildings (e.g. in the case of warehouses, industrial sheds and the like), and by problems of public order because of the crowds, etc. Here we can distinguish between:
 - i. Controls that are formally correct but that go beyond the 'norm' on habitability, disabled facilities (toilets meeting government standards, removal of architectural barriers) and safety conditions (fire doors, etc.) that lead to the closure of the place (e.g. the hall of prayer in Gallarate) or its failure to open (new Islamic centre in Via Padova, Milan). An unusual case, more symbolic than anything else: the road that leads to the mosque in Brescia is closed to traffic on Fridays for one hour (except for residents), to prevent the flow of the worshippers from blocking traffic.
 - ii. Greater restrictions on the definition of places of worship: the Lombardy region has approved the restriction of law 12 of 2005 that establishes the rules for the opening of places of worship in the city. At the suggestion of the Northern League, it has launched more restrictive rules, which are used to make places of worship more noticeable than cultural centres, establishing the ban on praying in

- structures that are not devoted specifically for that purpose, i.e. you cannot pray except in a prayer room.
- c. Ban on wearing the burqa, the niqab or other veils that hide the face in public places (Drezzo, Calolziocorte).
 - d. Opposition to the expression of other cultural features: this includes the prohibition of playing the game of cricket in public parks (Brescia), according to a new regulation that prohibits all team games and other activities, but whose main goal was to suppress an activity that is very popular among Pakistani and Indian immigrants, which produced substantial gatherings on public holidays.
4. A fourth category covers all of the provisions that refer to protection of safety and public order, defined as *security-exclusion*. They can be divided into three subgroups:
- a. First, the repression of irregular immigration, according to which a number of mayors have assigned themselves the powers of deploying law enforcement agencies and ordinary citizens. We can identify therefore:
 - i. The controls assigned to law enforcement agencies: urban transport controls with teams of inspectors and police, accompanied by special buses with bars at the windows where those who do not have a ticket and documents are put (Milan), a bonus of €550 for local police officers who stop an irregular immigrant (Adro); operation ‘White Christmas’ in Coccaglio, with checks carried out in private houses.
 - ii. Appeals for the mobilization of citizens, with the establishment of neighbourhood patrols and district guards (Lombardy region), toll-free numbers to report the presence of irregular immigrants (Cantù), appeals to report irregular migrants using public official communications (San Martino dall’Argine).
 - b. Ordinances aimed at combating or thwarting the spontaneous settlement of Roma groups: almost all municipalities have introduced or reinforced a ban on camping in the municipal area, while almost none of them have set up equipped parking areas. Some municipalities, most notably Milan, have implemented dozens of measures for the forced clearance of unauthorized settlements.
 - c. Ordinances concerning the use of parks and public spaces: bans on lying or playing on the grass, on eating in the green areas (Brescia, Pavia); ban on more than three people sitting on benches after 11pm (Voghera); ban on night-time gatherings (Pontoglio); and bans with stronger symbolic connotations: the

obligation for non-Christians to keep a distance of at least 15 m from a place of Catholic worship (Rovato).

5. In fifth place we find measures that affect the freedom of entrepreneurship. We are therefore talking about *economic exclusion*. In the name of security and urban decorum, some mayors have imposed early closing times for stores in certain neighbourhoods, where mainly immigrant shop owners stay open until late (Milan, Brescia). In other cases, in the name of urban standards and the protection of local traditions, they have banned the opening of new kebab shops and ethnic restaurants. In this category we can identify:
 - a. A request for more requirements and/or greater controls as regards the 'norm' (without introducing any formal system of exceptions); the obligation to have two toilets, one for people with disabilities, and other conditions that apply to phone centres (Lombardy region, regional law).
 - b. Restrictions on opening times (Lombardy region, Bergamo, Milan, Gavardo) and the prohibition on eating a meal on the streets and sidewalks adjacent to takeaway restaurants. Potentially the ban damages all takeaway businesses in the same way (even ice cream shops and pizza takeaways), but when the ban is put into force and relevant measures are taken, i.e. they send the local police and they issue fines, the intervention typically and more widely affects kebab shops and similar businesses.
 - c. Prohibitions on opening new businesses or on relocation: phone centres (Lombardy region), kebab shops, phone centres and money transfer centres (Ceriano Laghetto); new businesses are prohibited in the centre or are moved to the suburbs (both measures in force in Capriate San Gervasio).

The cycle of exclusion measures

The policies of exclusion, supported by the majority of voters, do not have an easy path. They encounter opposition from above and below. From above, the National Office against Racial Discrimination (UNAR) exercises a right to carry out checks. Although it is institutionally located within the Presidency of the Council of Ministers (i.e. the top of executive power) and does not have the status of an independent authority, it has a degree of autonomy and the power to take initiatives. The UNAR therefore intervenes in the most flagrant cases of local measures that are discriminatory, either directly with the mayors, or turning to the prefects, who represent the central powers of the state in the territory, and who may demand the removal or revision of the measures and in some cases may cancel them. From the bottom, on the other hand, the advocacy coalition of

social pro-immigrant forces comes into play, which gives rise to protests and legal battles, often producing positive results. The policies of exclusion are therefore an arena of controversial and fluid institutional and political conflict, in which there are actions and reactions, announcements and denials, sorties, withdrawals and new attacks.

In this battlefield, a typical cycle of exclusion measures can often be seen, revealing interesting aspects of the objectives pursued.

The first step is the *announcement*, sometimes preceded by protests by citizens, varying degrees of spontaneous mobilizations or episodes that can motivate action: they are not necessarily local, but they can be drawn from the national and global debate. For example, many local prohibitions against the burqa took place in small towns where the phenomenon had never been experienced.

The *enactment of the measure* then follows, usually accompanied by some media clamour and often formulated to grab the attention of public opinion. For example, in a small town in the Brescia district, a set of measures against illegal immigration was launched just before Christmas, called White Christmas. The name that was chosen and its timing made it a national case.

In the meantime, *the protests explode*, on the part of opposition politicians, spokesmen for the advocacy coalition, immigrant organizations, intellectuals and experts. They sometimes organize public debates, protest actions and demonstrations. The local case rises in the ranks of the media circuit, becoming a provincial, regional matter, often reaching the national level. The protests, however minor, almost always end up inadvertently playing into the hands of the actors of political exclusion. In fact they confirm, in the public opinion, the seriousness of the measures introduced, their effectiveness in protecting citizens against the invasion of immigrants and the courage of local administrators in challenging vibrant oppositions.

Then there are *declarations on comment*, which often move along a dual track: in certain locations, for example on television or in the national press, the mayors state that the measure will not affect immigrants, but, for example, will protect security and public order, leading to savings of resources, while combating the deterioration of certain neighbourhoods or urban areas. In other locations, the mayors themselves, or political leaders of the parties that support them, have less hesitation in explaining the true sense of the measures to citizens.

The next step is *checking the legal eligibility* of the measures introduced. When they are not disavowed from above, through the intervention of UNAR or of the prefects, the battle is moved in many cases to the courts. Pro-immigrant legal groups come onto the scene, taking the local authorities to court and asking the courts to rule on the discriminatory nature of the measures, especially in interventions

related to civil rights and social benefits.² In many cases, they win: the mayors are forced to withdraw the by-laws or at other times to rewrite them in constitutionally acceptable forms. At present, however, the promoters of the policies of exclusion have already achieved the desired result: they are in the media spotlight, for days filling newspapers and television news programmes with their statements; they have shown their voters commitment and determination in fighting immigration and they have made it clear to immigrants that in that area they will not have an easy life. If they have finally had to withdraw the measures, it is not their fault, but it all depends on inadequate legislation, a politicized judiciary or an opposition elite that promotes globalization at the expense of the interests of ordinary people. Sometimes they insist, file an appeal, modify the by-law and then resubmit it. At other times they change the ordinance. For local administrators, these measures are profitable low-cost initiatives that lead to visibility and support from voters.

The political significance of the by-laws against immigrants is confirmed by the fact that measures already quashed by the courts are repeated in other municipalities. All ordinances and other measures of exclusion, including those rejected by judges, are collected and classified on a special website available to mayors and political representatives who want to reproduce them.

It should also be noted that many measures that have formally remained in force, such as those against begging, have in fact all come to nothing. In other cases, such as those relating to the unauthorized settlements of Roma populations, evictions are quickly followed by resettlement a few hundred yards away, in a sad carousel that does not solve the problem. It is hard to abolish poverty by decree in the absence of appropriate measures of social policy.

Conclusion: a challenge to democratic societies

The most obvious problem, in the relationship between Italy and its immigrants, is the growing gap between de facto economic acceptance and thwarted cultural and political reception. The citizenship law is an eloquent indicator, and at the same time is a factor that promotes the political use of immigration in search of consensus: if immigrants do not vote, their interests in the political game are difficult to protect.

Italy has always stood out from other developed countries for its unusual practice of including a strong populist and xenophobic party in the central government and in many local governments in northern regions and cities, often in top positions. In fact, the Northern League has imposed its line on the centre-right coalition (Ruzza and Fella 2009; Cento Bull 2010), in which dissonant positions rarely emerge. The anti-immigrant rhetoric, combined with the emphasis on safety,

has even been a major factor in the electoral successes of the centre right in recent years.

But it would be a mistake to assume that local policies of exclusion are a matter concerning only immigrants in Italy. In several parts of the political European cartography new populist formations are emerging that enjoy consensus through the political exploitation of anxieties and fears related to immigration. Even the more traditional governments and political formations have hardened their positions on the subject (see e.g. Düvell 2006; Engbersen and Broeders 2009), driven by the fear, among other things, of losing votes in favour of new and unscrupulous competitors. The local politics of northern Italy might therefore not be an exception, but a vanguard of a new and worrying phenomenon.

The policies of exclusion generally do not achieve the desired effects. In any case, they have not been very successful in reducing or diverting the settlement of immigrant populations elsewhere, nor in reducing the volume of irregular immigration; if anything, the regularization programme of 2009 was much more effective for the Italian case (Triandafyllidou and Ambrosini, 2011). In the regulation of immigration on a local scale, the labour and housing markets are much more important than the orders of the mayors, especially since they are quite often revoked by the prefects or the courts.

It should also be noted that the cities in Lombardy have many services for immigrants. Education, health and many social services welcome a growing number of immigrant users. The observation of Guiraudon (2002) is also true for northern Italy: the bureaucracy of welfare services, such as the courts, tends to apply egalitarian and standardized treatments, both for reasons of principle and for reasons of administrative efficiency. Stated policies overlap with actual policies that generally do not actually tend towards the exclusion of immigrants. In this respect, the Italian case differs from the American case described by Hagan, Rodriguez and Castro (2011). To cite only one indicator, there were about 18,000 expulsions from Italy in 2008 and 14,000 in 2009 (Caritas-Migrantes 2010), against 393,000 for the USA (2009) (Hagan, Rodriguez and Castro 2011): these last figures are still far away, however, from eradicating irregular migration, estimated at more than ten million units, with probably about 500,000 newcomers each year.

It would be wrong, however, to reduce Italian local policies to provincial and folk events. The policies of exclusion are a powerful rhetorical tool that defines the boundaries of legitimate belonging to the community, reiterates the opposition between 'us' and 'them', identifies immigrants as the villains responsible for the disruption of

social order, urban insecurity, the deterioration of popular neighbourhoods and reductions in the provision of social services. They strengthen the consent given to local authorities ready to seize upon the discomfort of citizens and able to give it a political role. They give tangible content in popular slogans such as 'masters in our own homes'. Their rejection strengthens a typical cliché of populist rhetoric: the conflict between the interests of ordinary people and that of a globalized and modernizing elite.

This indicates, then, that the democratic barriers against discrimination are fragile and penetrable. Indeed, the supreme democratic institution, the free vote of the people, can become a weapon of exclusion, legitimizing programmes that are openly hostile to immigrants, refugees, Roma minorities, religions other than the historical religion of the majority. Another democratic value, the enhancement of local autonomy, can be brandished to circumvent or evade the anti-discrimination rules.

Third, policies of exclusion legitimize and fuel other and more widespread forms of discrimination and intolerance, beginning with the conduct of public officials. Coming from above, but also from close by, i.e. the heads of local institutions, policies of exclusion are in a position to influence, directly or indirectly, discourses, attitudes and daily practices of citizens. They then have cultural effects that go far beyond their operational effectiveness.

On the other hand, they are also a magnet for the mobilization of social forces that are active in civil society, often divided on other issues but able to converge on the objective of fighting against discrimination. They confirm therefore that democracies, especially today, need not only institutions of control (courts of justice, anti-discriminatory authorities), but also vigilant civil societies, and that immigration is emerging as an increasingly challenging test for the strength of democratic institutions.

Regarding the study of policies for immigrants, I think that two ideas have emerged from the research. The first is to help overcome the canonical distinction between immigration policies, implemented by the central government, and policies for immigrants, where local governments come into play. The latter tend to take on, directly or indirectly, duties of immigration control in their territory. The second point, on the other hand, refers to a greater focus on the negative aspect of local policies towards immigrants. The exclusion is not only a zero on the scale of the activation of local institutions in support of immigrant populations; it is not simply a lack of will and investments. It arises as a choice of factual measures that pursue in various ways, directly or indirectly, explicitly or implicitly, the objective of removing

or weakening, frightening or making more invisible the presence of foreign immigrants. While studies are usually conducted in the most virtuous cities, and those that are more willing to be analysed, in order to understand how Europe is treating its immigrants we need to pay more attention to cities at the opposite end of the spectrum.

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Notes

1. Taken from *Corriere della Sera*, the main Italian newspaper, 10 May, 2009.
2. In addition to the *Avvocati per niente*, it is worth mentioning the advocacy activity of the Foundation *Piccini of Brescia*, in cooperation with *Associazione di Studi Giuridici sull'Immigrazione* (Association of Law Studies on Immigration, ASGI): they send warning letters to the mayors, and if necessary, they go to courts (Usai 2011).

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