

1. Immigration and Security

Italy is a Country where immigration is still considered as a new phenomenon, as it has been traditionally an emigration country, before and after both world wars. Since the early 90s, the fear for immigration and its criminalization both at the political and media level have built a strong sense of insecurity in the Italian population. This feeling of insecurity has been able to move from the traditional meaning of public security- that was dealing with episodes of macro-criminality as terrorism and natural catastrophes- to a specific focus on micro-criminality, taking the immigrant as the new subject where national fears seem to converge. As Rossella Selmini (2011: 163) has pointed out, “The phrase ‘security policies’ has been used since the beginnings of the nineties to describe a set of practices, strategies and policies of both crime prevention and social reassurance adopted by local authorities and often different from the measures traditional to the criminal justice system. The concept of security, to which different actors at least apparently give a similar meaning, is nonetheless much more complex and problematic than in the 70's and 80's when the idea of security is connected with macro events as political terrorism and criminal organization activity. Since it was separated from its usual adjective of ‘public’ (which has immediate connotations of the criminal justice apparatus) and placed in the political arena, ‘security’ has become an all-inclusive term, whose content is defined from time to time, according to the different interests of the actors involved”.

Immigration into Italy is a focus-point of political discussion and a kind of social hysteria. In conclusion, while ‘security’ and ‘insecurity’ are vague and ambiguous terms, whose shapes change constantly as time goes on, the analysis conducted so far provides a grounding for immigration phenomena to play a fundamental role and be seen as an “acid test for social control in late-nineties Europe” (Melossi 1997:70), against a backdrop of recent discourses and practices in the area of security.

1.1. The “Pacchetto Sicurezza” and a the de-centralization of security

After the law 189/2002 – known as Bossi-Fini Law- strengthening the controls against immigration at the borders and restricting the conditions for a regular permit to stay in Italy, the government applied a “package” of legal dispositions where insecurity and immigration are explicitly connected and tightened. This “Pacchetto Sicurezza” was firstly approved in 2008 and then completed with the law 94/2009. These legal measures present different elements that move beyond the traditional means of law enforcement.

The constitutional framework for security is laid down in the articles 117 and 118 of the Italian Constitution modified by the Constitutional reform 3/2001. The National Government has exclusive competence regarding “essential interests in maintaining peaceful public life”, while the local Governments receive an important new competence regarding the so-called local administrative police. (Stefanizzi, Verdolini 2012:116). With The approval of “Pacchetto Sicurezza”:

- a) Is introduced the crime of illegal entrance in the Italian territory.
- b) The period of detention in the C.i.E (Centro di Identificazione ed Espulsione, centres for the detention and expulsion of immigrants without documents) is brought to 180 days.
- c) The Italian Citizenship after a marriage can be obtained only after 2 years of legal residence in the National territory.
- d) To obtain a legal permit to stay in Italy, the immigrant has to pay between 80 to 200 euros for every renewal.
- e) The immigrant has to pass a test of knowledge of Italian language to obtain a long-stay permission.
- f) The National army is given an extraordinary competence in urban security, patrolling streets and squares in Italian cities. While patrolling, the army is accompanied by national police and “Carabinieri” force.

Regarding the Powers of Local Governments, this Law introduces important elements:

- a) The local authorities can request the help of citizens' informal organizations called "ronde cittadine" to maintain urban security. Though these groups will have to be legally registered, the criteria for formation of these groups are not specified. They are not provided weapons apart from pepper spray.
- b) Homeless people have to declare in a newly introduced register where they normally sleep and live.
- c) Strengthening of sanctions against "anti-social" behaviour, e.g. graffiti.
- d) Combined with the TUEL (Testo Unico degli Enti Locali) the "Pacchetto Sicurezza" introduces the possibility of Local Authorities to approve municipal bylaws "in case of emergency with a local character".

These dispositions apply new forms of control on immigration and on so-called anti-social behaviour. The National level is not anymore the only responsible on immigration control and security problems but specific competences have been given to local authorities (Pavarini 2006), who can use groups of private citizens to patrol the streets (the so-called "ronde cittadine") and adopt specific bylaws in case of security emergency. These new dispositions move beyond the traditional means of social control and immigration control and display new local forms of repression. It is useful at this point to see with a concrete example how this dispositions have been used by the Local Government of Milan in 2010 in the neighbourhood of via Padova. This case study provides some indications of a vicious circle between law, politics and media discourse on immigration.

Via Padova: a Multicultural Neighbourhood in Milan

2.1. History and Immigration in the Area

Until the early nineteenth century, the area now what is nowadays known as Piazza Loreto in Milan was just a small village with a chapel, called "Loreto", that marked the border between the city of Milan and the small towns that would later develop into the industrial area of Sesto San Giovanni. By the end of the 19th century, the area was at the centre of the process of urban development driven by programmes of private and public housing. The towns of Turro, Gorla and Precotto, nowadays just stations on the city metro's red line, were incorporated into the city of Milan between the end of the First World War and the 1920s.

In the 1960s, the people living in the area could be classified in three groups that tended to keep to themselves: a small number of the area's original inhabitants, such as craftsmen and small tradesmen, who still kept their links with the agricultural tradition of the surrounding area and felt a sense of ownership, a larger group of immigrants from southern Italy, who worked in local factories or commuted to other workplaces and felt almost lost in the new industrial environment of the north (Iosa 1968), and, finally, a middle-class population that had moved to the area after the underground line was inaugurated in 1964. During the 1980s, the factories built after World War II moved out of Milan, causing major changes to both the cityscape and human relations in the neighbourhood.

According to the "Villa Pallavicini" association based on interviews with the area's inhabitants there seem to be some analogies between the situation in the sixties and seventies and how things stand today. While in the past immigrants from Italy's southern and north-eastern regions were making the area a melting pot of languages, cultures and activities, a comparable role is now played by immigrants from outside Europe.

Via Padova and its surroundings can always be considered a mosaic of ethnic and cultural differences. In 2010, the "Villa Pallavicini" association conducted a research entitled *Uno sguardo ravvicinato sulla Via Padova* (A focus on Via Padova). The aim was to contribute to the fragile and complex process of integration and of sharing a common habitat between native Italians and immigrants, as well as to learn more about how immigrants live in the area. The researchers reported that "The research aims to improve knowledge about the area, so as to prepare some concrete

proposals that could meet emerging needs and help fight social fragmentation” (Villa Pallavicini association 2010).

Via Padova is located in Milan’s “Area 2”. It is interesting to note that, while immigrants account for 20.6% of the population in this area as a whole area, the figure increases to 69.1% in the specific triangle enclosed by Via Padova, Via Palmanova and Viale Monza¹. Furthermore, the Milan City Council data compiled by the Villa Pallavicini association show that there were 23,500 Italian citizens and 10,182 immigrants in Via Padova. The immigrants were younger, with a mean age of between 20 and 40, while the Italians’ mean was between 20 and 60. In terms of nationalities, the research showed that the biggest single immigrant community was that of the Philippines (20.3%), followed by the Egyptians (12.8%) and the Chinese (9.8%). It also identified a difference between the district’s first section (extending from Piazza Loreto to the railway bridge), where the Chinese community prevailed, and the second and more outlying section (from the railway bridge to Crescenzago), where Egyptians were the largest group (Villa Pallavicini association 2009: 60-61). The research also showed (p. 73) that the majority of immigrants (76%) came to Italy to work, while 8% came to study and 14% came for other reasons, such as to reunite the family or for humanitarian purposes.

Another important element was the immigrants’ legal status: 59% of them had a residence permit, which allows them to stay in Italy legally for a given period and has to be renewed, while 38% had no legal document permitting them séjour in Italy. Many of these “illegal” immigrants were still waiting for an answer from the Italian authorities, on the basis of the so-called *Decreto flussi* (Immigration flow decree)² enacted by the Government in 2007. The great majority of those interviewed in the course of the research lived in rented accommodation (flats); 20% of them only rented a bed and less than 10% were owner-occupiers. Monthly rents ranged from 100-150 euros (for a bed) to 1,800 euros. In terms of employment, 37% of respondents said that they did not have a job in Italy, while 63% declared that they were employed.

2.2. The Via Padova Riots

On 13 February 2010, a young Egyptian called Abdel Aziz, aged 19, was stabbed and killed at a bus-stop in Via Padova. A witness later testified that members of the Latin American “Chicago” gang had chased Aziz and two other North Africans before the murder. A cousin of Abdel Aziz testified that the fight had started after some South Americans had made rude comments on a bus about Aziz’s Italian girlfriend and that, after getting off the bus, Aziz and his two friends had been chased along several streets in the Via Padova area before being caught. Aziz was then stabbed (*Corriere della Sera* online, 14 February 2010).³

Twenty minutes after the murder, anger exploded among Abdel Aziz’ friends and the North African community of Via Padova. Some 100-150 people gathered around the victim’s body and started arguing with the police who had arrived shortly before (*Corriere della Sera* online, 13 February 2010).⁴ These demonstrators then triggered a riot in Via Padova and surrounding streets, destroying cars and smashing shops, mostly belonging to Latin Americans. It was some time before calm returned: “They only smashed a bench in my shop, but the atmosphere here is one of racial hatred now and I’m scared of what might happen in the near future”, said an Italian shopkeeper. (*Corriere della Sera* online, 14

1 Data from Milan City Council (Statistics Office) at 31.12.2008, collected by the Villa Pallavicini association.

2 The *Decreto Flussi* is a measure enacted by the Italian Government to fix the number of non-Europeans allowed to come to Italy to work and the number of permits issued to foreigners to study in Italy. Source: http://www.intercultura-rc.it/pdf/lavoro_previdenza/Flussi.pdf.

3 *Corriere della Sera* Online, “Via Padova, ‘Latin Chicago gli assassini’ Quattro egiziani fermati per gli scontri”, 14 February 2010. Available from: http://www.corriere.it/cronache/10_febbraio_14/via-padova-arresti_132cf838-194a-11df-b019-00144f02aabe.shtml. Date of Access: 20/4/2011.

4 *Corriere della Sera* Online: “De Corato: ‘Siamo al Far-West, gli immigrati a Milano sono troppi’”, 13 February 2010. Available from: http://milano.corriere.it/milano/notizie/cronaca/10_febbraio_13/decorato-via-padova-1602459581539.shtml. v. Date of Access: 20/4/2011.

February 2010)

2.3. *The Legal Response to the Riots: the Milan Bylaws.*

Almost one month after the events described⁵, the then-Mayor of Milan, Letizia Moratti, issued municipal Bylaws N° 14/2010 and N° 15/2010, introducing a new series of security measures for the area of Via Padova and neighbouring streets. The first Bylaw is entitled “Measures aimed at preventing and fighting urban decay and protecting urban security and public safety in the area of Padova-Trotter”⁶. Referring to its title, the bylaw states that “since urban decay in the area [...] and the danger for public safety is concrete and real, [...] it is important to fight situations of decay that encourage criminal phenomena such as drug trafficking, gatherings, fights and damage as in the recent events [...] brought to the attention of the main mass media and a reason of social alarm among the population [...]”.

Milan’s local government acknowledged that part of the problem derived from the housing system in the area, which had run out of control: “This situation derives in part from the phenomenon of illegal letting in the area, which causes overcrowding and the illegal presence of people [...]”. These situations are against “public decency [...] and peaceful common life”. The measures provided by this first bylaw to control the housing process are the duty for all landlords to declare the number of people living there and to supply a copy of the contract to the local authority. The fine for infringement was set at €450.

One of the aims of this bylaw was to cater for the need to establish control over the housing market in an area where one room capable of accommodating two people is frequently shared by as many as six: this is the case of the many immigrants who live in old, very run-down buildings (53.7% of the immigrants who answered the above-mentioned questionnaire) (Villa Pallavicini association 2010) “Illegal letting is more frequent in areas with housing that is severely run-down or in breach of the housing regulations: in such cases, the landlords’ desire to make a profit coincides with the low level of requirements and financial potential of the majority of immigrants, especially those who only arrived recently and plan to go back home. These people are more interested in saving money to send home than in improving their living conditions” (Menonna 2009 cited in Villa Pallavicini association 2010: 136). Other data⁷ also show that the average number of immigrants per room in the whole region of Lombardy (whose capital city is Milan) varies with their kind of accommodation: owner-occupied apartment (1.2 people), living with relatives/alone with a contract (1.3 people), living with relatives/alone without a contract (1.5 people), living with other immigrants with a contract (1.6 people) or without contract (1.8 people), squatting (2.6 people), makeshift accommodation (3.1 people).

It therefore appears that Bylaw N° 14 aimed to counteract landlords’ illegal profiteering from immigrants’ desperate conditions. On the other hand, as Dal Lago suggests (2009: 37) that when a society practises the exclusion of immigrants, this is a “democratic exclusion”, made at the political level when national laws⁸ clearly define the difference between legal and illegal immigrants. “The former are accorded some kinds of right of existence, while the latter are mainly the object of public order laws”. The bylaw reflects this duality in that, while on the one hand, it claims to counteract urban decay and also to support the right to safe housing and legal rents, it is at the same time evident that an illegal immigrant detected in the contract declaration may suffer the consequences of the Italian immigration laws (deportation to his/her home country or imprisonment in the detention centre in via Corelli)⁹. The declaration is likely to have mainly negative consequences for the immigrant. As one of Italy’s leading newspapers explained (*La Repubblica* online, 18 March 2010)¹⁰, it was the Mayor of Milan, Letizia

5 18 March 2010.

6 Municipal Bylaw N° 14/2010.

7 ISMU-ORIM, *L’immigrazione straniera in Lombardia – ottava indagine regionale – Rapporto 2008*, Region of Lombardy, Milan 2009, N° 2, p. 134.

8 Turco-Napolitano Act, N° 40/1998, and Bossi-Fini Act, N° 189/2002.

9 According to Art. 12 of the Turco-Napolitano Act, the purpose of the CIE (Identification and Expulsion Centres) is to host foreigners “subject to an expulsion order with potential accompaniment to the border”.

10 *La Repubblica Online*, “Clandestini, linea dura della Moratti ‘perquisizioni anche senza mandato’”, 18 Marzo,

Moratti, who asked the Minister of Interior, Roberto Maroni, to propose adding ‘illegal immigration’ to the list of crimes for which the police is competent to enter houses without a judicial search warrant.

It is interesting to analyse how the language employed in the bylaw uses such expressions as “urban decay”, “danger for public safety is concrete and real” and “public decency”. The Padova-Trotter area is immediately identified with “urban decay”, the danger for public safety is assumed to be self-evident and the events of 13 February are raised to the level of a symbol of an unbearable situation in the area. The role of the mass media is so important that it is mentioned clearly in the text of the bylaw: “Events [...] attracting the attention of the main mass media” that are “causes of social alarm in the population”. So the gravity of the situation is partially determined by the way the events are covered by the mass media. Although social alarm or unrest is taken for granted in the text, no investigation whatever was conducted by the local government to ascertain it between the moment when events occurred and the publication of the bylaw. The local citizens’ perceptions and feelings were not subjected to any in-depth questioning¹¹, but were simply assumed as a fact and as the basis for a sudden urgent measure. “Safety” and “urban decay” or “danger” here took on a precise meaning, linked directly to the rioting of some members of the North African community. The “alarm in the population” was mentioned without clarifying which population feels alarmed or even which part of the population was referred to. Each term was both assumed as objective reality and at the same time used as a general concept without any nuances, ignoring the complexity and the contradictions of the situation. As the next section will clarify, the first bylaw’s dual character left it less open to criticism from some of the organisations approached for the interviews, which acknowledged that its character was not exclusively repressive.

The second bylaw, N° 15/2010, is the one that has come in for most criticism, earning the epithet of the “*ordinanza coprifuoco*” (curfew bylaw)¹², since it set special closing times for various commercial services in Via Padova, obliging businesses to close their doors earlier than in the rest of Milan. The measure did not go down well with the area’s shopkeepers, but according to Mayor Letizia Moratti “Security comes first, we cannot just serve the interests of one category” (*La Repubblica* online, 18 March 2010¹³). The bylaw deals with “measures regarding economic activities for the purpose of preventing and contrasting urban decay, as well as protecting urban security and public safety in the area known as Padova-Trotter”.¹⁴ We may reiterate our observations about language made with regard to the first bylaw: terms such as “urban decay”, “urban security” and “public safety” occupy centre stage in the message. The situation was now described as “problematic”, since “the high number of economic activities present in the area [...] attracts numerous clients who linger to drink or eat until late in the night and who cause damage and noise in the area with behaviour of this kind”¹⁵. These are the consequences of late opening times, according to the Mayor:

- a) “Episodes of violence, some of them very serious, such as the recent ones that caused high social alarm” are the effect of heavy consumption of alcoholic drinks;
- b) The tranquillity of residents is disturbed;
- c) The spread of antisocial behaviour that breaks the rules of civil cohabitation;
- d) Infringement of the rules governing correct refuse collection.

It is interesting to note how this first part of the bylaw assumes that the consumption of alcohol is

2010. Available from: http://milano.repubblica.it/cronaca/2010/03/18/news/xxx_xxx-2752255/. Date of access: 2/5/2010.

11 Apart from the role played by the mass media when interviewing Italian citizens just after the events occurred.

12 Used by leading newspapers and Internet blogs.

13 *La Repubblica Online*, “Clandestini, linea dura della Moratti ‘perquisizioni anche senza mandato’”, 18 Marzo 2010. Available from: http://milano.repubblica.it/cronaca/2010/03/18/news/xxx_xxx-2752255/. Date of access: 2/5/2010.

14 Municipal Bylaw N° 15/2010, dated 18 March 2010.

15 *Ibid*.

linked directly to the serious events that took place in the previous days, even though the murder and the subsequent riots showed no evidence of alcohol or drug abuse and nothing of this kind had ever been said either by the media or by the police that conducted the investigations¹⁶. Moreover, such expressions as “antisocial behaviour” and “the rules of civil cohabitation” are vague. Such ambiguous, inaccurate and vague expressions do nothing to help create a clear idea of how serious the situation in Via Padova really is, if it is assumed that the area is pervaded by serious criminal and social problems, as the local government appears to do.

The Milan City Council considers that “the gravity of the situation is demonstrated by the work of the police, who arrested sixty-three people between mid-February and early March and issued fines for up to €70,000”. Here again the reasons for the arrests and their contexts are not specified: a clear message is sent in written form about “criminal behaviour”, but without giving any further information that may help to establish any clear connection between the arrests and the area’s decay.

The “curfew” applies to retail shops (7 a.m.-10 p.m., bars (6 a.m.-12 midnight), discos and night clubs (7 a.m.-3 a.m.), hairdressers and beauty salons (7 a.m.-10 p.m., food shops, pizza restaurants, kebabs and takeaways (7 a.m.-12 midnight), “massage” centres (7 a.m.-8 p.m.) and phone centres (7 a.m.-10 p.m.). Moreover, no drink in glass bottles may be sold and all itinerant selling is prohibited¹⁷. The curfew was imposed “with due consideration for the different nature of the economic activities involved”, while the Mayor considered that “the measures help fight the phenomena and help the police patrol the area effectively”. The fine for infringement was set at up to €450.¹⁸

Statistics gathered by the Milan Chamber of Commerce’s Lab Mim¹⁹ indicate that, although Municipal Bylaw N° 15 does not focus explicitly on immigrants, they are the ones who will feel its impact most. According to these data, business enterprises owned by non-Europeans increased by 13.2% in just one year in Milan as a whole²⁰; in 2011, Italian-owned businesses were in a minority in seventy-six streets in Milan. The number of these “ethnic” streets has almost doubled in two years²¹. Via Padova ranks first among these streets, with 336 business enterprises (2.4% of the total) accounting for 59% of the total individual business in the street. At 33% of all businesses owned by non-Europeans in Via Padova, the lion’s share of these belongs to Egyptians, followed by Chinese with 20%.

Although the security measures do not speak specifically about immigrant citizens – despite the explicit references made in the political discourse – their target was evident. It could not be otherwise in an area where a substantial proportion of the population is made up of immigrants and where immigrants own the majority of the businesses listed in the bylaw: phone-centres, food shops (kebab houses), massage centres and itinerant selling. Italian shopkeepers in Via Padova are reported as commenting: “Yes, control is necessary, but with some corrections: these measures are too rigid and will penalise local business, causing durable damage” (*Corriere della Sera* online, 17 March 2010). These administrative measures therefore aim to control a specific area of Milan, one with a high density of immigration and the highest percentage of ethnic businesses. As they are applied to the whole area, the measures also affect Italian-owned businesses; nevertheless, their implicit target on immigration is conveyed subtly yet clearly by the kind of control they establish on rented accommodation, considering both immigrants’ living conditions in Via Padova (Bylaw N° 14/2010) and the nature of the businesses targeted in the second bylaw (N° 15/2010). Moreover, the links to the February immigrant riots are also conveyed clearly, not only by explicitly mentioning the events in the text of the bylaws themselves, but also by their temporary nature (their application was originally restricted to 31 July 2010 and was then extended to 16 October 2010). This conclusion is reinforced by the mayor’s decision to adopt the same model in other areas, such as Piazzale Corvetto and Via Paolo Sarpi, which also have a high

16 Milan Police Chief GianValerio Lombardi.

17 Municipal Bylaw N° 15/2010 p. 4.

18 *Ibid.* p. 5.

19 Available at <http://www.migrantitorino.it/?p=16661>

20 Shopkeepers from Egypt 24%, from China 20% and from Morocco 7%

21 They were 32 streets in 2009 (+ 138%) and 51 in 2010 (+49%).

percentage of immigrant population.

3. Conclusions

Discourses on security and immigration have been reflected in normative choices both at the national and the local level. The discursive and normative connection between security and immigration in Italy has been made especially during the '90s when an increasing number of migrants coming from eastern Europe arrived on the Italian Adriatic coasts. This discursive connection has been fuelled by national newspapers which immediately underlined a supposed danger for security coming from “outside”. The articles analysed in this paper are an example that show how the difference between “us” and “them” is stated through journalistic discourse. According to the discourse a neighbourhood can be considered “unsafe” if there is a high density of migrants and the “locals” are mere witnesses of the decay of their “own” neighbourhood.

As immigration policies in Italy have strengthened the control on irregular migration, more power has been given to municipalities in order to deal with urban security. The introduction of the “Pacchetto Sicurezza” (law n.94/2009) marked this new tendency as it clearly defines immigration as a question of national security.

Urban Security is a concept that has been strongly linked to immigration flows and anti-social behaviour in peripheral neighbourhoods. Phenomena that are assumed to be controlled and repressed also according to a “Zero Tolerance” (Kelling Wilson 1982) approach to social control. “Anti-social” behaviour becomes the prominent criterion to punish conduct that cannot be punished through traditional criminal law but that have a symbolic relevance in the definition of “citizenship's security” (e.g. graffiti, begging for money, itinerant selling on the streets).

The case of via Padova is just one example of how this power has been used by the local government of Milan and shows how this kind of measures can be framed as “Zero Tolerance” policies in an age of social insecurity (Wacquant 2009) and “moral panic” (Cohen 1972). While analysing urban marginality and mechanisms of social control it is relevant to remember Wacquant's (2008) recommendation to draw the distinctions between analytical and folk concepts:

The 'folk concepts' are the ones used by state decision makers, city authorities and residents themselves, instead analytical concepts are the ones that sociologists must create in order to fight for evolving notions of urban space and their placement in the socio-spatial structure of the metropolis in a way to pay attention and to be critical towards the categories and discourses that, while dealing with urban marginality, help to organize its collective perception and its political treatment.

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