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# ACCEPT PLURALISM

## Local policies of exclusion The Italian case

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**EUROPEAN UNIVERSITY INSTITUTE, FLORENCE**  
**ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES**

# **Local policies of exclusion: the Italian case**

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**UNIVERSITÀ  
DEGLI STUDI  
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**D4.1 Final Country Reports on Concepts and  
Practices of Tolerance Addressing Cultural Diversity  
in Political Life**

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## **Tolerance, Pluralism and Social Cohesion: Responding to the Challenges of the 21st Century in Europe (ACCEPT PLURALISM)**

**ACCEPT PLURALISM** is a Research Project, funded by the European Commission under the Seventh Framework Program. The project investigates whether European societies have become more or less tolerant during the past 20 years. In particular, the project aims to clarify: (a) how is tolerance defined conceptually, (b) how it is codified in norms, institutional arrangements, public policies and social practices, (c) how tolerance can be measured (whose tolerance, who is tolerated, and what if degrees of tolerance vary with reference to different minority groups). The ACCEPT PLURALISM consortium conducts original empirical research on key issues in school life and in politics that thematise different understandings and practices of tolerance. Bringing together empirical and theoretical findings, ACCEPT PLURALISM generates a State of the Art Report on Tolerance and Cultural Diversity in Europe, a Handbook on Ideas of Tolerance and Cultural Diversity in Europe, a Tolerance Indicators' Toolkit where qualitative and quantitative indicators may be used to score each country's performance on tolerating cultural diversity, and several academic publications (books, journal articles) on Tolerance, Pluralism and Cultural Diversity in Europe. The ACCEPT PLURALISM consortium is formed by 18 partner institutions covering 15 EU countries. The project is hosted by the Robert Schuman Centre for Advanced Studies and co-ordinated by Prof. Anna Triandafyllidou.

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## Table of Contents

Executive Summary .....	2
Keywords .....	4
1. Introduction: the main challenges in the political representation and participation of migrants in Italy .....	5
1.1.The national context: immigrant laws and the political participation of migrants .....	5
1.2.The local contexts: some experiences of political participation.....	6
1.3.The role of immigrant associations and trade unions .....	7
1.4.Local policies of exclusion.....	9
2. Methodology .....	10
3. The political challenge: the birth of the local policies of exclusion.....	11
3.1. Processes and actors involved in the local policies of exclusion .....	14
3.2. The aims of local policies of exclusion: frames of mayors and local politicians .....	17
3.3. Opposition to the local policies of exclusion: frames of civil society actors .....	22
4. Conclusion: municipal xenophobia and multiethnic society .....	26
References .....	29
Annex 1 .....	38
List of interviews.....	38
Annex 2 .....	39
Interview guide.....	39

## Executive Summary

This paper deals with those local policies which have been introduced in the last few years to guarantee urban safety, regulate economic activities undertaken by migrants, and adjust welfare state provisions in relation to migrants living in Italy. The aim of these local policies was apparently to protect general interests (e.g. urban standards, compromised by the presence of annoying beggars), and to suppress behaviours that were considered inappropriate. Nevertheless, most of these measures have actually resulted in limiting immigrants' rights, directly or indirectly and favouring their exclusion. We will call them "local policies of exclusion".

Before going deeply into the issue, the paper discusses the Italian context as regards the political participation and representation of migrants. Migrants currently have few political rights in Italy. The citizenship law is the most restrictive in EU15: it is based on *ius sanguinis* and states that citizenship can be obtained after 10 years residence for non EU nationals and after 4 years for EU nationals. Besides that, the various immigration laws introduced from the '90s until today have not dealt with the political participation and representation of migrants and they have not provided legislative changes in order to introduce political rights for migrants (even at local level). These restrictions and the unwillingness to change the law depend partly on the political climate: the issues of security and control were central in the political programmes of the right-wing coalition (especially of the Northern League party) and influenced its victory in the 2008 elections (by contrast, in the 2011 administrative elections there was a turnaround). To guarantee these issues, the right-wing coalition sustained (and still sustains) the necessity to combat the illegal flow of migrants, fight against crime and repress public disorder, defend local cultural identities, give priority to Italian citizens in accessing welfare services.

Although at national level most policies are constraining, at local level some initiatives have been promoted by a few administrations to favour the political participation of migrants. Firstly, some Regions and Municipalities modified their Statutes autonomously to give migrants the right to vote. Nevertheless, these modifications were rejected by the State Council which declared that national institutions rather than local bodies should cover the issue of voting rights. Consequently, these local administrations gave migrants the possibility to participate politically by setting up two special bodies, the Municipal Consultative Body and the Additional Foreign Council. In addition, they introduced the right to vote for non EU nationals at least in District Councils, Circuit Councils and Local Consultative Referenda. But these two solutions (the bodies and the voting rights in sub-local councils) did not resolve the issue of political participation and representation of minorities. Indeed the bodies are consultative and they have no power to legislate. Besides that, the lists of those who are eligible to vote for the bodies are incomplete. In the same way, the voting in sub-local councils was rejected by the Constitutional Court and by the State Council, which declared that the issue of voting rights to immigrants falls under the jurisdiction of the national State.

Nor do immigrant associations have political power. They have actually been built to satisfy cultural, social and religious needs. They are places where migrants meet, stay together, share cultural or religious practices, exchange information. They are usually formed by migrants of the same ethnic and/or national origins, they are locally organized and they operate only in their municipalities. Besides that, they have few relations with Italian institutions and they lack a framework of institutionalization and public support. For all these reasons they are not suitable for representing migrants politically. Consequently, migrants' participation in the public arena generally occurs through the intermediation of Italian associations and organizations, i.e. no-profit and voluntary organizations, and trade unions. These organizations firstly offered assistance and legal protection to migrants, facilitated their regularization as residents and workers and their access to social services. Now migrants are also enrolled in trade unions and some hold positions within them. Furthermore, in



the last few years trade unions, NGOs and charity organizations have defended migrants as regards the local policies of exclusion.

### *The focus of this study*

This study focuses on how the issues of intolerance, tolerance, respect and recognition of ethnic diversity have been thematised in Italian politics. The topic of “local policies of exclusion” is a case in point and it is a current and debated question, as these measures became fundamental in local politics in 2008 and they are still recurrent in several local administrations. An important aspect related to this issue is the introduction of the Security Package, i.e. a set of norms introduced by the Berlusconi government in 2008 and 2009, in which the cities’ mayors obtained more power: they could autonomously introduce measures in order to guarantee urban safety, without any approval at national level. So, many municipalities, mostly governed by the North League or by right-wing coalitions, began to introduce local regulations to maintain public order, guarantee urban standards, defend citizens from crime, danger, annoying or indecent behaviour. Most of these actually targeted migrants directly or indirectly, such as the ban on playing cricket in public parks or the bonus for new-born babies reserved only for Italians, the requirement of a minimum income to register in the Registry Office. For this reason they provoked reactions from above and below. From above, the UNAR (National Office against racial discrimination) exercised the right to carry out checks. It intervened in the most flagrant cases of local measures which were discriminatory and it expressed its opinion and asked for the removal or the revision of such measures. From below, the advocacy coalition of pro-immigrants gave rise to protest initiatives and legal battles, often producing positive results. Of course, the introduction of these measures, the protests and the legal battles were accompanied by public and political debates, media outcry and they attracted the attention of public opinion. The aim of this study was therefore to analyze frames and discourses used by mayors, politicians, and civil society actors to talk about the issue of “local policies of exclusion”.

### *Data and methods*

This report is based on desk research and fieldwork. In terms of desk research we collected statistical data, policy documents, judgments of courts and newspaper articles. The aim was to collect frames and discourses of the political and social actors involved in the processes regarding the local policies of exclusion. This phase started at the beginning of the research and ran in parallel to the fieldwork.

The fieldwork was conducted between October 2011 and January 2012 in the metropolitan areas of Milan and Brescia (another province in the Lombardy region, where many ordinances were introduced by small or medium size municipalities) and was based on qualitative interviews. More specifically, we conducted 15 semi-structured qualitative interviews with people from different backgrounds: 4 lawyers, 4 members of trade unions, 4 members of no-profit associations, a member of the opposition within a municipality, a Regional councillor of the Northern League Party in Lombardy and finally a city councillor of the previous administration in Milan (centre-right). Most of them were interviewed because they were directly involved in the processes regarding the local policies of exclusion, like the members of trade unions or the two lawyers who fought against them in courts. Others were contacted because they work in associations and organizations which deal with defending and representing immigrants.

The analysis of the interview data was based on the tradition of qualitative discourse analysis, and a critical perspective was used to analyze the main argumentation strategies adopted by the various actors interviewed.

### *Main findings*

The analysis of secondary sources and of qualitative interviews highlights that the “local policies of exclusion” are “institutionalized forms of intolerance”: they are drawn up and enforced by legitimate bodies (i.e. the Municipalities), which are elected democratically and which influence social life within the local communities. They are institutional obstacles to the rights of several minorities (civil, social) and to their freedom of expressing their cultural and religious identity. Nevertheless, there are justified by mayors using three types of frames.

The first is about urban safety and decency: some local policies are justified because they guarantee citizens’ security and preserve urban decorum and social order, e.g. the controls on places of worship or checks on the conditions of houses in the city centres. The second frame is the scarcity of economic and social resources: the local policies are necessary because the social benefits have been reduced, so they have to be set aside only for Italians or for those who have been residents in the town for a long period (e.g. bonus for babies reserved only for babies born to Italian parents). Only Italian citizens have the rights to access some social and economic benefits, whereas immigrants have to be excluded because they are “guests”. Finally, the third frame is about the defence of Italian identity, culture and traditions. The prohibition on opening mosques, new kebab shops or to ban non traditional activities in the city centres is a case in point. Here the local policies are justified because they defend the Italian (and local) culture from immigrants, who are perceived as invaders. They are seen as necessary to avoid contamination and changes in Italian cities, culture and habits.

By contrast, the main frame used by civil society actors to fight against these policies is that of discrimination. These measures are in fact discriminatory. They damage fundamental human rights, such as the freedom of religion, personal freedom, equality among people. Human rights must be guaranteed, and are not open to debate or subject to political discretion. This is also the frame used in courts, and it has often been cited in judgments condemning the local policies.

With regard to our conceptual framework, this study shows that the local policies of exclusion are institutionalized forms of intolerance that legitimize xenophobic attitudes and behaviours. They are in fact formulated and approved within democratic institutions, and justified because they defend citizens under three aspects: personal safety and public order, the distribution of economic and social benefits, the cultural and religious identity of the country. Besides that, they have symbolic and cultural effects: they mark the boundaries between “us” and “them”, between the legitimate “owners of the land” and newcomers who expect to settle.

By contrast, civil society actors fight against the intolerance of local policies of exclusion referring not to the concepts of tolerance or respect or recognition, but to those of human rights. In their discourses the issue at stake is not that of drawing boundaries among what should/must/can/could be tolerated, respected and recognised, but of protecting people from having their basic human rights compromised.

### **Keywords**

Immigration; political representation; local policies; exclusion; intolerance; discrimination; advocacy.

## 1. Introduction: the main challenges in the political representation and participation of migrants in Italy

### *1.1. The national context: immigrant laws and the political participation of migrants*

In Italy the issue of the political participation of migrants is influenced by the citizenship law. Migrants can become Italian citizens - consequently they can vote or be voted for- after a long period of residence. The Italian citizenship law is based on *ius sanguinis* and states that citizenship can be obtained after 10 years residence for non EU nationals and after 4 years for EU nationals. People who were born in Italy to foreign parents (i.e. the second generations) can apply for Italian citizenship between the ages of 18 and 19, if they have lived continually in Italy since birth. The law was introduced in 1992 and modified the previous law, dating back to 1912: it tightened the rules for obtaining Italian citizenship (previously, only 5 years of residence were required), although it favoured the acquisition of citizenship for the descendants of Italians who emigrated a long time ago<sup>1</sup>.

The Italian citizenship law is therefore the most restrictive in EU15. In the last few years various changes to this law have been proposed by both left-wing and the right-wing parties. The former proposed reducing the period of residence required to obtain citizenship, and tried to make the naturalization easier for second generations; by contrast, the latter proposed to tighten the rules for obtaining citizenship, although some right-wing politicians themselves outlined the necessity “to be sensible” (as Mr. Fini said) and to work on the reform of the citizenship law (especially regarding the children of immigrants). Some attempts to propose a new law have also been made by civil society actors. Trade unions, Italian no-profit and voluntary associations, organizations which deal with immigration issues, politicians and immigrant associations (e.g. the G2 Network, a network of second generations) launched a campaign to propose two new laws in September 2011. The first concerns the introduction of the right to vote at local level for non EU migrants who have been in Italy for 5 years; the second is about the reform of the citizenship law, introducing less restrictive rules, especially for children of immigrants. Now a petition with at least 50,000 signatures is being prepared in an attempt to campaign for the laws, but in the current political context these proposals have little chance of success.

Besides the citizenship law, the various immigration laws enacted from the '90s until today have not dealt with the political participation and representation of migrants and they have not provided legislative changes in order to introduce political rights for migrants.

Only the Turco-Napolitano law (1998) tried to introduce some changes in order to involve migrants politically. Specifically, it created three representative bodies, two at national level and one at local level<sup>2</sup>, whose aim was to supervise and examine migrants' economic, social and cultural issues, and to propose solutions. Nevertheless, since the beginning they have proved to be inefficient, due to their composition. Besides the Italian representatives, members of the most representative immigrant associations had to be part of these bodies, but it was difficult to identify which were the most representative. Consequently, it often occurred that only Italian representatives participated in the meetings of these bodies<sup>3</sup>.

The two national bodies were therefore unofficially disbanded by the Bossi-Fini law (2002). Only the Immigrant Territorial Councils still exist today.

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<sup>1</sup> The issue is fully discussed by Zincone (2006).

<sup>2</sup> This was the *Council for non-EU workers and their families* (Consulta per i lavoratori immigrati e le loro famiglie), the *National Body for Co-ordinating Local Policies of Integration of Foreign Citizens* (Organismo nazionale di coordinamento per le politiche di integrazione sociale dei cittadini stranieri a livello locale) and the *Immigrant Territorial Councils* (Consigli territoriali per l'immigrazione).

<sup>3</sup> In 2002 for example 45 out of 103 Territorial Councils consisted only of Italians (Fieri, Asgi 2005).

The Turco-Napolitano law also introduced the right to vote at the local administrative elections for immigrants who had a Long-Term Residence Permit<sup>4</sup> (art. 38). Nevertheless, when the bill became law, article 38 was repealed. In the years that followed some bills were proposed to introduce immigrants' right to vote at the local level, but none of them became law.

The next immigration law, the Bossi-Fini law (2002), did not introduce any changes and it adhered only partially to the Strasbourg Convention (1992). Although Italy signed the Convention, it excluded Chapter C from its adhesion, which recognised the right to vote for immigrants who have been living legally in the host countries for 5 years. So, while the European Union was - and still is - in favour of giving political rights to EU-nationals and non EU nationals who live in European countries, Italy - like some other European countries - is reluctant to do this (Fieri, Asgi 2005).

This attitude is partly due to the Italian political climate: the growing power of the North League Party<sup>5</sup>, with its hostility to immigrants, and a widespread need for security within the global context. Security has therefore become a fundamental issue for the current government, which, under the administration of the new Minister of Home Affairs Maroni<sup>6</sup>, introduced the so-called Security Package (2008)<sup>7</sup>, whose principal aim was to combat the illegal flow of migrants. Among the new rules introduced by the Security Package, more power has been given to mayors on the issues of urban safety. The result was the implementation of various local policies in many Italian cities, intended to guarantee urban safety for citizens, combat crime and repress public disorder<sup>8</sup>.

In this context, characterized by constraining policies, the local initiatives in favour of the participation of migrants have also given up. Between the end of the '90s and the beginning of 2000 the regional, provincial and municipal governments tried to involve migrants in some forms of political participation, but their attempts failed. These will be examined more fully in the following paragraph.

### ***1.2. The local contexts: some experiences of political participation***

Since new rules on immigrants' political participation have not been introduced at the national level, some initiatives have been organized at local level. Apart from the Immigration Territorial Councils, some Regions and Municipalities have modified their Statutes autonomously to give migrants the right to vote. They justified their actions based on various documents, e.g. the Law on the statutes of local administrations – legislative decree 267/2000) which gives local administrations more autonomy in several ways, including political participation; Chapter B of the Strasbourg Convention, which recommends creating consultative and representative bodies for non-European immigrants; the European Paper of rights of human beings in cities, which extends the right to vote to all individuals who are over eighteen and have been resident in the city for 2 years.

Nevertheless, the modifications introduced by Regions and Municipalities were rejected by the State Council which declared that national institutions rather than local bodies should cover the issue of voting rights. After a long political debate, local administrations bypassed the issue by setting up two

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<sup>4</sup> The Long-Term Resident Permit is issued for an indefinite period to people who have had a residence permit for more than six years in Italy, and who have a minimum income (equivalent to the amount of social security benefit).

<sup>5</sup> We should highlight that in the last administrative elections (May 2011) the power of the North League Party (and also that of all the centre right parties) decreased notably. More information about the birth, the success and the values/principles of the North League Party can be found in Cento Bull (2010) and in Ambrosini, Caneva (2010), available at <http://accept-pluralism.eu/Research/ProjectReports/NationalDiscourses.aspx>

<sup>6</sup> It is significant that a representative of the North League Party has been chosen as the Minister for Home Affairs.

<sup>7</sup> Many measures were introduced between 2008 and 2009, and were then gathered together in the Security Package.

<sup>8</sup> The main areas of intervention were prostitution, alcohol abuse, vandalism and begging. For a fuller description of these local policies see par. 1.4.

types of bodies in order to favour the political participation of migrants: the Municipal Consultative Bodies (*Consulte comunali*) (which are made up of Italians and immigrants) and the Additional Foreign Councillor (*Consigliere straniero aggiunto*). These bodies are consultative: they can participate in local administrative meetings and give opinions about immigration issues, but they cannot legislate or vote within these meetings. The immigrant members of these bodies are not elected but are chosen from the migrants' associations, so they are not completely representative<sup>9</sup>. They also lack economic resources and they can only intervene on immigration issues (Attanasio, Facchini 2004; Asgi, Fieri 2005; Carpo et al. 2003). Migrants often think that they are not well represented by these bodies and that they cannot influence local policies through them (Mantovan 2007); sometimes they are not even informed about the existence of these bodies (Kosic, Triandafyllidou 2005). Consequently, most Municipal Consultative bodies and Additional Foreign Councillors failed and were not set up again.

Many Municipalities continued to challenge the judgments of the State Council and modified their statutes, introducing the right to vote for non EU nationals in District Councils, Circuit Councils and Local Consultative Referenda. Of course, these kinds of participation are not as effective as the right to vote and, as Martiniello said (1999), they cannot be considered as substitutes for it.

Waiting for sweeping changes in law, immigrants find other forms of participation in the social and public life, i.e. ethnic associations and trade unions.

### ***1.3. The role of immigrant associations and trade unions***

A widespread form of social participation occurs through immigrant associations. Nevertheless, these associations were not created to favour and support the political participation of their members, but mostly to satisfy cultural, social and religious needs, to promote the cultural identity of their members and to sustain their integration (Carpo et al. 2003; Meli, Enwereuzor 2003; Caselli, Grandi 2009, 2010). They offer a context in which to meet, to exchange information, to socialize, to share customs and (religious) rituals. They are usually formed by migrants of the same ethnic and/or national origins, they are locally organized and they operate only in their municipalities (Caselli, Grandi 2010; Kosic, Triandafyllidou 2005). They have few and only occasional relations with Italian institutions and they lack a framework of institutionalization and public support (Caselli 2008). Their participation in the public arena is possible only through the intermediation of Italian associations and organizations, i.e. no-profit and voluntary organizations: they collaborate with trade unions or Catholic organizations (e.g. parish recreation centres,) and sometimes with local administrations (Caselli, Grandi 2010).

Besides the fact that immigrant associations do not have any social visibility, they also have intrinsic problems. Indeed, they do not often have economic and financial resources, they do not have anywhere to meet, or any time to organize the activities (Carpo et al. 2003). For all these reasons the associations are fragile and vulnerable, and they easily end up closing down.

Because of the vulnerability and fragmentation of immigrant associations, it is also difficult to know how many there are and what their activities are. There are very few qualitative and quantitative studies, but some of them have tried to collect information about their numbers, characteristics and activities (CNEL 2001; Caselli, Grandi 2009, 2010). According to CNEL (2001), there were 893 immigrant associations in Italy in 2001. They were concentrated in the northern regions and a large number of them were mono-ethnic (61%). Multiethnic associations (formed by people of different ethnic groups) represented 25.6% of the total and interethnic associations (those involving both Italians and immigrants) represented only 14.5%. Caselli and Grandi (2009, 2010) also collected

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<sup>9</sup> In the last few years some Municipalities (e.g. Rome) have introduced the rule to elect immigrant members, letting immigrants vote for their candidates. Nevertheless, immigrants do not often vote, because they do not believe in the power of these bodies to influence the decisions of local administrations (Attanasio, Facchini, 2004).

information about immigrant associations in the Lombardy region. In 2010 there were 304 immigrant associations, 50.2% of which were mono-ethnic, 25.4% of which consisted of members with mainly the same nationality, while in 24.4% of cases there was no majority nationality.

Although immigrant associations are still fragile and immature, their formation is often promoted and sustained by Italian institutions. Indeed these actors look for an interlocutor to represent migrants, since migrants are not entitled to vote or express their political ideas. Therefore, immigrant associations are created because of the need of Italian actors to have immigrant representatives (Mantovan, 2006).

One specific case of the participation of immigrant associations is that of co-development projects: Italian NGOs often involve immigrant associations in tenders for co-development projects, strengthen relationships with them and promote immigrant associations in public contexts. Nevertheless, the participation of immigrants is mediated by Italian institutions: instead of becoming actors in the co-development projects, they actually become co-beneficiaries of the projects' funding and initiatives (Ambrosini, forthcoming).

Another type of participation mediated by Italian organizations is that of trade unions, no-profit and voluntary organizations. But, while in the case of co-development projects Italian NGOs and immigrant associations cooperate, in this case the Italian organizations exercise advocacy in favour of migrants and defend their rights.

Trade unions began their pro-immigrant activities first, e.g. assistance and the legal protection, together with Catholic charities. Unlike the trade unions of other European countries whose aim was to firstly defend national workers (Carpo et al. 2003), from the beginning, Italian trade unions<sup>10</sup> welcomed and protected immigrant workers in the same way they did for Italian workers, irrespective of their legal status (Meli, Enwereuzor 2003). Indeed, they offered them special services to facilitate their regularization as workers and their access to social services (Mottura, Pinto 1996; Zincone 1999). CGIL and CISL also created ad hoc departments for immigrants.

As time went by, immigrant workers began not only to turn to trade unions to receive support, but they also joined them. In 2000, there were 223.632 immigrants joined trade unions (Caritas Migrantes 2002), in 2010 there were 1.137.238 (7.8% of all trade union members – Caritas Migrantes 2011).

Today immigrants have not only joined trade unions, but they also hold elected positions within them (Meli, Enwereuzor 2003; Kotic, Triandafyllidou 2005). The Caritas Migrantes report (2002) found that in CGIL there were foreign worker representatives in five categories (construction industry, chemicals, mechanical engineering, food industry and trade), in CISL and UIL there were immigrants in trade union committees at local, regional and national level. Nevertheless, there are few in managerial positions and also few who work for and within trade unions (Boccagni, forthcoming).

Immigrants, therefore, can express their interests and defend their rights through trade unions, NGOs and Catholic organizations, whereas their own associations are not visible and do not have strong political power. Minority agencies are weak in Italian political life, and immigrants have little opportunity to make claims. Besides the fact that there are institutional obstacles to the participation in political life (i.e. the citizenship law), Italian society's and politicians' approaches to immigration is still based on the concept of immigrants as strangers, and in the best case as useful workers, or - in the worst case – as invaders. For this reason they can have a few rights, whereas their participation in politics is seen by some as being an issue of little relevant, a threat to national sovereignty by others. By contrast, immigrants are politically weak and less organized, also because of their lack of electoral rights. Their rights are mainly defended by Italian organizations: trade unions, NGOs, the Catholic Church, social movements<sup>11</sup>.

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<sup>10</sup> We are referring particularly to the three largest Trade Unions: CGIL (Italian General Confederation of Labour - *Confederazione Generale Italiana del Lavoro*), CISL (Italian Confederation of Workers - *Confederazione Italiana Sindacati Lavoratori*), and UIL (Italian Workers Union - *Unione Italiana del Lavoro*).

<sup>11</sup> It is only recently that immigrants have organized public protests and demonstrations to defend their rights autonomously, e.g. the strike on 1<sup>st</sup> March 2010. After this strike, they organized other strikes but they did

However, Italian organizations have mostly paid attention to the defence of the weak, overlooking the issue of the political participation of immigrants. Moreover, their advocacy for immigrants has become even more important in the last few years because of “local policies of exclusion”.

#### ***1.4. Local policies of exclusion***

Local policies are usually seen as positive measures that city governments adopt to provide benefits for immigrants (CLIP 2010, UNESCO 2010). They often compensate for the limitations and shortcomings of national policies, offering useful resources and services for immigrant integration. Housing policies, assistance to families in difficulty, employment services are usually provided at the local level.

In Italy in the last few years many local policies have been introduced to guarantee urban safety, an issue which has become important in all European countries since '90 (Cittalia 2009). Their aim is apparently to protect general interests (e.g. urban standards, compromised by the presence of annoying beggars), and to suppress any behaviour that is considered annoying, indecent or ill-mannered. Nevertheless, many of these limit immigrants' rights indirectly or directly and favour their exclusion. Examples include any kind of gathering in urban places (e.g. the game of cricket in public parks, eating in parks), or the custom of praying in rooms which are not used specifically for this purpose (a common practice among Muslims who do not have formal and recognised places of worship). These have been the reasons for regulations introduced by mayors of many Italian cities, especially in the north where the political power of the Northern League is strong.

Therefore, “local policies of exclusion” can be defined as those measures, adopted by local authorities, that aim to exclude migrants, to separate them from the native component of the population by establishing specific, albeit implicit, prohibitions against them and which may be indirect or hidden, and which set up special screening procedures or limit their access to benefits and local social policy resources. These policies form the boundaries of legitimate local community, reinforcing a duality between the rightful members (the insiders, coinciding with the native people or otherwise of Italian nationality) and outsiders, whose right to residence tends to be redefined in more limited and conditional forms. They reassure natives about the priority of their status compared to that of outsiders, and send out the message that they are actively defended by the “invasion” of their urban space, which they feel threatened.

The local policies of exclusion became particularly frequent in 2008, when the introduction of the Security Package gave more power to city mayors on the issue of urban safety. Nevertheless, they provoked reactions from various civil society actors, who opposed them not only with public protests but also with legal action.

Opposition came from above and below. From above, the UNAR (National Office against racial discrimination) exercises the right to carry out checks. It intervenes in the most flagrant cases of local measures which are discriminatory, and it can ask for the removal or the revision of such measures. From the bottom, the advocacy coalition of pro-immigrant social forces comes into play, which gives rise to protest initiatives and legal battles, often producing positive results, e.g. the *Avvocati per niente* Association (Association of Pro-Bono Lawyers)<sup>12</sup>. Of course, the introduction of these measures, and the ensuing debates and protests are accompanied by media outcry and are designed to attract the attention of public opinion.

(Contd.) \_\_\_\_\_

not receive the support of trade unions, maybe because the strikes had been organized autonomously by immigrants.

<sup>12</sup> The association was founded in 2004, and its aim is to guarantee justice for the weak. It was promoted by Caritas and supported by some organizations of the third sector (i.e. the Christian Associations of the Italian Workers, Trade Unions). It now collaborates with these associations and defends the rights of people free of charge. The aim is not only to defend the weak legally, but also to make governments focus on social problems and elaborate better policies.

The regulations introduced by mayors and the discourses used by them and by the various civil society actors, institutions and mass media are interesting to be analyzed in order to understand how the frames of exclusion and intolerance are constructed and justified in the public arena. It is interesting to highlight how local administrations draw the boundaries between Italians, who are considered the rightful members of the local community, and outsiders (the immigrants) whose rights are limited; how they try to defend the supposed correctness of their initiatives and justify them; finally how those who fight against these policies (like the Association *Avvocati per niente*) construct their discourse strategies to demonstrate the discriminatory nature of these policies.

The analysis of “local policies of exclusion” is particularly significant because they are “institutionalized forms of intolerance”: they are drawn up and enforced by legitimate bodies (i.e. the Municipalities), which are elected democratically and which influence social life within the local communities. They are institutional obstacles to several rights of minorities (civil, social) and to their freedom of expressing their cultural and religious identity. They aim to oppose cultural and religious pluralism either directly (e.g. ban on wearing the burqa, the niqab or other veils that hide the face in public places; restrictive rules for the opening of places of worship) or indirectly (banning activities that might not be related to cultural aspects, but actually are<sup>13</sup>).

These institutional limitations of immigrants’ rights, called “local policies of exclusion”, will be investigated. Specifically, we will analyze how exclusion and intolerance contained in local policies are justified within the institutional and legal frame, and how city mayors represent these measures, trying to hide or to justify the discriminatory nature of them in their discourses and measures<sup>14</sup>. We will also pay attention to the frames used by those who fight against these measures, and finally we will analyze the strategies used by mass media to describe these issues and attract the attention of the public.

## **2. Methodology**

This report is based on desk research and fieldwork. In terms of desk research we collected many kinds of documents, such as statistical data, policy documents and journal articles. We very carefully and deeply examined languages, words, discourses, types of statistical data and sources used in various documents: the texts of the policies, the articles published in newspapers, the declarations of mayors, the judgements of the courts, the laws and the law-decrees, which were analyzed by qualitative discourse analysis (Wodak et al., 1999, Wodak and Meyer 2001, Wodak and Krzyżanowski 2008). The aim was to collect frames and discourses of the social actors involved in the processes regarding the local policies of exclusion. This phase started at the beginning of the research and ran in parallel to the fieldwork.

The fieldwork was based on qualitative interviews and conducted between October 2011 and January 2012 in the metropolitan areas of Milan and Brescia (another province in the Lombardy region, where many local policies were enacted by small or medium size municipalities). More specifically, we conducted 15 semi-structured qualitative interviews with people of different backgrounds: 4 lawyers, 4 members of trade unions, 4 members of no-profit associations, a member of the opposition within a

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<sup>13</sup> A case in point is the prohibition of team games and other activities in public parks in Brescia. The actual aim of the regulation was to suppress an activity that is very popular among Pakistani and Indians, the game of cricket, which was played frequently by them in parks.

<sup>14</sup> The “local policies of exclusion” are mostly by-laws or ordinances. An ordinance is a decree formulated directly by the mayor. More generally, by-laws are rules formulated by the mayor in the Municipal Council (which consists of people chosen by the mayor) and then come into force. They are usually introduced in response to local problems, e.g. parking, control of activities (e.g. drinking in parks, begging). But “local policies of exclusion” are also regional laws or municipal regulations, in general all those measures which exclude migrants (for a definition see page 9).



municipality, a Regional councillor of the Northern League Party in Lombardy and finally a City councillor of the previous administration in Milan (centre-right).

Some of them were contacted because they were directly involved in the processes regarding the local policies of exclusion, like the members of trade unions or the two lawyers who fought against these measures in courts. Others were contacted through a snow-ball technique, by asking the previous interviewees if/which civil society actors were involved in the issues. We did not interview people of foreign origin, because during the fieldwork we found that they did not participate in the processes regarding the local policies of exclusion. As previous research has highlighted, immigrant associations are cultural, social or religious associations, they have weak political roles (also because of structural reasons) and they are often not officially recognised. Trade unions and no-profit associations act on their behalf.

We did not even interview mayors who enacted the measures, because of the difficulty in contacting and meeting them. Nevertheless, we managed to interview two politicians, one from the Northern League and the second from PDL (the right wing party whose President is Berlusconi) who were in favour of these regulations and supported their introduction. We also collected a lot of data about reasons and frames of those who promoted the policies of exclusion by analyzing documents and the declarations of mayors and politicians published in newspapers and on websites.

The interviews were usually conducted in the offices of the subjects. The member of the opposition was interviewed in his house, and a member of an association in a bar. They were conducted in Italian, audio-recorded and then transcribed. The interview guide used for the interviews as well as the list of interviewers can be found in the appendix to this report.

### **3. The political challenge: the birth of the local policies of exclusion**

The local policies of exclusion became particularly frequent in 2008, after the introduction of new laws on urban safety (law n. 125/2008 and Ministry Decree 5<sup>th</sup> August 2008). These new laws, which are part of the so-called Security Package, gave more power to mayors: they managed to autonomously introduce interventions in order to guarantee urban safety. The strengthening of the mayors' power was met with widespread concern among the civil society<sup>15</sup>: respecting the rules about peaceful coexistence and about urban decency. One of the most important changes that the laws introduced was the possibility to approve by-laws<sup>16</sup> even though they were not pressing or urgent. This allowed mayors to adopt measures on urban safety very freely, without any form of mediation with other political actors<sup>17</sup>.

After the introduction of the laws, many mayors began to formulate and apply new rules on many issues: the consumption of alcoholic drinks (which was banned at certain times of the day, or for people under 16 years old), prostitution (not the phenomenon itself but some activities related to it, i.e. obstructing roads or wearing indecent clothing), selling food and drinks at certain times (which can be a breach of the peace), begging, the use of public property without respecting public decency and

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<sup>15</sup> These concerns are common throughout all European countries, as are the issues of terrorism or climate change, but in Italy the issue of security is particularly emphasized. According to research (Valtolina 2010, Diamanti 2011), among all European countries, Italy has the greatest concerns about security, and this is linked to the presence of immigrants, who are seen as a threat to security.

<sup>16</sup> For a definition of a by-law see note 14.

<sup>17</sup> Mayors can also adopt measures regarding welfare, but in this case interventions are adopted democratically within the City Council. It is worth noting here that the mayors are supported by the majority in the City Council, so their proposals are usually approved. It is interesting to highlight that a democratic method (i.e. voting within the City Council) is used to apply non-democratic measures.

hygiene (i.e. more than three people sitting on benches, or lying on the grass in parks), illegal camping<sup>18</sup>.

A study conducted by Cittalia (2009) and Anci shows that more than half of these local regulations were introduced from August to November 2008, they decreased until May 2009 and then they increased again until July 2009. In this period, 788 by-laws were introduced in 5.5% of all local Italian administrations. A second study by Cittalia (2012) shows that in 2009-2010 the trend continued: 500 local regulations were introduced in 2.7% of all local Italian administrations.

Although they were implemented in only a few municipalities, in 2009-2010 (but also in the previous years) they were concentrated in the northern regions (43.3% in the north-west, 24.2% in the north-east). Some were introduced in the south (12% in 2008-2009, 8.9% in 2009-2010) and in the central regions (15.9% in 2008-2009, 11% in 2009-2010). The Lombardy region (in the north) in particular stood out for its high concentration of by-laws. Lombardy is the most populous and wealthy Italian region, and one that receives the largest number of foreign immigrants; it is also a region where the power of the Northern League is very strong. Here, 120 local policies were introduced in 2009-2010 in 3.8% of all municipalities in the region. Piedmont (in the north-west, close to Lombardy) is the second region with the largest number of local regulations (56 in 1.6% of all local administrations of the region), followed by Veneto (52 – in the north-east) and Emilia-Romagna<sup>19</sup> (in the centre of Italy, close to Lombardy), which has adopted fewer local regulations than the other three regions but in the largest number of municipalities (in 6.3% of all local administrations of the region, represented in blue in the map).

Most of the Municipalities which used the power given to them by law 125/2008 were governed by centre-right administrations, and the mayor was usually a politician of the Northern League Party. These measures came into effect in the local context, sometimes in specific areas of the municipality (e.g. in some parks or near schools) or in some time slots (e.g. at night). Some of them involved the whole population of the municipality, while others affected only a part of it (e.g. owners of food and beverage shops). Although these regulations were effective only in the municipality where they were introduced, they produced effects and resonance on a wider level: they caused political debates, they sometimes involved the Ministry of The Interior or the National Office against Racial Discrimination (UNAR), they were discussed in the mass media and finally they were examined by courts. We will analyze these aspects later.

The most interesting thing to highlight here is that the local policies of exclusion directly or indirectly targeted immigrants: in some cases they affected only those who were the poorest or the most disorderly component of the foreign population (e.g. the ban on begging, the repression of irregular immigration by reinforcing controls), in other cases they affected those who believe in a different religion (e.g. restrictions on the definition of places of worship, a ban on wearing the burqa), or those who have a business (e.g. the obligation to have two toilets in phone centres, a ban on opening new kebab shops in the city centre). In some cases the intention to target minorities was openly declared (e.g. the ban on building new mosques), in other cases they were justified by the necessity to preserve urban security and decorum (e.g. the ban on drinking in public places).

Because they targeted immigrants and the weaker members of the population, there were reactions from many civil society actors who opposed the measures not only with public protests (interviews, press releases, demonstrations, information packs) but also with legal action.

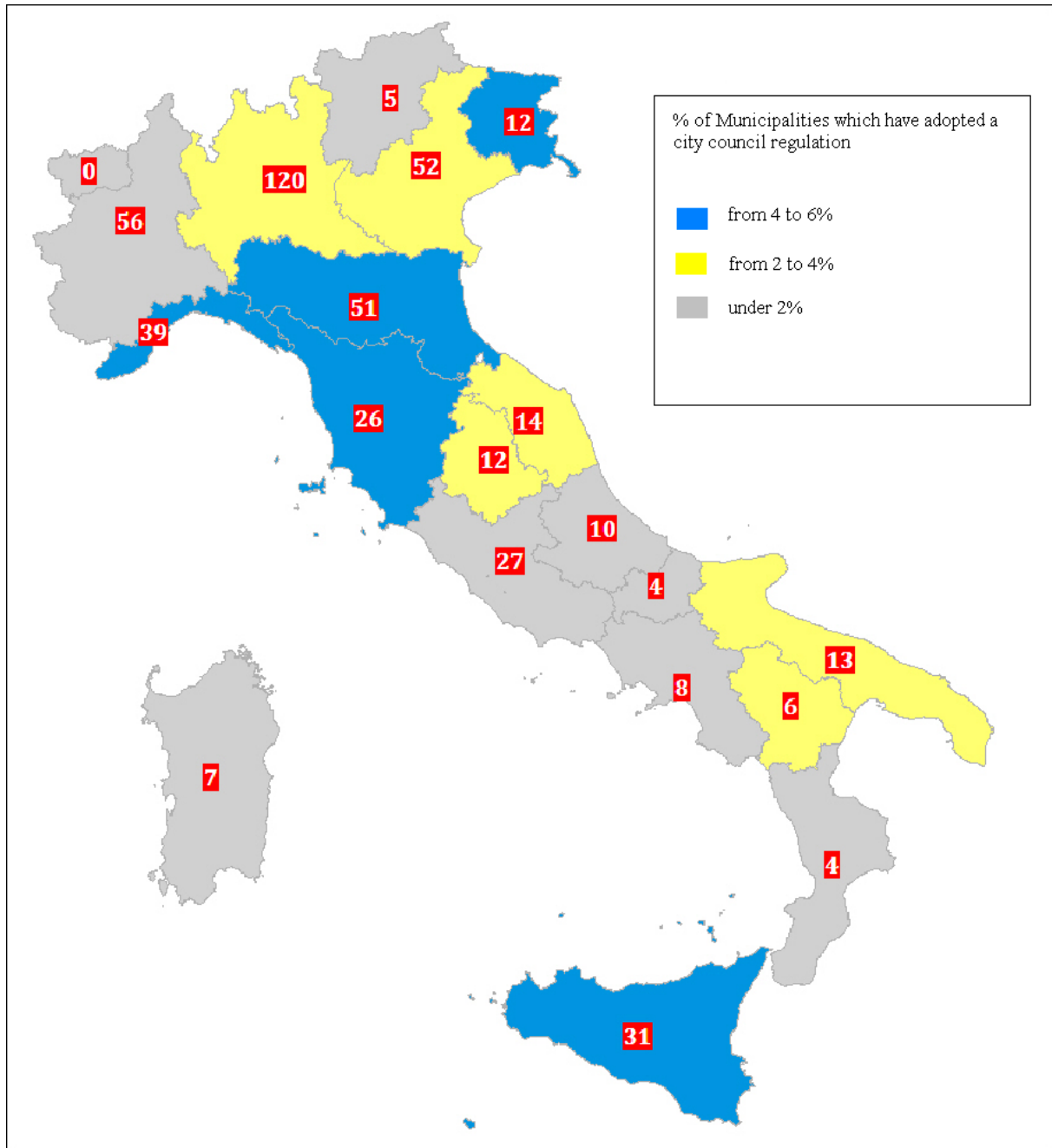
The various by-laws became therefore some of the most debated issues on a political level, in the local and national mass media.

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<sup>18</sup> For a detailed classification of the by-laws see Ambrosini (2012).

<sup>19</sup> It is interesting to highlight here that Emilia Romagna is traditionally a left-wing region.

**Table. 1. Municipalities which have adopted at least one by-law/for Region, 2009-2010 years.**



### 3.1. Processes and actors involved in the local policies of exclusion

The main actors involved in the local policies of exclusion were the mayors of those municipalities where these regulations were introduced, and the civil society actors who fought against them, usually trade unions and the Associazione Avvocati per Niente (transl.: Association of Pro-Bono lawyers<sup>20</sup>). This is the case in the Lombardy region, whereas in other regions (like Veneto, in the north-east of Italy) the lawyer members of the Association for Juridical Studies on Immigration (ASGI)<sup>21</sup> participated in the trials against the mayors. Among the trade unions, the largest, CGIL and CISL, were the main actors involved.

It is worth noting here that the local policies of exclusion comprehended not only those measures on urban security and decency introduced as a result of the Security Package, but also other measures adopted by mayors<sup>22</sup> in order to exclude migrants (e.g. special screening procedures or limits to access to social resources, or financial aid only for Italians). For this reason some civil society actors fought against them in courts.

Trade unions and the Associazione Avvocati per Niente usually found that a local policies of exclusion had been introduced in three ways: 1) they frequently checked and supervised the municipalities' activities<sup>23</sup>, 2) they followed up a complaint made by people who thought they had been discriminated against by these measures, 3) they responded to reports from citizens, volunteers, and local trade union representatives. After verifying that a local policy was actually discriminatory, trade unions, in collaboration with the Associazione Avvocati per Niente sent a warning to the municipality, and also to UNAR and to the Prefetto<sup>24</sup>, in order to ask for their opinion. If the municipality did not answer, there followed a reminder, after which trade unions and lawyers prosecuted the municipality. Some municipalities reacted by eliminating the measure the day before the trial or on the same day, while others tried to fight the case in court and, if they lost, they appealed once or more. Others reintroduced the measure after modified it based on the court's judgement but actually succeeded in bypassing it<sup>25</sup>. The judgement in fact consisted of eliminating the policy or modifying it, e.g. by including among the beneficiaries of a social service those who had been previously excluded. The municipality was usually ordered to pay all legal costs and sometimes to publish the verdict in a local or national newspaper.

It is interesting to highlight that the social actors involved in all the trials were always the same, i.e. trade unions and lawyers who collaborated with them. These subjects often try to involve other

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<sup>20</sup> See note 12 for information on the Association of Pro-Bono Lawyers.

<sup>21</sup> ASGI was established in 1990 and is made up of lawyers, academics, and legal practitioners with a particular professional interest in legal issues relating to immigration. They defend immigrants' rights free of charge.

<sup>22</sup> More power to local administrations had already been given by a previous reform, i.e. the legislative decree 267/2000.

<sup>23</sup> A case in point is the CGIL of Brescia, where there is a person whose job is to supervise the activities of the municipalities around Brescia every day.

<sup>24</sup> In the Italian legislation system, the Prefetto is an officer who represents the national government within the Province and supervises the activities of local administrations. The Prefetto is in charge of the Territorial Office of the Government and is answerable to the Ministry of the Interior. Among his tasks he has to guarantee public order and security.

<sup>25</sup> For example in the Tradate municipality a by-law was introduced to pay out an amount of money for new babies born to Italian parents who had been resident in the city for 5 years. After the judgment, the municipality eliminated the requirement of Italian citizenship, but then declared that there was no more money for new babies, so it did not give funding to either Italians or immigrants. In Brescia the "bonus for babies" was also not given to anyone, including Italians, after the judgement which condemned the by-law. By eliminating the bonus for all families, the local governments helped spread resentment towards immigrants.

institutions, such as UNAR or the Prefetto. An interviewee who is a member of the CGIL of Brescia<sup>26</sup> described the roles of UNAR and of the Civil Government as follows:

“There are two authorities with whom we can verify the possibility of a legal action: one is the UNAR, the other is the Prefetto, which must be the institution that ensures and supervises by-laws. It should. The prefectures sent letters to the municipalities in order to review their by-laws, but they have started doing this only recently, in the last few months. While the UNAR, I must say, every time we asked for an opinion they sent it to us...sometimes delaying sending a reply when it was a political issue, but not only in this case. But, overall it's the only tool we have. So, in terms of appropriateness, you should ask him” (BM, member of CGIL Brescia and of a no-profit association, advocacy coalition).

The European Union asked the member states to create bodies to guarantee equal treatment for people of all racial and ethnic origins in each country (Council directive 2000/43/CE). Italy founded UNAR, but this body can only give opinions and it does not deal with legal action in defence of people who have been discriminated against (Strazzari, 2010). Its lack of power depends on the fact that it is not an independent body, as BM said:

“UNAR has been founded within the Prime Minister’s Office. It is already an anomaly. It should be an impartial body, as in all other countries, an independent body that oversees discrimination issues involving citizens at all levels. So in the other countries it is a third and separate body whereas here it is government-based, it is a body that is actually incorporated into the government” (BM, member of CGIL Brescia and of no-profit association, advocacy coalition).

At the same time, the Ministry of the Interior did not intervene in the local policies of exclusion, even though trade unions sometimes tried to get it involved. BM affirmed that the Ministry declared that it was not involved in the administrative activities of municipalities<sup>27</sup>. Generally, the national government did not intervene in the local policies of exclusion, based on the consideration that certain issues can (and should) be dealt with by local governments, thanks to the legislative decree 267/2000 (which gave more power to local administrations) and the Security Package of 2008-2009. Some members of the national government or of the Parliament intervened by only giving their opinion about some regulations, probably to give great political resonance to a particular issue and to attract the attention (and consensus or opposition) of the public.

With the exception of these declarations by politicians, many issues regarding the inclusion/exclusion of immigrants (e.g. the ban on wearing the burqa or niqab) have not yet been thoroughly discussed at the national level.

The CGIL of Brescia also tried to involve the European Commission, especially as regards those discriminations contained in policies that were considered particularly serious. In these cases the European Commission can open an infringement procedure and sanction the states. Nevertheless, the process is very long and the CGIL of Brescia is still waiting for an answer from the European Commission.

As regards immigrant associations, they were absent in these processes. CF, a member of the no-profit association Arci<sup>28</sup>, said that in Milan there are many groups, many little associations which are not

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<sup>26</sup> The interviewee is also part of a no-profit association whose aim is to defend human beings’ rights and to promote solidarity among people. The Association is part of the advocacy coalition that fights against the local policies of exclusion.

<sup>27</sup> Indeed, when most by-laws were introduced, the Ministry of The Interior was Maroni, a member of the Northern League, who also supported these policies of exclusion.

<sup>28</sup> Arci is a no-profit association whose aim is to promote social cohesion, peace, and equal rights. It is part of the advocacy coalition that fights against the discriminatory measures targeting immigrants.

well organized or officially recognised. As a consequence, they have no power to act and they rely on Italian no-profit associations, like *Arci*. These Italian associations become the link between immigrants and Italian institutions.

The opposition political parties also have no power: the by-laws are formulated by the mayor in the Municipal Council (which consists of people chosen by the mayor) and then come into force. They are not voted on in the City Council. As a consequence, it is impossible for the opposition in the City Council to oppose the measures.

In many interviewees' opinions, the opposition did not strongly oppose the proposals, because the themes of urban security and immigration were two sensitive issues: there is the risk that the opposition will assume unpopular positions with the electorate. By contrast, a politician from the opposition in Tradate said that his party decided not to oppose drastically because it did not want the issue to become only political:

“There was a big risk in bringing the issue into political discussion, i.e. to provoke a closure from the other parties; it could become “you did it for political reasons”. Both I and my political group for which I was the coordinator were not interested in making a political battle in order to collect votes...well, I don't know how many votes you can collect in these little contexts...but it was not important. The important thing was to do the right thing and do it in order to communicate the message. The message was that we need to think about what being a citizen means, about the fact that immigration cannot be considered only when we talk about the labour market. The message was that living together should be built up day by day, without discrimination, because there is the stereotype that immigration is synonymous with illegality” (RM, City Councillor of the opposition - Democratic Party- in Tradate's municipality).

Because the opposition decided not to intervene, RM tried to involve the local no-profit associations, in order to mobilise the civil society and fight against the so-called “bonus for babies” by-law<sup>29</sup>. Some Italian citizens, therefore, participated in the process. Nevertheless, they encountered many difficulties. In fact, when they tried to collect signatures to petition against the by-law, many people and associations which had previously been willing to sign and participate, withdrew from the initiative. A citizen who was part of a Catholic no-profit association and participated in collecting signatures explained the matter as follows:

“While I was talking with the no-profit associations some concerns emerged, some fear...in Tradate the Northern League means power, economic power, political power, power from all points of view. The Northern League has governed for many years...so the whole thing became difficult to face. But I said “let's set up a spontaneous committee and organize a public meeting. And in the public meeting we can ask citizens how they feel towards this ‘bonus for babies’ ...because Tradate's citizens are Catholic!” (SE, member of a no-profit association in Tradate, advocacy coalition).

Even though the association encountered many difficulties<sup>30</sup>, it involved the Association of Pro-Bono lawyers and finally organized a public meeting to talk about the by-law and communicate their victory after the judgment.

In fact, whereas the by-law was discussed in the mass media and resulted in discussions among politicians and the public, the judgments were not often released adequately and people generally did not know how the trials had ended. But this is consistent with the aim of the local governments: they were mostly interested in spreading the message that citizens were protected against immigrants.

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<sup>29</sup> See note 8 for more information about the contents of the by-law.

<sup>30</sup> Opposition came from the same association and from people linked to other Catholic groups. SE supposed that they received threats of cutting funding from the municipality, and for this reason they decided not to expose themselves.

Similarly, the verdict of the Constitutional Court regarding the power of mayors on the issue of urban safety is not known at all by the public. In fact, after some years of legal battles among civil society actors and municipalities who enacted the by-laws, in April 2011 (judgment n. 115) the Constitutional Court specified that the by-laws are extraordinary tools to deal with urgent and pressing issues. They can be used only for extraordinary events, for emergencies, and for a limited period of time. So, the mayors did not manage to introduce any by-laws on the issue of urban security and public decorum, unless they were pressing and urgent<sup>31</sup>.

Nevertheless, in the last few months the municipalities have adopted new strategies to reach their aims, while avoiding indictment. For example, they produced internal guidelines for their administrative staff, took ordinary measures (e.g. modification of urban planning in order to remove Roma camps), modified the city police regulations<sup>32</sup> or introduced new trading rules. In this way they reached the same aims as those of the by-laws: they adopted discriminatory measures without introducing by-laws but simply by modifying internal guidelines. Besides the fact that in this way they can not be indicted, they can also hide the discriminatory acts more easily. As SA, a member of Brescia's CGIL said:

“The approach is not to introduce by-laws but to introduce internal guidelines, which are much more difficult to obtain. They make police regulations, the tool is different. Some of the more daring municipalities pass resolutions about adopting guidelines, e.g. “in order to be registered in the Registry office it is necessary to do this”. So, there is no longer a unilateral act of the mayor, it changed a year ago. Why? The by-laws are condemned, whereas internal guidelines are measures where I, as the head of your department, as the mayor, tell you, who are my representatives at the Registry office, that you have to do things this way to register someone with the Registry office. It is often an internal letter, it is not easy to obtain it, you cannot find it on the Council Notice Board. So, either you have a personal contact inside the municipality or there is a person who tells you “they refused to register me”, so you try to understand, you try to reconstruct everything. I repeat, it is not easy to obtain these measures” (SA, member of CGIL Brescia, and of a no-profit association, advocacy coalition).

Even though the Constitutional Court introduced judgement n. 115/2011 and the municipalities lost the legal battles, some political actors still continue in their attempt to discriminate against immigrants and to create boundaries between Italians and immigrants.

The frames used to justify their intentions and actions will be the subject of the following paragraph.

### ***3.2. The aims of local policies of exclusion: frames of mayors and local politicians***

#### ***3.2.1. Frame 1: urban security***

Analyzing the content of the local administrations' policies and their statements to the mass media, the main reason for these regulations was to guarantee urban safety, protect urban decency and preserve the hygienic conditions of the cities. The mayor of Gavardo, a little city in the Lombardy region, introduced a city council regulation which ordered checks on the condition of houses every time someone changed their address. Within the by-law there was a list of the city centre streets to be checked, where the most of the immigrants lived. The mayor declared that his by-law was:

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<sup>31</sup> But they can introduce other kinds of measures in order to achieve the same aims, i.e. to exclude migrants (e.g. the so-called “bonus for babies”).

<sup>32</sup> The modifications to police regulations are discussed and voted on in the City Council. When they are approved they introduce a long-term change.

“aimed at the preservation of public and environmental health...We believe that the best way to defuse the risks caused by the excessive concentration of immigrants is to make sure that they find accommodation in other areas of Gavardo” (Giornale di Brescia, 22 April 2010).

The mayor seemed to declare that in order to protect public health it is necessary to avoid the concentration of immigrants in specific areas of the city, as if to say that immigrants cause diseases and urban decay. This is a classic rhetorical strategy, i.e. creating two categories, the ‘clean’ and the ‘dirty’ people, the “true citizens” and the outsiders: the aim is to separate immigrants from natives, to distinguish between ‘us’ and ‘them’<sup>33</sup>.

The mayor of Calcinato, another small city in Lombardy, claimed that, in order to guarantee public hygiene, it was necessary to establish criteria to let immigrants register with the Registry office. Her by-law stated that those who wanted to register had to prove they earned the minimum wage. She said:

“imposing criteria to register with the Registry office and guarantee a decent standard for the houses is becoming a necessity because of a sizeable flux of immigrants” (Bresciaoggi, 1 April 2010).

In the mayor’s opinion the large number of immigrants was linked to low standards, so it was necessary to take certain steps. The principal (though not always declared) aim was to discourage the arrival of poor families which consequently weigh on the local public services. Besides that, another common frame was used: “immigrants are too many in number, their number has increased too quickly in only a few years, and in an uncontrolled way”. Another aim was therefore to spread among the public the idea that an invasion of immigrants had occurred.

In many mayors’ opinions, urban security could (and should) be guaranteed by controlling the places of worship, banning the construction of mosques, and preventing Muslims from worshipping together. They stated that in the mosques there are many fundamentalist Muslims, who are therefore suspected of supporting terrorists. In Trenzano, a little city of about 5,600 inhabitants, the representative of an Islamic cultural association had asked the Municipality to recognise a place of worship but the Municipality refused to give him the permit. By contrast, the Municipality introduced a by-law which banned the opening of new mosques and Islamic cultural centres. The Municipal Councillor of Culture defined the issue of immigration and of Muslim communities as “complex problems” and said:

“The ban on the construction of mosques is an assumption of responsibility by those who govern the community in order to reassure the public. The issue of mosques is one of both urban planning and public security. The rules of the plans are not respected and the centres become centres of active proselytism and of fanatic religious-political propaganda over which no control is possible because the language spoken is unknown to most people including the police” (Giornale di Brescia, 16 December 2009).

The councillor does not quote the issue of religion per se as the main problem, but rather refers to the issue of respecting urban standards and the risk of attracting terrorists. Once again, the concerns regard control, public security and urban decorum. Like Trenzano, the Municipality of Brescia was worried about standards in the city, and to this end the Mayor introduced a by-law which banned the opening of new take-away restaurants in the city centre. A municipality councillor declared:

“we are facing an emergency related to local shops and decency, and avoiding the invasion of the centre is the right thing to do” (Bresciaoggi, 22 April 2010).

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<sup>33</sup> Moreover, this rhetorical strategy is often used to represent Roma, who are usually described as dirty and dangerous.



Invasion, public decorum, urban safety and public health are words which are usually used by the right-wing politicians to talk about immigration, to spread anxiety among the public and consequently to justify their by-laws.

The slogans used in their public discourses were powerful and hard-hitting. As NM (a Regional councillor of the Northern League) said, the aim was to attract the attention of the electorate. Nevertheless, the consequence of this strategy was that the Northern League party was (and still is) accused of being a xenophobic party. In NM's opinion, beneath these strong slogans there was a well-structured thought: the control of cities is necessary to favour integration. Unlike those who think that the Northern League is racist, the party is in favour of the integration of immigrants but only under certain conditions, i.e. immigrants have to respect Italian rules and laws:

“the concept of respect of the host country has to be present. So it is not a law that wants to assimilate the others to our values and our traditions, but a law that says: you can keep your traditions and your culture but you have to respect and know the culture of the country which hosts you. And so you have also to recognize those values that represent this society, because it is in any case a country that is hosting you. So, at least you have to know the Constitution, what the laws are, what the rules are. So this law fits into this logic” (NM, Regional councillor of the Northern League, promoter of the so-called “Harlem law”<sup>34</sup>).

Regulations were introduced to control, regulate and make immigrants respect Italian laws.

### ***3.2.2. Frame 2: necessity to be selective in welfare provisions***

A second frame the mayors use to justify the local policies of exclusion is the scarcity of resources, and consequently the necessity to be selective in allocating them. In their opinion the by-laws are necessary because there are very few economic resources to meet social demands. So access to social benefits has to be regulated and aid cannot be given to everybody, but the resources have to be set aside for Italians. The frame is: “First Italians, then immigrants”, i.e. “Italians have rights because they are citizens, whereas immigrants are guests, they are not part of our nation, so their rights are secondary to ours, or at the extreme they have no rights”. This is the case of Chiari, a little city in the Lombardy region, where a public competition was set up to award computers to the best students. But only students with Italian citizenship and who were registered in the Registry office of Chiari Municipality could participate in the competition. The by-law was brought to trial by some civil society actors with the support of the Association of Pro-Bono lawyers, and the court's judgement ordered the Municipality to change or revoke the public competition. Despite this, the mayor continued to claim that he acted correctly:

“We don't believe we were discriminatory...the no-profit associations which deal with immigration want all rights to be guaranteed for immigrants as they are for Italian citizens. Without considering that they are guests in another country” (Giornale di Brescia, 8 March 2010).

The idea of “immigrants as guests” is another very frequent frame among local administrators and administrative staff, and one which justifies the exclusion of immigrants from social benefits. In the case of Calcinato quoted above, in the opinion of a Regional councillor (a Northern-League politician)

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<sup>34</sup> The “Harlem law” is a Regional law proposed by some Regional councillors of the Northern League – including NM – and was introduced in February 2012. The aim is to regulate and check specific economic activities, i.e. massage parlours and food shops, imposing certain criteria, such as understanding the Italian language, the display of commercial information in Italian, the possession of a vocational qualification to open a massage parlour. In April 2012 the national government challenged the law at the Constitutional Court. The verdict is pending.

the city council regulation that required a minimum wage in order to register with the Registry office aimed:

“to regulate correctly and coherently each flow and every request for residence in order to ensure the effective availability of municipal services to those who actually have the right to them, based on effective and efficient management” (Bresciaoggi, 4 April 2011).

In the discourses of these social actors the most frequently used words are “rights, guests vs. citizens, efficient and effective management”. The declared aim was to control every flow, guarantee efficiency, and give social benefits only - or giving priority - to Italian citizens.

### **3.2.3. Frame 3: defence of Italian identity and culture**

Finally, the third frame used by mayors to justify the policies of exclusion was based on the defence of Italian identity, history and culture. The clearest example is the so-called “anti-kebab regulations”, which were introduced into many Italian cities in the north (Brescia and Bergamo in the Lombardy region, or Bussolengo near Venice) and in the centre (the cities of Reggio Emilia, Prato, Lucca) of Italy. The core of these by-laws was to regulate the opening times of food shops (e.g. Brescia, Reggio Emilia); to ban the opening of new kebab shops (and also phone centres) in the city centre and near places of worship, hospitals and schools (Bussolengo); to ban non-traditional activities in the city centre (Prato); to ban the opening of new businesses “whose activity can be linked to different ethnic groups, in order to preserve the traditions related to foods and the architectural, structural, cultural, historical and decorative traditions” (resolution of the City Council of Lucca n. 12 on 22<sup>nd</sup> January 2009).

In these by-laws it was clearly written that traditional foods have to be preserved, in contrast to the selling of kebabs, which are not a traditional food and which are considered unhealthy. This concept is expressed more radically by mayors and politicians in the mass media. As a local politician of the Northern League in Brescia said:

“The activities managed by immigrants are colonizing our suburbs, we have to stop this phenomenon in order to avoid entire neighbourhoods becoming places where Italian is the real foreign language” (Il Brescia, 28<sup>th</sup> April 2010).

In these cases the by-laws are justified because of the preservation of the Italian language, typical Italian foods, and Italian history. Contamination of and changes in Italian cities, culture, and habits are not permitted, whereas the by-laws are useful:

“in order to really protect the historical centres of the cities from the monopolising presence of ethnic activities which are not at all consistent with the history of our city” (Bresciaoggi, 10<sup>th</sup> March 2010).

The necessity to preserve Italian culture and traditions from the “invasion” of immigrants is particularly intense in the case of living alongside Muslims. In this frame, Muslims are seen as a threat not only because they are perceived as being very different in terms of language, culture, religion and dress (i.e. the burqa) but also because their followers are considered religious fanatics. For these reasons the construction of mosques or places of worship has often been obstructed hindered by local and national governments. A case in point is the mosque of viale Jenner in Milan, which was not a real mosque but a place where many Muslims met to pray. After a long debate the mosque was not formally recognised and was then closed. Even now the Milan Municipality has not yet found a final solution for giving a suitable place of worship to Muslims living in Milan. Another case in point is Trezzano, mentioned above, where a by-law which banned the opening of mosques and Islamic

cultural centres was introduced. A politician of the Northern League who is also a member of the Senate declared:

“the roots of Italy are Christian: we don’t want any mosques in Trezzano” (Giornale di Brescia, 22<sup>nd</sup> March 2010).

and another politician of the Northern League:

"Neither in Trezzano nor around the North...we must defend our society and our culture if we do not want to be overwhelmed" (Giornale di Brescia, 22<sup>nd</sup> March 2010).

These two politicians participated in a demonstration against the Islamic cultural centre whose slogan was, significantly: “Trezzano padana, mai musulmana” (transl.: Trezzano of the Po Valley, will never be Muslim”).

The necessity to defend Italian citizens, their identity and rights from immigrants, who are perceived as guests, is confirmed by an interviewee. SA was a City councillor during the centre-right administration of Milan (2006-2011) and he promoted stricter regulation and control of Islamic places of worship in the city. Even though he declared that he was not totally in favour of the by-laws, he also sustained the necessity “to guarantee security and respect of the constitutional principles of our culture and our tradition”. In his opinion the most important thing is not to offend Italians:

“There is a problem of respect for the vast majority of the Italian population that was born and grew up in Italy and has a Christian culture. And the presence of a significant building, maybe with the minaret, or things like that, would have undoubtedly affected the sensitivity of the overwhelming majority of the population that have to be kept in mind...let's say that in a democracy the majority counts for something” (City councillor of PDL - centre-right party - in Milan from 2006 to 2011).

Even the construction of buildings which are architecturally different from most of the buildings is perceived as offensive for Italians. This difference, together with the religious differences, has to be controlled in order to preserve Italians’ identity, culture and tradition.

In summary, there are three principal frames that the mayors and the politicians use. The first frame is guaranteeing urban security and decorum. This can be achieved by controlling immigrants: the hygiene standards of their houses and shops, their legal situations, their economic resources, their criminal records. The main words used in these discourses are: urban security, urban decency, invasion, and emergency. They use a typical and current frame: the idea that immigration is a danger and should be dealt with using emergency tools.

The second frame is the shortage of economic and social resources. The by-laws are necessary because they set out some conditions in order to have access to social benefits, e.g. being Italian citizens or being registered with the Registry office of a municipality for some years. The rationale is: because resources are scarce, Italians have the right to access social benefits, whereas immigrants have fewer rights because they are guests and they are not part of the Italian nation. Their rights are secondary to those of Italians, or at the extreme they have no rights at all. In this case the main aim is to defend a supposed priority of Italians, whose social rights have to be guaranteed prior to those of immigrants<sup>35</sup>. Finally, the third frame is linked to the defence of Italian identity and culture. Immigrants are seen as a threat to Italian culture, traditions and values, and their customs pollute Italian cities. Exclusion takes on a more symbolic meaning linked to identity. The by-laws help to preserve Italian history and culture from the invasion of immigrants.

The three frames contribute to constructing and reinforcing the boundaries between “us” and “them”, between the natives, who represent the civilised world, and the foreigners, who are seen as uncivilised

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<sup>35</sup> This frame is, among the other things, particularly appreciated by the weakest component of the Italian population.

and dangerous, because they threaten urban security and the Italian culture with their presence, their way of living and their customs.

Regardless of the frame used, these measures did not appeal to many civil society actors, who opposed them not only through public protest but also through legal action.

### **3.3. Opposition to the local policies of exclusion: frames of civil society actors**

The main social actors who opposed the local policies of exclusion were two of the major Italian Trade Unions, i.e. CGIL and CISL, some organizations linked to trade unions such as the National Beyond the Borders Association (Associazione nazionale oltre le Frontiere) (ANOLF<sup>36</sup>), some no-profit organizations, the Caritas, the Associazione Avvocati per Niente (transl.: the Association of Pro-Bono Lawyers) and the Association for Juridical Studies on Immigration (Associazione per gli Studi Giuridici sull'Immigrazione, Asgi). But opposition was also made by some citizens and politicians, especially those who lived in the cities where the measures were introduced and who were directly involved in the consequences of these local policies. As mentioned previously, immigrant associations hardly intervened at all, but we suppose that this depends on their lack of power and representation, besides the fact that they are mostly cultural, social or religious associations<sup>37</sup>.

The most current frame used by these social actors was the discriminatory nature of these regulations. In the declaration in the mass media the words used by them to describe the by-laws are “xenophobic initiatives”, “racist acts”, “pure racism”, “apartheid climax” and the mayors are defined as “mayor sheriffs” (Bresciaoggi, 10<sup>th</sup> April 2011). One of the most active actors, the CGIL of Brescia, through its secretary stated the following:

“these by-laws are cases of shameful discrimination which produce tension, fights among the poor, unacceptable social exclusion in the territory. We are in a situation of systematic discrimination, in which inalienable rights are violated. We cannot tolerate this shame anymore” (l'Unità, 29<sup>th</sup> April 2010).

In the interviewees' opinion, the aim of these measures was not only to discriminate against immigrants but also to obtain political consensus from the public. As a member of CISL said:

“During the electoral campaigns they play on this fear. Mistrust, fear of others, painting a black picture of them [immigrants] , just to bring out those instincts that are probably natural, which are inside all of us, which are about mistrust of those who arrive from another country. And they go against them with electoral posters, like “No gypsy cities” .They rely on that for electoral gain” (MC, member of CISL Milan, Department of Immigration Policies).

Besides the fact that the aim is only to obtain political consensus, the interviewees outlined that many of these by-laws were inapplicable:

“My evaluation was quite disheartening. I saw a repressive attitude in those by-laws. From the technical point of view they were very badly written, cut and pasted one from another, with only political propaganda purposes, to obtain electoral consensus, because...in that period the most debated issue was urban safety [.....]. But some of them were also inapplicable...for example that by-law about begging: if one begs, he/she has to pay a 500 € fine...where does he/she find 500

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<sup>36</sup> ANOLF is a no-profit association linked to CISL. It was founded in 1989 and its aim is to promote an equal multiethnic society, and to fight against racism and discrimination.

<sup>37</sup> See paragraph 1.3 for more information on the role of immigrant associations in Italian society.

€? It was demagogy. One did not realize that these measures were inapplicable, even in a concrete sense” (PI, member of Caritas, Immigration Office, Milan).

Because of their inapplicability, in some interviewees’ opinion the main aim was not to apply them concretely but to canvass, to attract citizens’ attention to an issue that could find consensus among the public. One citizen of Tradate, who is also a member of the City Council and of a left-wing party, summarised this concept very well:

“I remember the patrols...where did they do the patrols? I have never seen them. In Tradate nobody patrolled as a volunteer. They have made such a mess, they have made people notice them...so, it is more a thing of media coverage, to put together a certain electorate rather than to reach concrete results. I don’t think that the birth rate has increased in the last three years, I tell you frankly. I might go and see but I do not think it has increased<sup>38</sup>. I don’t think, you know, that where you could not eat kebabs or ice cream outside the food shops, people doesn’t really eat them...I see that people eat quite easily outside food shops and I don’t see any policemen fining anyone. So, I repeat, there is a media objective rather than a concrete aim” (RM, City Councillor of the opposition - Democratic Party - in Tradate’s municipality).

Apart from the short-term effects, i.e. gaining political consensus, the interviewees are worried about the long-term effects of these by-laws. CF, member of the no-profit association Arci, described the consequences of the by-laws and of the electoral propaganda of the right-wing parties in the last years:

“It is obvious that the previous government had a specific political agenda. Calderoli, Borghezio and Maroni<sup>39</sup> have a specific cultural and political theory, defining it as racist is a little...xenophobic. It is a political thought that has found confirmation, they were elected... And surely the Berlusconi-Northern League period legitimised anti-immigration, it gave political legitimacy to say things that previously people tried not to give legitimacy to. To say those things was certainly not a civilized thing to do. So they have legitimised them and have carried forward a political and cultural project that the Northern League continued to spread in its territories. It is a mechanism that is as old as the world, i.e. in a time of economic and identity crisis, people close up like a fortress, close up against the enemy, against the Others, against the invasion. I noticed that racism has become an almost founding element of relations. If you look at the news, there is an increase in racial tension...I don’t know if we can call it racism, it is just focusing hate on someone else” (CF, member of a no-profit association, advocacy coalition).

An important issue that CF quoted is the creation of boundaries between “we” and “they”. The radicalisation of such a division can lead to conflict, as BM said:

“Faced with something no one knows, after all...faced with an attitude of suspicion which is continuously spread, and which creates social alarm and mistrust of others, even neighbours, and not necessarily foreigners...not only foreigners...and the fact that security issues are continually raised, but from a virtual point of view to make people to think it is an actual imminent problem, creates a sort of alarmism against everything that might cause problems...this means that, instead of educating people to live together and to negotiate possible conflict, it stirs up opposition, radicalizes fears, leads to actual social conflict” (BM, member of CGIL Brescia and of a no-profit association, advocacy coalition).

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<sup>38</sup> He is referring to the by-law introduced in Tradate which paid out an amount of money for new babies, as long as they were born to Italian parents who had been resident in Tradate for 5 years. The declared aim was to increase the birth rate of Italians.

<sup>39</sup> These are three politicians of the Northern League Party. Maroni was also the Minister of the Interior until the appointment of the technical government led by Monti.

The boundaries between “we” and “they” were based on the distinction between citizens and guests (or no-citizens, cf. Cornelli 2010), the insiders and the outsiders, those who have rights because they are part of the nation-state and those who do not have rights (or have fewer rights) because they are foreigners. The policies of exclusion, therefore, aimed to reassure the native 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 (Ambrosini 2012).

The attempt to exclude immigrants from some rights met with opposition from experts in law and also from the courts, which passed judgments against the by-laws. The Association of Pro Bono Lawyers, but also other lawyers involved in the trials justified their accusations based on the defence of certain rights.

Specifically, the by-laws violated the inalienable rights of people, such as the freedom of religion or personal freedom, the right to education, the right to move (Lorenzetti 2010b). But sometimes they also violated welfare rights. Although in this case it is more difficult to define those who have these rights and those who do not because of their cost for society. There are some essential health services that should be guaranteed for everyone (Ravelli 2010). The lawyers also said that the by-laws were illegal because they did not respect the Italian Constitution and the immigration law (l. n. 40/1998), which affirm that “it is considered discrimination any behaviour that, directly or indirectly, involves distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin, religious beliefs and practices, and that has the purpose or the effect of destroying or compromising the recognition, enjoyment or exercise of human rights and of fundamental freedom in political, economic, social, and cultural life and in any other field of public life” (art. 41, l. 40/1998).

This is the frame used in courts, where the Association of Pro Bono Lawyers, usually in collaboration with the trade unions, fought against the by-laws. But this is also the frame the courts used to condemn the local policies of exclusion: in almost all the judgements the reason why the by-laws were banned was the fact that they were discriminatory and they damaged the fundamental rights of immigrants.

An interesting aspect that emerges in the interviews is the idea that the by-laws are a symptom of something bigger, i.e. a general climax of discrimination which materializes in many aspects of social life and in everyday social relations:

“The legal thinking but also the cultural thinking of both left and right wing political formations is that they always start from the assumption of “we” and “they”. That is, they don’t try to find a legislative procedure to facilitate the “integration processes”...if we want to use this term, even though I do not love it...in short, the “processes of responsible co-existence between people”. It’s all about: the tax on residence permits to collect money, retirement on which there is not enough information, i.e. on the possibility for foreign citizens receiving it according to bilateral agreements among countries. In short, there is a lot of information given that creates an enemy. And the whole thinking is based on this, on this thing. And then you take for granted that the by-law on the kebab shop owners is to protect local trade. But...it means that there is something...the class C and class A citizens. So the by-laws are a corollary of a climate that is built and functional...” (CF, member of a no-profit association, advocacy coalition).

In CF’s opinion the tendency to distinguish between “we” and “they” is also evident in the legislation on immigration, which hinders the process of integration. The local policies of exclusion contribute to strengthening this climax and to legitimising certain discriminatory discourses.

GT, a member of a no-profit association which deals with immigrants, suggested that this approach to immigrants can be easily shared by citizens, who think they are threatened by the presence of foreigners, especially in a period characterized by social and economic crisis. Nevertheless, the effects are serious:

“The by-laws are very effective but in my opinion they have very serious effects, because beyond the stupidity of the by-law itself, the message is very serious. The fact that an institution, which by its very nature should handle public affairs, because it is above all and in defence of everyone, takes a position like this, i.e. legitimizes attitudes, thoughts, ways of doing things... and in daily life people might be fed up of experiencing injustices or being cast aside ...it becomes a cultural thing. There is a heavy cultural effect, i.e. division, in other words “us” and “them” ” (GT, member of a no-profit association, advocacy coalition, Milan).

The effects are visible in everyday life, especially in the relations between immigrants and social services. GT declared that front desk officers often have prejudices and do not give certificates to immigrants because they are foreigners. This was the case for a Syrian man with dual Italian and Syrian citizenship who asked for a health services card but he was refused it because the clerk said that his passport was false.

Besides that, in Italian legislation there are some old rules and laws which are not appropriate now, in a society which has become multicultural. The case in point is the law regarding public sector jobs which states that only Italian citizens can be employed in the public sector. When the law was written the aim was to “defend the interests and the superiority of the nation”, as the lawyer FA explained. But now the law is inappropriate and the effect is that of discrimination against immigrants:

“In my opinion there is discrimination because our legislation has not yet been modified, changes have not yet been made...because parliament, the government make laws, so it is not really true that there are no political reasons...if the state integrated immigrants in all aspects of their lives, those who come here, live, work, produce, are part of our country...in the end everything is linked to the culture of a country, because...because probably, I know, there is not a great deal of willingness...” (FA, lawyer and lawyer volunteer for CGIL Milano).

The cultural climax legitimises certain behaviour and attitudes of Italians, who consider and treat immigrants as workers and not as human beings. FA outlined that the defence of their rights is easier in the big factories or in public services than within little factories:

“The employer says: ‘Today you're here and tomorrow there is another worker, it makes no difference to me, because I need a labour force’...this is the problem. So, the problem is the context where a person works. All people have rights, theoretically all people have rights. The difficulty is applying the law. Even for us as lawyers, it is much easier to defend a person who works in the public services, in a large factory. Defending a person who works in construction, or in trade, small businesses, bars...it is more difficult” (FA, lawyer and lawyer volunteer for CGIL Milano).

Discrimination occurs not only in the labour market, but also in other fields. The interviewees quoted some discriminatory episodes which are part of this general climax: the “for rent” signs which excluded immigrants for renting in Rome and Gerenzano (a little city near Milan) or the political posters on which slogans like “We don’t want Milan to become a gypsy city/an Islamic city”, which were posted around Milan during the political campaign for the election of the mayor in 2011. In this context the by-laws might obtain consensus from Italians, who feel protected by the institutions and feel that their rights are defended. This is also the reason why the by-laws made the news when they were introduced, whereas there was no news when they were condemned in the courts: their cultural message was more important than their actual enforcement<sup>40</sup>.

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<sup>40</sup> For the same reason many by-laws introduced in some municipalities were copied in others, although they had already been condemned in court. The main aim was to spread and reinforce anti-immigrant messages and discourses, rather than enforce the by-law.

In conclusion, the main frame used by civil society actors who oppose the local policies of exclusion is the defence of fundamental human rights. These policies in fact violate the unalienable rights of people, such as personal freedom or the freedom of worship. The interviewees distinguish between “us” and “them”, but in this case “us” consists of all those who defend global justice and equality, who fight for the respect of human rights; “them” are those who sustain and promote the local policies of exclusion and who are considered oppressive, antidemocratic, because they do not respect the fundamental rights of people. Thanks to this frame, the civil society actors fight against the local policies of exclusion and reinforce their identity as the upholders of democratic values and rights. Moreover, the construction of this identity proves particularly effective for some in an historical context in which the traditional political references are weakened.

#### **4. Conclusion: municipal xenophobia and multiethnic society**

Immigration is not usually accepted in a peaceful way by the receiving societies. In the last few years, the politicization of the issue, its growing importance on the political agenda, the influence of international political events, such as the terrorist attacks in U.S. and Europe, have created a tendency to tighten the rules of entry and residence in the receiving countries (Balibar 2006), to be more rigorous towards irregular migrants (Engbersen and Broeders 2009), to demand new ways of assimilating immigrants culturally (Joppke 2007). Moreover, in several European countries new political formations have been created, which draw up political programs that are explicitly hostile towards immigrants and cultural and religious minorities (Albertazzi and McDonnell 2008).

They have often achieved significant electoral victories, consequently causing a hardening of the positions of the traditional conservative parties, which are particularly threatened by the loss of consensus.

The Italian case fits into this scenario, while heightening the contradictions. The country has received over 5 million immigrants in just over twenty years, employing about 3 million immigrants in various ways. Several economic sectors depend to a greater or lesser degree on immigrants' work, not to mention their contribution to the "invisible welfare" of domestic services and care in families. By contrast, on the cultural and political level, most Italians have reacted negatively to the transformation of the country in a multi-ethnic sense (Valtolina 2010), giving their support to political forces and programs which are explicitly hostile towards immigrants and religious minorities. This is particularly evident in the wealthiest and most modern regions of the country, those which actually receive the largest number of immigrants (Ambrosini 2011).

We could therefore affirm that in the last few years Italy has taken some steps backwards in terms of openness to cultural and religious pluralism. The local policies which we have considered in our analysis are a significant example of this. They fit into a specific context, that of an important region (over 9 million inhabitants) where the Northern League has prominent roles in many local governments, and has effectively imposed the approach to be adopted by the centre-right coalitions (Cento Bull 2010).

However, the local policies of exclusion suggest a broader range of considerations. The policies of exclusion in the Lombardy region indicate an unease throughout Europe as well as in the U.S. (Hagan, Rodriguez and Castro 2011).

The first observation concerns the political use of xenophobia. At a time of economic crisis, political forces and local governments may be tempted to seek a low-cost consensus exacerbating tension between natives and new residents. The main cultural and symbolic effect of the local policies of exclusion is to mark the boundaries between "we" and "they", between the legitimate "owners of the land" and newcomers who expect to settle. Local authorities present themselves as the defenders of the community against a hypothetical invasion by foreigners, who are threatening citizens in three ways: personal safety and public order; the distribution of benefits by a local welfare system whose resources are already limited; the cultural and religious identity of the country. The enforcement of these



measures and their implementation, the ability to achieve the promised results become secondary issues: the impact is essentially rhetorical, the real purpose is to obtain the consensus of the voters, i.e. Italian citizens.

Besides that, local authorities demonstrate their power to tolerate (King, 1976) through local policies of exclusion: tolerance is possible and it is exercised when immigrants do not damage the “social cohesion”. The basis of social cohesion is solidarity and solidarity is possible when values, norms and beliefs are shared. Nevertheless, solidarity is not feasible if there is too great a difference (Shiffauer, forthcoming). Because the risk is the disintegration of society, claims for difference should not be tolerated, even though they should be tolerated in the name of liberalism. The possibility to open kebab shops in the city centres is a case in point. Economic freedom is linked to the right, to private property and initiatives, and it is the fundamental basis of a liberal system. Nevertheless, it is obstructed through the local policies of exclusion because it could threaten social and cultural cohesion, permitting the opening of new shops which highlight the establishment of cultural practices which are different from the traditional Italian ones. A national narrative prevails, i.e. the “unity of the nation” narrative (Shiffauer, *ibid.*).

Besides claims that should not be tolerated, in local authorities’ discourses other claims must not be tolerated, because they infringe on the rights of Italians. Receiving social benefits and being sustained by the welfare state are rights of citizens, not of foreigners. Immigrants’ demands (e.g. to have access to bonus for new babies in the same way as Italians) must be therefore obstructed. Finally, other claims cannot be tolerated because tolerating them is a risk to urban security. The permission to build places of worship is a case in point. This claim cannot be tolerated because to allow certain actions and practices is potentially harmful to society, especially when the claim is made by Muslims.

The domain of non toleration lies on the boundaries of what *should not* be tolerated, *must not* be tolerated and *cannot be tolerated*. The policies of exclusion are therefore a message that risks legitimizing other more serious forms of intolerance, hostility and discrimination (Ambrosini 2012).

A worrying consideration follows: fundamental democratic institutions, such as the citizens’ votes, freedom of expression and the value of local autonomies can be manipulated in order to legitimize institutionalized forms of discrimination and intolerance. The literature on local policies for immigrants has so far emphasized mainly good practices and progress related to the national regulations (e.g. CLIP Network 2010), but we also have to pay attention to the policies of closure and their cultural effects (see Mahnig 2004).

Political conflict about the measures concerning immigrant minorities, however, highlight that the local policies serve as a field of confrontation between social actors and between different opinions, which is open to undefined outcomes. The presence of controlling institutions is important (e.g. the authorities of the state and especially the magistrates) and particularly the vivacity of a heterogeneous advocacy coalition which defends immigrants.

Their defence is based on the necessity to guarantee human rights. In their discourses and practices the concepts of tolerance, respect or recognition are not used, but their position is more radical: the issue at stake is not to draw boundaries among what should/must/can/could be tolerated, respected and recognised, but to protect people from being damaged in their basic human rights, such as the freedom of religion, the right to own private property and economic activities, personal freedom. Human rights must be guaranteed, any debate is therefore meaningless.

Radical social movements, traditional trade unions, voluntary associations, associations of lawyers which are socially active and the Catholic institutions are all on the same side, and oppose the policies of exclusion. Some of these social forces pay the costs and they have to deal with problems of internal consensus: among members of trade unions xenophobic attitudes can be perceived such as within the Catholic Church the official pro-immigrant approaches are in contrast with widely shared thoughts among believers, within some associations and in some of the clergy.

The commitment of these social forces, which is firm and coherent towards the most open forms of discrimination, can weaken when the policies of closure take on more nuanced and ambiguous traits (e.g. when the policies claim to defend the rights of women or children against patriarchal traditions which are ascribed to immigrant families, typically Muslim families).

In any case, the struggle over immigration policies is also an important device for identity purposes: it helps to define them as strident defenders of human rights, against the forces that rule many towns, counties and regions in Northern Italy.

An aspect that remains weak in the Italian experience is related to the political protagonism of migrants and their associations. Their ability to intervene in local policy issues has so far been scarce. The legal difficulty of obtaining citizenship and the right to vote, even locally, is certainly a serious obstacle. The fragility of immigrant associations, which are not well supported by public funding, is one consequence. At the same time it helps to explain the weakness of the immigrants' voices. It is generally only through indirect channels, such as trade unions, that some immigrants have so far been able to obtain a public role.

The development of the values of tolerance and of cultural and religious pluralism in Italy therefore needs a watchful and combative civil society. The fact that immigrants' rights are defended by important social actors of Italian society, such as trade unions and the Catholic Church, has contributed to producing significant progress as regards regularization procedures, family reunions and the legal safeguards of resident immigrants. Nevertheless, immigrants should have a more important role as political actors. There is still a lack of stronger participation of immigrants and their associations in the public debate and in the local governance of those processes regarding the transformation of Italian society in a multiethnic sense.

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## Annex 1

### *List of interviews*

- No 1. EG male, lawyer and legal practitioner, professor of public law and administrative law at the university, interviewed on 25th November 2011, Milan
- No 2. MO male, lawyer and member of the Association of Pro-Bono Lawyers, actively involved in the trials against the by-laws, interviewed on 28th November 2011, Milan
- No 3. BM male, member of CGIL (trade union) Brescia and of a no-profit association, advocacy coalition, interviewed on 19th December 2011, Brescia
- No 4. SA male, member of CGIL Brescia and of a no-profit association, advocacy coalition, interviewed on 19th December 2011, Brescia
- No 5. MC male, member of CISL (trade union) Milan, Department of Immigration Policies, advocacy coalition, interviewed on 22nd December 2011, Milan
- No 6. PI male, member of Caritas (a charity), Immigration Office, advocacy coalition, interviewed on 13th January 2012, Milan
- No 7. CF female, member of the no-profit association Arci, advocacy coalition, interviewed on 16th January 2012, Milan
- No 8. PL male, member of CGIL Milan, Department of Social Policies, advocacy coalition, interviewed on 16th January 2012, Milan
- No 9. GT male, member of a no-profit association, advocacy coalition, interviewed on 18th January 2012, Milan
- No 10. RM male, City Councillor of the opposition (Democratic Party) in the Tradate municipality, interviewed on 21st January 2012, Tradate
- No 11. SE female, member of a no-profit association in Tradate, advocacy coalition, interviewed on 21st January 2012, Tradate
- No 12. AS male, professor of constitutional law at the university, member of the Association for Law Studies, interviewed on 24th January 2012, Milan
- No 13. FA female, lawyer and volunteer lawyer for CGIL Milan, actively involved in the trials against the by-laws, interviewed on 26th January 2012, Milan
- No 14. NM male, regional councillor of the Northern League, promoter of the so-called “Legge Harlem” (transl. Harlem law), interviewed on 12th April 2012, Milan
- No 14. SA Male, city councillor of PDL (centre-right party) in Milan from 2006 to 2011, interviewed on 19 April 2012, Milan

## **Annex 2**

### ***Interview guide***

Let's talk about those by-laws and measures that have been introduced at local level, in order to guarantee public order and security, and to prevent urban decay, but which directly or indirectly target immigrants.

#### **1. Historical contextualization of the policies of exclusion**

- In your opinion have these measures been introduced in a specific historical and/or political phase? If so, why? In your opinion what were the initial intentions of these by-laws? Was the main aim to guarantee security or to exclude immigrants from enjoying certain rights? Was security the actual emergency to cope with or was it a political emergency?
- Has the nature of these by-laws changed over time? And their content? Have by-laws been previously introduced which sought to target some specific rights or which sought to target all rights equally?
- Have the public and political discourses and frames on by-laws changed over time? And in what way?

#### **2. Spatial contextualization of the policies of exclusion and social actors involved**

- Where have the majority of these measures been introduced? Only at local level, in the municipalities or also at provincial and regional level? And do they have effects only at local level or also at the national level? And at the European level?
- Which social actors are involved? Are they always the same?
  - Are there some national or ethnic groups that are targeted more than others? If so, which ones? Why? How are they targeted? Or do these measures seek to target some categories and not others, e.g. irregular migrants rather than regular ones, women rather than men?
  - Are the administrations which introduce these by-laws of the North-League or are there also administrations of other political parties?
  - As far as you know, are there any civil society actors who fight against these by-laws? Who are they? What kind of activities do they organize to fight against the by-laws? Are there also immigrant associations which fight against the by-laws or are there only Italian associations?
- What are the frames that mayors use to justify the by-laws? How do they legitimate their frames?
- What frames are used by the civil society actors who oppose the by-laws in order to fight against them? How do they legitimate their frames?

#### **3. The process used to deal with the local policies of exclusion and the final solutions**

- How does the process after the enactment of a by-law develop (who announces the by-law? Does it cause a great stir or not? Does it come into effect immediately? To whom is it announced? Who handles opposition to the by-law? What happens later? What do the injured parties achieve?
- How is the process concluded? Which solutions are adopted? What measures are taken? Have some by-laws been introduced and others not, or have all the by-laws been revoked?
- What are the reactions of mayors and citizens when the process is completed?

- How do you evaluate the decisions which are taken? In your opinion what are the values and the principles behind the decisions taken? Does the tension provoked by a by-law usually continue or not? Why? What might be a better decision? Why?

### **3. Discrimination, tolerance, intolerance....**

- In your opinion what is the main issue? Some think that the aim of the by-laws is to reassure the citizens-voters, to redefine the boundaries of the legitimate community, to distinguish between “us” and “them”. What do you think? Do you agree with this notion?
- How do you judge the by-laws?
- In your opinion, can the by-laws be reconciled with democratic values or not?
- How are they justified and legitimated within the democratic system?
- In your opinion, regardless of their effective enforcement, do the by-laws have a certain rhetorical power? Do they have any cultural effects on citizens? How do they influence citizens?

