



Riace

Local Impact of a Case of Self-Valorisation of Migrant Labour in the Frame of the Global Compact.

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IMPRINT

2021 



supported by:

transform! european network for alternative thinking and political dialogue

Square de Meeûs 25

1000 Brussels, Belgium

ISBN 978-3-903343-15-3

transform! europe is partially financed through a subsidy from the European Parliament.

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Layout: sanja.at e.U.

Cover illustration: Hiruka komunikazio-taldea

Introduction



Source: MTO artist official Facebook page, “The Mediterranean Tunnel”, Part. 1 (Sliema, Malta)

In this publication we present four specific position papers, which are the base of the research project *Riace: local impact of a case of Self-Valorisation of Migrant Labour in the frame of the Global Compact* promoted by Sinistra XXI with the support of transform! europe.

It concerns the migration phenomenon in relation to the Italian Government’s policies about three international and European fields: the non-signature of the Global Compact for Safe, Orderly, and Regular Migration Agreement; the securitarian management of the migration crisis; the toxic narrative regarding migration which is focused on the alternative hospitality experiences.

A CRITIQUE OF THE GLOBAL REGULATORY REGIME FOR MIGRATION

We will investigate the field of global governance and migration management. This concerns tools and policies aimed at defining a global regime for the management of migration. The Global Compact for Safe, Orderly, and Regular Migration Agreement is the most recent example of this management within an international perspective. This agreement prescribes a legal framework and a set of non-binding standards aimed at facilitating a convergence of migration policies on a global level under the UNHCR’s supervision.

The kind of migration management expected by the Global Compact agreement regards a large amount of legal and flexible ways to access the valorisation of the human capital represented by migrants and promoted in terms of skills and “employability” within different contexts. These channels of access are based on the “labour market and demographic” needs. Non-according to the critics who are against migration, this agreement disguises a real intent of a global capitalist governance of migration. It also defines migrant labour and life valorisation on the basis of three points:

- 1) the recognition of the structural characteristic of migration as an element to make productive;
- 2) the flexible tools used for making migration productive according to the neoliberal logic of “human capital”. This would happen through the hiring of immigrants on the basis of flexibility, which is considered as necessary both for structural changes within the labour market and for intercepting the increasingly unpredictable behaviour of the migratory movements;
- 3) the emphasis on migrant rights as an element that does not influence market competition.

Within the context of migration and building of walls, Italy has answered the high number of asylum applications by negotiating agreements and economic investments with migrants’ countries with the purpose of rejecting them. Meanwhile, with the intention of not signing the agreement, Conte’s government deserted the meeting in Marrakech. Nevertheless, this opposition was not based on the incompatibility of the Italian’s Constitution fundamental principles with the Global Compact’s neoliberal preconditions. Nationalistic recalls for the “return to sovereignty”

and for “national supremacy” have hidden the Italian capitalism difficulty to understand the usage of migrant workforce as a tool for the global economic development.

THE ALTERNATIVE MODELS TO THE GLOBAL COMPACT AGREEMENT: THE ITALIAN GOVERNMENTS’ SECURITARIAN MANAGEMENT AND THE RIACE’S MODEL

The management and limitation of migration are the main points on the agenda of the globalist/liberal and sovereignist/nationalist right: in Italy these positions were represented by Minniti and Salvini (interior ministers). The former has closed agreements (in Libya) which have limited access to the route of central Mediterranean sea and almost caused a total cessation of landings in the face of brutal human rights violations; the latter has tried to limit landings from the sea doing that “dirty work” previously done by Libyan militias.

So we moved from a sort of displacement through detention and torture camps in Libya to the rhetoric of the fascist right and the limitation of migration on the sea as a governance tool to reach consensus: from a governance of land to a governance of sea.

On the domestic front, public and third sector actors have sometimes interacted with each other and created unusual governance scenarios and interpretations which were different from the ones derived from the “securitarian” discourse, which is hegemonic both in Italy and Europe.

Nevertheless, despite being officially recognised by the State, this alternative model based on local best practices (which are authorised by the current regional and national¹ legislation) is still opposed by the Italian government.

These considerations are exemplified in Calabria, a Southern Italy region that during the last two decades has welcomed a large number of refugees who have pushed for

the promotion of renewal policies and innovative housing solutions. A particular reference must be given to the town of Riace, where for years have coexisted cultural orientations and reception programs radically opposite to those attributable to the phenomenon of securitisation.

A SMALL PREMISE OF THE HISTORICAL FRAMEWORK

At the end of the 90s, precisely in 1998, about three hundred Kurdish refugees landed on the coast of a small town of just six hundred inhabitants located in the metropolitan area of Reggio Calabria. The event radically changes the history of Riace, which at the time was undergoing a severe and rapid process of depopulation², and which in just over a decade will become known throughout the world thanks to the work of one of its citizens, Domenico Lucano. Indeed, it can hardly be denied that the last twenty years of the history of Riace are linked to Lucano, elected mayor of the municipality for three terms starting from 2004. In 2010 Lucano ranked third in the World Mayor, and in 2016 he obtained the 40th place on the list of the most influential leaders in the world compiled by the American magazine Fortune.

The reason for this tremendous international attention is well known to many, however, it is worth repeating it: on the occasion of that landing of migrants, in 1999, Lucano (known by everyone as Mimmo) and other countrymen took action to promote the social inclusion of migrants and to this end founded the association “Città Futura”. The association had the aim of promoting a series of initiatives directed at combining hospitality, local development and the recovery of the cultural heritage and traditions of the region.

In the first two years of activity, the association invested its resources in order to be able to obtain the allocation of numerous houses abandoned by citizens who had emigrated, which were restored to create a widespread network of hospitality aimed at welcoming refugees and tourists in solidarity: the Riace Village. New resources, which will later

1 This is related to the law which created the SPRAR system, the law of the Calabria region n.18 in 2009 about asylum seekers, refugees and social, economic and cultural development in local communities, furthermore it is about some local experiences in Calabria.

2 Since 2016 about a quarter of the inhabitants of Riace, 450 people, are asylum seekers.

come from the National Asylum Program and then from the SPRAR³ service, will allow the experience to grow further. Five years after the foundation of the association, its President Mimmo Lucano is elected Mayor of the Municipality.

WHY STILL RIACE?

In the last three years, Riace has become a mediatic case in Italy. A large part of national politics and mainstream media have promoted an actual “crusade”, often supported by fake news, and aimed at preventing the continuation of the Riace experiment, as well as discrediting its most representative actor, Domenico Lucano, and the activists of his party.

During the first government of Conte, ruled by a parliamentary majority composed of Five Stars Movement and the League, the Minister of the Interior Matteo Salvini, leader of the latter political force, has been relentlessly attacking the mayor Lucano. Salvini aimed at bringing down a model of reception whose existence and development demonstrated the fallacy of the securitising policies on the management of migration flows that the government was intent on carrying out. He rather supported the narrative of “invasion” that had led the League and the Five Stars to the government of the country.

Even though between 2016 and 2017 the prefecture issued three different inspection reports, in 2017 Domenico Luciano is investigated by the Locri Public Prosecutor’s Office, and on the 3rd of October 2018 he is suspended as mayor, and the funds allocated for Riace are blocked. The arrest warrant for the mayor, however, represents only the culmination of a sort of political persecution that was already underway for months beforehand: Lucano was charged with aggravated fraud for the illegal appropriation of public funds against the Italian State and the European Union, with graft and with abuse of office. In particular, the investigators focused on the relationship between the municipality and the six cooperatives that managed, without having been selected by an open public tender but merely through some conventions, the almost two millions euros per year that Riace received for its reception program.

The administrative experience inaugurated in 2004 is in continuity with the associative one: the action of Lucano and its collaborators progressively revitalised from a social and economic point of view the village of Riace, which re-discovered a “productive” attitude in respect of the specificity of the territory and, at the same time, of the refugees’ rights. Prestigious awards for the administrative action carried out came from the rest of Italy and abroad, and contributed to the making of Riace as a sustainable model of hospitality and social inclusion.

Over a 15-year span, the model experimented in Riace has been described, documented and studied many times, and in many ways. Why is a new study of this experience necessary? Furthermore, why is the proposed case study likely to have European relevance? These and others are the questions to which the research presented here will attempt to provide an answer.

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³ Law no. 189 of 30 July 2002 institutionalised the PNA (National Asylum Programme) by setting up SPRAR, the Protection System for Asylum Seekers and Refugees. Subsequently, the Ministry of the Interior established the Servizio Centrale, a central coordination office, and appointed ANCI (National Association of Local Authorities in Italy) to manage it.

Global Encroachments: Valorisation of Labour Power and Self-Valorisation of Labour in the Capitalist Circulation Process

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ABSTRACT

In the global order, the market regulates the process of constitution of capital, which has now reached the final stage of its development, that of the “world market”. This process is an attempt to resolve, at a higher and narrower level, the dialectical relationship with labour and thus to destroy its antagonistic value. However, the world market of goods also concerns labour power as a commodity, which is always incorporated into conscious subjects. People are able to follow the paths of capital from places that hold the lowest value to those that hold the highest value. This gives rise to a migratory phenomenon of workers who physically “go up” the global value chain. Therefore, the process of valorisation and subsequent constitution of capital is opposed by a self-valorisation of the global working class that has not yet reached the stage of its political constitution, in the form of a passing over to the level of the global order.

THE CONSTITUTION OF THE GLOBAL ORDER: ANALYSING CONTEMPORANEITY

The United Nations is strongly committed to designing global governance aimed at world economic development. The reorganisation of migration policies according to the valorisation of the labour force has been one of its principal objectives since the aftermath of the fall of the Berlin Wall (Mezzadra, 2018). At that time, conceptual categories such as *migration management* and *global governance* emerged as umbrella terms to embrace constitutive processes of the *Global Polity*, the new structure of the legal order of the planet in the era of the “world market”. In this historical phase, capitalism has regained,

“such a degree of objectivity and neutrality as to consider the territories of States as no-one’s spaces – or, better, as spaces of impersonal producing and exchanging – that it has stripped individuals of their characteristics (ethnic, religious, linguistic), reducing them to mere market functions” (Irti, 2004).

After the uncoupling of the dollar from gold in 1971, “a set of processes that violently affect[ed] both the nature of capitalism and its relations with labour and the State” (Mezzadra, 2015, p. 22), were set in motion. These processes brought about the end of 20th-century historical capitalism, which became “involved in relationships, forced to come to terms with ‘things’, the resistance and strength of other human beings or antagonistic powers” (Carlassare, 2012, pp. 187-188). Since “producing and exchanging do not require identities of places or subjects [and] they are done everywhere and with anyone”, in contemporary capitalism

“everything that presupposes border, term, limit is threatened and overwhelmed: capitalism, in the indefinite pursuit of profit, ignores any measure that defines scopes and subjects, spheres and places. Thus, while politics and law linger within the measure of borders, and remain faithful to the old spatial forms, the capitalist economy crosses every barrier; it does not distinguish between citizens and foreigners (since they all lurk in the homogeneity of exchange), it expands everywhere, it negotiates with anyone, it is configured, in short, as a planetary and global power” (Irti, 2004).

As we can easily understand, globalisation cannot be reduced to the American hegemony over the planet after the collapse of the Soviet Union (Caracciolo, 2017, pp. 8, 11). However, some geopolitics scholars have used terms such as *pax Americana* or *US empire* as synonyms of globalisation since the Unit-

ed States became “the only surviving superpower” (military, commercial and cultural) (Fabbri, 2017, p. 37). Globalisation caused “the loss of the world’s centre of gravity” (Pansa, 2017, p. 174), which itself had been the outcome of the process known as “nationalisation of the territory and the state”, and in which the foundation of the modern constitution is generally recognised (Mezzadra & Neilson, 2014, p. 54). The core of the modern constitution is the *jus publicum europaeum*, and this means it is closely connected to the “homogeneous space of the modern state form” defined by its border, historically the “seat” of all legal relations and therefore also the spatial measure of the law to which they belong or are subject (Irti, 2004; Savigny, 1898, pp. 31, 119).

This world regulatory standard, born from the absolutist conception of territorial sovereignty according to which the “sovereign is whoever marks the border” (Caracciolo, 2016, p. 7), was one of the cornerstones of the *Weltanschauung* of Modern Europe formalised by the Peace of Westphalia in 1648 and then extended to the planet in the colonial period. Since the phase of globalization of the 1970s, it has entered into an irreversible crisis and, with it, the concept of the border that determines extraneousness to the legal order, defining citizenship (Irti, 2004).

Globalisation changed the language of political organisation with the diffusion of the use of the concept of *governance*⁴ in place of that of *government*. This did not represent “simply an updating of terminology, but a real conceptual replacement inside the models of the political government of society” (Bin, 2011). The language of *governance* indicates the “triumph of a neo-liberalist vision, all projected towards the liberalisation of the market and intimately imbued with an anti-state option, i.e. anti-politics”, because it draws with it the same ideological options of a market, basically deregulated because the only type of law it tolerates is “self-regulation, i.e. nothing legal” (Bin, 2011).

THE HUMAN COMMODITY: WORKERS AND CITIZENS

Migration is a worldwide structural phenomenon, and it is closely linked to globalisation and the consequent crisis of sovereignty. Moreover, the *cleavage* between globalisation and sovereignty is not as useful as it may seem in providing the foundations of a scientific-based approach, since the concept denoted by each term is readily understandable in a general way, but difficulty arises when it comes to defining them precisely. For this reason, they usually perform a “calming function” on radical approaches (Bin, 2013, p. 369), which often reduces public debates on migration to an irrational clash that only replicates the global contradiction between open borders and closed borders (Dal Lago & Mezzadra, 2002).

This clash is based on Marxian false consciousness, i.e. ideologies: firstly, the “naive anthropological optimism” about globalisation “according to which by approaching it men would recognise themselves as similar and in solidarity [despite the fact that] never before have communities and nations tired of exhibiting exclusive identities” (Caracciolo, 2017, p. 9); secondly, the attractive power of the return to nation and sovereignty, that is, the reductionist perspective of “methodological nationalism” which calls for an “elementary reproduction of a structure based on the same canons of state sovereignty” in order to reply to the disorder caused by globalisation. Such a response is, of course, inadequate since the global is not the “national written with a capital letter” (Greco, 2007, p. 2; Beck, 2005).

In the past, this false conflict has been fatal to alternative experiences in the field of migration policies, such as the one proposed in Riace (where, eventually, a mayor of the League was democratically elected after Domenico Lucano), or the Italian model of SPRARs. This resulted in the legitimisation of a juridical regulation of migration based on the distinction between a refugee and an economic migrant, which is found to be “often abusive [...] because of the difficulty to discern the motivations that push individuals to move” (Caracciolo, 2015, p. 11).

4 Firstly used in corporate law it indicates the set of “low mandatory rules, largely based on recommendations of international organisations and not necessarily explicit self-regulatory codes that govern the ‘governance’ of large corporate groups” (Bin, 2011). “Corporate governance is traditionally defined as the system by which companies are directed and controlled and as a set of relationships between a company’s management, its board, its shareholders and its other stakeholders” (European Commission’s Green Paper on Corporate Governance, 5 April 2011).

Overall, attempts to fit migration flows into orderly tables and typologies are somewhat approximate, if not arbitrary, and they are also questionable on an epistemological basis (Caracciolo, 2015, p. 11). The distinction between organised and spontaneous migrations is a fallacy and should preferably be replaced by a distinction between forced migrations and individual or collective itineraries: no one emigrates spontaneously when fleeing intolerable political or economic situations, and “it is difficult to imagine an individual who, driven out of his home for various reasons, goes in search of a place to live the same misery and persecution” (Andréani, 2001, p. 435).

However, humanitarian law provides a legal qualification of the migrant in the form of the *status personae* and, in this way, it somehow hides the fact that global migration is a worldwide process involving a “very particular commodity because, instead of being an object owned by the worker, it is the worker himself in his own particular determination, i.e. as labour power” (Bellofiore, 2005, p. 146; Napoleoni, 1972, p. 55): this *human commodity* (Tedde, 2020) is “the only non-merchandise and non-value element that it is possible to recognise in the capitalist process of production”, and it is necessary to allow “the occasional exchange to generalise” (Bellofiore, 2005, p. 143).

MIGRANTS AND WORKERS IN THE EUROPE OF CAPITAL

“Nomadism” is an indeterminate and aestheticising notion (Mezzadra & Rigo, 2003, p. 213) that denies,

“ the drama of the migrant who suffers and embodies in his person the conflict between the needs of the rich European countries – where he is called to fill the gaps produced by the declining demography and by the unwillingness of ‘strain’ citizens to perform tiring, dangerous, dirty tasks – and their racist drives” (Caracciolo, 2015, p. 10; Livi Bacci, 2015, pp. 30-31).

The upsetting theme of the foreigner fleeing from the many sections of the Global South in misery or flames (Caracciolo, 2015, p. 8) is still a source of inner anguish for people and governments of Europe, the largest market of goods and services in the world (Pansa, 2017, p. 181). Europe has a profound demographic weakness which translates into

a potential decrease in the labour force (despite substantial increases in the retirement age) and strong ageing of its composition, which has only partially been curbed by robust injections of technology and an improvement in “human capital”: European economies “require a great deal of general labour, in the service, construction and agricultural sectors: in the absence of adequate national supply, the emptiness is filled by immigrants of little demand, with family members and relatives accompanying or following them” (Livi Bacci, 2015, pp. 30-31).

Migration forces us “to reflect on the rules of our social and political life” to discover that “the European order is no more. Nor will we be able to restore it” (Caracciolo, 2015, pp. 7-8). First, it questions what we mean by Europe and so strengthens a historical and philosophical question still open since the end of the Cold War and division of Yalta (Balibar, 2003, p. 231). We cannot forget that the EC Treaty was initially established to give rise to a market, and only after substantial interpretative work did the European Court of Justice recognise European Treaties as a constitutional charter of a community of law (opinion n. 1/91 of 14 December 1991). Instruments of the law were used to set in train a process of constitutionalisation in the complete absence of constituent power and popular sovereignty, and everything that characterises democratic constitutionalism.

The process that led to the European Union is considered the most important and innovative historical event on the continent in the whole of the Twentieth Century (Padoa Schioppa, 2007, pp. 659, 681), because the EU is the most sophisticated example of a portion of the global market that,

“ has the rare prerogative of being able to impose directly applicable rules on the citizens of member states, ‘piercing’ the sovereignty of the State. There are no more customs, there are no more border barriers and just as goods circulate, so do rules and sanctions” (Bin, 2013, p. 379).

This goes hand in hand with the crisis of sovereignty and of treaty law. EU Treaties are formally considered a hybrid *tertium genus* of international agreements which, on the one hand, contain provisions that are not subject to revision because they are considered essential principles and Community objectives (Garofoli & Ferrari, 2010, pp. 12-13), while, on the other hand, they have enabled the realiza-

tion of the most advanced phenomenon of supranational organisation generated by and in favour of globalisation – one that is progressively eroding the residual space of state sovereignty (Luciani, 1996, p. 125; Morrone, 2012).

All these events configured an equivocal relationship between forms of democracy (*Polis*) and forms of the economy (*Oikos*) (D’Albergo, 2005), for which, as we will see, the EU can effectively be considered “the result of a victory of capital in the continental class struggle” and “a powerful instrument for the continuation of this struggle” (Screpanti, 2017, p. 362). It represented an attack on the Social State as a national mediator of the class conflict, but it also strengthened the utilitarian attitude of the ruling classes of great European states (Dottori, 2015, pp. 43-44), which, at the EU’s founding, addressed the process of an economic and political union as one of the circulation of “dead labour” in a common market (Mancini, 2004).

ITALY AND THE WORLD: THE GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION AGREEMENT

Temporary migration, circular migration, recruitment schemes linked to the needs of individual economic sectors, and other tools of *migration management* were widely used in Europe and the world before the great economic crisis of 2007/8. However, the crisis accelerated the design of a realistic project of capitalist governance of global migrations, focused on their normalisation, i.e. on the definition of an “average measure” of the valorisation of migrants’ work and life (Mezzadra, 2018). Migration is now to be considered structural, so the aim is to achieve a global regime of migration management that inserts the work of migrants in the mainstream economy, by means of the flexible reorganisation of border control devices combined with a more significant “flexibility of migration policies” (Mezzadra, 2018).

This was also the goal of the 164 States which, in 2018, signed an international agreement to establish a global regime for the management of migration not related to refugee status, following the intent of the “New York Declaration” adopted by the United Nations General Assembly in September 2016 (which reflected the goals set in 2015 by Agenda 2030 on sustainable development).

The Marrakech Conference (10-11 December 2018) was held during the migratory crisis, in the first year of the 18th legislature of the Italian Republic and the first months of the so-called *yellow-green Government*, the sixty-fifth executive chaired by Giuseppe Conte formed in June 2018 by political agreement between the 5 Stars Movement and the League after the general elections of 4 March 2018. By December that year a European solution to the problem of the overload of asylum applications had still not been found. Hence, the Italian Government decided not to participate in the Conference. With a good dose of provincialism, this was read as yet further proof of the international isolation of Italy, although such a reading was “at least relative”, since the *Global Compact for Safe, Orderly, and Regular Migration* was also opposed by the United States, Australia, Austria and the whole block of Visegrád countries (Mezzadra, 2018).

All these countries considered the *Global Compact* to be detrimental to the sovereign jurisdiction over the control of their borders, which involves exercise of the sovereign attribution of the legitimate use of force controlling the movement of persons entering and leaving their territory. The set of non-binding standards that the Pact indicates to make migration policies more flexible entails the reorganisation of border control devices in an equally flexible key, for which the involvement of “actors, not only state ones, according to a multilateral and variable geometry logic” is foreseen (Mezzadra, 2018). Instead, the decision of the Italian Government was probably a sign of the current inability of national capitalists to benefit from the worldwide opening of the labour force market (Mezzadra, 2018).

Although the Pact is an advancement compared to the nationalist policies of raising walls and it places particular emphasis on gender dimensions and the fight against racism, xenophobia and intolerance, beyond the “rhetoric (with adjoining industry) of humanitarianism” (Caracciolo, 2015, p. 8), it reveals the capitalist point of view on migration for modern capitalism,

“ a mode of the economy which, by applying the criterion of the division of labour and mass production, demands larger and more open markets than ever. The desire for indefinite profit, combined with the discoveries of science and the applications of technology, knows no boundaries. By its very nature capitalism forces us to believe in ‘de-localisation’ and a world without borders” (Irti, 2004).

As a tool of *soft law*, the Global Compact for Migration unifies all the dimensions of *migration management*. It focuses heavily on the consolidation of legal frameworks, guarantees and rights for migrants. Far from exhausting its function in being a welcoming pact for better protection of migrants' lives and safety, its system of protection of human rights becomes an instrument for preserving the integrity and the exchange value of the labour power that migrants carry. The multiplicity of different legal and flexible access channels are based on demographic and labour market needs and the proposed instruments are aimed at making migration productive according to the neoliberal logic of "human capital", which migrants embody, and for which an analysis is promoted "in terms of skills and 'employability' in different contexts" (Mezzadra, 2018).

In the framework of the Global Compact, migration is no more than a circulatory phenomenon of a stock of goods within the world market. Unfortunately, the decision of the Italian government not to sign it was not based on the need to avoid the contradiction between the proposed regime of world circulation of workers as *dead labour* and the fundamental principles of the Italian Constitution under which Italy is a democratic Republic founded on (*living*) *labour*. Instead, it leveraged substantially on the "securitarian shortcuts that speculate on the fear of the other" (Caracciolo, 2015, p. 8) and the rhetoric about the "invasion of proportions never seen" perpetrated by the ultra-right (Mezzadra, 2018), wholly disavowed by the data, since migrants represented about 3-4% of the global population⁵.

THE SOVEREIGN IS WHOEVER MARKS THE BORDER

In 2015, Agamben defined globalisation politically as "the world at war" in a book where he explicated that civil war (*Stasis*) is generated by a contradiction between the socio-economic order (*Oikos*) and the political order (*Polis*). It starts when public power over the *Polis* (sovereignty) and private power over the *Oikos* (ownership), which both derive from power over the territory, can no longer be held as analogous or parallel (Irti, 2004), and its cause is usually an encroachment of the one on the borders marked by the other.

Carl Schmitt argued that every institution and criterion of law descends from a primordial act of occupation and division of land through the affixing of borders, which is the "archetype of a constitutive juridical process" (1991, p. 25) towards the outside, i.e. other peoples, and the inside, concerning the ordering of the land and property within a territory (Irti, 2004). Full and exclusive lordships such as sovereignty and property are legitimated by a sort of primordial *actio finium regundorum*, in which border, that is limit in the geopolitical sense, ensures a balance between the place of law (*Polis*) and the place of the economy (*Oikos*).

In the past, this was very clear because sovereignty was conceived as "a sort of right of ownership of the state, or rather of the sovereign, having as its object the territory" (Conforti, 20016, p. 178) that indiscriminately covered all that was on the territory in the guise of outbuildings, including inhabitants, according to the brocard *quisquis in meo territorio est, meus subditus est* (Quadri, 1968, p. 628). Over the centuries this model was extended to the entire earth's surface, which was thought of as a *striped space*, i.e. densely crossed by a weft of borderlines, the crossing of which was punishable, without discriminating between things and people, by as many prohibitions as there were borders (Irti, 2004; Cacciari, 2000, p. 75).

At the centre of modern cartography, therefore, there is an appropriation of space which "replicates the appropriation of the *commons* establishing private property" (Mezzadra & Neilson, 2014, p. 54). The preponderance of the geopolitical limit has always conditioned the development of the world economy. However, the capitalist mode of production has its own "spatiality characteristic" (Mezzadra, 2015, p. 21), which naturally led it to overcome borders in its trend towards unification within a single world market: the limit is conceived as an obstacle by the capitalist mode of production (Marx, 1978, p. 9).

A different articulation of the "frontiers of capital" with the set of territorial borders gives origin to "specific formations of capitalism (differentiated both historically and geographically)" (Mezzadra, 2015, p. 21): for instance, in the long historical period when the community (*Polis*) and the market (*Oikos*) insisted on the same portion of territory, the

⁵ In 2015, there were 243.7 million migrants in the world, or 3.3% of the global population: United Nations, Department of Economic and Social Affairs, "International migrant stock 2015". www.un.org.

entire world economic system was essentially structured on trade between nations and economic exchanges were a component of the broader phenomenon of relations between different States (Karl Marx called this phase: "international trade").

FROM NATIONAL SOVEREIGNTY TO GLOBAL CITIZENSHIP: A TOTAL CLASS STRUGGLE

At the origin of globalisation as a global civil war, there is a modern conflict between *Oikos* and *Polis* that was started in the 19th Century by labour and capital (Bin, 2009, p. 280). Carl Schmitt correctly defined the 20th Century's world conflicts as a continuation of this civil war between labour and capital, which had first deepened divisions within each European State and then raged on between those States (1996, p. 22). The *escalation* had been halted by a new geopolitical limit decided by the truce signed in Yalta, which used a ban on crossing an arbitrarily defined border as a shared semi-global paradigm to divide the world into two opposing spheres of hegemony of the two "public antagonisms": an area of Atlantic influence, in which the expansive tendency of capital was contained, and an area of Soviet influence, in which the constitution (economic, political, military) was founded on the ideology of work.

This geopolitical limit brought balance to the political processes of alignment of the "place of the economy" (*Oikos*) with the "place of law" (*Polis*), a situation that recalled the pre-capitalist era of the Europe of absolute States, since in each area they coincided with the same portion of the geographical territory. The global border ensured a "relative balance [...] between economic and political spaces" (Mezzadra, 2015, p. 22), although precarious, which entered into crisis in the early 1970s. The reason was a new encroachment that violated the armistice. While the soviet area was closed to capitalism, the *Arbeiterklasse* was progressively extending its antagonistic power to the rest of the planet using the instrument of the Nation-state.

In the West, the Nation-State was transmuting into a social and democratic form of State under the pressure from great social struggles. At the same time, in many parts of the world, it was being conquered by revolutionary processes during the anti-colonial liberation struggles, often supported by the Soviet Union. This encroachment of la-

bour into the territory of capital brought an end to the idealistic representation of the dialectical relationship between the *Arbeiterklasse* and the *kapitalistische Klasse*, and reactivated it as a real world conflict.

Since the Nation-State was thereby heightening the risk of labour trespassing in the area of the hegemony of capital, escaping from the Nation-State became vital in order to destroy the antagonistic value of labour. In the absence of new places to colonise on the earth's surface, and given the uneconomic nature of the space race, the escape towards an "empty space of law", i.e. a *rechtsleerer Raum* (Galgano, 1980, p. 168) was not possible within the international order. The process of escape from the State, which was a consequence of the bourgeois conception of freedom (Virga, 1947, p. 24), could have been possible only by configuring a new portentous historical shift in the capitalist capacity for space production (Negri, 2012, p. 25): the occupation of a virtual space, that is, constituting capital at "a higher and narrower level" than the international one, and in this way capital would have solved the contradiction of its dialectical relationship with labour (Negri, 2012, p. 25).

This occupation of a virtual land gave birth to a *cybersphere*, conceived as a transnational "smooth space" of free movement of financial capital (Mezzadra & Rigo, 2003, pp. 215-216), where capital becomes sovereign of "an 'over-world', which, by its very nature, knows no boundaries, and expands as and where technology allows" (Irti, 2004). The new "boundless totality" (Irti, 2004) is aimed at favouring the greater exploitation of financial capital through the dizzying increase in its speed of rotation (Pansa, 2017, pp. 177, 180), thanks to the worldwide application of information technology to logistics in the absence of obstacles to the fast and safe movement of goods (and real capital) along pre-arranged corridors protected by the US navy (Fabbri, 2017, pp. 31, 37).

The new *lex mercatoria*, i.e. the global extension of the law of the merchant class, juridically guarantees the perpetuation of the world capital valorisation process (Galgano, 2016) in a framework of *deregulation*, since the only regulation that appears to be tolerated is "self-regulation, i.e. nothing legal" (Bin, 2011). In the "deregulated global market, where the search for profit and short-term risk assessment seem to be the prevailing deontic parameters" influencing medium-long term economic stability and the

redistribution of income (and therefore of power), new institutions, rules and forms of normative production are introduced as forms of *governance*, at the centre of which “there is finance” (Bin, 2011).

What is interesting is that the globality of the economy has not brought with it the breaking of law or politics (Greco, 2007). However, the conquered freedom of the economy to choose its own “place of law” has given rise to an equivocal relationship between forms of democracy and forms of the economy (D’Albergo, 2005) in the multiform universe of new global subjects marked by the à la carte use of international law treaties (Greco, 2007; Irti, 2011, pp. 83-84).

Unlike the dominant western vulgate in the 1990s, the constitution of a virtual boundless totality with finance at its centre has given rise to a planetary distribution of power that is more widespread, if not dispersed, than in the past: “a plurality of regional development poles that lay the foundations for the redefinition of the relationship between democracy, the public sphere and citizenship” (Marazzi, 2003, p. 17). This multipolar world is dominated by markets, which, in turn, “are not controlled by anyone and allocate capital and investments where the relationship between risk and return is best” (Pansa, 2017, p. 174). But, at the same time, “the growing interdependence between humans and their territories has not unified the planet, it has segmented it” (Caracciolo, 2017, p. 9).

Since the end of the Cold War, competition for control of technology and financial markets has strongly conditioned the significant process of power distribution in the West and “has contributed to transferring huge shares of power from governments to the major financial and industrial institutions” (Pansa, 2017, p. 177). An essential redefinition of the relationship between capital and State “from the necessarily global point of view of the border” is happening (Mezzadra, 2015, p. 21).

The concept of the border “was and still is, of extraordinary importance. A family of words – ‘limit’, ‘term’, ‘border’ – serves to designate the prohibition of crossing, to distinguish between inside and outside. The border, by breaking

the extensive continuity of the surface, determines a place, this or that place on Earth” (Cacciari, 2000, p. 75). A new ban on crossings between capital and labour is erected. Along with it, the process of global self-valorisation of the working class is developing, a process of subjective determination “which is investing and transforming in depth the composition of living work, determining the emergence of new transnational social spaces and modifying the plan of collective identities” (Mezzadra & Rigo, 2003, p. 214).

MIGRANTS AND CAPITAL: THE WELTARBEITER-KLASSE AS A NEW ENIGMA OF THE GLOBAL CAPITAL

The *turbulence* of migratory movements is a consequence of the ambivalence of labour (Mezzadra & Rigo, 2003, pp. 213-214; Papastergiadis, 2000), that is, the co-presence in it of two different dynamic constituent elements. Although not necessarily in contrast or opposition, these elements serve a double effect or purpose. In this way, migration offers two alternative points of view on the current world market order and becomes an extraordinary instrument of critical analysis to unmask its irremediable contradiction (Dal Lago & Mezzadra, 2002).

The circulation of the labour force is aimed at maximising the valorisation of capital itself in the world market, where the *human commodity* is conceived as “an undifferentiated floating mass” (Balibar, 2003, p. 239)⁶. However since it has a peculiar subjective *surplus* that derives from being inseparably incorporated into human workers (Mezzadra & Rigo, 2003, p. 213; De Giorgi, 2002), labour power has to be managed by “recruitment schemes for migrants based on an essential flexibility, considered necessary both for the structural changes of the labour market in ‘receiving’ countries and to intercept and enhance the increasingly turbulent and unpredictable characteristics of migratory movements themselves” (Mezzadra, 2018).

In the past, during the 1950s, the science of migration replicated the regulation of economic exchanges “in two senses: import, which is the acquisition, by way of the ex-

⁶ It means that the death of a migrant is considered equivalent to the loss of the value of the goods destroyed with the perishing of its carrier, which is equivalent to the sum of the capital invested to “create it” and the profit that would be derived from its future exploitation.

change relationship, of a certain good (or service) coming from another State; export, which is the movement in the opposite direction" (Lionetti, 1969, p. 3). Migratory systems were composed of incoming (immigration) and outgoing (emigration) flows concerning a particular portion of the territory (Sassen, 1999), a local labour market identified by closed borders to guard against a ban on overpassing, both for things and people (Irti, 2004; Cacciari, 2000). These *hydraulic models* worked until the start of the "struggle of the capitalist powers for control of the world's resources, and the imposition of a 'western' economic model" made the world market a new phase and theatre of the *Klassenkampf*, beyond the nation-state.

Nowadays, it is complicated to identify dominant flows with stable areas of departure and destination and, consequently, to define precise migratory systems as was done after World War II (Sassen, 1999). This is because today the flows "go everywhere" (Maciotti & Pugliese, 2003, p. 17). Analytical models are still composed of thrust and attraction factors, that is, a cross-play of "push" and "pull" factors, at times modified according to economic forces and at other times according to demographic ones (Mezzadra & Rigo, 2003, p. 213), even if these often overlap (Livi Bacci, 2015, p. 31). However, a graphic representation of global migration is destined to fail "unless one wants to represent a sort of spaghetti dish" (Maciotti & Pugliese, 2003, p. 17).

Migrants are conscious subjects who make rational choices based on autonomous criteria that are mostly unknown to the external observer. Even if unconsciously, they physically ascend the global value chain in not necessarily following the paths defined by the market, but what they feel is the best way for a better valorisation of *dead labour* from the point of view of *living labour*, i.e. in terms of salary and income, but not only. In this way, migrant workers exercise "a practical critique of the international division of labour" (Mezzadra & Rigo, 2003, p. 214; Mezzadra, 2001).

Migration "repeats a scheme coextensive to that of the capitalist wage-earner, which is based on the 'liberation' of the labour force from the traditional systems of authority and dependence, and on the strict classification of its

movements through differential citizenship systems (at the lowest point of which are the most discriminated: the 'illegal immigrants')" (Balibar, 2003, p. 233). In border areas, human masses are moved, set in motion and finally assigned as residents (Balibar, 2003, p. 231; Dal Lago & Mezzadra, 2002), following classification in statistical containers and in juridical-scientific categories of questionable reliability, which serve to distinguish the different juridical *status* to which different levels of protection of rights correspond.

Global citizenship of workers presents itself as the new front of the *Klassenkampf* in the framework of global development, where *the global working class*⁷ tries to turn against capital the most powerful weapon it used to win the *Klassenkampf* in the 20th Century: the encroachment, that is, the violation of the spatial measure of law (Irti, 2001). At the origin of capitalism is the "self-movement of private property" (Di Marco, 2005, p. 53) from the place of law, because the self-movement of capital coincides with its self-valorisation and therefore with its self-preservation (Di Marco, 2005, p. 53; Marx, 1974, p. 316).

We can say that a new form of dialectical relationship is developing between *kapitalistische Klasse* and *Arbeiterklasse*, where the conflict has become transformed "into a 'total' struggle, in which all aspects of the social, demographic and humanitarian relationship, which tend to impose a global constraint on the displacement of populations", are integrated (Balibar, 2003, p. 231; Dal Lago & Mezzadra, 2002).

The most significant incidence of the "global constriction to the displacement of populations" is in border areas, where political control coexists with military control (Mezzadra & Rigo, 2003, p. 213), because it is there that the global contradiction between open borders and closed borders is situated. In fact, globalisation tends "on the one hand to break down borders for traders and capital and on the other to erect a whole system of barriers against the mobility of labour force and the 'right of escape' that migrants try to exercise in the face of misery, war and dictatorial regimes in their countries of origin" (Balibar, 2003, p. 233).

7 *Weltarbeiterklasse* is a term that first appeared in *Wildcat Zirkular* no.25 of April 1996, in the article "The World in Radical Change", which described the process of proletarianisation ranging from Bangladesh to Indonesia to China, accompanied by formidable and widespread uprisings, and the emergence of a new workforce with the migration from the countryside to the urban world of the metropolis.

The trespassing of the border changes the kind of citizenship that a worker has. In border areas, citizenship, which is usually conceived as the juridical condition of belonging to the Nation-State (Frosini, 2006, p. 265, 268), becomes a stable juridical form. In the framework of globalisation, citizenship is related to the localisation of the place of birth (*natio*) only in respect of the starting point of circulation of labour, because in the process of capitalist production and reproduction a worker experiences different kinds of citizenship, which are settled by his or her actual localisation in the global value chain. Citizenship becomes a practice of subjective valorisation of labour complementary to that of objective valorisation within the relationship with capital (Mezzadra & Rigo, 2003, p. 214; Balibar, 2004, p. 211; Mezzadra, 2002).

At the same time, however, citizenship represents the fundamental requirement for the definition of the people, i.e. the subjective figure made up of citizens *stricto sensu* who “are sharers in sovereignty and can be holders of the related rights” (Frosini, 2006, pp. 265, 268). Consequently, because of the ambivalence of migrant work, the process of self-valorisation of work in the form of *dead labour* in the world market (*Oikos*) pushes forward the process of self-valorisation of it as *living labour* in the global order (*Polis*). The subjective *surplus* of the *human commodity* can even accelerate the complementary process of its legal-political constitution (Amin, 1999), at the origin of which there is an encroachment.

In order to win the global *Klassenkampf*, capital destroyed the mediation of the Nation-State through the constitution of a space and an order without borders presided over by the States, where it was able to escape the antagonistic power that labour had in the international order. Initially, this represented a complete victory for capital: “since the beginning of the twenty-first century – unlike what happened in the second half of the twentieth century – about 35% of business income has been allocated to work and 65% to capital, the liquidity of which is ensured by intermediaries” (Pansa, 2017, p. 178). Furthermore, since the 2008 crisis, finance has tended to substitute the role of governments regarding “the ability to lead the evolution of the international order, social and economic development processes, financial markets, diplomatic disputes and competition between political systems” (Pansa, 2017, pp. 173, 177).

Subsequently, the global process of circulation of labour power has shown the political potentiality of the constitution of workers: a valorisation of *dead labour* without a parallel political subjectification of *living labour* seems impossible. So, globalised capitalism has been forced to reconsider the border as a necessary instrument to bring to a successful conclusion its process of global valorisation against the subjective surplus of labour. This is the global contradiction between open borders and closed borders regarding the spatiotemporal scope of application of the rules on migrants which is effectively doubled, because at the same time as migrants treated as goods means that they are subject to the legal regime of the global order, as persons they are subject to the legal regime deriving from international law. And this generates an irremediable conflict because,

“institutions and language of law are built on the character of exclusivity. Exclusive has to be every legal system; one would say every rule: which, by regulating a case or a matter, prevents them from being regulated by another rule at the same time. Legal normativity wants everything for itself. Just as two religious faiths cannot be professed together, so it is inconceivable to subject a given matter to two sets of rules. The choice of one order excludes any other” (Irti, 2004).

Migration shows that *the global working class* is still the enigma of capital. The European Union, which is the most advanced capital-based supranational organisation, is one of the most important places where the circulation of labour power can bring about a change in the constitutive process. This is because, in the EU, citizenship does not derive from nationality, but from belonging to the market. Indeed, this was the risk represented by the little local experience of Riace, a place in the Europe of capital where the encroachment of living labour had started a territorial rooting process, that is to say, a process of political constitution, i.e. citizenship, dialectically antithetical to that of the other fundamental public antagonist: capital.

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Fundamental rights, the fight against irregular immigration and its limits. A new approach in the regulation of immigration

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ABSTRACT

With this contribution we want to propose an alternative approach to the problems related to the migration phenomenon, which is the subject of security regulations that lead to a retreat in the protection of the fundamental rights of legal and irregular foreigners. We wonder about the revolutionary scope of the reception system experimented in Riace, a system that is in apparent conflict with the European and national normative logic. This document is not intended to offer answers, but to briefly describe the context within which the Riace Sprar is developed. The European legislative policy reflects the fears of an international community hard hit by terrorism, fears that are reversed through Italian regulations. This creates a dangerous vicious circle that leads to a systematic violation of the human rights of non-citizens. Has the Riace system represented a positive model? Can it constitute an alternative that makes respect for human rights a tool to fight and combat organized crime?

INTRODUCTION

The political and administrative experience related to the SPRAR of Riace can provide essential insights to jurists confronting fundamental questions: what boundaries is the national and supra-national legislator bound to encounter when it comes to illegal immigration? Can local authorities experiment with administrative procedures in order to demonstrate that the “humanitarian” management of the

migratory phenomenon can still constitute an effective tool to ensure public order and safety?

In order to provide a satisfying answer, the expounder cannot prescind from a prior and basic analysis of the legal framework of reference which is the result of a challenging act of balancing between conflicting requirements: firstly, there is an obligation to preserve law and order; second, there is a necessity to preserve fundamental human rights that belong to every individual regardless of its legal status.

The experience of Riace presented itself to the world as a virtuous practice of inclusion in which the respect of human rights guaranteed the expansion of additional rights that are fundamental for the enfranchisement of every individual. One need only to consider the various work-related and personal growth opportunities that the foreign guests of Riace enjoyed before they were dismissed by a series of political decisions which were later declared illegitimate by the competent administrative courts. Those decisions ultimately marked the end of the political experience of Mimmo Lucano as the mayor of Riace.

With this contribution, we do not mean to celebrate any specific individual but to provide some insights and points for reflection that can be useful to comprehend whether and to what extent the “Riace model” can be qualified as a game-changer.

An experience can be defined as game-changing in so far as it is able to overturn existing legal patterns. The aforementioned overturning can occur through the actual application of the principles as expressed in the formal Constitu-

tion, which oftentimes are at odds and exist in contrast with those that animate and drive the material Constitution⁸.

Therefore, it is necessary in the first place to understand which is the *ratio essendi* (the reason being) of the national and European regulation of migratory phenomena; secondly, it is paramount to comprehend whether the clash between the conflicting needs of safety and human rights protection can achieve a balanced synthesis, or whether the infringement of fundamental human rights favoring a merciless battle against illegal immigration is prevailing.

This contribution is not informed by any kind of do-gooding or heart-bleeding attitude⁹: such an approach would be detrimental as well as juridically inadmissible. Combating illegal immigration has to be one of the main objectives of any advanced democracy, because the irregular legal status of foreign migrants leads to a proliferation of local and international crime syndicates; it incites and determines the exploitation of the most vulnerable social groups, also establishing dangerous imbalances within the very fabric of society.

At the same time, however, the goal of countering illegal immigration can not serve as an excuse to trample on fundamental rights; in fact, organized crime fighting requires the establishment of legal protection tools for fundamental human rights and the free movement of individuals. The

“legalization” of foreign immigrants would deprive crime syndicates of the leverage whereby they foster human trafficking and, in this respect, every advanced democracy should undertake a framework of radical reforms. Instruments of regularization’s efficiency should be improved, procedures should be made more flexible, *ius culturae* (right to culture) should be guaranteed. Is this what the Riace experience taught us? Did Mimmo Lucano try to utilize ordinary tools to achieve extraordinary goals?

ILLEGAL IMMIGRANTS AND FUNDAMENTAL HUMAN RIGHTS

It may seem like a juridical triviality to state that the individual, both as a physical and patrimonial entity, may nowadays represent the very center around which the whole Constitutional and Private Law establishment revolves, at least in so far as numerous protection laws of any subject of rights become manifest to the expounder. Such a statement is the result of a slow and inexorable transformation of our judicial system which, under the influence of the republican Constitution, the European Convention of Human Rights (from here on: ECHR) and the Charter of Fundamental Rights of the European Union, places the individual in its personalist dimension within the system¹⁰.

8 Formal constitution and material constitution are two separate concepts that have to be distinguished: the formal constitution is the solemn document which contains the fundamental rules and principles of the legal system of the State in question. In Civil Law countries it is usually established in writing, as is the case for the formal Constitution of Italy which is included in the document approved by the Constituent Assembly and come into effect in January 1st, 1948. In Common Law countries, instead of being written, it is based on historical documents (e.g. Magna Charta and the Bill of Rights) and principles consolidated over time. The expression “material constitution” indicates the body of principles and actions utilized by the dominant political class at a given moment. It sometimes arises from the need to fill in the gaps of the written Constitution or to adapt it to the historical changes without formally amending it.

9 Tendency of some representatives of civil society and associations that, in the field of immigration, are opposed to security policies through solutions exclusively balanced to the protection of fundamental rights, excluding from legal reasoning the need to fight organized crime to protect public order.

10 The assessment of the individual as *homme situé* – that is, the human being perceived not just as a single and separate entity but as a member of society – leads us to consider subjective juridical situations strictly relating to the status of the individual within any given society (as a worker, family member, part of a social organization and so on) from time to time. Additional rights (such as personal freedom, right to residence, freedom of speech as well as the other rights and liberties acknowledged in Title I, Part I of the Constitution) laid down in Title II and Title III – devoted respectively to socio-ethical and economic relations (which, for the reasons listed above, are also similarly social in nature and make the Italian State a social State) – are thus being added to the list of “classic liberal liberties”. Taking this into account, it can be argued that, while such rights are listed in formally different parts of the Constitution, they possess the same foundation and aim, which is human dignity (as readily inferable from both article 2 and article 3 paragraphs I and II of the Constitution). For this reason, the distinction between social rights and rights of freedom should have a value which could be defined as historical; such value would then underline the various ages in which the aforementioned rights emerged, given that they had the same function within any organization that follows the principles of a pluralist democracy: as we will see, the debate on this matter has been – and, to some extent, still is – anything but peaceful. The abovementioned articles 2 and 3 of the Constitution are necessary to the understanding of the actual protection that the Constituent intended to guarantee to the human person: they express certain supreme principles of our juridical system (the personalist principle, the pluralist principle, the principle of solidarity and the principle of equality) which are inextricably linked and functional to that key objective which is the development of the human person.

The Italian Civil Code written in 1942 was influenced by a reactionary and authoritarian legal culture promoted by Fascism, therefore it allots very few regulations to the protection of the individual *per se*: it mainly projects financial corporate interests upon the individual by conceiving it as the allocation center of legal positions which are merely of an economic nature.

Civil Law is undergoing a transformation in the matter of individual rights, yet it displays serious shortcomings in as much as the State does not provide similar instruments to individuals who, being deprived of Italian citizenship or any valid residence permit, are subject to administrative discretion and are oftentimes excluded from basic services and become open to blackmail at the hand of organized crime.

The study of migratory phenomena should therefore be conducted by adopting the point of view of the legal scholar, who cannot but notice that Constitutional principles regarding equality (articles 2 – 3 – 13 – 24 – 27) are in danger of becoming dead letter whenever public safety and security policies supersede the protection of each individual's fundamental rights.

Over the past twenty years, Italy has been affected by major migration flows within a context of economic and social globalization which ignited unprecedented forms of conflict originated by the massive economic imbalances between northern and southern hemispheres.

The non-citizen then crosses our borders – often illegally – to benefit from the rights and opportunities provided by the Western democracy. Such foreigners are fleeing from extreme poverty as well as social and juridical settings of profound inequality.

Our judicial system puts the illegal migrants in a position of significant subordination. The backwardness of statutory development regarding the subject matter is the result of a cultural constant that has marked western civilization as a whole: in fact, every community tends to feel protected and safeguarded in so far as there is some external element to feel protected and safeguarded from. Since ancient Greece, citizenship – namely, the status that marks the individual belonging to a specific national community – has always proven to be an instrument of exclusion and limitations of non-citizens' rights.

Only in 212 AD, with the edict of Caracalla, did Roman law go so far as to extend citizenship to every individual within the boundaries of the empire.

During the reign of Charlemagne, thanks to the pivotal role of commerce, the legal status of foreigners saw significant improvements only to encounter a further downturn in feudal times.

Historically, therefore, citizenship could be defined as a status which tends to separate those who possess it from everyone else: an instrument of exclusion (Rodotà, 1999). It is the concept of citizenship in itself that characterizes the distinction between individuals: while the citizen is the holder of rights and duties, the foreign migrant is forced on the fringes of a given community.

As for individual rights, an early breaking point with the tradition was met in the 18th century by the first universal declarations, like the Declaration of the Rights of Man and of the Citizen (1789). These are legal acts of the utmost importance in view of a tangible assertion of human rights.

In Italy, the Albertine Statute was affected by the dogmatic influences of that period. In this respect, the provisions included in article 24, specifically those laid down in the chapter regarding the rights and duties of citizens, limited equality rights solely to "*regnicoli*" ("subjects"). Other legislation, like regulations regarding the right of assembly and the safeguard of personal liberty, was even more generic.

The vague nature of such regulations ensured that the tenet of that period deemed necessary to distinguish between civil and political rights and to deny the illegal migrant access to the latter. The Consolidated Act on public safety law failed to clarify exactly which administrative tools should be used to prevent unauthorized stay on Italian soil; once again, then, the Law reflected the hermeneutic contrast between those that deemed legitimate for the foreign migrant to move freely within national soil regardless of any authorizing qualifications and those that argued just the opposite. In essence, it was believed that such a right was to be traced back to the class of civil rights, while another tenet argued that a restriction of such liberty was necessary.

During the early years of the 20th century, the expansion of fundamental human rights came to a standstill due to two world wars and the concurrent rise to power of totalitarian and authoritarian regimes.

The individual then returns at the center of the legal debate with post-conflict Constitutions. While the Italian Constitution is known to be one of the oldest e most progressive in western Europe, it does not describe a legal status for the foreign migrant. This was not due to the drafters' insensitivity, but to obvious socio-political reasons. In the aftermath of World War II, social and economic emergences lead the legislators to focus on establishing a protection system aimed to guarantee freedom and inviolability for every individual-citizen. Secondly, the then virtually non-existent migratory phenomenon did not impose them such a well-structured and systematic reasoning that could be transposed into law.

It is therefore appropriate to focus on those regulations that are considered to be the normative links based on which we can attempt to rediscover the very principles aimed at protecting the fundamental rights of the illegal migrant.

The legal commentator must then focus his/her hermeneutical effort on two statutory articles, namely articles 2 and 10 of the Constitution. At this point, we will not further analyze the doctrinal and jurisprudential positions concerning the aforementioned articles. For the sake of conciseness, suffice it to consider that the second subparagraph of article 10 reserves the regulation of legal status to international laws and treaties, while article 2 constitutes the actual clause by which fundamental human rights can be expanded as well as the instrument through which the emersion of legal statuses and rights which were previously unknown to the jurist can be guaranteed.

The rule referred to in article 10 – which explicitly deals with the legal status of foreign migrants – does not in itself outline the constitutional status of non-citizens, since it has to be read in the light of other articles of law.

All branches of jurisprudence are nowadays imbued with the concept of human dignity, a wide-ranging idea that repeats its own dogmatic root in supra-national legislations; dignity goes beyond the mere concept of physical and psychological integrity and freedom, in that it represents the

complexity of individual attributes. Even though the Constitution does not expressly refer to the principle of human dignity's inviolability, the prevailing doctrinal interpretation states that the personalistic principle – which represents an unquenchable trait of individual personality – exhibits similarities with the principle of human dignity's inviolability, especially in terms of their respective cultural environments.

In order to provide a general and theoretical analysis that emanates from regulatory legislation based on principles, it is necessary to provide a few brief observations on the critical interpretation of article 3 of the Constitution, which carries within itself the principle of formal equality (article 3, subparagraph 1) and substantial equality (article 3, subparagraph 2); this article seems to refer solely to citizens, thereby differing from article 2 which focuses on fundamental human rights.

Two opposing thesis contended this particular field of study: the first argument entailed that article 3 could not apply to foreign migrants, while the second invoked an appropriate expansion of the principle of equality to non-citizens. The latter appears to be the more suitable, as it is compatible with a personalistic interpretation of the Constitutional provision (Chiesi & Fava, 2018). The regulatory system that characterizes Italian law cannot prescind from the interconnections that develop at international and supranational level. Therefore, human rights protection imposes a limit to the exercise of national sovereignty.

That is, the state's legislative discretion is faced today with a twofold limitation – one internal and one external – concerning universal rights of the individual (Scuto, 2012).

The transformation process which began in the aftermath of World War II affects individual national states in which a Constitutional rule of law has been established, though every national legislation are guided in their transformation by legal sources deriving from international law.

It suffice to consider the Universal Declaration of Human Rights adopted in 1948, a document that gathered broad consensus in the international Community, thus marking a deep break with past dictatorships. The development of international law seems to integrate the very premises of what Norbert Bobbio defined as “cosmopolitan law” (Bobbio, 1997).

Cosmopolitan law appeals to the development within international law and states that three regulatory expectations intersect within said development: judicial centralism, judicial pacifism and global constitutionalism; the latter, by referring to the human rights theory, relies on the idea of a world government able to protect – at supranational and international level – those fundamental freedoms of the individual that States are unable to ensure (Scuto, 2012). Cosmopolitan law¹¹ brings with it undeniable difficulties linked to the limited effectiveness of protection and also to the extreme inequalities between a few incredibly wealthy states and a multitude of poor ones. Mass migrations then provide an element of antagonism between citizenship and cosmopolitan rights that expresses itself through the phenomenon of endless masses coming from undeveloped and overpopulated continental areas aiming to obtain citizenship in rich countries (Zolo, 1999).

The affirmation of individual right runs throughout the 1948 Declaration, seemingly following the guidelines laid out in the Declaration of the Rights of Man and of the Citizen in 1789, two centuries earlier.

Since the Declaration of 1948, international agreements and treaties concerning the protection of human rights have been proliferating. Suffice it to mention the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights – both signed in New York in 1966 – the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child.

On a European level, legal instruments for the protection of fundamental rights have been strengthened, e.g. through the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. The overall regulatory framework regarding fundamental rights is therefore as complex as it is heterogeneous. The Italian Constitution must be observed from an international perspective, as revealed by article 117, reformed/

amended in 2001, which makes explicit reference to the limitations that bind the national and regional legislator: the latter must indeed comply with the rules of European and international law.

Without any claim to completeness, it is worth reflecting on the conflict that elapses between protecting fundamental human rights and safeguarding the national borders. Border protection is a precondition in order to guarantee public order, which is one of the fundamental legal assets of the Italian legal system that can be protected by an ordinary legislator with full discretion. The legislator, in the exercise of full discretion, can therefore create a balance designed at guaranteeing legal interests of constitutional importance (Scuto, 2012).

Legislative initiatives aimed at safeguarding public order which imply sacrificing subjective legal status for the individuals that choose to cross national borders have not been considered unconstitutional; unconstitutionality has been repeatedly rejected as legislative action aimed at restricting universal rights of illegal migrants has been regarded as reasonable in cases where public order was to be protected.

This then creates an irremediable hiatus between the international and internal legal system set up to defend fundamental human rights and the securitarian legislative approach: such a contrast then produces a regulatory framework particularly suited for repressing subjective legal positions on immigration.

It is not our intention to challenge the importance of a legal asset such as the public order here, inasmuch the fundamental economic and freedom rights of citizens would be called in question without it; however, the protection of such rights cannot survive upon the erosion of universal rights that belong to every human being and must therefore be protected. The jurist may then try and follow a different approach that here we submit to the reader: the very protection of fundamental human rights – as they are sanctioned by international covenants and national consti-

11 In his essay *Perpetual Peace: A Philosophical Sketch*, Immanuel Kant identifies in the cosmopolitan law the “law of the future”, a system capable of regulating not only the relationships between states and between the states and their subjects, but also between citizens from different states. Kant’s Cosmopolitan law was based on visiting and access rights to a certain territory for every individual who did not have citizenship, as well as on the duty of hospitality on the part of the host State in order to guarantee “the right of every man to be a citizen not only of his country but of the entire world”.

tutions – can be in itself an instrument for the protection of public order and for combating illegal immigration.

EUROPEAN REGULATIONS: WHAT ROLE FOR FUNDAMENTAL HUMAN RIGHTS?

In the previous paragraph, we provided a brief comparative-historical analysis of the level of fundamental rights protection as acknowledged by the Italian Constitution, ECHR, CFR and numerous international treaties ratified by the Italian parliament via ordinary law.

It is therefore essential to focus on the European regulation in order to understand within what limits the discretion of the Italian legislator lies and what the guidelines of supranational action are.

The process of integration of immigration law in the European Law has been marked by opposing tensions between Member States: namely, those that pushed towards a stronger supranational integration on one side and those that were not willing to relinquish part of their sovereignty on such a sensitive issue on the other.

The clash of such opposing forces resulted in compromise solutions which were the consequence of an inherent weakness.

The very core that gave rise to immigration policies has to be found in the legislation that constitutes the legislative structure of the Schengen Agreement. The framework outlined therein is aimed to protect the principle of free movement for EU citizens through the abolition of internal borders and a reinforcement of the external ones.

The agreement entrusts the regulation in this field to the intergovernmental method, leaving the protection of fundamental rights into the background. Member States have minimal political control, national parliaments have seldom expressed their views and the European parliament hardly has any room for maneuver.

It is necessary to bear in mind that during the 1980s the phenomenon of immigration had not yet reached its current relevance and the EEC was committed to solve economic problems resulting from the oil crises dating back

to the 1970s. Migration flows were mild and the pressure at the external borders did not represent a severe enough problem to be brought to the attention of the European institutions.

The Maastricht Treaty constitutes a small but firm step forward on this subject. The political debate about legal instruments had not made any headway and, despite a few Member States still strenuously supporting the intergovernmental approach (e.g. Italy and the Netherlands), the Community method was still in force.

The communitisation of the subject matter would have guaranteed higher standards of human rights protection for foreign migrants as well as a greater sharing of the financial expenses needed to strengthen the external borders, control migratory flows and enhance the efficiency of sea rescue.

With the Maastricht Treaty, immigration rules are included in Title VI and the role of the European Commission and European Parliament is subordinated to the European Council's power of initiative. The progress made since the Schengen Agreement is merely related to matters of principle. According to the new instrument, policy areas have to be disciplined having regard to fundamental human rights; EU policy on this matter is achieved through agreements, common positions and joint action. Judicial protection remains ineffective.

The Treaty of Amsterdam marks a decisive turning point: the subject matter is communitarised and, at the same time, the role of the Court of Justice is reinforced.

The actual breakthrough came with the Treaty of Lisbon which in 2009 introduced the subject of immigration in Title V and set out basic principles which proved to be useful to understand the concrete relationships between Member States and the EU. The subject matter is regulated via the Community method, crucial regulations concerning readmission agreements and external borders control are put in place; the legislative competence is concurrent. Detailed legislation is entrusted to Member States which retain substantial autonomy and discretion within the limits of the principles envisaged by Community institutions. Provisions on the subject of fundamental rights of foreign migrants result to be residual.

Having briefly outlined the regulatory framework within which the subject matter of this study lies, it is crucial to turn our attention to EU programmes by the European Council which since 1999 attempted to dictate clear political objectives that should have been converted into legislation. The conditional form is compulsory in a context of few clear and harmonic rules which on the European level are now increasingly necessary in order to guarantee an approximation between national legislations.

The gap between more advanced States and former Eastern Bloc States requires a tangible endeavor of harmonization which should be based on the expansion and promotion of fundamental and universal human rights that are to be conceived as actual means to counter illegal immigration as well as instruments of protection for legal and illegal foreign migrants. As a result of careful study of the conclusions adopted by the European Council from 1999 to 2014, it is possible to draw certain key conclusions.

Immediately after the approval and ratification of the Treaty of Amsterdam, the European Council held in Tampere promoted a progressive and democratic spirit. In fact, it stressed the need to abandon the regulatory setting deriving from Schengen in order to provide more spaces to Community actions aimed to regulate the phenomenon of migration as something not necessarily connected to public order and safety.

The European Council of Tampere intended to serve as a mouthpiece for a new chapter, which was ultimately cut short by the events of September 11, 2001. The terrorist attacks against the US marked the beginning of an era of restrictions and security-based migration policies; European initiatives were profoundly constrained and the reactions went in the opposite direction to what the Tampere agreements aimed to achieve.

Therefore, regulatory measures were influenced by the need to guarantee full protection in matters of public order and safety both on a European and national level.

In 2004, the Hague European Council tried to revive the "Tampere spirit", but it is safe to say that the whole world changed radically due to international terrorism.

In fact, immigration policies began to focus mainly on external borders management and strengthening, while Member States sought to establish regulations concerning the sharing of the financial burden.

By analyzing European acts, we can indeed observe how "cooperation, solidarity and equity" come out as recurring concepts. However, the jurist must not be misled: the concepts of cooperation, solidarity and equity are intended to apply in the relationships between Member States; the protection of the rights remains in the background and the EU becomes withdrawn, seemingly abnegating its role of promoting fundamental rights and fostering a deep hiatus between the privilege of EU citizens and foreign migrants who are victims to a historical and political context affected by acts of violence and international terrorism.

With the European Council of Stockholm held in 2009, however, the discussion on fundamental rights is resumed, although with a securitarian approach. While this appears to be an inherent contradiction, the jurist who chooses to focus on the analysis of Community case law can easily understand how the main objective of the European – and subsequently national – legislator is to safeguard a minimum standard of rights when it comes to illegal immigrants being deported or rejected at the border.

As a matter of fact, the regulatory instruments aimed to protect foreign migrants are not suitable for this purpose and work merely towards the harmonization of regulations concerning political asylum and subsidiary protection¹².

EU has actually intervened on return procedures and readmission agreements in an effort to guarantee the respect of fundamental rights during a phase that could be fairly described as pathological. Full legislative discretion with regard to the legal status of foreign migrants is delegated to Member States. The absence of common and harmonic policy results in conflicts which are temporarily reconciled

12 In the following paragraphs, we will analyze the consequences of a harmonized European legislation, limited to political asylum and international protection procedures. The total absence of uniform regulatory provisions aimed at regularizing individuals who cannot benefit from the Geneva Convention and from regulations for international protection led to a misuse of the political asylum, thus fueling tensions within the European society.

through emergency amnesty procedures that cannot but exacerbate the problems deriving from the complete lack of effective regularization procedures.

Despite the high-minded pronouncements, in fact, the EU does not provide complementary legislative instruments in addition to the basic rules contained in the treaties, in the ECHR and in the CFR.

The EU is in fact a fortress within which fundamental rights find that kind of space and recognition that are not accessible to those that cross borders illegally (Scuto, 2012). The ideological premises that underlie the existing legal framework can be seen as commendable. On one hand, there is a need to counter the criminal activities associated with human trafficking, on the other, universal human rights stand out. The compromise reached is weak and consists in cross-border, cooperation and partnership programmes through which the political, economic and social constants that set entire communities to migrate should be rooted out.

The difficult balancing act between the protection of fundamental human rights and safety results in a substantial conflict between two legal assets that should not be placed in contrast since they are actually complementary. The safety of European citizens cannot be ensured without the concurrent protection of universal human rights of illegal migrants. The expansion of legal vantage points and their specific recognition, regardless of citizenship, brings peace and peace ensures safety.

IMMIGRATION IN ITALY: FROM “MARTELLI” LAW TO THE “DECREES ON SECURITY” OF 2018

The above analysis is useful in order to understand the trend lines of Italian legislation in the matter of immigration.

In this respect, the first feeble attempt dates back to 1992; with it, the legislator tries to give an early and embryonic regulatory structure to the phenomenon. The attempt is all but noteworthy and it is a testament to the legislator's inability to build an organic legal framework. The reforming action does not meet the need to offer any legislative adjunct for the protection of legal and/or illegal migrants, instead it complies with supra-national requirements directly

related to the compliance with the Schengen Convention. The first substantial consolidated text dates back to 1998, when the Legislative Decree 286/1998 was adopted.

Before undertaking further analysis, it can be useful to offer the reader some food for thought: the enforcing importance of the consolidated text in its original form has been hindered by an inorganic normative stratification running from 1998 up to 2019.

The last twenty years have been characterized by high political tensions: the subject of immigration tends to polarize the political debate and widen the gap between conservatives and progressives political parties.

In addition, the Italian regulatory framework reflects the influence of European law and institutions which were unable to initiate a proper process of harmonization and ended up delegating the regulatory standards for the legal status of foreign migrants to Member States. Furthermore, since 2001 and the problems associated with international terrorism, the policies of Member States had already left the original “Tampere spirit” behind and the protection of human rights was relegated to rejections and deportations.

That being said, it is important to focus on the consequential new regulations introduced by Legislative Decree 286/1998.

For the first time, the consolidated text introduces a clear and unequivocal reference to the protection of fundamental human rights, moreover without distinguishing between regularly resident non-citizens and illegal immigrants.

This information deserves the commentator's careful thought: the connections with the approach of the European Council of Tampere are quite obvious. At the time, the main goal was to promote a system for the management of migratory flows based on full recognition and effective protection of fundamental human rights. The original structure of the consolidated text was targeted at promoting integration and facilitating legal entry procedures.

The legislator's reasoning revolved around a basic notion: if the migrant is granted with legal and safe entry within

national borders, then the crime syndicates that specialize in human trafficking will have less room to maneuver.

The streamlining of entry procedures went together with a progressive legislation in the matter of qualifications for legal residence.

Work-related integration policies are favored, close relatives and family reunifications are also safeguarded, fundamental rights such as healthcare, education and housing are extended. The consolidated text also introduced certain rules aimed at quelling the aiding and abetting of illegal immigration and facilitating repatriations in accordance with the principles of fundamental human rights.

However, it must be noted that the proper application of article 13 of the Constitution – which sets a reserve of jurisdiction in instances of personal freedom restrictions – presented its first criticalities. While it is preferable to take a further analysis of more meticulous constitutional jurisprudence elsewhere, suffice it here to recall that subsequent legislative action were unable to remedy those shortcomings, thus exacerbating the most critical points and restricting fundamental rights for foreign migrants – despite rules from the consolidated text that invoke and impose their protection being still in force, although in name only.

In 2002, the original structure of the consolidated text was disrupted. At the time, the legislator chose to radically change the approach by increasing punitive treatment and to opt for the ideological turn that tied the phenomenon of legal and illegal immigration to public order management and protection policies.

Thanks to those aspects of the Constitutional jurisprudence that leave extensive room to regulatory discretion in the matter of border safeguard and management, the legislator inflicted a critical blow to fundamental rights protection.

Legal entry procedures became much tighter, new instruments for repatriation and rejection at the border were implemented and the criteria for the recognition of fundamental rights were narrowed. With this, the legislator seems to act according to a securitarian agenda aimed at discouraging migration flows through repressive messages

towards those who – out of necessity – aspire to obtain full recognition of their rights within the EU.

The 2002 reforms respond to the need for security thus turning the foreign migrant in the main enemy in a borderless, all-out war against international terrorism. The restriction of fundamental human rights and associated protection instruments appears to be the main tool in the fight against human trafficking.

A few years later, the draft of enabling law A. C. 2976 represents an attempt to turn the tide. However, with the premature end of the parliamentary term and the centre-right coalition back in power, the legislative “security package” of 2009 imposed further restraints to non-citizen rights. With this, a principle directly opposed to the formal Constitutions seems to take root. The idea of limiting the application of equality and solidarity principles solely to citizens now appears to become legitimate.

During such a phase, the legislator heralded an ideological and political season which resulted in anachronistic legal provisions that proved to be ill-suited to counter illegal immigrations: in fact, those measures merely revisited the pattern of conflict between citizenship and the legal status of foreign migrants, thus creating dangerous conditions of marginalization and exclusions due to the belief that a strict regulatory framework could in itself avert illegal entries into Italian territory.

The critical points have been highlighted on several occasions by the Constitutional Court which has always been committed to deliver an opinion on matters relating to rejection, administrative deportation and repressive policies.

Not surprisingly, the introduction of both the “crime of clandestine immigration” (which was deemed compatible with the Constitution) and the “aggravating circumstance of clandestine state of being” (which the Constitutional Court held unlawful with a landmark ruling in 2010). The “Security package” of 2009 reinforces a securitarian legislative framework characterized by an unbreakable bond between public order protection and the fight against illegal immigration.

It is not our intention to aprioristically demonize regulations against human trafficking nor to encourage a toler-

ant attitude towards the malfeasances that revolve around crime syndicates engaging in the exploitation of illegal immigration; however, it is necessary to oppose firmly, from a regulatory perspective, every merely repressive action aimed at creating enclaves where Constitutional law cannot apply.

The failure of the aforementioned approach became clear in 2009 when the legislator was once again forced to resort to an amnesty. Amnesty is a posthumous regularization instrument for resident illegal migrants; it constitutes a “remission” and like every other remission represents the substantial failure of the regulations designed by the legislator.

A regulatory framework devoted to curtail areas of freedom and equality is not a valid deterrent; in fact, it allows the proliferation of illegal entry and stay channels. Typically, crime syndicates are used to turn a latently “abolitionist” regulatory framework into opportunities for profit and personal gain. The latest major legislative action on the matter of immigration dates back to 2018 and 2019. Here too, however, the basic ideological structure does not change; as a matter of fact, it consolidates. The instruments for the protection of fundamental rights of foreign migrants are resized and further action is also taken on the matter of asylum policies.

The legislator establishes extremely strict regulations in criminal matters and reforms the spheres of citizenship and civil registration for foreign migrants requesting international protection, also restricting access within second level widespread hospitality system¹³. Ultimately, the legislator promotes a policy of exclusion and marginalization which appears censurable from a regulatory perspective.

The reform of 2019 is cause of major constitutional concerns. Since its first publication in the *Gazzetta Ufficiale* (Official Gazette of the Italian Republic) the so-called “decree on security” was met with negative reactions by jurists who highlighted several aspects of blatant unconstitutionality.

For instance, in July 2020 the Constitutional Court case law has acted to rule the regulation forbidding civil registration

for migrants requesting international protection as unconstitutional as it infringed article 3 of the Constitution.

Furthermore, there are obvious constitutional illegalities as well as counterpoints with reference to Article 10 of the Constitution which, as explained in the previous paragraphs, provides a regulatory basis of constitutional rank for the protection of the right of asylum.

While in 2002 and 2009 the legislator intervened on residence permits issued by the administrative branch for professional and family reasons by tightening up legal entry procedures and abolishing regulations that provided safe entry channels for migrants, the legislator of 2018 and 2019 acts on the most critical aspect, that is, the right to international and humanitarian protection.

The line of reasoning remains unchanged: crime syndicates and human traffickers can only be defeated by narrowing the scope of application of fundamental human rights. Nothing could be further from the truth: the reform of 2018 gave the organized crime – which has way more leverage on individuals who currently cannot seek protection based on charity and humanitarian grounds – even more freedom to act. The highly securitarian legislative action follows in the wake of the repression of foreign migrants as individuals who seek for help and claim the right to move freely within the Italian territory.

In recent years, the right of asylum was establishing itself as the main protection scheme for fundamental human rights of illegal migrants (Scuto, 2012). This phenomenon developed in the aftermath of the destabilization of North African countries and, since 2014, Italy was affected by massive migratory flows. The greatest and most apparent failure of European policies on immigration dates back to this very time. The EU was in fact unable to harmonize the positions of those Member States that do not consider migratory flows towards Italy in the last five years to be their concern.

This resulted in a deep sense of mistrust among the citizens, who turned to simplistic and securitarian solutions. In addition, the enormous influx of illegal immigrants has resulted in the strengthening of an extraordinary reception

13 A reference is made here to the SPRAR reception system, which is operated by private bodies; those bodies sign an agreement with the municipalities that adhere to the project through the Centra System established at the Ministry of the Interior.

system (not to be confused with the SPRAR system) characterized by substantial criminal acts and corruption. Such distortions have done nothing but entrench the misconception that repression and the over-protection of public order can prevail and disregard the protection of fundamental rights.

FINAL OBSERVATIONS

The SPRAR system in Riace was set within the aforementioned regulatory framework. The contrast between national legislation trends and local administrative system is also clear for all to see. The reception system devised and managed by Mimmo Lucano was in contradiction with the guidelines of the national political action.

Riace then becomes a global model for proper reception, fruitful integration and a virtuous system of economic growth for local communities. Riace seems to represent the nemesis of the established legislative framework: an opposing pattern takes root within a small town of the Locride region affected by the presence of organized crime, a pattern that fosters mutual recognition, solidarity and legality. The jurist has to consider how the Riace reception system has been structured, then he/she has to analyze the local policies established through the years and the impact of those policies on the regularization procedures of foreign migrants who are hosts of this small Calabrian village. To this end, it will be beneficial to study the whole process, to analyze thoroughly the accusations leveled to the former Mayor of Riace by the Italian Government and to understand whether or not the much-praised reception model that hit the headlines really was a game-changer.

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Riace as an Informal Labour Management Case? A Position Paper

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ABSTRACT

This position paper describes the position of the author about informal labour related to migration. First, it tries to relate informality to social movements-multitude. Second, it positions the author within activism-related research. Third, it describes the labour informality and participatory approach to methodology. Fourth, it concludes by showing the reason why Riace was chosen as a case study.

TOWARDS AND INSIDE MULTITUDE

Mezzadra and Neilson in *Border as method* (2013) claimed that in today's capitalism the only mobility guaranteed is that of commodities, while mobility of people, in contrast, is not guaranteed. As a consequence, most migrants enter a system of labour exploitation where, of course, the old adage of being exploited in order to maximise profit applies, and which is characterised by the intensification, diversification, and heterogenization of labour. Global data on migrant labour shows migrants to be overwhelmingly employed within the low-wage and less-paid sectors, especially in Western countries. Most migrants arriving in Global North Countries possess high and specialised skills and education, however, multiple factors, including local needs for different skills, racism and xenophobia, contribute to their being excluded from better paid labour market sectors (Coe et al., 2013). This global situation for migrants tends to restrict their search for employment to ethnic-characterised (and sometimes ghettoised) communities and often to find jobs in the so-called informal sector, which is not easy to define and analyse.

Nowadays, migrant labour struggles are some of the most active and avantgarde struggles for labour around the

world. These struggles have both a local and transnational character. The Transnational Migrants Coordination in its first public outcome, a journal, claims that a transnational struggle is necessary to defeat "A connected system of institutional racism, where national and EU laws and international agreements concur in creating the conditions of exploitation, confinement and patriarchal violence".

With specific reference to care work, globally this is performed by migrant women or by women within families. Most of the time, being a personal care assistant or working in the care sector corresponds to not having equal prestige and conditions to men at work or within the family. Finding commonalities between the feminist movement's struggle regarding care work and that of individuals with disabilities regarding independent living could provide the basis for a political collaboration to make both movements stronger. Nevertheless, these struggles are parts of a bigger struggle against neoliberalism. The concept of "multitude" as it is elaborated by Hardt and Negri is particularly useful to explain the wide range of subjectivities behind an equally large variety of typologies of struggle; but the practices of the multitude are not static, they are an ongoing process:

“ The politics of the multitude has its feet planted firmly on the terrain of coalition politics but it never remains merely a collection of identities. Through processes of articulation it sets out on a journey of transformation. Sometimes these articulations stretch across time and space through the formation of a cycle of struggles. A cycle is not formed by a simple repetition of the same struggle among different subjectivities or in different parts of the world. In a new context the struggle is always different. A cycle is formed when the activists are able to operate a political translation by which they both adopt and transform the protest rep-

ertoires, modes of action, organizational forms, slogans, and aspirations developed elsewhere" (Hardt & Negri, 2017, p. 293).

A primary instrument (but certainly not the only one, in my personal opinion) that the multitude uses to transform itself and the context in which it lives is the instrument of the assembly. This constitutive right is not a top-down concession or a simple defensive mechanism against oppression, but is the basis "for taking power differently, through cooperation in social production" (Hardt & Negri, 2017, p. 295). Samir Amin, another renowned Marxist scholar, criticised the concept of multitude by calling it a "generalized proletarianization" and using a geographical distinction between the core and peripheries considered as dominant centres and exploited peripheries because they constitute an accumulation and exploitation paradigm:

“ *The processes of proletarianization (I use this term deliberately even if they immediately appear as processes of dispossession, exclusion, and pauperization) in the peripheries do not reproduce, with a delay, those that formed (and continue to form) the structures of the societies in the dominant centers. Underdevelopment is not a delay, but the concomitant product of development. The social structures produced in the peripheries are also not vestiges of the past. The submission of these societies distorted the earlier structures and shaped them in such a way as to make them useful to imperialist expansion of global capitalism (which is inherently polarizing). Workers in the informal sector, for example—continually growing in number and proportion in the peripheral South—are not vestiges of the past, but products of capitalist modernity. They are not excluded, but segments of labor completely integrated into the system of capitalist exploitation. Here let me make an analogy with the domestic labor of women: this informal labor—non- or poorly remunerated—makes it possible to reduce the price of labor power employed in the formal segments of production"* (Amin, 2014).

Amin's critique sounds like it takes no account of the substance of Hardt and Negri's work, but rather challenges the form of the multitude concept. It argues against the elaboration made by Hardt and Negri in *Empire*, in which empire

has overcome its subdivision into dominant and exploited contexts to become a pervasive net that has no centre. Nevertheless, referring to this, Amin's critique is a necessary passage in order to clarify some aspects of my research and positionality. Firstly, I think both the positions I have just outlined carry the same weight, because I think that Amin tries to illustrate capitalist modernity in a more descriptive way, one which also takes into account the geographical divide between global North and South. This is an aspect that I value as important for my research. Amin's thinking about this matter resembles Marxist orthodoxy and is a critique of those studies that consider the informal sector as the product of social and economic marginality and as the only way to survive for some people. For instance, Veronica Gago (Gago, 2017), describes the functioning of a part of the informal sector in Buenos Aires. She finds that informality is the long-term by-product of neoliberal policies and that it constitutes a neoliberal rationality from below. Thus she would probably agree with Amin's position, except for the fact that according to Gago's standpoint subalterns have an active role in microphysical decision-making.

WHAT IS MY POSITION?

“ *Great enthusiasm and dedication to the point of risking one's life are not the only ways of serving a cause. The conscious revolutionary is not only a person of feeling, but also one of reason, to whom every effort to promote justice and solidarity rests on precise knowledge and on a comprehensive understanding of history, sociology and biology"* (Harvey, 2015).

David Harvey referred to this extract from a letter of Reclus (Reclus, 1901) in response to the critical standpoint of Simon Springer (Springer, 2014), a self-proclaimed anarchist geographer. My choice to refer to this is based on two reasons. On one hand, being both an activist and a researcher means, from my perspective, being both a person of feeling and a person of reason. On the other hand, this means that the debate surrounding Springer and Harvey's querelle is not what I would like to pursue in my research; critical and radical geographies are naturally heterodox approaches towards the discipline of human geography, which is my field. Thus, trying to ask myself where, within the subdivision of the broad heterodox approaches of crit-

ical geographies, my research and activism lies, is not what I am concerned about. I think that the best approach is the one suggested by Katherine Gibson in the same debate:

“*Radical geography in its broadest sense is making major contributions to knowledge horizons today. The exciting range of radical geographic research remains somewhat unacknowledged in the way that geography always seems to shrink from popular acclaim in comparison to other disciplines with their Nobel Prize winners and public intellectuals. But our scholarship turns up in remarkable places and is drawn upon by a wide range of practitioners, both academic and activist. Rather than recenter radical geography on one political tradition, no matter how attached to freedom it might be, I am more attracted to appreciating the heterogeneity of perspectives and methods that flourish under its rubric. To my mind, the protean process by which insurrection creates new worlds exceeds any one name*” (Gibson, 2014).

Barnes and Christophers, in *Economic Geography: A Critical Introduction*, outline the map of critical economic geography. According to these authors, economic geography could be represented as an archipelago in which mainstream (neo-classical) economic geography corresponds to a huge island isolated from other islands which correspond to heterodox and critical approaches towards economic geography. These islands are separated by the sea, but they are connected by bridges and by being not so far away from each other (Barnes & Christophers, 2018). This archipelago could be extended to other branches within human geography and to critical and radical geographies. Considering this perspective, in my opinion the question of positionality concerns not being in a prefixed position, but in navigating the sea that surrounds this archipelago, first as a continuously hungry explorer, and then as a confident navigator. This metaphor is also useful to explain my personal point of view about what research is in relation to activism.

My mentioning of the concept of multitude and its behaviour above was a way to introduce my personal point of view. I am the multitude: this synecdoche explains what I think about research and activism. I am surely part of the multitude and I transform and move myself towards new practices and strategies as time passes, and other activists and researchers globally adopt the same and other tactics.

Movement in space and time towards new horizons of knowledge and resistance as an integral part of doing research and activism involves being conscious of who we currently are and of the fact that we must trace a path to reach our destination. We must acknowledge to ourselves that this path will change both us and the modality with which we investigate and analyse the context that surrounds us. Moreover, if we are to act without presumptuous preconceptions and prejudice, we must take into account the fact that we are not able to trace the route with a high degree of precision and that our destination is still unclear. This latter observation means that (like the multitude) research requires a high level of acceptance regarding the changing and flowing nature of the object of our research; investigating the object entails the necessary proviso that, if we are not acting with prejudice and an ideological attitude, we will discover new perspectives during and when we end our research. Expecting to enrich our knowledge about the object of our research does not mean that we are leaving research design and a structured project behind, but instead that we are avoiding writing and investigating with a predetermined conclusion based on personal convictions. This is the route I would like to follow in this research, transforming myself and, possibly, the world around me, without teleological prescriptions!

THE TOPIC AND METHODOLOGY OF MY RESEARCH

Gian Antonio Gilli, in a decades-old Italian book called *Come Si Fa Ricerca*, describes the actors and agencies within research and their related issues. These issues are to be found both within and outside the academic context. For instance, doctoral students, lecturers and professors are formally employees that work for a public or private institution, thus this fact often constitutes an asymmetric power relation between the de facto contractee and the contractor (Gilli, 1971). This institutional power relation is usually ambivalent: on one hand, the researcher is protected inside the Ivory Tower of academia (Taylor, 2014), while, on the other hand, it is mandatory for the researcher to negotiate between his or her personal values and the value system of academia. Academia is a hierarchical and (nowadays) neoliberal institution, hence, how might the researcher overcome issues related to the requirements of research production and the sometimes oppressive hierarchies within this institution? Having an ap-

proach linked to activism not only inside, but also outside, academia could be one of the possible paths to follow in research and academic life.

For instance, I have chosen a topic concerning an actual, present-day global problematic. The issues of informal labour and an overall perspective of a European management of informality and migration are often related to the insurgence and emergence of social movements (the multitude!) that bring forward the petitions of migrants.

“Workers in the informal sector, for example—continually growing in number and proportion in the peripheral South—are not vestiges of the past, but products of capitalist modernity. They are not excluded, but segments of labor completely integrated into the system of capitalist exploitation. Here let me make an analogy with the domestic labor of women: this informal labor—non- or poorly remunerated—makes it possible to reduce the price of labor power employed in the formal segments of production” (Amin, 2014).

Repeating this extract from Amin’s article here, I would like to stress and possibly confute some of its points. According to the author’s opinion, informality is “continually growing in number and proportion in the peripheral South”. Previous studies on informality have focussed mainly on the presence of informality in the Global South, which is true in statistical terms, however the number of studies regarding informality in the Global North is small. Firstly, it is not possible to define here what the differences between Global South and Global North are, but we can establish one principle: the condition of being South is not only physical, geographically speaking, but is also indicated by improvised living conditions (Simone, 2018). Lately, these conditions have been improving in the so-called Global North, however with different features related to the platform economy (Rossi & Wang, 2020). A large part of such improvised conditions consists of processes where informality takes the form of mutual aid (a natural modality to compensate for the lack of welfare policies and a neoliberal rationality from below) and a cause of continuous negotiations between informal and formal-institutional actors. In other words, and to better explain: “As such, informality is both a medium and a product of political action, and a way for discrepant, even contradictory processes, to ‘lend each other a hand’, to assume a degree of mutual implication and

responsibility without seeming or being compelled to do so” (Simone, 2019). Informality thus assumes a different hue and could shift into something bigger if investigated as part of the “popular economies” which were analysed by Veronica Gago. Nevertheless, I prefer here to refer to the description written by Simone in a short theoretical essay that explains the shift from informality to popular economies:

“‘Popular economies’ refers to the variegated, promiscuous forms of organising the production of things, their repair, distribution, use, as well as the provision of social reproduction services that simultaneously fall inside and outside the ambit of formal capitalist production. Neither reducible to notions of informality, shared or social economy, the popular embodies the various efforts undertaken by those with no, partial or unsustainable access to wage labour not only to generate a viable livelihood but to anchor such livelihood in forms of accumulation that enable them to participate in larger circuits of sociality and to elaborate the semblance a public infrastructure” (Abdou-Maliq Simone, 2019).

Thus, being part of the popular economy is a strategy for surviving through a series of accumulation strategies elaborated in a context of urban marginality. Most of the time the natural consequence of this accumulation from below transforms the cities and the markets into contested contexts. Nevertheless, the accumulation paradigm is only one of the possibilities that a study on informal migrant labour could explore. Sara Gonzalez has investigated contested marketplaces in both the Global South and the Global North, and her proposal is to research on the basis of three directions: “Marketplaces as frontier spaces for processes of gentrification, dispossession and displacement; marketplaces as spaces for mobilisation, contestation and debate over public space and the city; and marketplaces as spaces for building alternative and counter practices of production and consumption” (González, 2019).

Conflict in cities is currently based on a centre-oriented order: the dominant invisible centre divided the city into spaces with a visible territorial hierarchy. Neoliberalism pushes for a reorganisation on a global scale based on this kind of hierarchy, which influences social movements and their exercise of popular sovereignty under various forms. The objective of methodology in my field research was de-

signed to enable the conduct of a social enquiry into the new relations between class and the lives of people during times when sovereignty appears as a multiplicity of micro-physical powers. By adopting this approach, my intention was to transform the inanimate object of my research into a living subject who is capable of exercising agency on spaces as a constituent power. I believed the two most effective kinds of methodology to use in this context would have been the participatory and the qualitative ones.

The participatory method that seemed to me most natural as a modality for getting easily in contact with the object-subject of the research was action research: participatory action research. The community based one.

The field research (necessarily suspended for the present owing to Covid restrictions) was originally conceived in such a way that the people taking part in the project would have been able to offer food for thought and proposals to be concretely realized:

“*Participatory action research has emancipation at its foundation. The critical-emancipatory tradition of PAR serves to reclaim the power of the people by centering them in the research and social change process. This special tradition is influenced by the philosophical foundations of Marxism, feminism, social constructionism, and popular education of Paulo Freire. At its core, critical-emancipatory PAR emphasizes alternative views of epistemology (whose knowledge counts), power (who participates and how), and social change (to what extent social relations are made more equitable)*” (Lawson et al., 2015, p. 130).

The context was mainly characterised by spatial and racialization-migration elements, the most useful strategies to be used within the participatory research were community-based strategies. The strategy ideally would have entailed the use of participatory cartography:

“*Participants can create images containing GPS data and map community resources and develop a virtual map showing a transect walk through the community enhanced by photos of specific locations for use in a needs assessment dialogue. Walking and talking to experience place has been promoted as a strong methodology for gathering*

rich and diverse qualitative data.” (Coughlin et al., 2017, p. 52)

This is to say, it should preferably have involved spatial mapping and discussion of informal labour and life experiences.

Since it would have been based on a community approach, this strategy could have taken into account the cultural diversity of groups and individuals. The difficulties usually met in this type of research concern the condition of immigrants, who very often refuse to take part because they are afraid of being put on file, or of running into various kind of problems (Coughlin et al., 2017, Chapters 6–7). This is why the anonymity of each individual needs to be guaranteed and a person acting as a mediator and recruiter has to be found; this person or this group of persons must be part of the community, even better if part of the social movement set up to advance the requests of informal labour. Indeed, it is necessary to not act completely alone, but to interact with people who are competent about the topic and who have different educational backgrounds (Leavy, 2017, pp. 131–132). It is desirable, in this case, to establish a stable interaction with people coming from the reference community.

The final goal of this strategy would have been to organise one or two assemblies in order to definitively transform the object into a subject and to establish a project with concrete political objectives capable of realising a policy proposal. Nevertheless, participatory action research approaches have many critical difficulties that need to be correctly dealt with.

Another issue is the time factor: an action research project requires more than a few months to be spent on the field-work part of the research, but it also requires an everyday commitment towards the subjectivities involved. Despite all the foregoing considerations, I would still like to maintain the philosophy that lies behind action research projects:

“*Once it is clear that action research is not a methodological choice, but an ethical and epistemological one, much clarification can take place that goes in the direction of the establishment of theoretically coherent evaluation criteria for action research written outcomes. [...] Therefore, action research narratives should possibly tell the reader how research impacts on the world and subsequently through professional practice. Moreover,*

action research narratives cannot be criticized if they do not provide general or universal indications to practitioners” (Saija, 2014).

Thus, maintaining such an epistemological and ethical standpoint as the basis of fieldwork and methodology is the starting point of my investigation. I have chosen more than one method among the qualitative ones to analyse the cases on the fieldwork while having on my mind the epistemological approach given by action research. Although I am well aware that my point of view can not be completely neutral in relation to the subjectivities investigated, I would like to position those subjectivities at the centre of my research.

WHY RIACE?

The New Pact on Migration and Asylum established a new institutional (and probably ineffective) response towards migration. “The European Commission offers a sophisticated toolbox, but it lacks the moral leadership” (*Sophisticated Tools – Weak Principles – The Progressive Post*, n.d.). Moreover, it does not try to solve migration-related racial hatred and still continues to manage migrants as objects that merely need to be shifted around. Mimmo Lucano’s response to migration seems to have been of a **different kind**, one that goes beyond the response informed by far-right racial hatred against migrants and the neoliberal Global Compact that manages migrants as workforce (thus, in this sense it resembles policies regarding migrants in the 1970s). Despite media distortion regarding Lucano’s policies, his administration’s response tried to map out an alternative route that consisted of managing migration through citizenship, and migrant labour through migrants’ skills. Consequently, this kind of response was an innovative approach to migration management. It tried to help migrants to reach self-determination. An objective of my research is also to discover if Lucano’s policies avoided a top-down approach to migration with a view to drawing up **participated policies** in which migrants were the main policymakers. Nevertheless, it seems that Lucano’s policies regarding migration still did not take into account reproductive labour. Considering reproductive labour as an important value in migrant labour policies would have improved the outcome of Lucano’s policies and (finally!) it

would have guaranteed justice and a better life for migrant women too.

A research project concerning Riace inevitably involves an evaluation of the pros and cons of Lucano’s administration in respect of its integration policies, as well as of its influence outside the territory of Riace: what were the possible critical issues of reception policies in economic and labour terms? Did the migrants have (in Riace) **an active role** in elaborating and adopting policies in the labour field?

Outside of Riace, as mentioned above, there are currently some labour regimes and sectors that have a prevalence of migrant labour. These are often characterized by extreme labour exploitation, for example the economy of harvesting vegetables, informality (informality is also to be understood as an entrepreneurial way of survival within the capitalist system), gratuitousness, which occurs for example when the municipal administrations exploit migrant people through the corvée of decorum of the urban sphere. Another sector is that of domestic and care work, which, all over the world, is overwhelmingly carried out by female migrant workers; this sector is often linked to the informal one. These “new” labour regimes can be considered both as modern slavery and as a way to survive inside the inequalities of the capitalist system.

“Whether through innovative subversions of archival data or the dismantling of cartographic imaginaries, Black feminist, African, and Afro-Latinx revisionist projects on urban slavery are actively reengineering understandings of the complex interrelationships between spatial and institutional forces of colonialism, racism, heteropatriarchy, and imperialism in conceptualizing the geographies of urbanization, urban economic change, and the agency of different urban subjects” (Buckley, 2018).

With reference to the history of urban slavery and its relationship to the construction of cities, Buckley claims that this relationship provides a new kind of analysis about urbanisation in historical terms. This standpoint regarding urban slavery is different from the analysis that investigates life in cities for enslaved people in relation to forms of subversion and survival. An important part of the urban economy consists of the typology of labour which is not

paid employment. Some analyses, from a sub-multidisciplinary perspective that spans the economic, social-cultural and urban geography ones, point out that an intersectional approach constitutes the geographies of unpaid labour. A part of this literature “makes connections between paid and unpaid forms of labour in thinking through the ontologies of “the workday”, or in challenging the urban capitalist “workplace” as the primary space in which those who labour can be found”. Another type of analysis, which is mostly to be found within feminist viewpoints inside geography, “Highlights the problems of urban economic development policies that lack attention to the relationships between waged and unwaged working life for particular people in the city, and how intersectional social hierarchies based on race, gender, sexuality, and class structure shape those relations” (Buckley, 2018).

Migrants in both the Global North and the Global South often start to work in the informal sectors of the economy, because it is the only way for them to survive and the only alternative to the formal labour regime. Street vending is considered as an opportunity to compensate for the lack of welfare provision in developing countries, and is an important income for families to afford education, healthcare, and other expenses. The occupation of public spaces in the everyday urban context often causes conflict with local authorities. Street vendors, in this case are really aware of their social and economic function in the urban economy (Adhikari, 2018). According to some authors (Kebede & Odella, 2014), there are some factors, such as migration status (most of the street vendors are migrants), gender (women have a lower income) and civil status (being married, for women, implies having a household to attend to), that positively or negatively influence profit making in street vending more than others; for instance, the human capital variables such as education do not influence profit in street vending activities. In these authors’ opinion, social networks heavily influence the economic survival of migrants. Thus, a migrant who finds a community having the same ethnic origin or national provenance could take better advantage: the larger the community and the social network the better the income.

The majority of informal street vending in Italy is based on ethnic communities of migrants. De Luca identified two ethnic communities which are linked to informal street vending in Genova (DeLuca, 2012). This ethnographic

work focuses upon two communities: the Moroccan and Senegalese ones. The Moroccan community is described as a more informal-entrepreneurial one, the Senegalese one is considered as embedded in the *teranga* (solidarity and hospitality) and *umma* point of view, thus Senegalese street vendors are related to their families and community. Living and trying to survive in global cities means creating new identities, the author identifies the emergence of multiple identities for the vendors: for instance, one identity is usually the roots one, the one of their country of provenance, the other one is the identity of the vendor. “To the immigrant street vendor, the use of multiple identities can be quite beneficial. They may be a father, a devout Muslim, and a street vendor, but all of these may consist of very different networks, with very little overlap” (DeLuca, 2012). The presence of different identities and labour conditions is not a fixed aspect, but it usually brings these subjectivities to negotiations: to negotiate their identities, to negotiate their usage of the public space (with reference to street vending), to negotiate their life conditions with the State or local authorities, and sometimes to create conflict with these institutional actors.

For instance, such conflict is frequently around the political concept of public space, which is not unique in its meaning, but it may be interpreted in different ways. In Barcelona’s Ramblas, for example, the conflict is between informal economy and the institutional management of this informality. This management of informality is obviously a tool of the municipality within an asymmetrical conflict between the municipality as institution and the informal street vendors’ union. The egalitarian conclusion of this conflict can be considered as governmental management of informality (La Rambla de Barcelona: territorio en disputa Los vendedores ambulantes y la lucha por la ciudad | Espinosa Zepeda | REVISTA NODO, n.d.)

The aim of my research project is not to focus on street vending, but on the management of migrant labour as an example of the management of informal labour; informal street vending is a prominent activity often performed by migrants all around the world.

For instance, migrant construction workers have a role in neoliberal urbanisation, they are formally and informally employed, and they also produce the urban environment. “These embodied spatial politics of policing and segrega-

tion aimed at construction migrants prompt us to move beyond narrow notions of class struggle to consider the broader politics of subjectivity that can sustain processes of material urbanization" (Buckley, 2014). In the case of the construction of Dubai, for example, this sort of depoliticised class struggle, which we can call a subjective struggle, was observable as linked with the migrants' limited mobility and their spatial confinement inside labour camps considered as social reproduction spaces. Together with the prohibition against strikes, this led to the emergence of informal labour organisation that was limited to the boundaries of the labour camps. Here, "relations of urban production" such as the space of the home and the body of these subjectivities, instead of the classic Marxian interpretation of capital and class, might better explain the processes of capitalist urbanisation. This situation was not only limited to the Dubai area, but "around the same time, accounts of chronic wage theft, passport confiscation, illegal migration fees, and incidents of forced work among migrants employed in construction labour markets of cities as diverse as Beijing, Moscow, Austin, and Washington have also emerged" Each case has its particular features, its similarities and differences. For instance, the Austin case produced dissent initiatives against the exploitative conditions of construction workers which were similar to those experienced by South Asian workers in Dubai. Do different variables (spatial, social, and politica) produce different responses in terms of labour organisation and solidarity initiatives? "In some cities forms of bonded (or otherwise unfree) construction labor, often carried out by women, are constituted by vastly different gendered and embodied power relations than those in Dubai". Providing examples such as the foregoing about informal labour is necessary here in order to understand that it follows different paths in different places. Low-paid and informal jobs sometimes guarantee a safety net and a way to survive for migrants, but they also follow an extremely powerful extractive capitalist logic. This ambivalence can be defeated only by starting to decriminalise informal labour (also by avoiding neoliberal management of informality such as De Soto's solutions regarding informality).

What was Riace's solution, during Lucano's municipal government, to the issues of an informal labour regime and neoliberal management of informality within an urban context?

Were the policies adopted by the Riace model effective regarding the objectives they set out to achieve?

The investigation is developed through a policy analysis of the most critical issues, and even of the causes of electoral discontinuity. Policy analysis is used within a mixed-methods approach which includes social network analysis, interviews, and policy analysis.

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Fake news and the spread of disinformation regarding migration

By **Fulvia Teano**, graduated in Social Sciences and International Security Studies, works as an IT security analyst for NTT Data Italia. Her research focus concerns primarily the study of fake news regarding migration and the role of government and civil society organizations in combating xenophobia and racism in the media.

ABSTRACT

The rise of xenophobic populism and securitisation practices regarding migration in Europe, and specifically Italy, is increasingly characterised by the spread of migration-related fake news and disinformation. Looking at the specific case of the model of Riace, and the legal vicissitudes that its first citizen, Mimmo Lucano, went through in the last years, it becomes clear how the amplification of the populist and xenophobic rhetoric can be detrimental to democratic and humanitarian processes and values. In the last decade migrants have been framed as “others”, aliens to the Member State’s culture and values, and political parties have used these emotionally charged anti-migration discourses to generate votes and support strategically. In order to combat these narratives, both the European Union and many of its Member States have developed some strategies, and fact-checking organisations devoted to enhancing transparency and fairness in the media have been ever more exposing fake news and disinformation. Discourse shapes and affects social, political and institutional practices, and at the same time, it is shaped and affected by it. The political war surrounding Lucano and Riace is a clear example of what securitising narratives and disinformation can achieve. However, notwithstanding the management problems that Lucano’s administration encountered, his political and media persecution demonstrates, on the contrary, the validity of a model aimed at leaving behind the securitising logic of emergency, adopting a logic of integration and structural enhancement of migration as a social, cultural and economic resource instead.

INTRODUCTION

“ Why does men’s safety seem to be more important than men themselves? Is the imperative of ‘all and always’ really a utopia? If we were to answer these two questions by saying ‘we will figure out who deserves to be accepted’ or ‘we will see if it suits us’, we would be making the unwise choice of renouncing the responsibility we have towards others. [...] We are only free if we are able to combine both individual and collective responsibility.” Mimmo Lucano, 2020, pp.10-11 (own translation)

Migration is a constant phenomenon in the history of human societies and, in particular, in the European context. People have always migrated, but all societies have long, and often conflictual, histories of managing migration and diversity issues. Economic, social and security aspects (ever-changing push and pull factors) have determined over time fluctuations in migration patterns and the attitudes towards it. Migration is becoming more than ever before deeply intertwined with geopolitics, trade and cultural exchange, and even though it provides receiving States, societies and migrants with many opportunities, it is often conceived as a critical political and policy challenge, for instance on issues such as integration, displacement, safe migration and border management (IOM, 2018). Consequently, migration is a top priority topic for public policy and the media, because of its close relation to economic prosperity, human development, and safety and security, and both at the national and international level media reports are being daily publicised focusing on different aspects of migration, but most frequently the negative ones (IOM, 2018). Media have often framed migrants (and in particular refugees) as a threat, linking them to concerns on the loss of control from institutions, and portraying them as a dangerous invasion, as a foreign and perilous “other”.

In this context, the system of acceptance of migrants implemented by the municipality of Riace, defined as the “Riace model”, went through a complex and contradictory process. The criminalisation of Mimmo Lucano, creator of the Riace integration system and first citizen of Riace from 2004 to 2018, became a media tool through which discredit the whole project. The Riace model was born out of the necessity of crossing two opposite phenomena, one the one hand the ever-increasing emigration of the local population, and on the other the necessity to create an inclusion and integration system for the management of incoming migrants. The system of acceptance of Riace was based on experiments on local activities. It was developed on an innovative and original interpretation of resources and bottom-up processes, allowing the creation of a “total integration” system. Thanks to this system of migration management, the once empty Riace was able to reopen schools, kindergartens, recovering old crafts and giving impetus to the economic and social development of the city, overturning the common Italian (and European) narrative of division and diffidence towards the “other”.

As written by Carbone (2019: 145), Riace is a model because it represents another idea of Europe, not perched on the egoisms of the Schengen fortress and of the national communities. Mimmo Lucano fought for the respect of the specificities of the territory and the human rights of refugees, obtaining prestigious awards and worldwide fame: in 2010 he ranked third in the World Mayor international classification, some years later he received two international awards for Peace and Human Rights in Berna and Dresden, and in 2016 he obtained the 40th place on the list of the most influential leaders in the world compiled by the American magazine *Fortune*. The media element is fundamental in understanding the development of the project of Riace, and as Mimmo Lucano became the symbol of the model of Riace itself, he entered a “media circus” heavily polarised and ridden with fake news.

FAKE NEWS AND DISINFORMATION REGARDING MIGRATION

In order to understand the media interest, and in particular the production of fake news regarding the model of Riace and its first citizen Mimmo Lucano, it is important to delineate the phenomenon of fake news in a broader context.

The discursive panorama in Europe, and in particular Italy, proves to be characterised by disinformation, propaganda, manipulation, false reporting, post-truth, alternative facts, among others. There are different ways to refer to a context characterised by abundant information of low quality and discriminatory content. The harnessing of methods of disinformation is crucial to the dissemination of the anti-migration rhetoric, and fake news or half-truths are increasingly shared worldwide through all the different social media and networks.

The term “fake news” is not new, it has a long legacy reaching back centuries, especially in times of war and during interwar periods to promote particular interests (Schudson & Zelizer, 2017). In the digital age, the problem has become far more acute, as news became distributed online instead of offline and social media rose as channels of news distribution, multiplying the influence and impact of fake news. They can be defined as news “either wholly false or containing deliberately misleading elements incorporated within their content or context” (Bakir and McStay, 2018: 154, 155). In a comprehensive study, Wardle (2017, in Bakir and McStay, 2018: 155) deconstructs fake news into seven categories: false connection (articles in which headlines, visuals or captions do not support the content); false context (genuine content shared with false contextual information); manipulated content (genuine imagery/information manipulated to deceive); misleading content (misleading use of information to frame an issue or individual); imposter content (genuine sources are impersonated); fabricated content (100 % false, designed to deceive and harm); and satire/parody (with potential to fool but no intention to cause harm).

As highlighted by a recent study by Allcott and Gentzkow (2017) the motivation behind the creation of fake news can be twofold: financial, by converting outrageous fake news going viral in revenues, and/or ideological, as they promote particular ideas or people, often by discrediting others, creating polarisation and going as far as hindering normal political discourse. Fake news hides under the appearance of legitimacy, as they need to appear real to convince the audience, and they often derive from a network of fake sites. They do not only undermine news’ credibility but also journalism’s legitimacy, especially in social media in which the source is often perceived at a distance,

if not removed altogether (Kang et al., 2011 in Tandoc et al., 2017: 147).

The phenomenon of fake news and its rise in the digital age is socially and democratically problematic. Angela Merkel referred to the dangers of post-factual politics, and Barack Obama stated, after the 2016 presidential elections in the United States, that fake news and conspiracy theories have the potential to destabilise democratic processes (in Juhasz and Szicherle, 2017: 3). Bakir and McStay (2018) identify three main dangers in the spread of fake news:

1. Citizens are wrongly informed, which is obvious, but well-informed citizens are imperative to a democracy;
2. The amplification and reinforcement of fake news in a defined system, limiting their exposure competing views are underrepresented created echo chambers (as postulated by Sunstein, 2001, in Bakir and McStay, 2018: 161);
3. Fake news emotionally antagonises or enrages a certain part of the population, given their often affective and provocative nature.

According to the “Flash Eurobarometer on Fake News and Online Disinformation”, published by the European Commission in March 2018, 85% of EU citizens perceive fake news as a problem in their country, 83% perceive it as a danger to democracy in general, and 73% are concerned about disinformation online during pre-election periods. As noted by Pierri et al. (2020), disinformation spreading on social platforms has been reported in European countries in different circumstances, including 2016 Brexit (Bastos and Mercea, 2019), 2017 French Presidential Elections (Howard et al., 2017; Ferrara, 2017), 2017 Catalan referendum (Stella, Ferrara, and De Domenico, 2018), 2018 Italian General elections (Cantarella, Fraccaroli, and Volpe, 2019) (Giglietto et al., 2018) and 2019 European elections (Hedman, Sivnert, and Howard, 2018; Kollanyi and Howard, 2017; Howard et al., 2017; Marchal et al., 2019; Pierri, Artoni, and Ceri, 2019).

The presence of fake news and disinformation related to migration underpins European far right’s political vision and political discourse on international migration. Juhasz and Szicherle (2017: 4), who wrote a report on “The political effects of migration-related fake news, disinformation and conspiracy theories in Europe”, noted that disinformation methods help propaganda outlets support the immigration policy of far-right parties, and also delegitimise the

very foundations of the current European system. Enrique Dans (in CAER, 2018: 67), an expert in digital technology, believes that fake news has the objective of increasing “the polarisation in determined issues that are already heavily polarised, so radicalising them even more”. Fake news aims at the “generation of fear and indecision so that you can elect a candidate that offers protection against this supposed threat” (Myriam Redondo in CAER, 2018: 68).

The most shared fake news regarding migrants are those that link them to criminal acts (30%), social benefits (20%) and the sensation of invasion (19%) (The Observers, 2018 in CEAR, 2018: 67). Another common narrative is linking migrants or refugees, in particular if coming from Muslim countries, to terrorist movements or attacks, even though the suspects of the principal terrorist attacks of the last years (Paris, London, Nice, Berlin, Bruxelles or Barcelona) were native of the country in which they perpetrated the attack.

Focusing on Italy, as can also be seen in other European countries, it can be noted how immigration policy has been highly politicised, being marked by high issue salience and polarisation (Hutter and Kriesi 2019). Analysing Italian migration policy and politics Geddes and Pettrachin (2020) show the importance of the issue of immigration in the growth in support for the League, and particularly in Matteo Salvini’s personal ‘brand’ as its leader, which in turn lead to key political and legislative developments, resulting in a migration policy characterised by a ‘stop migration’ dialectic. Yet, a clear disjunction can be seen between the intensification of Italian media coverage regarding migration and actual flows, as asylum and refugees are a relatively small sub-section of total immigration to Italy and, by 2019, these flows had returned to historically low levels (Geddes and Pettrachin, 2020: 228).

THEORETICAL FOUNDATION

After a brief introduction to fake news, it is important to delineate the theoretical background that underpins the securitising and xenophobic sentiment regarding immigration and the surge of immigration-related fake news and disinformation in Italy, but also overall in Europe. In the following paragraphs, the works of different scholars have been analysed and elaborated on, in particular those re-

garding the theoretical concepts of securitised migration, the process of “othering”, framing and problematisation of migration in the media, and the informational moral panic derived from fake news.

Securitisation theory and the Copenhagen School

The concept of “securitisation” was developed in the mid-1990s by the authors Barry Buzan, Ole Wæver and their collaborators, creating a body of work that has come to be called the “Copenhagen School of International Relations”. Placing them in the broader context of the critical security studies and the social constructivist strand in International Relations (McDonald, 2008: 565-566), the Copenhagen School broadened the concept of security from a solely military and state approach to the economic, environmental, societal, cultural and political concerns (Buzan, Weaver and De Wilde: 1998, vii). Adapting the definition of Buzan and Weaver (1998), Tromble (2014) defines the process of securitisation as follows:

“*The process of securitisation is begun when an actor (or set of actors): (1) identifies something a referent object, as existentially threatened; (2) suggests that the source of that threat; and (3) calls for extraordinary measures –or departures from the rules of normal politics, such as secrecy additional executive powers and activities that would otherwise be illegal. The process of securitisation is then complete or “successful” when the actor’s intended audience accepts all three components as given, and itself perpetuates the securitising discourse*” (Tromble, 2014: 527-528).

The securitisation theory investigates “how” and “why” certain subjects are constructed as security issues. Buzan and Wæver theorise that, for a matter to become securitised, it must first be treated as a threat or security issue through the so-called “speech act”, which is “an utterance, which represents and recognises phenomena as ‘security’, thus giving it special status and legitimising extraordinary measures” (Buzan, Weaver and De Wilde, 1998: 26). The speech act does not only describe an existing security situation but also brings it into being by successfully representing it as such (Williams, 2003: 513).

The process of securitisation can therefore be adopted to introduce a specific issue or subject in the political agenda, into the so-called “realm of panic politics” (Buzan, 1997:14). Buzan postulates that the “realm of panic politics” allows for a departure from the rules of normal politics where “secrecy, additional executive powers, and activities that would otherwise be illegal” become justified (Buzan, 1997:14). As the issue is integrated into the security agenda in both discourse and policy, it is then tackled with methods and techniques belonging to national defence and security arenas.

Thierry Balzacq (2005) builds on the securitisation theory to highlight an important factor: the audience. He argues that securitisation is better described as “a strategic (pragmatic) practice that occurs within, and as part of, a configuration of circumstances, including the context, the psycho-cultural disposition of the audience and the power that both speaker and listener bring to the interaction” (Balzacq, 2005: 172). He postulates that the audience, political agency and context are central for the analysis of securitisation processes. Balzacq identifies three crucial components for the analysis of securitisation processes: the audience’s frame of reference, its preparedness to be convinced by the securitising agency, and finally, its power to allow and deny securitising measures (Balzacq, 2005: 192). In order to legitimise their actions and achieve a successful securitisation process, it is fundamental that the securitising actor uses the proper discursive frames that fit the context, indoctrinating the masses (Balzacq, 2005: 192).

Migrants in the media, main narratives and process of othering

Itziar Ruiz-Gimenez Arrieta (2017: 156), a Spanish scholar who analysed the refugee crisis in the Mediterranean from a human right and feminist approach, highlights the main media narratives that characterise the representation of migrants and refugees. She argues that the securitisation of migration is a process which started as a “temporal” and “exceptional” answer on what is happening in the Mediterranean, and that has been permeating European politics for more than a decade. It feeds back on two ideas: the insistence on “we do not all fit there” and that “it is necessary to contain the fluxes” to not “destabilise our societies”, and the racial portrayal of migrants as a source of insecurity. Other scholars (Huysmans and Squire, 2009; Ceyhan and Tshouk-

la, 2002: 24) have posed similar arguments, highlighting three specific axes in the discourses that connect migration to security: the association of migration with criminality; the connection with the illegal benefit of the welfare system, public services and social provisions; and finally, the connection with social instability as a result of cultural and religious convergence. Therefore, by using such discourses, the issue of migration, which was not inherently associated with security, starts to legitimise the use of restrictive public policies within the state (Ceyhan and Tshoukla, 2002: 22). Specifically, Huysmans argues that the classification of “migrant”, “foreigner”, and “asylum-seeker”, as politically powerful labels, have the ability to “connect internal security logic to the big political questions of cultural and racial identity challenges to the welfare state and legitimacy of the post-war political order” (Huysmans, 2000: 762). Huysmans contends that the representation of migrants as a threat to internal security has been exploited and over-emphasised to legitimise various measures to protect the internal security of the European Community (Huysmans, 2000: 758-762). It should be noted that the agencies behind the securitisation of migration have a various nature, from extreme right parties to actors such as national governments, European transnational policy networks, and, most importantly, the media.

Through a process of “othering” immigrants, asylum-seekers and refugees are “increasingly seen as having no legitimate right [...] to social assistance and welfare provisions”, in opposition to national citizens (Huysmans, 2000: 767). This represents the cultural identity aspect of the Europeanization of migration policy, as immigrants, asylum-seekers and refugees present a threat to the national and cultural homogeneity and the social and political stability of the state. Immigrants are represented as a burden to European societies and need to be kept at a distance, as inherently different from European nationals, and therefore not deserving a place in the EU. The exclusion of migrants are refugees furthers the political myth of the homogeneous national community of Western civilisation (Huysmans, 2000: 766).

Framing and problematising migrants in the media

Historically, the discursive framing surrounding migration has shaped states’ and other social actors’ responses to

immigration and migrants themselves, and the language of inclusion and exclusion is key to the understanding of their contemporary treatment, both in the legal and social context (Yarris and Castañeda, 2015: 64). Schrover and Schinkel (2013: 1123), writing about the language of inclusion and exclusion in the context of immigration and integration, argue that categorisations, words and phrases, which differ according to class, gender and ethnicity, are constantly renewed, and more often than not migrants and refugees are objects of discourses that problematise them, legitimating policies and practices of exclusion. Discourse shapes and affects social, political and institutional practices, and at the same time, it is shaped and affected by it. These narratives play a fundamental role in the creation, production and construction of determined social conditions (e.g. national identities), and they might perpetuate, reproduce or justify a status quo, as well as transforming it (De Cillia et al., 1999 in Schrover and Schinkel, 2013: 1125).

Framing, a concept most often linked to the media, but also politicians and policymakers, can be described as “the process by which people develop a particular conceptualisation of an issue or reorient their thinking about an issue” (Chong and Druckman, 2007: 104). Focusing on frames present in the communication sphere, Jacoby (2000: 751) argues that politicians try to persuade voters about their policies by inducing them to think about their policies along particular lines, often stressing the relationship of policies to important values of the audience. Therefore, frames serve to define and interpret specific political issues for the audience.

Most often than not refugees’ and migrants’ specific characteristics and cultural differences compared to the hosting state or society are used to frame them as an existential danger to this hosting society or community, instead of a matter that can be dealt with (Ceyhan and Tsoukala, 2002: 24-26). Politicians often use or refer to strong wording referring to immigrants. Eberl et al. (2018) reviewed past studies on the European coverage of and media effects related to immigration in Europe and highlighted common patterns. They found that migrants are generally under-represented and shown as delinquents or criminals, and that immigration coverage is often negative and conflict-centred. Furthermore, Arrieta (2017: 146), analysing dominant narratives, highlighted the repeated use of terms such as “avalanche”, “invasion”, “massive fluxes”, “hu-

manitarian crisis without precedents”, “the biggest since the Second World War”, referring to the arrival of migrants in Europe. Similarly, Carbone (2019) noticed how in the Italian public policies words such as “exodus”, “invasion” and “threat” are vastly used in relation to immigration. Hassan (2018: 26) highlighted the dominant narratives presented by Italian newspapers and legitimised by opinion polls: on the one hand, the creation and strengthening of a paradigm and a prejudice that presents immigrants as deviant, whilst on the other hand, the creation of the image of the victim, who must be saved and assisted. In this way, the necessity to adopt “exceptional” measures to answer, only temporarily (supposedly), a situation “without control”, is constructed. Frequent exposure to such media messages leads to negative attitudes towards migration, may activate stereotypical cognitions of migrant groups, and even influence vote choices (Eberl et al., 2018).

Discourses on migration issues seem to always focus on problems, either from the right-wing press, which underlines the problems that immigrants creates, and from the liberal press, which emphasises the problems that immigrants have (Van Dijk, 1992, in Schrover and Schinkel, 2013: 1125). The concept of problematisation can be defined as “the process in which actors (academics, politicians, journalists, non-governmental organisations, lawyers or others) analyse a situation, define it as a problem, expand it by attaching issues to it or by exaggerating the number of people or the cost involved, and finally suggest a solution” (Foucault, 1984 in Schrover and Schinkel, 2013: 1125).

As argued by Huysmans, however, under existential threat is not necessarily the survival of a community or state, but rather the “autonomy of the community as a political unity, often defined in terms of its independent identity and functional integrity” (2006: 48). Security framing, therefore, helps in deepening this identity and autonomy, it makes it easier to contrapose “them” to “us”, who is an outsider and who is not, “othering” migrants by constructing them as inherently different (Huymans, 2000, 2006; Ceyhan and Tsoukala, 2002). Juhasz and Szicherle (2017), similarly suggest that “debates on immigration, in symbolic terms, are not about immigrants but rather about the culture and national identity of receiving societies” (p. 6). Culture is often not seen as a dynamic process, but rather as an unchangeable status, and discourses promote the primacy of exclusionary and culturally homogenous nation-states. A study

conducted by Oesh in 2008 (Juhasz and Szicherle, 2017: 6) found that the presence of immigrants in the majority of European countries does not primarily generate support for populist parties because there is a competition for welfare, but because of the citizens’ desire to protect national identity and cultural protectionism.

Moral panic theory and fake news

Another theoretical approach useful to frame the issues regarding the migration crisis of the European Union, and therefore closely related to the spread of disinformation regarding the model of Riace, are the so-called moral panic theories, linking securitisation measures to the powerful part played by the media. Moral panic theories were born out of the social, cultural and political conflicts of the 1960s and 1970s. The pioneering studies of Jock Young (1971) on the social meaning of drug-taking and Stanley Cohen (1972, 1980) on the media-inspired confrontations between mods and rockers, and their edited collections (Cohen and Young, 1973) developed and effectively launched the concept of ‘moral panic’ (McRobbie and Thornton, 1995: 560, 561). These theories attempt to interpret the “panic reaction” of societies to “deviant” groups or cultures they consider to constitute a threat to them.

According to the definition postulated by Cohen, a moral panic occurs when a “condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests” (1972: 1). Panic is understood as a public phenomenon, a conscious feeling of being threatened in connection with a given group (in this case, refugees and immigrants) who is perceived as jeopardising the idealised order and values of a society (László and Média-árszak, 2009 in Juhasz and Szicherle, 2017: 5). Moral panic refers specifically to the threat to the given society’s central values and norms. Behind the construction of threats and societies’ responses are the so-called “moral entrepreneurs”: hegemonic groups who have societal control over morality, panic and deviance. As explained by Juhasz and Szicherle (2017), this theoretical approach can be easily applied to the topic of migration, as the securitisation of the issue often builds on the exploitation of basic fears by the media. The media plays a fundamental role in the construction of the danger, and especially the new media (e.g., blogs, social networks, ...), which articulates societal discourses within the new structure of publicity, by giving

an ever-expanding space to fake news and conspiracy theories (Juhasz and Szicherle, 2017: 5).

Matt Carlson (2018), while analysing the symbolic deviancy of social media, and in particular fake news during the 2016 US presidential election, proposed a conceptualisation of fake news as “informational moral panic”, building from the Cohen’s classic formulation of moral panic as public anxiety that a particular social threat will lead to declining standards. In the case of fake news, the anxiety is not so much directed toward a particular group, but rather aimed at the larger transformation of informational spaces made possible by social media. Informational moral panics exercise their cultural power by ascribing deviancy to particular actors while validating others. Just like moral panics generally, an informational moral panic does not imply that the threat is a total invention. Threats can be real, and the more real they appear, the more the moral panic will be salient. What the informational moral panic framework focuses on is how these threats are interpreted and represented. Akin to the labelling of something as a ‘crisis’ (Alexander, Breese and Luengo, 2016; Boint, Hart, and McConnell, 2009; Hay, 1996; Zelizer, 2015 in Carlson, 2018: 4), an informational moral panic is a particular construction that identifies boundaries of acceptability, lays blame to particular actors or conditions, and suggests remedies based on these diagnoses. In doing so, all accusations of deviance simultaneously create a notion of acceptability (Carlson, 2018: 4).

This theoretical introduction is important to understand why alternative practices, aimed at exiting securitising and “othering” logics, often meet indifference, if not resistance. The case of Riace is the perfect example. Notwithstanding the management problems that his administration encountered, the political and media persecution towards Mimmo Lucano demonstrates, on the contrary, the validity of a model aimed at leaving behind the securitising logic of emergency, adopting a logic of integration and structural enhancement of migration as a social, cultural and economic resource instead (Nicolosi, 2020: 105).

FACT-CHECKING PORTALS

As a response to this crisis of confidence in the media outlets, there have been developed different programs and

projects devoted to combating xenophobia and fake news, which practice fact-checking.

Fact-checking is a journalistic practice that is based on “a posteriori confirmation of information published by the media and on the verification of statements or comments made by political leaders and other important figures” (Mantzaris, 2018 in Ufarte-Ruiz et al., 2019: 24). In recent times this practice has become widespread and the numbers of fact-checking organisations have multiplied exceptionally both at the European and national level (Stencel, 2016). Although there is no single definition of fact-checking organisations, a recent study by Brandtzaeg and Føolstad (2017) breaks down fact-checking services into three general categories based on their areas of concern: 1) political and public statements in general; 2) online rumours and hoaxes and 3) specific topics, controversies, particular conflicts or narrowly scoped issues and events.

As of 1st October 2020, the census of active fact-checking organisations recorded by the Reporters’ Lab at Duke University (Duke Reporter’s Lab, 2020) reached a total of 304 initiatives in 84 countries, which shows an exponential growth compared to the 114 fact-checking outlets present worldwide in 2017. Another examination of fact-checking projects has been conducted by Vázquez, Vizoso & Lopez (2019), which resulted in Europe being the continent with the largest proportion (51 initiatives), and the United States being the state with the largest number (31), followed by France, India, Brazil, Indonesia and the United Kingdom.

Fact-checking organisations have formed a professional network, the International Fact-Checking Network (IFCN), which is a division of the Poynter Institute dedicated to the coordination and support of the growing number of initiatives that combat disinformation all over the world. The IFCN was created in September 2015 to support fact-checking initiatives by promoting best practices and exchanges among organisations in this field, and in 2016 it published a Code of Principles. The principles represent professional commitments to nonpartisanship and fairness, transparency of sources, transparency of methodology and open and honest corrections. However, not all fact-checkers have joined this network, and similarly to journalistic and other associations, they have not adopted criteria for the self-assessment of their performance (Pavleska et al., 2018, 6).

At the European level, the EU developed in 2015 the European External Action Service East Stratcom Task Force that ran the ‘EU vs Disinformation’ campaign, which was established after the EU Heads of State and Government stressed “the need to challenge Russia’s ongoing disinformation campaigns in March 2015” (in Pavleska et al., 2018, 5). During the timespan of September 2015 and November 2017, the Task Force with its partners has discovered and exposed over 3.500 cases of fake news.

Furthermore, it is also important to mention the Intercultural Cities program, created by the Council of Europe in 2004, which focuses on publicly advocating “respect for diversity and a pluralistic city identity”, combating “prejudice and discrimination” and ensuring “equal opportunities for all by adapting its governance structures, institutions and services to the needs of a diverse population, without compromising the principles of human rights, democracy and the rule of law” (Council of Europe, 2019a). The Intercultural Cities program has partnerships with business, civil society and public service professionals, and a specific section dedicated to anti-rumour strategies, which are strategies dedicated to “raise awareness about the importance of countering diversity-related prejudices and rumours that hamper positive interaction and social cohesion and that lay the foundations of discriminatory and racist attitudes” (Council of Europe, 2019b). An anti-rumour strategy can be understood as a public policy, and is composed of a number of elements (Council of Europe, 2019b):

- “
- *identifying major rumours existing in a city;*
 - *collecting objective data and emotional arguments to dismantle false rumours;*
 - *creating an anti-rumour network of local actors from civil society;*
 - *empowering and training anti-rumour agents;*
 - *designing and implementing anti-rumour campaigns to raise awareness, including by creating and disseminating new tools and resources, both creative and rigorous”.*

In addition to these initiatives, different global tools have been developed by IT companies to ensure a transparent system for verifying and reestablishing trusted sources of online information, such as Google fact-checking, Facebook repost-verification and Instagram system of signaling of misleading or false content. These tools, however, do not establish the veracity of a determined piece of in-

formation, but rather provide the users with more aspects of the piece of information, encouraging users themselves to determine their own truth.

Despite these networks and initiatives, the effectiveness of fact-checking has been found contradictory at times (Chan et al., 2017). Disinformation can be very difficult to debunk and it may have lasting effects even after it is corrected, therefore it should be coupled with an alternative causal explanation (Nyhan and Reifler, 2015). Moreover, different interests often are involved in these processes, and speech contexts hold a high degree of ambiguity (Pavleska et al., 2018, 5). Nonetheless, fact-checking is considered one of the best tool to counterbalance the power of fake news, as it has been developed by journalists to address and counteract such disinformation and to provide public access to a verified version of events that reflects the reality, which in turn strengthen democratic processes (Amorós, 2018).

In Italy there are many non-profit organisations, foundations and fact-checking projects that deal with combating disinformation and fake news regarding migrants on different levels. Some examples of active fact-checking organisations in Italy are the fact-checking section part of Agenzia Giornalistica Italiana (AGI); the fact-checking portal Pagella Politica, which has obtained IFCN certification and collaborates with Facebook; FACTA news, a spinoff of Pagella Politica; the fact-checking portal Bufale.net; the fact-checking blog Butac.it; the independent magazine Lavoce.info; and the fact-checking portal of the project OpenMigration, amongst others.

THE MEDIA RESONANCE OF THE MODEL OF RIACE

All the notions mentioned above are fundamental in understanding what happened in Riace, and the causes behind it. Mimmo Lucano was suspended as the mayor of Riace and arrested on charges of aiding and abetting illegal immigration on the 2nd October 2018, when the Ministry of the Interior was under the responsibility of Matteo Salvini. Following his arrest, the integration project has been closed and the city became once again underpopulated. The judicial charges of Lucano were later found “inconsistent” and based on “conjectural and presumptive elements”. Nonetheless, the ferocious political attack of the then Min-

ister of the Interior Matteo Salvini, which resulted in cutting funds, keeping Lucano in exile, and effectively suspending democracy, left an indelible mark.

The charges against Lucano succeeded in crushing a model opposite to the narrative of immigration on which the right-wing Italian political parties have based their electoral fortunes. As Lucano himself wrote in his book entitled “Il fuorilegge – La lunga battaglia di un uomo solo”, the ultimate goal of the legal vicissitudes he had to endure must have been “the cancellation of the political message of the Riace model”, “the homologation of the image of Riace and his mayor to the commonplaces of politics” (2020: 181). Lucano has never stopped believing in his idea: every community must be based on the principle of respect for human dignity, as no human being should be considered as a number, but as a person. He continues by writing:

“ Before I became mayor, and long before the “global migration crisis” was revealed to be the defining event of our time, I accepted the dream of redemption that I inherited from my land. I no longer count the mistakes I made, but I know that I could not have acted otherwise. I have never been able to look with the eyes of those who exclude. I cannot stand on privileges and discrimination.” (p.10)¹⁴

The model of Riace represented an avant-garde, seizing in the contradictions of an unjust system a historical opportunity for its rebirth (Lucano, 2020: 13). Even though the Riace model did not succeed in managing the “flows”, in creating development models, or in solving the problems of a rigged system, it transposed for a short moment of time an ideal of inclusion and solidarity into practice, showing Italy, Europe, and the world, a possible alternative to the policy of internment camps, rejections and strict regulations.

Media productions constitute a crucial element to understand the cultural and political debate that surrounded and still surrounds Riace and its ex-first citizen Mimmo Lucano. Riace has been held up as a model for integration since it began welcoming migrants in 1998, and its importance has been recognised and represented by many over the years.

Different movies and tv programs have been produced on the matter, starting from *Il volo*, a film/documentary produced by Wim Wenders in 2009; *Un paese di Calabria*, a documentary about the integration model and local culture of Riace, made by Catherine Catella in 2009, in which stars Mimmo Lucano himself; and *Tutto il mondo è paese*, a film based on the experience of Riace and the figure of Mimmo Lucano, with the screenplay inspired by the book *Riace, terra di accoglienza* written by Chiara Sasso. The production of the latter was suspended because of the investigations and judicial measures involving Mimmo Lucano.

Furthermore, many journalists and researchers have written on the matter, starting with *Riace, il futuro è presente. Naturalizzare «il globale» tra immigrazione e sviluppo interculturale*, by Mario Ricca (2010), a professor of Intercultural Law and Ecclesiastical Law; two books by Chiara Sasso (*Riace, terra di accoglienza* in 2012 and *Riace, una storia italiana* 2018) who narrates the experience of Riace from its beginnings to the recent judicial implications that have affected the mayor; and many others, until the most recent one, ...*A casa nostra. Cronaca di Riace* (2019) by Marco Rizzo and Lelio Bonaccorso, a graphic journalist novel, which includes an interview with Mimmo Lucano and the testimonies of migrants and operators who were part of the project. These productions testify how Riace represented (and represents) for many “a utopic experience of integration, against a liberal globalisation, egoistic and antihumanitarian” (Carbone, 2019: 150). The producer Wim Wenders considered the creation and success (for a period of time) of the model of total integration of migrants of Riace more significant than the fall of the Berlin Wall (2009 in Sasso, 2012: 106), as it was born and developed in an Italian (and European) context characterised by xenophobia, racism and closure of walls, may they be physical, maritime, virtual or ideological.

However, the media are vast, and many news regarding the model of Riace and Mimmo Lucano often turned out to be misinformed, if not fake news aimed at discrediting his efforts. As said before, the media holds a key role in the production of public discourses, and they provide frameworks of explanation and understanding. Fake news and disinformation foster the production of diffidence in public

14 The original text, which follows, was translated by the author of this essay: “Prima di diventare sindaco, e molto prima la “crisi migratoria globale” si rivelasse l’evento decisivo della nostra epoca, ho accolto il sogno di riscatto che ho ereditato dalla mia terra. Non conto più gli errori che ho commesso, ma so che non avrei potuto agire altrimenti. Non sono mai stato capace di guardare con gli occhi di chi esclude. Non sopporto i privilegi e le discriminazioni” (Lucano, 2020: 10).

discourses and moral judgements, and they have had an important impact in the evolution of the Riace project and in particular in its dissolution in the last years. Fake news regarding the Riace project and Mimmo Lucano concern accusations of the arrangement of false marriages (to allow migrants to stay in the country after their asylum application was refused), Lucano's municipal electoral campaign and its results, and Lucano's judicial process, among others. However, there are different Italian fact-checking portals that have contrasted them, such as the aforementioned Agenzia Giornalistica Italiana (AGI); the fact-checking portal Bufale.net; the fact-checking blog Butac.it; the independent magazine Lavoce.info; and the fact-checking portal of the project OpenMigration. Nonetheless, as said before, disinformation can be difficult to debunk and it still has lasting effects even after it is corrected. Fact-checking is an essential and useful tool in the fight against fake news, but it must be coupled with other initiatives. Moreover, it should be advocated and spread to the wider public in efficient and effective ways, so as to involve the largest audience possible.

In conclusion, the issue of migration has become ever more political and politicised. In the last decades the concept of migration has become increasingly securitised, migrants have been largely represented and understood as "others", and the media have framed and problematised them as either threatening outsiders or victims in need of help, creating informational moral panics (Carlson, 2018) derived from the spread of fake news. The discursive panorama in Europe, and specifically in Italy, is heavily ridden with disinformation and xenophobia, and the case of Riace requires us to reflect on the hard truths of the current Western migration politics and the importance of social media. As Lucano wrote:

“ Repeated for years, the words of selfishness have become familiar and persuasive. Centimetre by centimetre, they slowly occupied the entire space of our thoughts. They have been amplified by the wave of populism and have found a complete realisation in a state with closed borders. Racism has spread without generating scandal. The word mi-

grant has been abused and emptied of its meaning: we have built the ghetto in which to bury our consciences. [...] And now that our very lives have been put at risk by an imponderable and perhaps impossible to circumscribe threat, those words show their cowardly face” (2010: 10).¹⁵

Lucano attempted at overturning a system characterised by fear and inhumanity towards the "other" to one of inclusion that pushed forward migrants' self-determination. He was capable of developing, through policy measures that adopted participatory methods in innovative local government processes, a different model of development and revival of rural communities (Carbone, 2019). It was a model that offered a path of revitalisation and development of the internal areas of the entire Apennine ridge and requalification of the peripheral and marginal areas of metropolitan areas. Today more than ever, after the human, health and political upheaval of the pandemic, it would be of vital importance to have in place an integration model such as the one of Riace, both in Italy and in the European Union as a whole.

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15 The original text, which follows, was translated by the author of this essay: "Ripetute per anni, le parole dell'egoismo sono diventate familiari e persuasive. Centimetro dopo centimetro hanno occupato lentamente l'intero spazio dei nostri pensieri. Sono state amplificate dall'onda dei populismi e hanno trovato una compiuta realizzazione nello Stato dai confini chiusi. Il razzismo ha dilagato senza generare scandalo. La parola migrante è stata abusata e svuotata del suo significato: abbiamo costruito il ghetto in cui seppellire le nostre coscienze. [...] E ora che la nostra stessa vita è stata messa a rischio da una minaccia imponderabile e forse impossibile da circoscrivere, quelle parole mostrano il loro volto vigliacco." (Lucano, 2020: 10)

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Conclusions: Riace as a paradigm?



Image credits to MTO artist OFFICIAL PAGE, "The Mediterranean Tunnel", Part. 2 (Sapri, South Italy)

The case of Riace represents a perfect model of democratic self-government, pushing against the political propaganda that in the last years is increasingly characterised by an open hostility towards an inclusive reception of migrants, by their criminalisation, and by an assumed cultural incompatibility.

In this context the Italian left-wing parties were not able to elaborate an effective narrative and strategy to combat the liberal and right-wing nationalist policies: the aim of this research is to investigate whether cases of alternative management of migration, such as the Riace or the Satriano one, can define a strategically alternative paradigm, from various perspectives (legal, political, and mediatic) and levels (local-national, European, and global).

A proper study centered on migration issues can lead us "to reflect on the rules of our social and political life" and to draw the consequences that "the European order does not longer exist. Nor will we be able to reestablish it"¹⁶.

Drawing from what outlined so far, this research is set to further evolve in 2021 by looking in a more empirical way at the issues outlined so far, furthering the reflection on whether and how the case addressed can change the rules of our social and political life. Similarly to the current research, it will focus on four aspects:

1. CAPITALIST GOVERNANCE VS. SELF-GOVERNANCE OF MIGRATION: GLOBAL-LOCAL, LEGAL AND CONSTITUTIONAL GUIDELINES, WITH A GLANCE AT THE NATIONAL AND SUPRANATIONAL JURISPRUDENCE

In the global order, the market regulates the process of constitution of the capital that has reached the last stage of its development, that of the "world market". This process is an attempt to resolve, at a higher and narrower level, the dialectical relationship with work and thus destroy its antagonistic value. However, the world market of goods also concerns the labour force, whose characteristic is the incorporation into conscious subjects, capable of following the directions of capital from the places of lowest to those of highest value, giving rise to a migratory phenomenon of workers who physically "go up" the global value chain. Therefore, the process of valorization and subsequent constitution of Capital is opposed by a self-valorization of the global working class that has not yet reached the stage of its political constitution, in the form of a transcendence on the level of the global order.

In this part of the research, we set the general context in which the experience of Riace shall be studied in an innovative way. The *migration management* carried out in Riace shares with the Global Compact the idea that migration is a structural phenomenon to be made productive through the use of flexible tools, but rejects the neoliberal logic of

16 Caracciolo, L., *Extraeuropei ed ex europei*, *Limes* 6 (2015), pp. 7-8.

“human capital”, referring to a coordinated reading of the articles 2, 3, 4, 10 of the Constitution. It also integrates the emphasis on migrants’ rights with reference to the duties connected to the responsibility towards the community. The focus on self-government and autonomy is dialectically antithetical to the model advocated by the *Global Compact* and with the securitised one of rejections, but can Riace be also considered an alternative model of migration management from a legal point of view, based on the currently existing sources of law and jurisprudence? Or is it necessary to implement arrangements on a national constitutional, supranational and international basis in order to provide cover for a truly alternative model?

2. FUNDAMENTAL RIGHTS, THE FIGHT AGAINST IRREGULAR IMMIGRATION AND ITS LIMITS. A NEW APPROACH IN THE REGULATION OF IMMIGRATION

From a normative point of view, immigration suffers from a highly securitarian and, in some aspects, highly deficient approach. The Italian legal system, in fact, is a synthesis of opposing political visions that often leave in the background problems of central importance, related to the protection of fundamental rights of the person as an individual. The revolutionary scope of the reception system experimented in Riace is analysed, as it represents a system that is in apparent conflict with the European and national regulatory logic. The analysis of the legislative context within which the Riace Sprar is developed is useful to understand if it is possible, and necessary, to overturn the current Italian legislative approach characterised by an exclusionary logic, which in turn reflect the concerns of an international community severely affected by terrorism. Is it possible to state that the organised crime that profits from trafficking in human beings can be countered through policies that promote and protect the human rights of non-citizens? Has the Riace system represented a positive model useful to stimulate a logic aimed at overcoming securitising migration policies?

3. RIACE, ECONOMIC AND SOCIAL EFFECTIVENESS OF RECEPTION POLICIES: A POLICY ANALYSIS

An evaluation of the pros and cons of the approach of the administration of Lucano with regards to its integration policies, as well as to its influence outside the territory of Riace: what are the possible critical issues on the effectiveness of reception policies in economic and working terms.

Outside of Riace, currently, there are some working models and sectors that have a prevalence of migrant labour, often characterised by extreme labour exploitation, represented for example by the economy of harvesting vegetables; informality (informality is also understood as an entrepreneurial way of survival within the capitalist system); and gratuitousness, which occurs for example when the municipal administrations exploit migrant people through the *corvée* of decorum of the urban sphere or other kinds; another sector is domestic and care work which, all over the world, is carried out by a majority of female migrant workers, sometimes this sector is also linked to the informal one.

Have the policies adopted by the Riace model been effective with respect to the objectives they were set out to achieve? Were there any alternative policies, regarding economic issues and the integration in the labour market, to existing models of management of migration? The investigation will be developed through a policy analysis of the most critical issues, and even of the causes of electoral discontinuity, since the Lega won the last administrative elections.

4. FAKE NEWS AND THE SPREAD OF DISINFORMATION REGARDING MIGRATION

The case of Riace, and its ex-first citizen Mimmo Lucano, has represented a symbol in the Italian political panorama regarding immigration and integration, creating a strong political reaction both from the Italian left and right parties. Over the years, the Riace case has become a media tool that has polarized Italian politics. The political manipulation and instrumentalization of the experience of Riace ultimately led to its closure and media persecution of Mimmo Lucano, who became an easy target for the Italian parties to construct a dysfunctional discourse on migration management. Through the analysis of specific fake news

and political discourses, this essay aims at analyzing the reasons that led Riace to firstly become a bulwark of ideals and virtues of migration management, and later a fraudulent leftist experiment, legally and mediatically processed for alleged mismanagement of resources and, also, ideals.

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