

# Racial Criminalization of Migrants in the 21st Century

Edited by Salvatore Palidda

ADVANCES IN CRIMINOLOGY

# Racial Criminalization of Migrants in the 21st Century

*Edited by*

SALVATORE PALIDDA  
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# Chapter 1

## Introduction

Salvatore Palidda

Throughout history, societies have been marked by periods of persecution and violence, at times extreme violence, directed at the ‘outsider’, i.e. the ‘enemy of the time’.<sup>1</sup> But how can the intensification of the persecution of Roma people and gypsies, and of the criminalization of immigrants in present-day Europe be explained?

As the contributions collected in this volume show, it is a most elementary mechanism of social control, emerging as being useful, if not indispensable, to the solidity and/or realignment of political cohesion. The latter is in fact nourished by the fear and the insecurity attributed to such an enemy to justify practices of power that blend all sorts of prohibitionism, protectionism and authoritarianism, which also target the weaker segments of the indigenous population. The war against outsiders, against those who are different, may thus be considered one of the ‘total political facts’<sup>2</sup> that pervades a society through discourses, rhetoric and practices that consolidate a real or supposed majority. Hence, it will be argued here, in the current racist approach that characterizes the management of societies we can find that there are overlaps with the discourses and practices applied to colonized peoples and the subordinate classes in the nineteenth and twentieth centuries.<sup>3</sup>

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1 On these aspects, see my previous works in which I refer to Michel Foucault’s body of thought (see especially Palidda, 2000, 2009c, 2010b, 2010c).

2 Here I recast the term ‘total social fact’ (*fait social total*) known as one of the most famous concepts proposed by Marcel Mauss. The notion was coined by his student Maurice Leenhardt after Durkheim’s ‘social fact’ but in Mauss (1999 [1950], pp. 147ff.) is cited as ‘total social phenomenon’. In my interpretative perspective I prefer to speak of ‘political’ fact because I think that the ‘war’ against migrants is one of the most important aspects characterizing the political organization of the contemporary state at local, national and global level (see also Dal Lago and Palidda, 2010). The concept ‘total social fact’ applied to migrations is proposed by Sayad (2004, French 1999) and myself Palidda (2008a).

3 Some studies by historians and other social science researchers show that the treatment of immigrants as inferiors, and their subjection to racism and criminalization, are carried out to maintain the privileges and the dominance of the autochthonous population. For example, Italian immigrants in the United States in the nineteenth and twentieth century were among the lowest-paid workers – even paid less than blacks themselves (see also the very excellent documentary films *Pane Amaro*, by Gianfranco Norelli for RAI (see <http://www.lagrandestoria.rai.it/category/0,1067207,1067034-1070313,00.html>; <http://www.lagrandestoria.rai.it/category/0,1067207,1067034-1070457,00.html>; <http://www.i-italy.com>).

In other terms, the persecution of gypsies and the criminalization of migrants is currently written into a neoliberal/neoconservative political framework based on the asymmetry of power and wealth between actors that are all-powerful, and weak ones who have no rights and/or are reduced to the state of 'non-persons'.<sup>4</sup>

The story of the current war against immigration is intertwined with the developments in criminalization that began with the neoconservative revolution in the USA and the UK (Thatcher reached power in 1979, Reagan did so in 1981).<sup>5</sup> The success of this revolution continued without interruption even under 'Democratic' or 'social-democratic' administrations (Clinton, Blair, Jospin, the centre-left in Italy, and even Zapatero in Spain),<sup>6</sup> also because the neoconservative *discourse* (in the Foucauldian acceptation of the term) has ended up phagocytizing a sizeable share of intellectuals and leaders on the left.<sup>7</sup> But it is only today that the process emerges more clearly as the shift from government meant to pursue the liberal-democratic myth (as described by Foucault<sup>8</sup>) to neoliberal management that only pursues the *hic et nunc* prosperity of the stronger parties. The exacerbation

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org1355/pane-amaro-quella-storia-che-ancora-non-si-conosce) and *Italians in the world* – <http://vodpod.com/watch/941828-italians-in-the-world-part-1-the-beginning>. Among other references in this book, see Duroselle and Serra (1978); Franzina and Stella (2002); Le Cour Graindmaison (2005); Balibar and Wallerstein (1991); Thomas (2010); Palidda (2008a).

4 The idea of nonpersons is proposed by Dal Lago (1999a) with implicit reference to H. Arendt.

5 With Thatcher and Reagan the neo-conservative management of the neo-liberal revolution in all sectors produced, in particular, the imbalance between social prevention, police prevention, prosecution, penalties, recovery or social reintegration and then the escalation of imprisonment described in the chapters of this book.

6 It is important to remember that Blair's policy may be considered as the beginning of the acceptance by the European left of neo-liberal/neoconservative thinking and practices. This is most evident in the Italian case and explains the success of Berlusconi and of the nordist party (Lega Nord) versus the former-left that has become more and more right-wing oriented.

7 In the Italian version of this book, we adopted the title 'Democratic Racism', not out of gratuitous provocation, but because the practices of racialization that are widespread in Europe today (see also Fassin, 2009) sometimes manage to affect the majority of the population, also that part of society that claims to be 'democratic' or 'on the left', the same kind of political position that supports 'humanitarian wars' to export democracy with the force of arms, and is pervaded by the urge to propagate post-modern political oxymorons. It is emblematic: sometimes such practices are hidden behind the ambiguities promoting interculturality or multiculturalism, just like it happens when the EU does, when it grants financial contributions for the day against racism, good anti-discrimination practices, or the struggle against 'human trafficking', while with its right hand spurs on and finances prohibitionism, by organizing what is in effect a war against migrations. See Fassin and Fassin (2008); Palidda (2010a).

8 In particular, see: the following volumes of his courses at the *Collège*, see Foucault (1997, 2004a, 2004b, 2008).

of criminalization, of Giuliani's 'zero tolerance' policies, or of the experiments aimed at the elimination of 'human surplus',<sup>9</sup> in short, of what Simon (2008) and others term the 'Crime Deal', they all reflect a management of society that a priori excludes social recovery, integration or rehabilitation, because it seeks only to 'maximize' the profits of those who are in power. Why take care of marginal people, drug addicts, the poor, deviants, and why promote the stable, peaceful and regular integration of immigrants when, today, the growth of profits can be obtained via the erosion of workers' rights, their inferiorization until they are almost reduced to a condition of neo-slavery, which also means getting rid of them at the first sign of their insubordination, when they pretend to lay claims or are too worn out, and can easily be replaced by other rightless non-persons? The government of the people taking care of its inhabitants to construct a stable, peaceful and well-regulated society in accordance with the norms of a universalistic legal order, up to the point of seeking to make everyone happy,<sup>10</sup> has never existed. But, since the early 1970s (i.e. since the end of second post-War new deal or – in French terms – *les Trente Glorieuses*), the political organization of the wealthy societies of the post-war period had given the impression that it was possible to aim for this prospect through the development of welfare, the softening of sentences, even of repression, democratization, and the pursuit of social balance through prevention, recovery and the widening of political participation.<sup>11</sup> The advent of the globalized neoconservative revolution<sup>12</sup> routed any such illusions, and humiliated and absorbed the intellectuals and the leaderships that once harboured them. It is hence absolutely natural that there is a rediscovery of government through manipulation of fear and of zero tolerance, which also becomes a source of consensus and profits, further diminishing the capabilities for political action by weaker parties. The careers and business deals undertaken, particularly over these last 20 years by those who have taken advantage of the new management of society

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9 The idea of 'human surplus' or 'wasted lives' is formulated by Rahola (2003) and Bauman (2004) alluding to the condition of 'humanity in excess' as equivalent to toxic waste to be disposed of, often illegally. It then breaks the liberal-democrat myth, whereby all people must be cared after 'from cradle to grave', as described by Foucault (2004a).

10 As observed by Foucault (2004a) this was what even the thinkers on modern policing theorized, including Turquet de la Mayenne, von Justi, Delamare and also Guillaumé.

11 In all the rich countries, a process of democratization and growth of welfare provision developed, although 'paternalistic' or 'pastoral' versions of the welfare state degraded it to parasitic handouts for political patronage. With the excuse of attacking these practices and excessive public indebtedness, liberalism has effectively proceeded to carry out a 'non-creative destruction', by almost entirely eliminating social prevention and integration from the array of public policies, favouring only repression and penal measures (see the chapters by De Giorgi and Palidda).

12 That is, the interweaving of financial, technological and military-policing revolutions into a political framework that becomes dominant thanks to the intensification of the asymmetries of power, strength and wealth; see Joxe (2005: 70–79, 2010).



(which has nothing to do with pastoral/paternalist or liberal-democratic notions of governmentality) are extraordinary and unprecedented in their proportions.<sup>13</sup> The same can be said for its victims, although today there are no longer armies shooting at impoverished crowds: to count the victims, it would be necessary to define new criteria to ‘measure’ the indirect or ‘collateral’, yet deadly, consequences of embargoes, of ‘humanitarian wars’, of prohibitionism against migrations and even of international aid in the event of natural catastrophes.

Thus, after the United States (Frampton, Lòpez, Simon, 2008), it appears that the Crime Deal has triumphed also in Europe, with effects that are not yet fully understood by the majority of the autochthonous people but, rather tragically, only by its victims.<sup>14</sup>

### **A Europe of States Competing in the Persecution of Gypsies and Immigrants**

As shown by the copious data and information provided by the contributions gathered in this volume, since the start of the 1990s European countries have increasingly become more dogged in their persecution of gypsies (see Sigona’s

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13 According to some qualitative researches on police transformations (Jobard and Levy, 2009; Slama, 2008; Jobard and Nevanen, 2007; Mucchielli, 2008a; Bonelli, 2008; Bigo, 1996a, 2004; Ocqueteaux, 2004; Heilmann, 2007) or on what I call the ‘revolution in police affairs’ (Palidda, 2010c), it is useful to notice the success of some police officers with no particular professional qualities in many countries (as in the state of New York, in France, or Italy) thanks to their performances in the ‘crime deal’ (after Simon, 2007). As some recent revelations of more than one hundred retired New York Police Department captains and higher-ranking officers, according to two criminologists studying the department (see <http://www.nytimes.com/2010/02/07/nyregion/07crime.html>, and also video ABC News: interview with policeman Adil Polanco), many crime statistics during Giuliani’s zero tolerance policies were falsified. In that frame, many ‘democratic’ or simply correctly behaved policemen have been marginalized or obliged to retire. As a matter of fact one of the consequences of the revolution in police affairs is the decline in professionalism and the incapacity of applying a pacific and regular management of social disorder. As for the crime deal, it is very interesting to note that all the business magazines or newspapers have discovered the profitable security market (intended as ‘post-modern’ controls or ‘panopticon’) in the last decade of the twentieth century and at the beginning of the twenty-first. In particular, the profits concern the extraordinary growth of video-surveillance, private polices, scanning, electronic bracelets, and other devices – more and more after the attacks of 11 September 2001 as well as the London and Madrid bombings (see Heilmann, 2007; Norris, Moran and Armstrong, 1998; Norris and Armstrong, 1999).

14 Among others and as Sayad wrote (1999/2004), Saskia Sassen also notes: ‘When a state extends arbitrary powers to governors and police forces, sooner or later the latter will reach – and target – citizens. It might take that to happen in order for those in charge to shift from the *drive to control* to the *art of governing* these flows’ (<http://www.opendemocracy.net/saskia-sassen/immigration-control-vs-governance>).