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Migrations in times of economic crisis: Reflections on labour, inequality and imprisonment in Italy

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Abstract

The Great Recession (2008–13) produced several changes in migratory flows and stock, return migration and foreigners' legal status, employment, involvement in crime and punishment. In the international context, Italy showed some peculiarities. Unlike other South European countries, Italy did not experience a great worsening of the working conditions of immigrants. Moving from the political economy of punishment approaches (in both traditional and recent declinations), the article describes variations in migration during the recession in Italy, and particularly in immigrants' working conditions, in order to discuss whether and how punitivity against foreigners (measured by incarceration) has been affected by changes in migrants' inclusion within Italian society and labour market. The decline in foreigners' imprisonment is explained by social and economic forces pertaining not to the whole Italian social structure but to a subsystem reserved for migrants that I call 'migrant social structure'.

Keywords

Economic crisis, Italy, migrants' inclusion, political economy of punishment

Introduction

The Great Recession (2008 to 2013) had an impact on international mobility (Tilly, 2011), including changes in migratory flows and stock, return migration and foreigners' legal status, employment, involvement in crime and punishment.¹ The economic decline affected social and economic structures globally, but within this context Italy showed some peculiarities. Notably, unlike other South European countries, Italy did not see severely worsened migrant working conditions (Fullin and Reyneri, 2013). In this article I focus on migration during the economic crisis, by discussing whether and

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how punitivity against foreigners (measured by imprisonment) may be linked to changes in migrants' inclusion in Italian society and the labour market. The research hypotheses are based on political economy of punishment theories (both classical and current declinations), taking into account also explanations of mass incarceration in the United States. Scholars generally agree that, since the 1970s, imprisonment in the US has governed ethnic minorities and the *working poor*. Loïc Wacquant (2007) talked about new law-and-order policies and foresaw that this 'made in the USA' punitive model would be exported to Europe. Because 'America's present often foretells Europe's future' (Tonry, 2017: 100), European scholars became interested in understanding US trends in incarceration.

In the 1970s, when US prison rates began to increase, the OPEC oil crisis and related restrictive immigration policies adopted by traditional European receiving countries led to a 'migration prohibition' (Palidda, 2008: 118) in these countries. This policy move did not stop international mobility but shifted it towards Southern Europe. Meanwhile, Southern Europe was going through economic development and experiencing demographic transition. These changes were combined with 'a low governmental willingness and capacity to regulate international migration' (De Haas et al., 2020: 133). These elements acted as *pull* factors. In the 1990s, Mediterranean countries shifted their status from sending to receiving areas and, in recent decades, migration has become a 'structural factor' of their labour markets and societies. At the same time, immigrants increasingly appeared in official crime and prison statistics.

The relationship between migration and the criminal justice system has been analysed from different standpoints. Some scholars argue that the growth in foreigners' prison rates should be linked to the increase in immigration and to the availability of migrants for criminal opportunities by virtue of their disadvantaged conditions and undocumented status. Others point out that foreigners' imprisonment should be explained as 'selective' law enforcement for governing the *surplus* immigration, following the perspective applied to the mass incarceration of ethnic minorities in the US.

Moving from these paradigms and political economy approaches linking incarceration to social and economic forces, this article looks at the socioeconomic conditions of immigrants during the Great Recession for a possible explanation of changes in patterns of their imprisonment in Italy.

Migrations and the prison system: A comparison of the US and Europe

Since the 1970s, the growth of prison rates in the US has been astonishing (Table 1): it mainly involves ethnic minorities and has had 'devastating effects' (Tonry, 2011: 1) on social exclusion and inequality.

Although not reaching US levels, European imprisonment rose at the beginning of the century, albeit differently in each country, as Table 1 shows. Migration had an impact on incarceration. The increasing incidence of foreigners in the prison population is clearly shown in new receiving countries, such as Greece and (to a lesser extent) Spain and Italy.

Scholars studying prison trends in the US and Europe have used a variety of paradigms.² The European criminological debate points to an interaction between

Table 1. Prison rates in selected countries, per 100,000 population: Percent foreigners in the prison population, selected years.

Country	2000	2008	2008 (percent foreigners)	2014	2014 (percent foreigners)	2020
France	82	96	18	114	19	97
Germany	85	88	26	76	30	71
Greece	70	104	49	116	60	107
Italy	93	97	37	88	32	89
Spain	113	153	34	144	28	124
UK (England and Wales)	124	152	14	149	13	133
Average EU	—	95	—	85	—	81
USA	683	755	—	693	—	655

Source: Elaboration of World Prison Brief data, URL: <https://www.prisonstudies.org/world-prison-brief-data>.

incarceration and crime, factors external (demographic and economic factors) and internal (criminal policies) to the penal apparatus, and intermediate factors (public opinion about immigration) (Snacken, 2010: 398). The posited reasons for the punitive turn across the Western world include several related issues: the increase in predatory crime linked to the welfare state crisis; the growth of unemployment; demographic and social changes caused by the intensification of migratory flows; and harsh criminal policies, especially those on drugs (Tonry, 2011: 53–76). From another perspective, imprisonment has been explained by the ‘social construction’ paradigm (Pavarini, 2013: 32): feelings of insecurity result in a demand for greater punitivity, to which the criminal justice system responds by raising the threshold of repression (Garland, 2001; Simon, 2007). It has also been argued that all these issues derive from neo-retributionist ideologies oriented to the incapacitation of marginal (dangerous) people (Pavarini, 2013: 29–31) and to the transition from *wel-fare* to *prison-fare* policies (De Giorgi, 2015). More specifically, incarceration has been oriented at governing the surplus population, identified as Black and Hispanic minorities in the US and migrants in Europe.

Political economy of punishment between traditional and current approaches

Incarceration as a means to control the working poor has been studied through the lens of political economy theory, based on the relationship between punitivity and the social structure. On the one hand, the control of migrants and ethnic minorities through the prison system is oriented to incorporating them into society. The fear of punishment should act as a deterrent for marginal people who are disciplined to accept their subordinate role within the labour market. On the other hand, punitivity aims at excluding the surplus workforce from the social structure, because they are perceived as dangerous. The first and *inclusive* purpose relies on Rusche and Kirchheimer’s less *eligibility* principle, whereas the second and *exclusive* one is based on the neutralization of people considered undeserving of belonging to the society.

Early work by Rusche and Kirchheimer (1939) featured an empirical investigation of and theoretical speculation about the penitentiary system as a function of economic changes. In their classic work, *Punishment and Social Structure*, Rusche and Kirchheimer (1939) argued that punitive devices are determined by social forces, especially economic ones. They posited that penalty is not just a consequence of criminal behaviours but depends on changes in the social system. In an earlier seminal article, Rusche ([1933] 1978: 4) said the following:

If we want to make concrete the proposition that effective penal sanctions must deter the lower social classes which are the most criminally inclined, we must clarify what economic categories determine the fate of these classes. It is not at first easy to realize that these classes have no other goods at their disposal but their ability to sell their labour power and that, therefore, the labour market is the determining category.

This theory applies to a scarcity or, conversely, to a surplus in the workforce. It suggests penal policies are shaped, in a more or less punitive way, by economic trends: in times of recession, the criminal justice system reveals its harshest side (prison rates increase), whereas in periods of development the penal apparatus is more lenient (prison rates decrease). Penal rationality is based on the *less eligibility* principle, whereby '[i]f penal sanctions are supposed to deter [the lower] strata from crime in an effective manner, they must appear even worse than the strata's present living conditions' (Rusche, [1933] 1978: 3), so that marginal people will opt to work. The punitive apparatus is shaped in accordance with the 'free' labour market,³ and it is not limited to the 'negative logic of deterrence'; rather, it is intended 'to force the poor to "prefer" any available condition of legal work' rather than be punished (De Giorgi, 2010: 149). The *less eligibility* principle describes a discipline aimed at including marginal people within the social structure.

Rusche and Kirchheimer's central idea echoes the concepts elaborated by Michel Foucault (1975) in *Discipline and Punish*. In his famous work on the birth of the prison, Foucault argued that the penitentiary institution is linked to the 'economy of illegalisms' and the development of capitalist society. The prison aims to restructure the 'crowd' into a more disciplined and governable group of delinquents. It fails to reduce crime but produces delinquency, a less economically dangerous (and useful) form of illegalism. In Rusche's words ([1933] 1978: 7), the main task of a prison is 'to transform criminals through education into useful members of society, i.e., industrious workers'.

This argument was developed by Melossi and Pavarini ([1977] 2018) in *The Prison and the Factory*. They went back to the origin of penitentiary systems in Europe and the US and pointed out that prison is 'ancillary' to the factory, because it is 'crucial to building and reproducing the social discipline required by a capitalist mode of production'. The discipline to which they refer is dynamic in time and space, since it is not oriented to educate the labour surplus to 'productive process historically given' but instead it represents a way 'to programmatically teach the lesson of what we might call "subordinate inclusion"' (Melossi, 2018: 20, 30). In the traditional political economy view, 'ongoing transformations of modern penal practices reflect the capitalistic need

to carve a docile and laborious workforce out of the unruly, undisciplined, and sometimes riotous “dangerous classes” constantly generated by capital itself” (De Giorgi, 2010: 149).

Rusche and Kirchheimer’s insights have been adopted to compare periods of economic development with times of crises, with scholars focusing on the link between punishment, unemployment and (more recently) exploitative conditions of migrants (Melossi et al., 2018). The shift from a Fordist model to a post-Fordist one, the increase in international labour mobility and its subordinate inclusion in receiving countries have led many to think about prison as a new disciplinary apparatus oriented to ‘the construction of a flexible system of accumulation’ (De Giorgi, 2015: 152). In her analysis of migration in Spain and Italy, Kitty Calavita (2003: 400) argued that migration policies, rather than controlling immigrants, ‘focus primarily on defining levels of social and economic inclusion/exclusion’, and she described penalty as the instrument helping to guarantee ‘the “flexibility” immigrants provide the post-Fordist economy’.

Incarceration and social inequality

Recently, to ‘avoid the reductionist translation of the “situation of the working class” to unemployment’ (Brandariz-García, 2018: 5), scholars resorted to a set of variables describing the socioeconomic conditions of marginal people. Rusche and Kirchheimer’s speculation opened an extensive debate on the link between *social inequality* and the criminal justice system. Inequality also includes social conditions other than unemployment, such as ethnicity or schooling (Western and Pettit, 2002). Significant effects of income inequalities on incarceration – and vice versa – emerged from research conducted using the Gini coefficient (Greenberg and West, 2001) and top income (Atkinson and Piketty, 2007) measures of the more or less equal distribution of wealth within the population.⁴ Ethnicity, social class, gender and age are also considered to have an impact on imprisonment (Western and Pettit, 2010). Research findings show incarceration is ‘fuelled by . . . the deteriorating economic situation of black men and men with low level of education’ (Western and Wildeman, 2009: 851). In turn, ‘[s]ocial and economic disadvantage, crystallizing in penal confinement, is sustained over the life course and transmitted from one generation to the next’ (Western and Pettit, 2010: 1). For these reasons, the prison has been defined as ‘an institution of social stratification [that] exacerbates the social problems it is charged with controlling’ (Western and Pettit, 2010: 18). Punishment functions to contain the marginal population, thus reflecting Wacquant’s idea of the ‘prisonization of the ghetto’.

Post-Fordist labour markets and neoliberal policies have led to a growing social inequality, which is crucial in understanding the new role of selective penalty. The prison system seems to ‘reinforce inequality by promoting the reaffirmation of subordination’ (Melossi, 2021: 321) and selects its ‘clients’ within the lower social strata, disciplining them to be useful for economic needs or, alternatively, excluding them from society.

The hyper-criminalized residents of the American inner city find themselves confined to the most precarious and exploited sectors of the secondary labour market [and] experience the

uncontrolled violence of 'degraded work' . . . in the era of neoliberal capitalism: just one envelope from extreme poverty. (De Giorgi, 2015: 159–60)

Unlike traditional political economy theories arguing that punishment has an 'inclusive' purpose, the prisonization of disadvantaged people has an 'exclusive' goal, because it is aimed at neutralizing social groups viewed as dangerous (that is, incapacitation through penal detention).

The Great Recession in Italy: Research hypotheses on the link between migration and imprisonment

The political economy of punishment provides an interesting theoretical framework to explore the relationship between labour and the imprisonment of migrants during the last recession in Italy. The main argument is that punitivity is shaped by social forces. The penal system will be more repressive in times of crisis in order to discipline the surplus workforce; the opposite is true during economic expansion. If this argument holds, prison rates should have increased during the Great Recession because of the worsening of labour and economic conditions.

I posit that Italian society reserves a 'migrant social structure' for foreigners, having dynamics different from those of the larger social structure. I assume the punishment of migrants during the recession was shaped by this migrant structure. The 'migrant social structure' is meant as a subsystem serving the wider national structure. Since the 1990s, the size and typologies of migrant groups have changed but, at the same time, the structure has acquired some lasting characteristics, such as a stable number of undocumented immigrants (tolerated to serve the informal economy) and working conditions located in unskilled and underpaid jobs. Since migrants are allowed to stay in Italy mainly (if not only) in this 'subordinate' structure, and those who are not included in it are viewed as a threat, punitivity may be linked to the migrant social structure in the sense that prison 'takes charge' of the order within it, disciplining the migrant workforce following the *less eligibility* principle and, at the same time, punishing the surplus foreigners who are not able or are unwilling to be included in this system.

In particular, the surplus is governed through the lens of dangerousness, whose boundaries may be marked by foreigners' legal status and their inclusion in the labour market. In Italy, being undocumented is a crime, and, in general, undocumented foreigners have reduced access to legitimate opportunities (it is not possible to obtain a job contract without a residence permit). However, an undocumented status is not per se a source of criminalized dangerousness. It is (often) tolerated because irregular settlement makes foreigners 'available' (that is, willing or forced) to work in the informal economy. As Calavita (2003: 400) noted, 'illegal immigrants . . . found themselves in . . . an ambiguous status that captured perfectly the contradictions of their role in the political economy'. Furthermore, migrant workers experience an 'ethnic penalty' (Panichella, 2018: 65) since there are '*special types of labour* [that] native workers are incapable or unwilling to do [because they are] unattractive jobs' (De Haas et al., 2020: 294). Foreigners who work in this subordinate and reserved area are useful, whereas those who disregard ethnic enclaves become dangerous and risk punishment. In other words, the

Table 2. Percent foreigners in the Italian population: Time series 2000, 2005, 2007–14.

2000	2005	2007	2008	2009	2010	2011	2012	2013	2014
2.20	4.11	4.97	5.76	6.48	7.02	7.54	6.82	7.35	8.10

Source: Elaboration of data from the Italian National Institute of Statistics (ISTAT).

main function of the prison system is not to deter foreigners from committing crimes or simply to punish those who have engaged in criminal behaviours. Rather, it seeks to balance the migrant structure to meet Italian needs.

The following sections describe the research hypotheses and analyse the incarceration of foreigners in relation to the ‘migrant social structure’ during the Great Recession in Italy, considering how the crisis affected its demographic, legal, social, economic and criminal aspects.

More immigrants, more prisoners

In Italy in recent decades, migratory inflows and stocks have constantly increased (Table 2), with concomitant changes in the main sending countries and motives. European Union enlargement, with Romania and Bulgaria (important sending countries to Italy) entering the Schengen area, had a relevant impact. Increased numbers of family reunions showed a shift from temporary labour immigration to settlement immigration. After the 2011 Arab Spring, there was another important change, with growing inflows of North African refugees and asylum seekers (De Haas et al., 2020: 137–138).

These changes are to be linked to the migrant social structure analysed here. It is true that family-related migrations, immigrants from Eastern Europe and refugees from North Africa have a ‘special’ status: European immigrants can freely circulate in the Schengen area, and migrant families and refugees receive strong legal protection. However, their inclusion occurred within the same horizon of opportunities offered to all foreigners by the migrant subsystem.

How did the Great Recession affect international mobility? The economic crisis is believed to have diminished migratory flows because of the reduction in opportunities for work. The crisis is also believed to have reduced the stock of immigrants by leading many to return home, partly because the loss of jobs did not allow them to renew their permits to stay.

During the crisis, the migratory pressure towards Italy decreased, and immigrants ‘stabilize at lower, but still significant, levels’ (De Haas et al., 2020: 138). Inflows declined from 278,000 in 2008 to 242,000 in 2013. Motivations for entry changed greatly: arrivals for work reasons fell from 51 to 33 percent of all entries, whereas family reunions increased from 26 to 42 percent. Refugees and asylum seekers grew slightly from 6 percent in 2008 to 7 percent in 2013.⁵

Expected returns to places of origin did not happen for several reasons. The recession involved ‘all countries of origin of the greatest migratory flows, making the return of many immigrants often riskier than stay abroad’ (Fullin and Reyneri, 2013: 24). Furthermore, ‘immigrants prefer to face unemployment in receiving countries rather

than a return home as losers' (Ambrosini, 2011: 299). Finally, many immigrants were optimistic about the possibility of Italy's coming out of recession soon (Brusa, 2013: 34) and were confident in their mobility throughout Italy to maintain a job – regular or not (Bonifazi and Marini, 2014).

Although variations in nationalities, motives and gender composition are relevant, the main concern here is the link between numbers of immigrants and numbers of prisoners, since the growing number of foreign people is supposed to explain the increase in migrant prisoners. *The first hypothesis is that the growth in the number of foreign residents has an impact on the number of foreigners imprisoned, causing it to increase.*

More 'undocumented' immigrants, more prisoners

Since the 1990s, in receiving South European countries, irregularity has been tolerated and become a stable feature of the 'migrant social structure'. As De Haas et al. (2020: 133) noted: 'Italy, Spain, Portugal and Greece . . . remain distinct [from old receiving European states] by the central role played by the informal economy in shaping migration [and] the importance of undocumented migration'.

Even though we cannot distinguish people who irregularly entered the country from overstayers (that is, foreigners who remain after their documents have expired), in Italy the majority of undocumented foreigners are estimated to be overstayers (Ministero dell'Interno, 2007).

Under Italian immigration law (Crocitti, 2014: 804–6), the loss of job is an obstacle to renewing a permit to stay. Therefore, it could be assumed that during the recession overstayers should have increased and undocumented immigrants would have left Italy to avoid the risk of being arrested and deported. However, it may also be argued that the crisis reduced labour needs in the formal economy, opening a demand in the informal economy as an opportunity also for undocumented migrants. In other words, the link between crisis and undocumented status depended on a complex set of variables.

The numbers of undocumented migrants – estimated at 651,000 at the beginning of the crisis – fluctuated in the 2008–15 period (Figure 1). The sharp decline in 2009 was due to regularization (a law issuing a permit to stay to undocumented workers in domestic sectors) and the same happened in 2012 (regularization, in this case, involved all undocumented foreign workers). The two regularizations have shown that the Italian economy needed a migrant workforce during the crisis too.

As for the relationship between undocumented status and prison, it can be assumed that a greater number of undocumented foreigners means more punitivity for several reasons. A lack of legal working opportunities leaves migrants open to inclusion in the informal economy or in illegal markets. Economic decline may increase the risk of undocumented migrants engaging in criminal behaviours and, therefore, being punished. Undocumented immigrants might be viewed as 'suitable clients' of the criminal justice system, especially during the crisis, because of their increasingly marginal conditions. Therefore, *the second hypothesis is that, during the Great Recession, trends in undocumented migrants mirrored trends in the foreigners' prison population.*

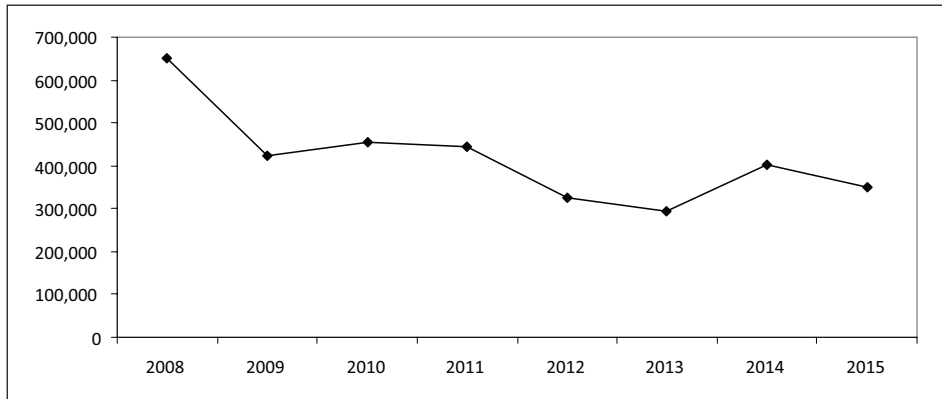


Figure 1. Estimates of undocumented foreigners in Italy (absolute values): Time series 2008–15.

Source: Blangiardo (2015: 47).

More ‘criminals’, more prisoners

Increased immigration to Italy has led to a growing interest in the criminality of foreigners. The debate on the reasons why migrants may be driven to misbehave is based on different theories and empirical evidence. A would-be ‘inclination’ of immigrants to commit crimes or, conversely, restrictive legal rules and disadvantaged conditions have both been viewed as criminogenic factors.⁶ From a critical perspective,⁷ criminalization processes have been underlined and linked to the selective activity of control agencies towards some migrants.

Scholars studying the impact of economic decline and unemployment on crime have pointed to conflicting effects. On the one hand, unemployment may increase the ‘motivation’ to break the law, but, on the other hand, reducing ‘opportunities’ for crime may restrain criminality (Cantor and Land, 1985). As to motivations, long-term unemployment increases involvement in crime, whereas short-term unemployment does not (Greenberg, 2001), mainly because people are able to contain the ‘push’ towards crime for a certain period, thanks to savings or state benefits.⁸

It is possible to assume that the reduction in job opportunities during the recession could have driven immigrants to engage in criminal behaviours. Therefore, foreigners’ criminality seems likely to have increased from 2008 onwards. Yet, looking at foreigners’ contribution to the total amount of crime, numbers constantly dropped, moving from 33.6 percent of the total criminals in 2008 to 30.7 in 2012, before starting to slowly rise, reaching 31.4 percent in 2015 (Figure 2). And the number of immigrants charged with a crime decreased between 2008 and 2010, before recording growth until 2013.

As Figure 3 shows, foreigners’ crime rates also dropped during the recession. These findings are in contrast to the prediction that the economic crisis would lead to increased criminal involvement.

Another controversial issue, which is the link between criminality and imprisonment, is to be considered. A widespread argument in criminology is that punishment levels can

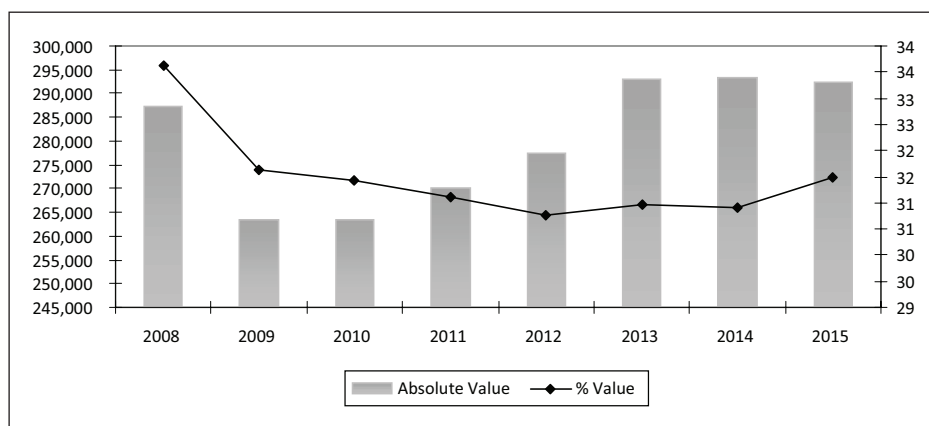


Figure 2. Foreigners charged with a crime (absolute and percentage values): Time series 2008–15.

Source: Elaboration of data from the Italian National Institute of Statistics.

be explained by the amount of crime committed and sanctioned. However, against this ‘legal syllogism’ (Melossi, 1985: 170), resting on the crime–prison nexus, several researches have shown that ‘more or less prison in the World . . . does not seem to have much to do with crime’ (Pavarini, 2013: 14). Official statistics are known to measure penal system performances rather than criminality (Kitsuse and Cicourel, 1963: 137). This interpretation opens up a new ‘discourse’ on punishment: ‘the question at stake is no longer the pretentious and naive issue of defeating crime, but simply that of a rational functioning of systems which allow the “management” of crime’ (Pavarini, 2013: 11).

Arguably, variations in both immigrants’ crime and imprisonment during the crisis represent two aspects of the same selective activity of penal agencies. Therefore, *the third hypothesis is that rates of foreigners’ crime and imprisonment during the Great Recession showed similar descending trends.*

More ‘dangerous others’, more prisoners and more ‘useful invaders’, fewer prisoners

According to political economy paradigms, incarceration rates are closely and directly related to economic transformations, without the mediation of crime.⁹ From the beginning, the penitentiary system has included idlers and vagrants among its ‘privileged clients’ (Melossi, 2003) and it has been oriented to discipline them to meet labour market needs (in the traditional stance) or to exclude dangerous people from the social structure (in more recent approaches). Immigrants could be viewed as today’s vagrants. In particular, migrants who belong to (or fall into) the category of ‘dangerous others’ are the privileged clients of the prison; in contrast, ‘useful invaders’ are not. Usefulness and dangerousness that turn into punishment are shaped by legal, economic and social aspects of the migrant structure. This subsystem serves a function in Italian society, as I will discuss later, and useful immigrants are those included in it. Hence, moving from the

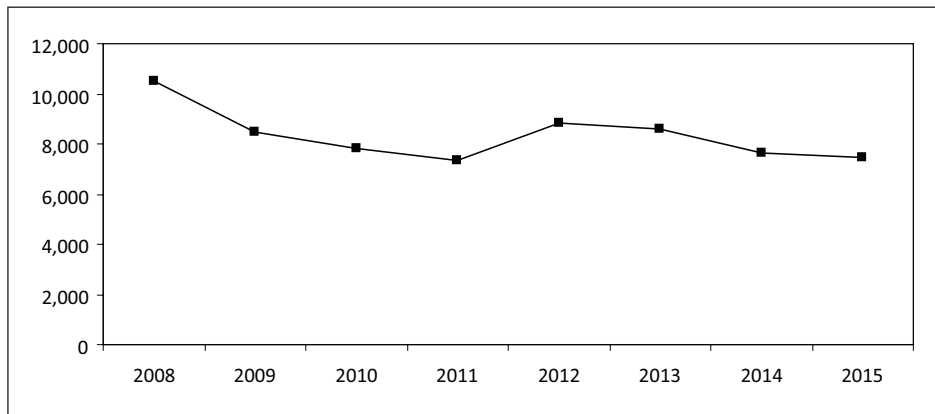


Figure 3. Crime rates of foreigners (per 100,000 adult residents): Time series 2008–15.

Source: Elaboration of data from the Italian National Institute of Statistics.

political economy of punishment, *hypothesis four is that, during the Great Recession, the prison system was shaped by migrants' usefulness for Italian economic needs.*

Labour subordination and economic crisis

The following paragraphs focus on how foreigners' socioeconomic and labour conditions changed during the crisis to reveal the relationship between the labour market and the criminal justice system.

The impact of the Great Recession in Italy may be summarized as follows: unemployment rates doubled, moving from 6 percent of the total population in 2008 to 12 percent in 2014; employment rates declined from 58.6 percent in 2008 to 55.7 percent in 2014 (see Table 3). Gross Domestic Product saw the same type of decline. The relative poverty of families grew about 1 percent, and the Gini coefficient, a measure of social inequality, registered an increase of 0.1, indicating a slight decrease in household income (Brandolini et al., 2018: 11).

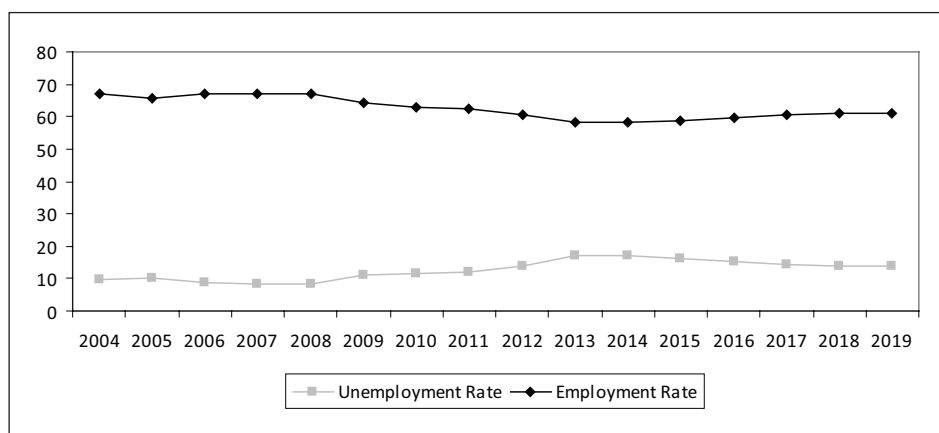
How did the crisis affect migrant labour? As noted previously, migratory inflows declined and the motivations driving the new arrivals changed, with fewer work reasons. This decrease can be traced to ministerial decrees (*decreti flussi*) establishing annual quotas for foreign workers admitted, which reduced the number of arrivals because of the decreased national labour needs.¹⁰ The crisis reduced demand in the regular workforce, but the informal economy remained strong, as the 2009 and 2012 regularization laws clearly show. Furthermore, the migrant workforce was starting to change because of the arrival of refugees and asylum seekers from North Africa. Their protected legal status implied they were preferred to undocumented migrants and they were hired as seasonal workers in agriculture, leading to the so-called '*refugeeization* of specific segments of migrant labour' (Dines and Rigo, 2015).

Focusing on foreigners' working conditions and comparing periods before, during and after the recession, the unemployment rate of foreigners was 9.8 percent of the total

Table 3. Italian economic and social features: Time series 2008–14.

Year	Unemployment rate	Employment rate	GDP (€ million)	Households' relative poverty (percent)	Gini coefficient
2008	6.07	58.6	1,637,699.4	9.90	0.29
2009	7.07	57.4	1,577,255.9	9.60	0.29
2010	8.04	56.8	1,611,279.4	9.60	0.30
2011	8.04	56.8	1,648,755.8	9.90	0.30
2012	10.07	56.6	1,624,358.7	10.80	0.30
2013	12.01	55.5	1,612,751.3	10.40	0.30
2014	12.07	55.7	1,627,405.6	10.30	0.30

Source: Elaboration of data from the Italian National Institute of Statistics.

**Figure 4.** Unemployment and employment rates of foreigners (percent): Time series 2004–19.

Source: Elaboration of data from the Italian National Institute of Statistics.

migrant population in 2004, 8.5 percent in 2008 and 17.2 percent in 2013. It then progressively declined to 13.8 percent in 2019. However, the absolute numbers of foreign workers constantly increased, rising from 1.7 million in 2008 to 2.5 million in 2019; their employment rates, after a downward fluctuation from 66.9 percent of the foreign population in 2008 to 58.4 percent in 2014, started to increase after 2016 (Figure 4).

To better understand labour migration, we should consider the numbers of foreigners and their status relative to the total Italian workforce, net of changes in foreign residents. Unemployed foreigners increased from 5.7 percent of the total unemployed in 2008 to 12.9 percent in 2013, then declined to 9.4 percent in 2019. But employed foreigners grew from 7.3 percent of the total workforce in 2008 to 9.8 percent in 2013 and reached 10.7 percent in 2019 (Figure 5).

It is known that economic downturns mainly affect unskilled jobs, and foreigners are at the bottom of the employment hierarchy. Moreover, Italians having lost their jobs would take jobs ‘reserved’ for foreigners. The economic crisis was expected to lead to a

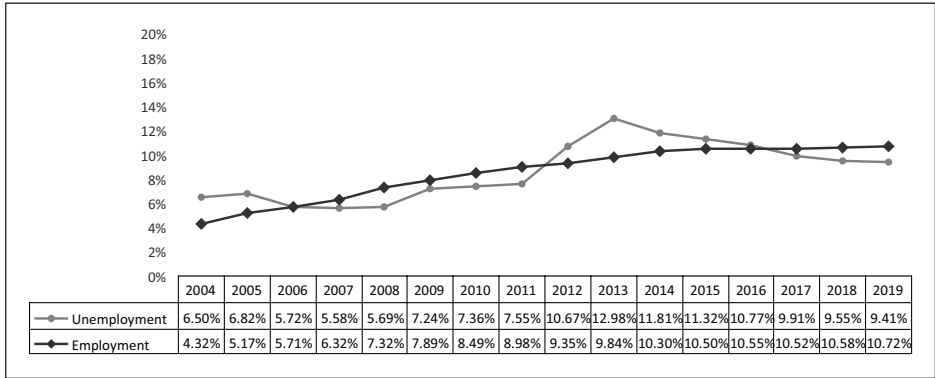


Figure 5. Unemployed and employed foreigners (percentage of the total): Time series 2004–19.
Source: Elaboration of data from the Italian National Institute of Statistics.

growth in migrant unemployment and, at the same time, a decline in employment. But neither happened (Ambrosini and Panichella, 2016). So why did both the unemployment and the employment of immigrants increase during the crisis?

These surprising findings can be explained in the context of the ‘migrant social structure’ showing how foreigners are included in the Italian economic system. The Italian labour market is ‘segmented’ (Fullin and Reyneri, 2013: 28–30), which means that the migrant workforce is a structural factor of the Italian economy, but only (and maybe precisely) because its ‘ethnic specialized’ niches are locked in. These enclaves are at the bottom of the labour market but, at the same time, they are necessary for the development or the very survival of the Italian economy (Avola, 2014).

Ethnic specialization in the segmented labour market moves along three lines: economic sectors, gender, and territorial areas. Taking into account these factors and looking at the ‘active’ workforce, some peculiarities emerge in Italy.

In 2008, foreigners accounted for 6 percent of the total workforce in agriculture, forestry and fisheries, and the numbers continuously increased, reaching 16 percent in 2015. Similar trends were recorded in the sectors more affected by the economic crisis. In industry, migrants represented 10 percent of the total workforce in 2008, rising to 11 percent in 2015. The same trend appeared in services, with a rise from 6 percent in 2008 to 9 percent in 2015. The building sector showed a stable increase, from 14 percent in 2008 to 18 percent in 2013, then dropping to 16 percent in 2015.

Scholars studying migrants’ labour conditions during the crisis have argued that the ‘hold’ on employment was mostly due to the female population working in the service sector. The employment of foreigners in ‘Other services’ (Figure 6), which include domestic and care jobs, rose from 6 percent of the total workforce in 2008 to nearly 10 percent in 2015. The number of women employed in this sector almost doubled: 460,000 in 2008 and 770,000 in 2015. When we consider that, during the crisis, the demand for domestic and care services was lower because of the greater time spent at home by Italian people who had lost their jobs, this increase becomes even more significant.¹¹

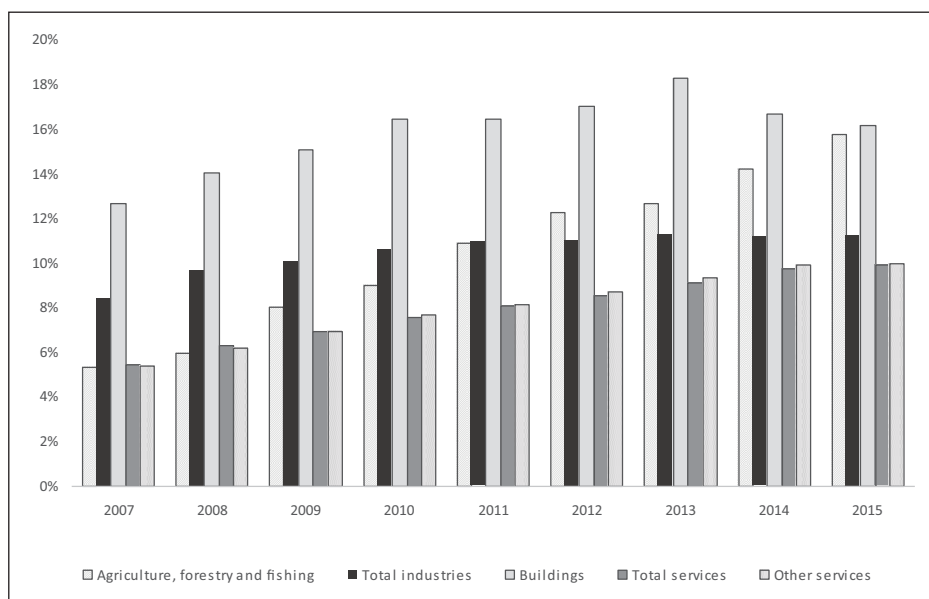


Figure 6. Foreign workers by economic sector (percent of the total): Time series 2007–15.
 Source: Elaboration of data from the Italian National Institute of Statistics.

Finally, segmentation is driven by the fragmented Italian economy. The Northern economy is based on both industries and services; the Central economy is mainly based on services and (to a lesser extent) on industries; the same is true for the Southern economy, where services are followed by agriculture and fisheries (Avola, 2014). The crisis mainly affected the industrial sector. Therefore, migrants excluded from industry had to disperse themselves among other sectors. In the North and Centre, there was a shift from industries to the service and agriculture sectors; in the South, the surplus workers from industry were absorbed mainly by agriculture and fisheries.¹²

Foreigners develop capabilities to maintain a job, whatever it may be, following market demands. Adaptation is essential for foreigners, as the migratory project involves different kinds of pressures: immigrants must send money home and seek to meet family and social expectations about the success of their migration. In this regard, it is interesting to note that, between 2008 and 2014, remittances recorded an overall slight decrease, not consistent with the magnitude of the recession, and, in the middle of the crisis, the amount of money sent home actually grew (Figure 7).

Segmentation explains why, during the crisis, both unemployment and employment among immigrants grew. In spite of changes caused by the economic decline, the migrant structure adapted. It remained in *equilibrium* and maintained its usefulness for the Italian economy.

Scholars who have noted the Italian paradox in other European countries as well have argued that ‘analyses of migration often focus on short-term factors . . . and fail to sufficiently recognize long-term structural factors such as labour market segmentation’.

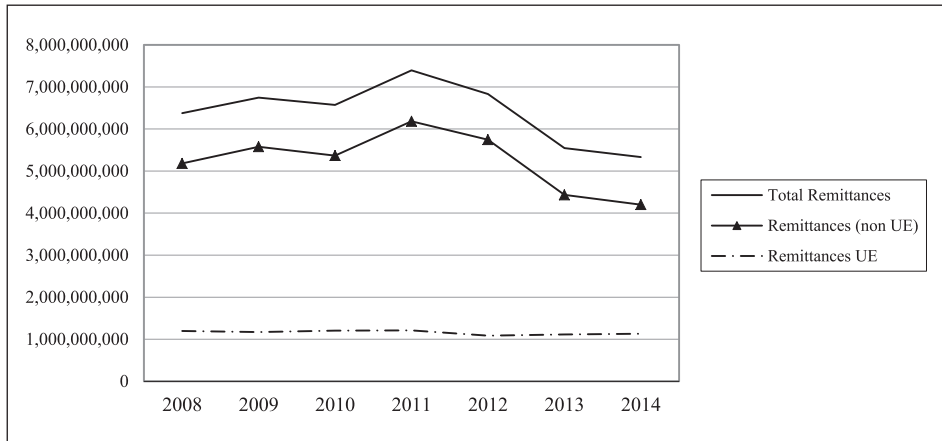


Figure 7. Remittances – Total, to non-EU countries and to EU countries: Time series 2008–14.

Source: Elaboration of Banca d'Italia data.

The recession led to a decline in some economic sectors, but it had no influence on certain structural features, such as the ‘decreasing willingness of native workers to do dirty, difficult and dangerous jobs’. Some immigrants (especially men) lost their jobs, but others (especially women) ‘were able to gain or keep jobs’ (De Haas et al., 2020: 291–2).

Inequality of foreign families

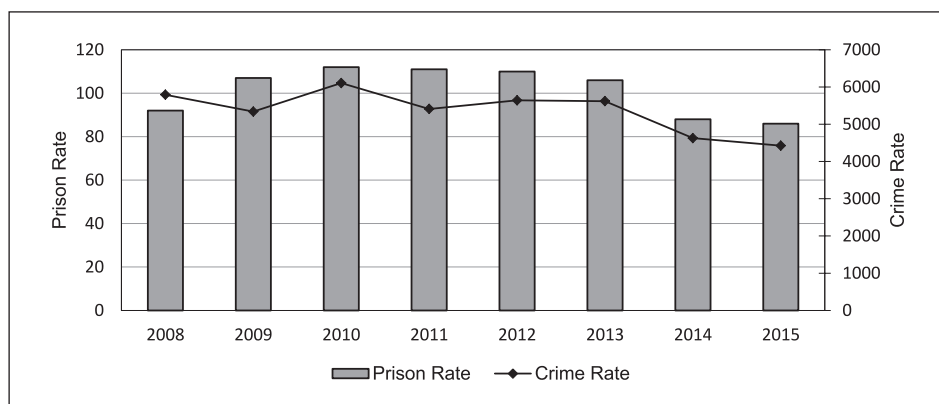
Migrants’ inclusion may not be reduced to the labour market, but social conditions too have to be considered. In Italy, the scant research focusing on ‘ethnic inequality and economic stratification’ (D’Agostino et al., 2016: 83) has demonstrated that foreigners have unequal opportunities if education is considered. Inequality is also linked to gender and there is a territorial component as well, because immigrants living in ‘the Centre-North of Italy have less “unequal” incomes with respect to the South’ (Mussida and Parisi, 2018: 671).

Scholars studying household poverty among Italians and immigrants during the crisis found that, between 2007 and 2013, the number of nationals at risk of poverty grew by 1.7 percent whereas the number of immigrants at risk increased by 4.4 percent. At the same time, the Gini coefficient recorded a continuous growth for foreigners, indicating an increase in the social and economic inequality of migrant families (Bombardieri, 2016: 160). Data on the poverty of foreign families (published by ISTAT, available only since 2014) show that about a quarter live on the threshold of absolute poverty, and many are in a condition of relative poverty (Table 4). These high levels after the crisis probably mean that poverty levels were even higher during the recession. According to data published by the Bank of Italy, the average annual income of individuals in migrant families dropped from €20,000 in 2008 to €18,000 in 2012.

Table 4. Absolute and relative poverty among foreign families (percent): Time series 2014–19.

Year	Absolute poverty	Relative poverty
2014	23.4	28.6
2015	28.3	30.8
2016	25.7	31.5
2017	29.2	34.5
2018	27.8	31.7
2019	24.4	30.5

Source: Elaboration of data from the Italian National Institute of Statistics.

**Figure 8.** Prison rates and crime rates in Italy: Time series 2008–15.

Source: Elaboration of data from the Italian National Institute of Statistics (Crime rate) and from the Department of Penitentiary Administration (Prison rate).

Research findings underline that migrants are included in the Italian economy in segmented, specialized and subordinated areas. However, subordination functioned to a certain extent as a protective factor during the crisis. The immigrant workforce was able to adapt to changing economic conditions, even though its already vulnerable socioeconomic situation worsened. The question now is whether and how the prison system was shaped by the migrant social structure during the recession.

The prison dilemma

Before testing the hypotheses on the relationships between the ‘migrant social structure’ and punitivity, it is necessary to briefly describe the general situation of crime and punishment in Italy. During the crisis, crime rates fluctuated, with a peak in 2010; whereas incarceration rates, after a rise between 2008 and 2010, remained stable until 2013, when they started to fall (Figure 8).

Conversely, the incarceration rates of migrants decreased between 2008 and 2011 and, after a peak in 2012, they continued to fall, reaching 470 detainees per 100,000

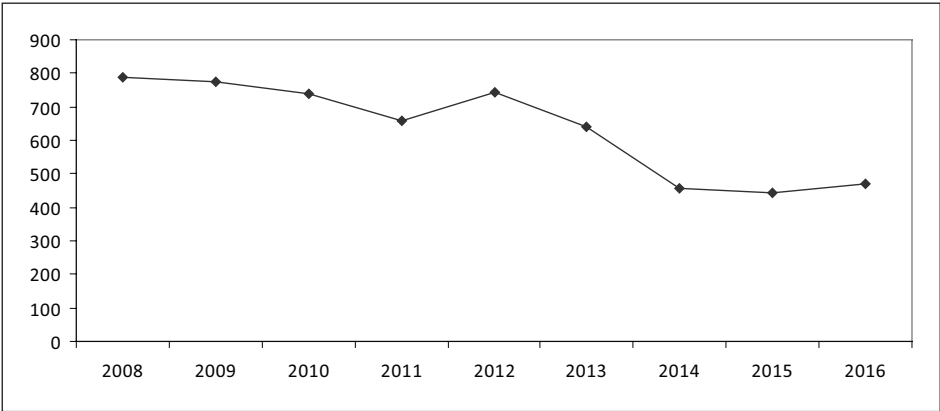


Figure 9. Prison rates for foreigners per 100,000 adult foreign residents: Time series 2008–16. Source: Elaboration of data from the Department of Penitentiary Administration.

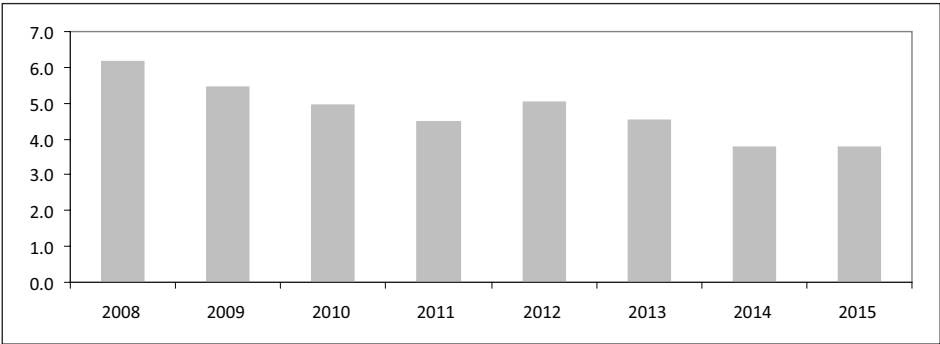


Figure 10. Overrepresentation rate of foreigners (detainees/residents): Time series 2008–15. Source: Elaboration of data from the Italian National Institute of Statistics (Residents) and from the Department of Penitentiary Administration (Detainees).

foreign adult residents in 2016 (Figure 9). Moreover, foreigners’ overrepresentation rate – that is, the ratio between migrant detainees and migrant residents – decreased during the recession (Figure 10).

To exclude the impact of changes in the foreign population, we may take into account variations in the number of migrants in the total number of prisoners. The incidence of foreigners fell from 37 percent of total detainees in 2008 to 32 percent in 2014 (Figure 11).

Another indicator used to study punitivity refers to yearly entries into prison: 43,000 individuals entered prison in 2008, compared with 25,000 in 2013; foreign prisoners represented 46 percent of the new entrants in 2008, and this dropped to 43 percent in 2013.¹³

Regarding the offences for which foreigners are detained, a distinction can be made between crimes identified by ‘stop and search’ police activities (drug-related offences

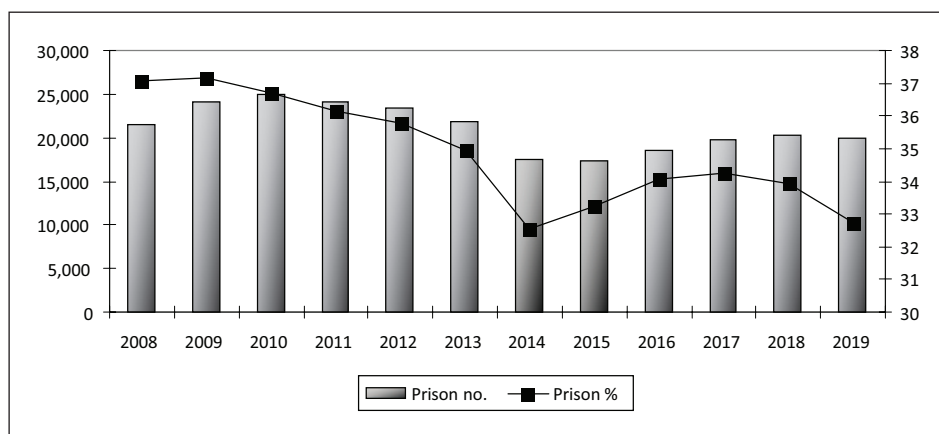


Figure 11. Foreigners in prison (absolute and percentage values): Time series 2008–19.

Source: Elaboration of data from the Department of Penitentiary Administration.

and violations of immigration laws, such as undocumented stays),¹⁴ and criminal behaviours not depending on police activities, such as property crime and offences against public trust (for example, falsified documents to gain legal status). When we compare the two types of crime, we discover an interesting difference. After 2008, the percentage of migrants detained for property crimes remained stable, with a small rise from 26 percent in 2008 to 28 percent in 2016. Similarly, crimes against public trust remained stable, with a slight rise from 39 percent in 2008 to 40 percent in 2012 and then falling to 34 percent in 2016. In contrast, offences related to immigration law showed a constant decrease, dropping from 96 percent of all crimes in 2008 to 92 percent in 2016. The same happened for drug-related crimes: 47 percent of detainees for such an offence were migrants in 2008, but they fell to 37 percent in 2016 (Figure 12).

It is known that official statistics are not (necessarily) a measure of criminality. Rather, crime and prison statistics result from selective penal practices. The few studies on police stops in Italy have shown Harcourt's (2007) 'ratchet effect', that is, the choice to focus on particular categories of foreigners (Crocitti, 2014: 810–13; Fabini 2017; Palidda, 2000). Italian scholars studying penalty and selectivity across the penal system (from police stops to sentencing) have posited that authorities wield wide discretionary power in law enforcement, not to guarantee public order but to maintain the 'rules of disorder' (Palidda, 2000: 31), by which they mean a tolerated – and not to be infringed – level of criminality.

Research linking Italian penal policies to economic dynamics has pointed out that punitive practices against migrants can be explained by distinguishing between foreigners who are functional to both the formal and informal economy, and foreigners who are dysfunctional. The formers are welcomed, but the latter risk becoming privileged clients of prison (Sbraccia, 2007). Prison studies have also underlined that Italian penalty follows Rusche and Kirchheimer's (1939) *less eligibility* principle and, as such, is oriented to making (underpaid and unskilled) jobs 'more eligible' than imprisonment

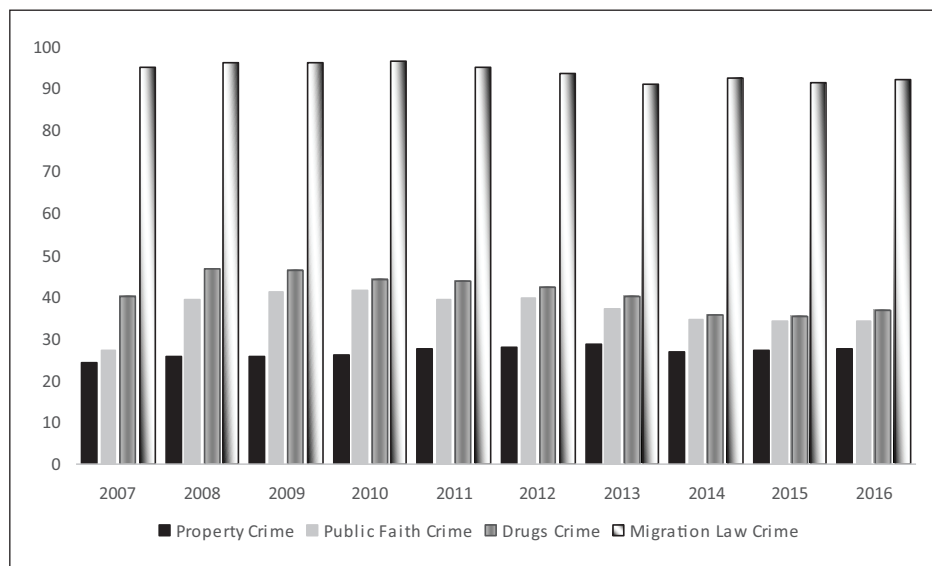


Figure 12. Foreign detainees by type of crime (percent): Time series 2007–16.

Source: Elaboration of data from the Department of Penitentiary Administration.

(Gallo, 2015; Melossi, 1998; Pavarini, 2013). Although the issue of foreigners' punishment could be investigated in much more depth, my next concern is the prison dilemma about punishing foreigners during the 2008 crisis. Who was punished and why?

Why were some migrants punished and not others?

Returning to the research hypotheses, this section examines the relationship between the demographic, economic and criminal features of the 'migrant social structure' and immigrants' incarceration to test whether and how punishment of foreigners has been shaped by changes in the migrant subsystem during the Great Recession. The analysis includes correlations of each variable of the migrant structure with immigrants' imprisonment. Despite its exploratory nature (due to the low numbers of observations, only the 2008–14 period has been analysed), this study is a tentative first step towards determining how incarceration depends on each element of the migrant social structure.

Hypothesis 1 was that the growth in foreign residents would have an impact on the number of foreigners imprisoned, causing it to increase. When we compare foreigners in Italy in relation to total residents (Table 2) and foreigners in relation to total detainees (Figure 11), we find an increase in immigration and, conversely, a decrease in punishment. The correlation between the two variables is negative and statistically significant (Table 5): the growth in the stock of immigrants did not lead to higher levels of imprisonment. This is consistent with evidence showing that 'stocks and flows of migration do little to explain variations in levels of foreigner incarceration' (Hochschild and Brown, 2014: 667).

Table 5. Correlation coefficients: Time series 2008–14.

	Residents (foreigners as percent of total residents)	Estimated undocumented migrants (absolute values)	Crime (foreigners as percent of total charged with a crime)	Unemployment (foreigners as percent of total unemployed people)	Employment (foreigners as percent of total employees)
Prison (foreigners as percent of total detainees)	–0.81*	0.45	0.53	–0.79*	–0.88**

*correlation is significant at the .05 level, **correlation is significant at the .01 level.

The lack of a relationship between demographic factors and incarceration has often been questioned because undocumented migrants are not included in official statistics. Thus, the second hypothesis was that, during the crisis, trends in undocumented immigration would mirror trends in foreigners in the prison population. However, in Italy, fluctuating trends in estimated undocumented foreigners (Figure 1) did not correspond to the continuous decrease in immigrants' incarceration (Figure 11). The correlation is not statistically significant, even though it has a positive coefficient (Table 5).

Hypothesis 3 argued that foreigners' crime and imprisonment would show similar trends. During the crisis, migrants charged with a crime showed a descending trend as a percentage of total criminals (Figure 2) as did foreigners' imprisonment as a share of total imprisonment (Figure 11). The correlation is positive, but not significant (Table 5). This finding is consistent with the hypothesis that being charged with a crime and prison rates are different steps in a criminalization process. However, it does not explain *why*, during the crisis, penal agencies reduced their punitive action against migrants or *how* they selected their clients.

The fourth and final hypothesis turned to the usefulness of the migrant workforce. It argued that, during the recession, the prison system would retain the task of punishing surplus migrants who did not serve Italian economic needs. Correlation analysis shows variations in unemployment are negatively linked to incarceration in a significant way; the same is true for variations in employment (Table 5). These results do not match the *less eligibility* principle according to which, in times of crisis, there would be a positive correlation between unemployment and the punitiveness of the criminal justice system.

However, peculiarities of the Italian labour market allow us to adapt political economy approaches to interpret Italian punishment of migrants, moving from the impact the crisis produced not in the whole Italian system but in the special 'migrant social structure'. During the economic decline, contrary to expectations, the Italian economy continued to need a migrant workforce, as the two regularization laws in 2009 and 2012 and the increasing employment of foreigners showed. Thus, the penal state lessened its harshness against foreigners considered useful. We could argue that immigrants' punishment functions as a 'selective criminalization' linked to the subordinate inclusion of foreigners in the Italian 'flexible labor markets' (De Giorgi, 2015: 156).

Discussion

The article examines changes in migration during the Great Recession, with a focus on migrants' inclusion in the Italian labour market. Following political economy of punishment theories, I assume punitivity towards foreigners (measured by incarceration) is shaped by social and economic forces pertaining not to the whole Italian social structure but to a subsystem reserved for migrants that I call the 'migrant social structure'. This structure meets specific Italian social and economic needs, and it has its own features and dynamics.

The article looks at the main characteristics of the migrant social structure, such as numbers and typologies of foreigners, also considering undocumented status, inclusion in the labour market and criminality. Research findings show some peculiarities in how these elements were affected by the crisis. The recession had an impact on the migrant stock and on the number of estimated undocumented migrants. Paradoxically, both unemployment and employment rates of migrants increased. Immigrants' crime declined, and migrants' prison rates also showed a constant decrease.

These peculiarities have been explained by taking into account not only the short-term factors produced by the crisis but also the rooted elements of migration. The foreign workforce is a structural factor in the Italian economy: migrants are useful because they are involved in segmented, specialized and subordinated areas. During the recession, subordination functioned to a certain extent as a protective factor, because migrants were able to adapt to changing economic conditions and remain useful to Italian needs, even though their already vulnerable social inequality worsened. The migrant social structure adapted itself to changing economic needs to maintain (or even improve) its usefulness. Adaptation in the labour market (female employment, mobility throughout Italy and between economic sectors) and to changing working conditions (availability to work in the informal economy), together with variations in the typologies of migration (an increase in family reunions and refugees), shaped punitivity towards foreigners, allowing us to understand the reason it reduced its repressive aspect.

Research findings confirm that the 'migrant social structure' serves an economic and social function. Foreigners must be part of this structure to avoid being punished. According to political economy of punishment theories, during the Great Recession, the Italian prison system was shaped by this structure in the sense that punitivity continued to function as a deterrent factor – it disciplined migrants to remain within the subordinate structure – and at the same time neutralized only dangerous foreigners who were unable or unwilling to be part of this reserved social structure.

The research mainly focuses on the 2008–13 economic crisis and gives great importance to migrants' inclusion in the Italian labour market. Despite these limitations, linked to the theoretical framework of the political economy of punishment on which this article is based, the 'migrant social structure' – described as a subsystem characterized by dynamics different from those of the larger society – should be taken into account in further investigations. Studies may be conducted for a longer time period or they can focus on differences throughout the Italian territory (by comparing the distribution of immigrant residents with migrant prisoners in the North and the South of

Italy). Immigrants' punishment may be analysed by stressing other elements of the migrant social structure that might affect imprisonment and immigration policies, such as migrants' legal status (for example, family reunions and refugees) or the public perception of migration insofar as foreigners acquire settled status in Italian society. Future research may also focus on expulsion and deportation, instead of imprisonment, as a way of controlling migratory movements and as a measure of punitiveness towards foreigners.

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Notes

1. In this article, the term 'foreigner' means 'non-national citizen', without considering European or non-European areas of origin. It is meant as a synonym for 'immigrant' or 'migrant', with no distinction between the three terms.
2. On mass incarceration in the Western world, see Cavadino and Dignan (2006), Simon and Sparks (2013) and Tonry (2007).
3. The main critical points of political economy approaches are discussed in Melossi et al. (2018).
4. On the Gini coefficient and top income, see Atkinson and Piketty (2007); also see Alvaredo et al. (2013).
5. Data refer to the main sending areas (Europe, Africa, Asia and Central-South America) and are taken from the website of the Italian National Institute of Statistics (ISTAT).
6. Studies comparing Italians' and migrants' crime rates and controlling for the socioeconomic situation demonstrate that crime rates are similar, with migrants' rates possibly lower (Bianchi et al., 2009; Caritas/Migrantes, 2009; Solivetti, 2004).
7. For all, see Melossi (2003) and Melossi et al. (2018).
8. Also inequality has a dual impact on crime: a greater disparity corresponds to a greater motivation for potential criminals, but, at the same time, a worsening of the conditions of the lowest social stratum reduces opportunities for crime (Andresen, 2013).
9. For early studies, see Jankovic (1977) and Box and Hale (1982).
10. In 2008, 300,000 workers were allowed to enter Italy (<https://www.meltingpot.org/Decreto-Flussi-2008-150-000-quote-a-disposizione.html>, accessed 6 July 2021); in 2016, the figure was 30,850 (<https://www.meltingpot.org/Decreto-Flussi-2016-Dal-3-febbraio-iniziala-compilazione.html>, accessed 6 July 2021).
11. On migrant female employment during the crisis, see Bonifazi and Marini (2014) and Ambrosini and Panichella (2016: 125).
12. See Avola (2014) and Ambrosini and Panichella (2016).
13. Data on new entries are published by the Department of Penitentiary Administration.
14. Offences against immigration law have been called 'crimes of immigration', a category that includes 'not only those violations that tend to be committed almost exclusively by immigrants . . . but also those crimes whose punishments are significantly enhanced when they involve foreigners' (De Giorgi, 2015: 158).

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