IMISCOE Working Paper

Italian immigrants and immigration policy-making: Structures, actors and practices

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Summary

The analysis of the Italian case suggests some theses that are more likely to be extended to a large number of political systems, and theses which are likely to be more local, to fit only a limited number of other cases, for some areas or regions.[1]

The specific immigration and immigrants' rights decision-making process appears as embedded in the general multilevel public decision-making machinery. For instance, reforms concerning the electoral laws having an impact on the party systems and on the size, composition and stability of the majority influence also the making of this set of policies. Narrow majorities lead to bargaining with the opposition, while heterogeneous majorities produce both internal conflicts and strategic alliances with sectors of the opposition. In Italy, the ubiquitous presence of Catholic parties in both centre-right and centre-left coalitions has implied relative continuity in policy whatever the colour of the governments in power. These pivotal parties located at the centre of the political spectrum represent a window of opportunity for the immigrants' advocacy coalition made up mainly of Catholic organisations. However 'continuity is not continuous'. It is subject to political and electoral cycles. Government coalitions tend to keep their electoral promises and to stress discontinuity with the previous majority at the beginning of their mandate. However, the degree of discontinuity of the electoral promises can in turn depend on the confidence in a comfortable future victory. In the wake of

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[1] This paper reports some of the outcomes of the activity of the cluster of research 'The multilevel governance of migration' within the IMISCOE European Network of Excellence, and of the research 'Policy making. Between periphery and centre, between Member States and the EU, between formal and informal actors', financed by MIUR (Ministero dell'Istruzione, dell'Università e della Ricerca), the Italian Ministry of Education, University and Research). It includes results that have already been presented in the part written by G. Zincone in M. Arena, B. Nascimbene and G. Zincone, *Italy*, 'The acquisition of nationality in EU member states. Rules, practices and quantitative developments', and in Zincone (2006a). The country profile of Italy by the author gives more information on the evolution and the specific political and statistical features of Italian immigration, see www.fieri.it.

local and general elections, the centre-left governments and electoral cartels, if taken by the electoral panic syndrome, can become more sensitive to public opinion, which is reluctant to accept large and irregular flows, is scared by criminality of immigrant origin, and is concerned by cultural divides. The centre-left can move consequently to the right. On the other hand, the centre-right coalition, after having introduced discontinuous measures at the beginning of their mandate, can be obliged by ordinary judges and the Constitutional Court to revise their policies. The same 'conservative majority' may also accept large flows and amnesties for objective economic needs and because of the combined pressure of the immigrants' advocacy coalition and of employers. Centre-right policies can move consequently to the left. Furthermore, the parties in power and the political cycle, immigration and integration policies tend to change continuously due to negative feedback and the failures of previous polices. We could suppose that these negative feedbacks and continuous policy changes are in a way inevitable due to the difficulty in managing flows and integrating new minorities through public policies. The objective difficulty in managing flows and fighting crime also produces false substitute policies. For instance, not being able to implement effective control of illegal immigration or to favour cultural integration, the decision-makers in government or opposition can propose the reduction of the rights of long-term resident legal and integrated immigrants.

Immigrant and immigration policy-making appears as a widespread process which can originate bottom-up from civil society and from the peripheries. In Italy it can also originate from illegal practices introduced in local contexts and eventually embodied in increasingly formal and central public measures. The process of legalisation of illegal behaviours characterizes more in general the Italian policy style not only in the field of immigration (frequent mass amnesties) but also in other fields, and confirms the rule that immigration policy-making must be interpreted as a part of general decision-making.

Introduction

Italy is a relative late-comer among immigration countries. Inflows started after the 1973-74 oil shock, when Britain, Germany, and, in particular, neighbouring France closed their borders. Flows were therefore partially diverted towards Southern Europe. Italy was then mostly considered to be a transit country; yet, the 1981 census revealed an unexpectedly 'high' number of foreign residents (210,937), mainly of Italian origin. The first big flows, however, date from later, between 1984 and 1989, when approximately 700-800,000 people entered the country. Of these, it is estimated that 300-350,000 entered or remained in Italy without a valid

residence permit (Mauri and Micheli 1992). We can thus begin to single out two significant features of migration processes in Italy: rapid flows with substantial volumes; high proportion of undocumented immigrants. These features are due not only to the geographical location of the country, but also – as I will try to illustrate – to its immigration policies.

It should be noted that relevant policies aimed at regulating inflows and the legal treatment of foreigners as potential immigrants started only in the late 1980s, while the fundamental features of the legal framework on the acquisition and loss of nationality – however they changed over time – date far back, to the period immediately following the unification of the country. I will try to reconstruct the evolution of nationality laws,[2] and of immigration and immigrant incorporation policies. Highlighting some of the initial features of this set of policies (and of their policy-making context) could help us to understand if and why certain imprinting and historical legacies still persist.

Within the Italian legal framework, measures concerning immigration and those defining immigrants' rights are usually included in the same provisions. I will consequently treat these two sets of measures together, while measures regulating access to nationality are embodied in different acts, and require a separate analysis. The parallel analysis of nationality laws and immigration and immigrants' policies should enable us to single out the main characteristics of the Italian policy-making process, at least in the time span I will be analysing in greater depth, i.e. from the beginning of the 1990s to 2006.

Up to the return to power of the centre-left government in 2006, most of the regulations concerning immigrants' rights and immigration flows in Italy were the result of three main Acts, the 1992 *Nationality Law* (no. 91, 5 February), the 1998 *On the Regulation of Immigration and the Legal Status of Foreigners in Italy* (no. 40, 6 March; then Consolidated Act no. 286, 25 July), and the 2002 centre-right reform, namely *Norms Concerning Immigration and Asylum* (no.189, 30 July). I will therefore devote more attention to the contents of these three acts, and to the political processes and public measures connected to them. In fact, not only policies, but also their policy-making context, can change and have changed in Italy over a relatively short period of time.

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[2] It is important to note that in August 2006, as this essay was being revised, the Italian centre-left government in office since the May 2006 elections approved a bill, to be discussed by the Parliament in its Autumn session, which substantially modifies the Nationality Law framework. While significantly reforming the existing framework, in particular introducing several elements which are more compatible with the large number of foreign nationals permanently living in Italy as a result of immigration flows, the new Bill does not alter the privileged condition of foreign-born populations of (even partial) Italian descent vis-à-vis the acquisition of the Italian nationality. For obvious reasons, this essay refers to the legal framework still current at the times of its completion.

From Unification (1861) till the end of the Second World War: Imprinting, legacies and discontinuities in immigrants' rights and nationality laws

Immigration and immigrants' rights

Italy became a single nation-state only in 1861. The main driving force behind the process of unification was the Kingdom of Piedmont-Sardinia, from which the Kingdom of Italy inherited a liberal constitutional regime. Accordingly, till the end of the 19th century, Italy, like other liberal European states, adopted a predominantly open-borders policy.[3] European countries initiated restrictive entry policies, adopting targeted and selective visa requirements, to avoid foreign labour competition after the economic crisis of the late 19th century.[4] The crisis was tackled both by expanding markets, and by introducing protective economic measures. Aggressive colonialism and border closure, not only towards foreign goods but also towards foreign labour, were different tools of the same competitive strategy. Accordingly, well-off foreigners, assumed to be tourists and consumers, were initially exempt from visa requirements[5]. Italy represented a partial exception to national labour protectionism: not needing to prevent immigration, it only introduced higher import tariffs in 1887. At the beginning of the 20th century, on the eve of and during World War 1, selective measures were reinforced and extended throughout Europe to prevent potential enemy infiltration. During that war, a strict border control policy was also introduced in Italy.

After the rise of Fascism, as in other European countries with a similar institutional fate, there was a considerable clampdown on border controls, on the assumption that foreigners could be potential fomenters of internal dissent. According to the 1926 *Public Security Consolidated Act*, foreigners had to register at police offices within three days of arrival (art. 143); employers had to notify the authorities of hiring a foreigner within five days, and of dismissal within 24 hours (art. 146). Foreigners could be expelled if convicted, or for reasons of public order (art. 151). A Centralized National File of foreigners was introduced in 1929, while in 1930 visas started being required for some countries. The security-oriented slant of Fascist legislation still persists in the Italian democratic republic, due to the

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[3] Furthermore, since important Italian legislators had experienced refugee status, having escaped from repressive regimes, generous measures on asylum-seeking were included in the 1865 Civil Code. The Minister who gave the Code its name, Pisanelli, and his colleague, Pasquale S. Mancini, a prominent politician and eminent law professor, had both experienced the condition of expatriates.

[4] The fall of the Vienna stock exchange dates to 1871; the overproduction crisis reached its peak in 1896.

[5] The UK, for instance, introduced visas only for third class travellers in 1905.

relative continuity of the legal system despite the downfall of the regime. Recurrent fears of antidemocratic international interference, and the threat of transnational terrorism have given a new lease of life to several of these provisions.[6]

Since Italy was not touched by significant immigration flows till the mid 1980s, we do not find significant pieces of legislation devoted to the treatment of foreigners as immigrants before that period. The 1865 Civil Code gave foreign residents the same civil rights enjoyed by citizens, going beyond the reciprocity principle. Even though the Catholic religion was 'the religion of the State' (art. 1 of the Constitution[7]), freedom was guaranteed to other denominations, though at that time religious freedom was an issue connected more to the domestic Jewish and Protestant minorities than to immigrant groups.

Even on the basis of the scarce empirical material quoted so far we can begin to identify some hypothetical factors behind the persistence of, and changes in, immigration and immigrant-related policies, and some possible reasons for convergence and divergence between the immigration policies of European states: 1) internal and international economic crises; 2) internal and transnational political conflicts, including terrorism, 3) the rise and fall of political regimes, 4) policy imprinting and policy legacy, 5) the presence or absence of relevant emigration and immigration flows and stocks.

In contrast to the scarcity of provisions directly addressing resident foreigners, we find (understandably, in the light of the then current large emigration flows from Italy) a large number of measures concerning emigration and expatriates. While the matter lies outside the scope of this essay, we should keep in mind that nationality law was till very recently considered as part of Italian emigration policies, having been shaped for a long time by the perception of Italy as a country of emigration. We can thus consider the period between National Unity and WW1 as the 'genetic phase' of Italian nationality law, when a sort of 'policy imprinting' was established.

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[6] Art. 147 of Royal Decree no. 773/1931 regarding public security, was also updated recently (Ministerial Decree December 11th, 2000). It requires notifying police authorities of foreign guest workers' personal details within 24 hours. Law 189/2002 extended this obligation to anybody hosting any foreign guests for any reason (art. 7). On the other hand, breaches to this obligation are no longer a crime, and since 1994 are only punished with a fine (Government Decree under Parliamentary delegation no. 480).

[7] The Italian Constitution was between 1860 and 1943 the so-called 'Statuto Albertino', formerly the Constitution of Piedmont-Sardinia from 1848: it was a liberal Charta *octroyée* (conceded) by the then monarch Carlo Alberto.

Nationality and citizenship

The relatively late Italian state-building process took place against the background of liberal-nationalist ideologies, which spread throughout Europe in the 19th century, and was not completed with a single strategic move. The Kingdom of Italy born in 1861 initially did not include important areas whose population was entirely or mostly Italian, such as Veneto with Venice (1866), Rome (1870), Trento and Trieste (1919), Zara (1920) Fiume and Dalmatia (1924).[8] For a long time, it was 'a nation in search of a State'. A prevailing descent-based criterion (*jus sanguinis*) was introduced in the 1865 Civil Code, embodying the public values of a State founded and based on an idea of nation. It is a type of cultural frame quite similar to the one Brubaker attributed (1992) to Germany. *Ius sanguinis* was also a principle of Roman law that the legislators, as eminent scholars, had studied and admired (Grosso 1997). Furthermore, the 1804 Napoleonic Code had also adopted *ius sanguinis* as a main criterion, and this principle had spread around continental Europe. In Italy, the criterion was reinforced over time by the increasing adoption of measures favouring the retention and reacquisition of nationality for expatriates and their descendants, giving foreigners of national origins the same rights as citizens in relevant matters. The Italian nationality law still in force is characterised by this co-ethnic principle. We will now attempt to understand how and why this co-ethnic legal chain was formed.

The 1860 Electoral Law (20 November) already foresaw facilitated access to voting for ethnic Italian foreigners, and was a way to claim the existence of a nation living outside the borders of the new State. However, more than being the consequence of this nationalistic imprinting, the prevailing Italian co-ethnic approach is a long-lasting consequence of Italian emigration on a huge scale. In fact it can be dated back to the peak of the so-called 'Great Migration', that started around the mid-19th century, and exploded between 1890 and WW1.[9]

Maintaining close links with communities of Italian descent was judged to be useful for a set of reasons. Italians abroad were considered a vital vehicle for the country's economic and strategic interests in the international arena.[10] The

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[8] After the Second World War Trieste was temporarily excluded from the Italian state, while Fiume and Dalmatia were assigned to Yugoslavia.

[9] In this process of biblical proportions the outflows were 1,210.400 (1861-1870); 1,175.960 (1871-1880); 1,879.200 (1881-1890); 2,834.739 (1891-1900); 6,026.690 (1901-1910), from ISTAT figures.

[10] It emerges from the analysis of Parliamentary Proceedings of 1901 and 1906 concerning minor provisions, and even more so in the debates around the 1912 Nationality Law (Tintori 2006; Vianello-Chiodo 1910), as well as from the intellectual and political discussions evoked in note 17.

Italian community was viewed as a lobby acting in favour of the country of origin in the receiving country (Luconi 2000; Luconi & Tintori 2004; Tintori 2006). And to allow expatriates to maintain their legal status as citizens was held to be a way of maintaining these desirable ties. The main obstacle to this strategy was the acquisition of a foreign nationality, which would have implied the loss of the Italian one.

The main destination countries of Italian migrants applied *ius soli*, and even automatic naturalisation of residents[11], while on the other hand, the 1865 Civil Code (art. 11, par. 2) did not officially permit dual nationality. The interaction between Italian legislation and that of the immigration States would have led to the children of emigrants born abroad and forcibly naturalised becoming foreigners (Pastore 1999, 2001). To get around the problem, Italian governments gave priority to article 4 of the same 1865 code, namely *ius sanguinis* for children born abroad (Tintori 2006). This practice was however not deemed sufficient, in the light of the growing concern about the permanent population loss implied by the 'Great Migration', though an important percentage of emigrants eventually returned.[12] Thus, the first major Act aiming at reforming the institution of nationality (no. 555 of 13 June 1912) was designed to encourage the repatriation of emigrants. It eliminated the special government authorisation previously needed to reacquire nationality, and replaced it with an automatic procedure. Two years of residence in Italy were sufficient to regain nationality (art. 9). The 1912 Law reaffirmed the principle of *ius sanguinis* as the main criterion of access to nationality, complementing it with the principle of *ius soli* in partial imitation of the French model of the time: dual nationality was allowed for minors, but they could choose between the two nationalities (without having to, as in the French case) on coming of age. The Italian Parliament so accepted a *de facto* toleration of dual nationality in exchange for keeping strong ties with the Italian descent abroad (art. 7). However, the question of dual nationality was not formally and clearly resolved, and for many emigrants, Italian nationality became a sort of dubious latent nationality, or a '*cittadinanza di riserva*' ('spare nationality') which could be appealed to if the need arose (Quadri 1959: 323).

While this mild co-ethnic preference characterised Italian legislation in the Liberal age, ethnic nationalism was explicitly stated and eventually became racist

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[11] Brazil, in particular, included in its 1891 Constitution (art. 69) automatic naturalisation for all people resident on 15 November 1889, the day on which the Republic was proclaimed. It could legally be given up within six months but this was strongly discouraged by the public authorities (Rosoli 1986; Lahalle 1990; Pastore 2004b).

[12] From the Unification of Italy, from 1861 to 1940, some 24 million Italians emigrated; 26 if the century between 1876 and 1976 is considered. Although there are no fully reliable official statistics, estimates of the numbers who came back to Italy between 1876 and 1976 range from 33 percent (Favero & Tassello 1978) to 50 percent (Cerase 2001: 115-116).

legislation under the Fascist regime. According to the aforementioned 1926 *Public Security* Consolidated Act, expulsion for any reasons could not (and still cannot, since this paragraph was not abrogated, but just rephrased) be inflicted to *Italiani non regnicoli*, to ethnically Italian foreigners. The 1938 Fascist *Regulation for the defence of the Italian race* (November 17th no. 1728) not only forbade marriage between Aryan and Jewish citizens, but also required a special permit for intermarriage with any kind of foreigner. However, regarding intermarriage, it declared that (art. 4) 'Italian non-citizens are not to be considered as foreigners'.

Even before becoming a fully racist regime after the alliance with Nazi Germany, Fascist authoritarian institutes strongly affected nationality rights. Under the *Exiles Act* of 31st January 1926 (no. 108) those doing anything liable to 'cause a disturbance to the Kingdom, even if this does not amount to a crime', and those furthering 'the circulation of false information on the State abroad' could be deprived of their nationality.

The fall of Fascism was followed by the introduction of a new democratic Constitution, which after a transitional phase entered into force in 1948. The Constitution was built in strong antithesis to the Fascist racist and repressive norms. It forbade any kind of political, gender-based, religious or racial discrimination (art. 3), excluding the withdrawal of a citizen status (art. 22). However, the gender equality principle embodied in article 3 was to have significant consequences for the issue of nationality only in the long run. The same 'non discriminating' Constitution in fact established a co-ethnic preferential principle: 'as far as admission to public offices and elected positions is concerned, the law can equate Italians not belonging to the Republic with citizens' (art. 51 par.2).

To sum up, during the Liberal and Fascist periods, and up to the Republican period, we can observe the introduction of the *ius sanguinis* principle as the main road to citizenship, and its strengthening over time, since the adoption of co-ethnic measures can be considered an extension of *ius sanguinis*. The factors identified to explain the original form and the evolution of Italian nationality laws till the republican period are the following:

a. The conception of nationality as an ethnic identity to be transmitted via descent, an idea generated by: a1) a history of Italy as a nation in search of a state; a2) the presence of the institution of *ius sanguinis* in Roman law, that the decision-makers, mostly legal scholars, had studied and admired; a3) the Napoleonic Code, which had adopted the principle of *ius sanguinis*, and the following spread of this principle in many Continental European legal systems,[13] Italy being no exception.

[13] Bendix's (1964) defined this legal mimesis as a process of diffusion. According to Bendix this process leads to the spread of legal institutions and rules from more advanced to less advanced political systems which see a relation between political and economic modernization.

b. Mass emigration and the desire of Italian law-makers to keep strong ties with expatriate communities for b1) economic and b2) international relations reasons.
c. Fascism: its racial and political discrimination policies, and the consequent
d. reaction to Fascism and the introduction of anti-discrimination principles, which included non-discrimination on the basis of gender,[14] but did not affect the principle of co-ethnic preference. I will continue dealing with nationality law when addressing the following period, since this matter shows a higher continuity with the liberal past and the republican Constitution, while immigration entered the political agenda far later.

From the 1948 Constitution to the present legislation: Nationality laws and the untimely reinforcement of ius sanguinis

The Fascist regime reformed nationality law by including racist and authoritarian elements, as we have seen, but it did not touch the main criteria of acquisition and loss included in the 1912 Law. The co-ethnic attitude, that is the preferential treatment of foreigners of Italian origin concerning the preservation, acquisition and reacquisition of the status of citizen, was paradoxically much more reinforced during the republican period, even when Italy was fast becoming a country of immigration, and the political elite was well aware of this turn. I will start by illustrating the co-ethnic changes unfavourable to non-EU immigrants, and the reasons behind these untimely political moves, and then I will deal with the incorporation of gender equality into nationality law, and the reasons for this. The two processes were influenced by quite different factors.

In the attempt to construct a simplified 'general theory' of nationality laws, Patrick Weil (2001) suggested that reforms incorporating some element of *ius soli* tend to take place, the role of *ius sanguinis* consequently diminishing, when immigration flows increase and immigrants settle. Weil's hypothesis seem to need some qualification. Increase of flows, especially if uncontrolled, as well as settlement accompanied by a low level of integration and bad ethnic relations, can provoke an anti-immigrant backlash and consequent legal reforms which are more oriented 'regressively' towards the dominant *ius sanguinis* and co-ethnic principles.

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[14] Italian women were given suffrage because of d1i) the role played by women in the Resistance, d1ii) the diffusion of the right to vote for women in other democratic systems, furthermore it was a principle and a vote d1iii) in line with the left-wing parties' declared support for equal rights and, more importantly, due to reward those centre parties which were reliable from a democratic point of view, and backed by the influential US.

When the most important reform of nationality law was voted in 1992, Italy was already a country of immigration, and two years before – as I will illustrate in the next paragraph – the Italian Parliament had passed a fairly progressive law concerning rights of non-EU immigrants. The anti-immigrant backlash was then only starting, and there were no signs of Italian public opinion being hostile to a liberalization of nationality law. On the contrary, the backlash was, and continues to be, focussed against substantial flows, irregular flows in particular, and even more on their criminal components (Bonifazi 1998, 2005). In spite of this situation, which does not fully embody the features which I think should qualify Weil's model, Act 1992 no. 91 and the following measures reinforced *ius sanguinis*, in continuity with the traditional co-ethnic principles. The 1992 Act and the following measures appear, in fact, as a 'great leap backward', especially if compared with the 1912 Act. According to the 1912 Law all foreign residents had to wait five years to apply for naturalization (art. 4).[15] The only exception concerned the first and second generations of Italians abroad who had lost the status of national and were coming back to Italy, for whom only two years of residence were required (art 9 paragraph 3). By contrast, the 1992 Law required ten years for non-EU countries, four years for foreigners from EU countries, and five for refugees (art. 9). Foreigners of Italian origin (not just the first generation and their children, but also the third generation) could rely on a special discount. For them, three years of residence were enough (art. 9 paragraph a), and only two if the period of residence occurred when the foreigner was under age (art. 4 paragraph c).[16] Exploring the reasons behind this decision will enable us to make a distinction and identify both some *general features* of the Italian decision-making process that also affect immigrants' incorporation and immigration policies, and some *specific features* of this sector of policy-making.

The 1992 Law was in fact a delayed-action provision. The first reform project was presented in a completely different context, in 1960 (Senate Bill no. 991 of 24 February), and during the First National Conference on Emigration (1975) the promise to reform the Nationality Act was strongly reiterated. The bill was passed only in 1992, and though approved unanimously, it was already con-

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[16] Due to the complexity of procedures and the inefficiency of the Italian public administration, to the years of residence required one must also add the time involved for dealing with the bureaucracy. The average wait for obtaining Italian nationality was as follows: 2.9 years in 2003; 3.2 in 2004 and 3.8 in 2005. This data is courtesy of the Italian Citizenship and Statistics Department. Note that the Rule for the Enforcement of the Law 91/1992 had introduced a maximum time of 730 days (Decree of the President of the Republic n. 362, 18 April 1994).

sidered out of date – since it did not take into account the fact that Italy had become a country of immigration – by many leftist members of Parliament who however voted in favour.

The instability of Italian governments until the electoral reforms of the early Nineties is one of the reasons for the delay. Between the date of presentation of the first bill, in 1960, and the approval of the Law, in 1992, Italy had had 32 governments, with long intervals due to the difficulties in forming them. With economic crises and political tensions, the nationality law reform could not be high on the parliamentary agenda. Governmental instability and priorities linked to a persistent state of political and economic emergency help explain the 'delayed-action' side of this legislation.

Another general feature of the Italian decision-making system at that time can help us understand the large consensus achieved by the reform. At that time, the highly fragmented, polarized party system (Sartori 1976) was compensated for by a consensual style of decision-making (Graziano 2002). Many provisions were passed by large parliamentary majorities, i.e. with the consent of the left-wing opposition (Cazzola 1974). The virtually unanimous vote for the 1992 provision was not a striking exception.

The 1992 late, consensual measure was then a product of some general traits of the Italian party system. But it was also, and mainly, the consequence of a specific cultural framework concerning Italian expatriates, of a persisting myth with a complex political and cultural history,[17] destined to last in attenuated forms until the present day.[18] Reyneri (1979) defined it as 'the myth of productive return', namely the disputable hypothesis that former emigrants or their descendants would come back with human and financial capital capable of enriching the economy of the country.

The impact of the myth was reinforced by the fact that Italian emigrants were actually coming back in the 1970s-80s, partly because of the programmes to promote returns introduced in Germany and France after the oil crisis, and partly because of the Argentinean and other South American crises. On the other hand, regional governments, which had acquired autonomous decision-making powers

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[17] Among the fathers of this cultural framework one may evoke the classical liberal economist and statesman Luigi Einaudi, with his *Il principe mercante* (1900), where the strengthening of economic and cultural ties with the Italian emigrants communities is defined, as a foreign policy option, in clear antagonism with the then current nationalistic political platform, which advocated a colonial and imperial destiny for Italy, and considered emigration as a mere 'waste of national energies' (Are 1986).

[18] To quote a senior Interior Ministry official: 'I believe we cannot refuse to receive that invaluable human capital represented by the descendants of those people who took the hard decision to leave our country, honouring Italy by the value of their work, and by exporting "Italianness" around the whole world' (Menghetti 2002: 6).

since the 1970 regional reform (Statute no. 281), had already started to support policies in favour of return immigration (Pugliese 2002). The myth of productive return was, and still is, accompanied by the myth of *L'altra Italia* (The other Italy), namely the belief that the 'diaspora'[19] of immigrant descendants mostly includes people who are still culturally very close to their homeland.[20]

The persistence of this set of assumptions in the post-1945 context concealed a kind of 'discreet nationalism', in fact one of the few vaguely nationalistic elements which could be legitimately evoked in public discourse in the long phase between the fall of the Fascist regime and the rise to power, in the context of centre-right coalitions, of rightist parties, including the Northern League.

In any case, discreet and not so discreet nationalism, namely the purpose of rewarding Italian ethnics, has formed the basis for one of the two political philosophies present in the reform proposals presented between 1992 and 2005.

An overview by Marzia Basili (2005a) of the post-1992 bills and the bills presented from 2001 to 2005 in Parliament showed two main political intentions.[21] The first aimed at favouring long-term resident aliens, and eliminating or narrowing the gap between foreigners of Italian descent and nationals of EU and non-EU countries. The second was designed to make it easier for foreigners of Italian descent to reacquire Italian nationality even if they still resided abroad. Various proposals were made, mainly by the left wing, aiming at reducing the residence period required for non-EU immigrants to submit applications for naturalisation, and at favouring minors born to long-term resident parents or having lived or been educated in Italy. The French double *ius soli* principle was also embodied in some bills.[22] However, up to the second Prodi government appointed in 2006, the

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[19] It is debatable whether this theoretically thick concept can be applied to the descendants of the Italian emigrants. I use it in this context simply to reflect its current utilization in the Italian discussion on these themes.

[20] This myth partially conflicts with the empirical evidence of studies of the Italian Diaspora (Bolzman, Fibbi and Vial, 2003; Devoto 2005; Sollors 2005; Vegliante 2005) that show prevailing low political identification with the political community, and with the Italian State. See also doubts expressed by Gianfranco Fini, leader of AN, a nationalist party, even before the results of the 2006 elections (quoted in Tintori 2006).

[21] There was also a third policy line aimed at inserting criteria of integration and loyalty, but it used to be less important. See, for instance, a bill presented by the Northern League which requires tests of both Italian and the local language and an oath of loyalty to the Italian Republic. Linguistic and integration tests are likely to be included in centre-left bills in the near future, due to increasing concern about the integration of Islamic minorities. Oath of loyalty to the Constitution and to the Republic were already present in the 1992 Law, the future law is also likely to include formal ceremonies.

[22] Relaxation of residence requirements, favouring minors, and dual ius soli were also the result of a process of imitation of other European countries, can again be explained by Bendix's (1964) process of diffusion. The main vehicles of diffusion in Italy are experts who are asked to supply recommendations including comparative analysis (Zincone 1999).

first line of thought, which aims at reducing discrimination against non-EU foreigners, was not implemented. By contrast, the second one aimed at favouring foreigners of Italian origin, was implemented not only in the 1992 Law, but also in subsequent provisions.

The 1992 Law definitively established the dual nationality principle, and consequently large numbers of people holding what was defined as a 'spare nationality' were clearly entitled to apply for an Italian passport, an opportunity they made and still are making large use of (Menghetti 2002; Gallo & Tintori 2006). Furthermore, the 1992 Act introduced a programme allowing people who had lost their Italian nationality when dual nationality rights were still uncertain (for instance, by opting for another nationality), to reacquire it. The window was due to stay open until 1994, but the deadline was then extended to 1995, and again to 1997. By taking advantage of this very easy procedure, according to the Italian Foreign Office 163,756 people have 'reacquired' Italian nationality. The same measure was extended (Statute no. 379 of 14 December 2000) to aliens of Italian descent living in territories which belonged to the Austro-Hungarian Empire before the end of the First World War[23] and then passed to the former Yugoslavia after the Second World War. The provision allowed these people to acquire Italian nationality by simple declaration, even if they were living in a country other than Italy. The only exception was for those residing in Austria. This window of opportunity was due to stay open for five years. Under a new provision (8 March, 2006, no. 124) it was reopened without a time limit, though for the first time the requirement of knowing the Italian language and maintaining ties with Italian culture was introduced.[24]

It is important to note that Acts no. 91 of 1992 and no. 379 of 2000 were passed by a centre-left government, without any real opposition, and that the 2001

However the role of experts in Italy, as elsewhere, is changeable and often ineffective (Penninx 2005; Martiniello 2004; Widgren & Hammar 2004; Zincone & Caponio 2005).

[23] In 1919, at the Conference of Paris, the regions of Trentino and Alto Adige (including Trieste) and Istria were incorporated into Italian territory.

[24] It is worth noting, though, that Statute no. 73 of 21 March 2001 had allocated special funds in order to promote the learning of Italian language and culture among the Italian minorities in Croatia and Slovenia. The two plus three years of moratorium (Ministry of Labour and Social Affairs circular no.6/2006) decided by the Italian Government to allow the free circulation of citizens of new member states, combined with these reacquisition procedures is generating differentiation in EU citizenship rights in giver countries such as Croatia and Slovenia. Let us incidentally note the use of soft law (circulars) to regulate fundamental rights. Even stronger differentiations concern non-EU European states which include some EU state co-ethnic minorities which can enjoy also the nationality of the EU state. For the impact of the adoption of co-ethnic legislation on other states see Zincone (The Transnational Side Effects of the Nationality Laws in the EU, Seminar, Residence Palace, Brussels, April 5, 2006, EIF, EPC, FIERI).

and 2006 provisions, voted under centre-right governments, passed without significant opposition as well.

While it is not particularly surprising to find a co-ethnic attitude within a centre-right coalition, it is slightly more surprising to note the acceptance of this principle by a centre-left coalition. However, as Italian emigrants are viewed as workers, left-wing sympathies for them are less surprising. It is more difficult to explain the fact that the centre-left cooled down over citizenship rights for non-EU immigrants during its first five years in power, between 1996 and 2001. In order to try to explain this behaviour we need to illustrate another specific and very relevant feature of immigration and immigrant-related decision-making.

Among the informal actors taking part in the decision-making process concerning immigration and immigrants' rights, a crucial role was and is played by an advocacy coalition in favour of immigrants (Zincone 1999). The coalition is made up of various associations, Catholic organisations being prominent. The attention of this 'strong lobby for the weaker strata' was mainly focused on the sectors of immigrants in the most disadvantaged conditions, i.e. undocumented immigrants, on claiming basic rights for these people (amnesties and access to the national health service and public education); its commitment to political and citizenship rights for long-term residents being less tenacious even though present. This lobby, together with another powerful one (that of employers' associations), also pushes for another goal: the expansion of legal migrant flows. That aim had more support than granting immigrants the right to vote locally or facilitate their access to nationality. The power of these two lobbies was reinforced by the objective need for manpower, due to the stagnant Italian demography, its aging population and the reluctance of Italian young workers to accept unattractive jobs.

Italian public opinion, as measured in several surveys (Ispo-Commissione per le politiche di integrazione degli immigrati 1999, 2000) demanded a reduction in, or a stop to, new entries, but these demands were impossible to fulfil due to the combined pressure of the objective demands of the labour market and of powerful actors. Other insistent demands of public opinion, such as the prevention of illegal immigration and the expulsion of foreign law-breakers, were and are too difficult to accomplish. Requests of this kind are very hard to comply with in any country, and in Italy in particular.[25] Moreover, while Italian public opinion in theory opposes illegal entries, in fact regularisations were and are backed not only by the strong lobby for the weaker strata and by the employers, but also by the labour demand of a large number of families, which take on immigrants for domestic help and assistance to the elderly.

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[25] In Italy, the task is even more difficult due to its geographical position and the extent of the black economy, in which undocumented migrants can find a job, pay back the money they owe for their smuggling or fake tourist visa to enter the country, live on their own salaries and possibly send remittances back home.

The centre-left option to leave aside citizenship rights for immigrants (nationality and local vote) can be interpreted as a 'false surrogate response' to the impossible demands of public opinion. This 'false surrogate response' was even more vocal in the run-up to the 2000-01 elections, due to a sort of 'electoral panic' sindrome, observed especially in local policy-making (Mahnig 2004; Caponio 2006).

However, electoral panic is not a chronic disease. In fact, during the 2005 regional election and 2006 general election campaigns the centre-left opposition promised to reform nationality law and to grant local voting rights, since it was nurturing (in the second case quite wrongly) the hope of enjoying a fairly large advantage over the centre-right. The electoral panic syndrome, and the consequent relinquishing of traditional party values, is obviously less likely to come about when the party or coalition expects a comfortable victory. Furthermore, parties and newly-appointed ministers tend to comply with the electoral promises, to stick to their political values and respond to their own electorate immediately after they come into power, whereas they tend to accommodate more to objective needs and to powerful actors - even though not politically close - as time passes. As we will see, this is the case with the 2001 Berlusconi government.

The persistence and the reinforcement of the co-ethnic principle, the lack of reforms aimed at favouring the acquisition of nationality by non-EU minors and long-term residents, which characterized this period, can be explained both by general features of Italian decision-making and by specific features of the immigration policy decision-making machinery:

a. The instability of Italian governments, which slowed down any kind of complex law-making activity, above all in this case, since the nationality law was not a priority.
b. The persistent myth of the Italian diaspora as 'another Italy', which influenced the opinions of legislators across a wide political spectrum in a co-ethnic direction.
c. The active role of an advocacy coalition, which was more interested in defending the weaker strata of immigrants, and in demanding basic rights (amnesties and larger flows) rather than citizenship rights for legal residents.
d. The electoral panic which pushed centre-left governments to put aside citizenship rights in order to cope with an anti-immigrant backlash: ultimately a false surrogate vis-à-vis the impossibility of effectively satisfying public opinion's demand to curb inflows, fight illegal entry, and repress crime.

From the 1948 Constitution to the present legislation: Nationality laws and gender equality

A second set of nationality law reforms, introduced after 1948, was due to the wider establishment of the gender equality principle in the Italian legal system. The democratic Italian Constitution introduced the principle of gender equality which did not have an immediate effect as far as nationality[26] was concerned but was 'ready for use' by the magistracy in the Seventies when in the wake of the Feminist movement equal rights principles took hold in the Italian legal system. In 1975, women married to a national of another country were granted the right to retain their nationality, within the general Family Reform Act (no. 151, 19 May). This change was not brought about – as could be expected – by the need to comply with international law, but by the need to follow the Constitutional Court's ruling (no. 87 of 9 April 1975) which stated that loss of nationality for married women contravened Art. 3 of the Constitution.

In 1983, following a new constitutional ruling (no. 30, 9 February 1983), a new Act (no. 123, 21 April) established the right for married women to transfer their nationality both to their children and to their foreign husband. The commentary on the Acts makes explicit reference to the Court's judgment and to the constitutional principle of gender equality. Constitutional norms and constitutional control, rather than international treaties[27] seem to have played a crucial role in supporting nationality reforms. In this respect, Joppke's theory seems better grounded than Soysal's, at least in Italy.[28]

After 1983, both spouses were given the opportunity to transfer their nationality to each other and to their children, but since the gender equality principle was integrated into the Constitution, which only came into force in 1948,

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[26] In Italy, as in many other democratic regimes, women achieved equality with regards to political citizenship (the right to vote and be elected) long before reaching equality as far as nationality was concerned. They voted in the National referendum that decided the republican form of the state and for the Constituent Assembly 2 June 1946. The right was established by a ruling of the provisional Government of national unity which included all anti-fascist parties in 31 January 1945.

[27] The principle was declared in the UN Convention on the Nationality of Married Women, which was approved on 20 February 1957 and came into force on 11 August 1958. In 1977 (24 November), a Resolution adopted by the Council of Ministers of the Council of Europe (which came into force on 1 May 1983) suggested that married women would be allowed not only to keep their original nationality, but also to transfer it to their spouses and children.

[28] According to Soysal (1994) international law is a valid screen for protecting immigrants' rights, whereas according to Joppke (1999) immigrants' rights are actually protected by National constitutions

the courts initially ruled out[29] the possibility that Italian nationality could be inherited by maternal descent by people born before 1948. However, more recent case law has extended the possibility of *ius sanguinis* by maternal descent even before 1948.[30]

Under the new legislation and its interpretation based on gender equality, dual and multiple nationality have became unavoidable legal statuses.

By contrast, in 1983, when introducing the possibility of acquisition by spousal transfer, the Italian legislature confirmed the prohibition of dual nationality as a general principle. Children of parents of different nationalities were required to opt for one nationality within a year after coming of age. However, the subsequent 1986 Act decreed that the deadline for this option was no longer the coming of age, but was to be postponed until the approval of the forthcoming Nationality Act (as it was planned to include dual nationality in the reform). Therefore, in practice, dual nationality has been allowed since 1986 without restrictions, but – as we have anticipated – the principle was not generalized and clearly established until the 1992 Act (article 11).[31] Establishing dual nationality served three purposes: to comply with new gender equality values, to preserve a homogeneous legal status within the same family, and to follow the old path of allowing expatriates to keep or reacquire the Italian nationality without giving up that of the country of residence. The 1992 Act (art. 5) also confirmed the very loose requirements in regard of *ius connubii* . This choice was also due to the high value assigned to the family in the Italian legal system[32] as a consequence of the political influence of the Catholic Church. For the same reason, Italy used to be the European country where access via *ius connubii* was easiest[33] – only 6 months if the couple resided in Italy – and a simplified procedure.

Summing up, from the beginning of the republican period up to 2006, the following factors explain the inclusion in Italian nationality law of the principle of

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[29] For instance, Council of State opinion no. 105, section V, of 15 April 1983 was followed by a circular of the Ministry of the Interior k.60.1/5, 8 February 2001, both confirming 1 January 1948 as the starting date from which Italian women could transmit their nationality to their spouses and children. See also Court of Cassation judgment 6297, section I, 10 July 1996, and judgment no. 10086, 18 November 1996.

[30] Court of Cassation judgment no. 15065, section I, 22 November 2000. In favour of retroactivity before 1948, see the judgment of the Turin High Court (Lucero case), 12 April 1999.

[31] Even before that, the Italian Government had not only allowed but regulated dual citizenship through bilateral agreements. Even in 1992, dual nationality was mainly due to 'family reasons': 1) to make the Italian Nationality Act compatible with marriage to foreign partners, 2) to facilitate the reacquisition by aliens of Italian descent who had lost Italian nationality.

[32] See Art. 29 of Italian Constitution.

[33] This is a point on which the August 2006 Bill takes a more restrictive position.

gender equality, the extremely favourable treatment of the acquisition by marriage and the definitive acceptance of the principle of dual nationality:

a. A written Constitution which includes the principle of gender equality, coupled with a constitutional court entitled to make constitutional reviews.
b. A changed cultural context concerning gender equality fostered by feminist movements.
c. A persisting public rhetoric supportive of familial values, due to the significant role of the Catholic Church.

Immigration and immigrants' rights: From 1948 up to the 1998 law

The first relevant Law (no. 943, 30 December 1986) dealing with the treatment of immigrants was very much in continuity with the prevailing view of policy-makers on Italian emigration, seen fundamentally as people leaving their country in search of work (Colombo & Sciortino 2004). Not surprisingly, immigrants were also predominantly seen and addressed as workers, starting with the very heading of the Law ('Norms in the matter of placement and treatment of non-EU workers and against clandestine immigration'). The Law wanted to regulate inflows in order to avoid competition from non-EU workers with national manpower, and also to give a legal alternative to illegal immigration.[34] Immigrants were viewed as temporary foreign workers, therefore important competences were assigned to the Ministry of Foreign Affairs and Labour. The former set up a Committee aimed at regulating flows, controlling illegal immigration and combating trafficking. The Committee was composed of representatives of the Ministries of Foreign Affairs, Labour, the Interior, the unions and employers' associations. The role assigned to the social partners reflected the general neo-corporatist model that, at that time, still characterized Italian decision-making in the field of labour. This confirms a general observation which we have already put forward and will come back to later: decision-making regarding immigration is embedded in the general decision-making structure and style of the observed political system, and it also reflects any significant change occurring in it.

The Ministry of Labour also hosted a Consultative Committee that included representatives of immigrants' associations together with representatives of unions, employers' organizations and local administrations. In an attempt not to fall out of favour with any of the immigrant organizations, too many immigrants' representatives were included, so that the Committee grew to an unmanageable

[34] Illegal immigration, in Italy as elsewhere, was attracted by a large hidden economy (Reyneri 1998) and poor border control.

size, and ended up being abolished three years later (Zincone 1995). In fact, this body, like other bodies intended to represent immigrants, was largely irrelevant in the decision-making process. Representation of immigrants in Italy is predominantly of an indirect kind, (Zincone 2000), i.e. to date immigrants' interests in Italy have been defended by the 'advocacy coalition', composed mainly of Catholic, but also by other religious and lay organizations whose influence we have already underlined before. As lobbyists, immigrants' associations play a relatively marginal role within the advocacy coalition (Zincone 2006a).

The political goal of avoiding competition with the Italian workforce was pursued through various means. Priority in employment was openly given to Italian and EU workers (art. 8), and flows were limited and planned (art. 5). However, non-EU citizens were given the same rights as nationals as far as a large part of welfare entitlements were concerned (art. 1). On the one hand, the Law limited the entry of immigrants, while on the other hand, it granted them the same social rights Italian workers were entitled to, attempting both to treat immigrant workers as Italian emigrant workers would hopefully be treated and to equate the cost of social security contributions of national and immigrant workers. More precisely, the cost of contributions for non EU workers (art. 13) was made not just equal but 0.5 percent higher than for the national ones, in order to provide resources for repatriation in case of dismissal. This was also a device to make foreign labour economically less appealing and competitive. By granting equality in terms of social rights, the 1986 Law also acted in line with a ILO 1975 Convention (no. 143), that Italy had ratified in 1981 (Nascimbene 1991).[35]

Overall, the Italian 1986 legislation looked extremely generous, liberal and in tune with international law. In theory, immigrants were not only given equal welfare but also special opportunities to study their own language and to learn the Italian language (art. 9). In practice, no national public funds were devoted to immigrants' rights, non-contributory welfare and integration measures, and the burden of implementing these rights mainly fell on the already over-stretched regional and city councils. At that time Regions still had a very limited fiscal autonomy.

The scarcity of planned inflows, the higher costs and, to an even greater degree, the complexity of the procedures were real deterrents for employers which intended to officially hire non EU workers. It was easier to hire without registering, to hire immigrants informally. Thus the 1986 Law actually reinforced the

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[35] The obligation to legislate within the boundaries of international legal constraints can prove not strictly binding. International treaties and conventions are the result of agreements among the same states which are then required to comply with them, and they tend to mediate among their interests. Moreover, the letter of international constraints can be obeyed without accepting the substance.

factors that gave rise to undocumented residence, and at the same time, introduced the first amnesty for undocumented workers. Italian policies are characterised by a long succession of amnesties, not only with regards to immigration: unauthorized building, tax evasion, and unregistered labour are frequent objects of amnesties as well. Once again, immigration policies can be better understood when observed as embedded in a general policy style.

Since this specific regularization was made dependent on the requirement of being a registered employee, it was an out-and-out flop.[36] The failure of this regularization influenced the following 1990 Law producing a sort of 'vicious learning process', as the amnesty which accompanied that Law was based on extremely loose criteria and an even looser implementation.

The negative feedback from the previous legislation not only concerned the incomplete draining of the basin of undocumented immigrants, but the patent, alarming lack of integration. More in general, negative feedback appears as a recurrent factor which motivates policy reforms. We could call into question the very possibility of fully successful integration strategies and policies aimed at controlling the inflows: a sort of inevitable 'negative feedback' would explain the unending process of policy reforms in that field.[37]

Another recurrent driving factor is emergency, that is the presence of events difficult to forecast and manage. By the end of the Eighties the impact of the settlement of immigrants began to produce social tension, especially in large cities and Southern agricultural areas. The lack of accommodation led to uncontrolled squatting, and in turn to protests from the residents in surrounding areas and even aggression by right-wing youngsters. This difficult situation reached a peak when a black labourer, Jerry Essan Masslo, was murdered in October 1989 in Villa Literno, a well-known tomato-farming area near Naples. Another important piece of legislation (a decree of December 1989, then Law no. 39 of 28 February 1990) immediately followed the Masslo murder. Not just in this case, but more in general, Italian law-making in the field of immigration and the treatment of immigrants was, for a long time, characterized by a 'reaction to emergency' attitude (Bolaffi 1996).[38] The 1990 Law, the *Legge Martelli*, named after the then Vice Presi-

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[36] To hide the failure, the deadline for applying was delayed three times by subsequent decree in 1987 and a mini special law was voted in 1988 for the purpose (Adinolfi 1992; Sabatino 2004). In spite of this – according to experts (Macioti & Pugliese 1991) – no more than 20 percent of the potential applicants were regularized.

[37] The capacity of legislation to produce an impact on integration in comparison with other factors (Böcker & Thrähardt 2003; Joppke 2006), such as the country's economic structure and situation, the features of its welfare state, the prevailing public values, has been questioned.

[38] In general immigrant-related and immigration policies would appear to react to dramatic events rather than following a planned strategy, as the issue merits (Penninx 2004).

dent of the Council of Ministers, was voted by a huge majority (more than 90 percent[39]). The Communist party, then the main opponent, voted in favour. However a small party belonging to the majority coalition, the Republican party, and its Secretary Giorgio La Malfa, were highly critical of it (Ciccarelli 2006) and eventually voted against, together with the right wing of Parliament, i.e. Alleanza Nazionale (National Alliance) and Lega Nord (Northern League). This pattern of voting and parliamentary behaviour is recurrent as far as immigrants and immigration law-making is concerned. The majority can be divided, while part of the opposition can converge with the majority.

The 1990 Law confirmed equal access to social rights but, as in the previous 1986 Law, little money was allocated for this aim in the national budget. One important exception was for temporary accommodation, for which resources were given top-down, from the central state to the Regions, which had to transfer them to the local administrations. Even before the assignment of specific resources some efficient local administrations started temporary accommodation programs (Ponzo 2005). This is just one[40] example in which input in central state policy-making comes bottom-up from innovative peripheries.

As for the other measures aimed at promoting integration, the financial burden for immigrants' welfare was still borne by local shoulders. The same 1990 Law, in theory, opened the way for further legal[41] planned immigration, by making annual flow decrees mandatory and imposing 30 October of the previous year as a deadline (art. 2). In practice, the decree was issued at the end of the year concerned, and a large quota of the planned flow was taken up by amnesties, family reunions and permits for humanitarian purposes. This was again a case of discrepancy between the letter of the law and its actual implementation. As one of our privileged informants[42] stated, this discrepancy can be considered functional when it allows the law to adjust to objective needs.

The Law assigned the responsibility of coordinating planned annual inflows to the Ministry of the Interior, together with Foreign Affairs, Budget and Economic Planning (now incorporated in the Ministry of Economy and Finance), and the Labour and Social Security Ministries, which were also supposed to consult the other Ministries involved, the main unions, the National Council of Economy and Labour plus the Conference of the Regions. The system was more or less the same as the 1986 Law with slightly more space given to the Regions. Another characteristic of Italian decision-making emerges here: too many actors are involved in too many acts that foresee too many transmissions back and forth

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[39] 91,5 percent at the Chamber of Deputies.

[40] See other examples and authors (Balducci 1993; Lostia 1994; Zincone 1998).

[41] In fact until the 1998 reform, planned flows were mainly used to accommodate undocumented immigrants regularized by amnesties.

[42] Interview r6.

(Zincone & Rosa 1999; Canetri 2005). This again leads to another discrepancy between the letter of the law and what is put into practice.[43] Decisions are actually taken by a far more limited number of actors,[44] and the formal actors excluded in practice tend to resent this.

With the purpose of improving coordination in policy-making, Prime Minister Giulio Andreotti, in his seventh government (April 1991-April 1992) introduced a 'Ministry for Italians Abroad and Immigration'. This political move was a response to the Albanian crisis, which led to waves of refugees spilling over onto Italian shores. However, the decision was taken 'with an eye to domestic politics' (according to an interview with the then Minister Margherita Boniver): to avoid conveying the impression of 'giving immigrants too much', they were associated with Italian emigrants abroad. Responsibility for the new Ministry was given to a politician who was, as former president of the House of Deputies 'Commission of Human Rights' and founder of the Italian branch of Amnesty International, deeply concerned with these kinds of issues. The decision to introduce a Ministry for Immigration was also a consequence of a process of imitation from abroad conveyed by experts and civil servants (Zincone 1999), and this again is a recurrent factor, not confined to migration matters. Guido Bolaffi in particular, a long-running top civil servant working in the field of immigration, played an important role in the institutional building of the Ministry, and both the first Minister and his successors have stated their reliance on him in our interviews. In any case the Ministry of Italians Abroad and Immigration was a Ministry without portfolio and was always overwhelmed by more powerful competing Ministries and their departments, so that the apparently best solution of an *ad hoc* Ministry proved to be not very successful.

Various other attempts to co-ordinate and clarify the institutional attribution of responsibilities failed, and eventually, in 1993 (13 April, Law no. 107), a special autonomous Department of Social Affairs within the Presidency of the Council (again a Ministry without portfolio), took control of this policy sector. At the time, the Minister appointed was Fernanda Contri, she too assisted by Guido Bolaffi. A special General Direction on Immigration was then established in the Department. Under this Minister, a first draft of the major reform of the legal status of immigrants in Italy was prepared with the help of a Commission including experts and top-level civil servants from the main Ministries. The cases of Boniver, Contri and later of Turco confirm the hypothesis (Penninx et al. 2004; Widgren & Hammar 2004) that newly-appointed Ministers are more likely to resort to the help of top-level civil servants and experts. Even an experienced politician such as Giorgio Napolitano, Minister of the Interior (1996-1998), writes

[43] Interviews c1, r6, p1, p2.
[44] Interviews r4, p1, p2.

in his *Memoirs* that as a fresh Minister he brought with him only 'a trustworthy expert in international relations and immigration' (2006: 294); the unnamed expert was Carlo Guelfi.

After a brief period of centre-right rule (the first 1994-95 Berlusconi government), part of the proposals included in the 1994 Contri draft were included in a Decree Law (489/95) which was named after the then Prime Minister in a 'technical government', Lamberto Dini. Besides allowing another amnesty, the Dini decree granted most public health services (art. 13) to undocumented immigrants. Extending public health to undocumented immigrants was the result of benevolent illegal initiatives, of *contra legem* practices, taken by hospital directors. And this provision was in a way forced by the general reform of Public Health (government decree under Parliament delegation 502, 30 December 1992) which had introduced tight budget constraints and a business-based approach[45] in this sector and made it difficult to conceal and cover expenses for non entitled users. Another measure, which was then included in the following 1998 Law, originated from illegal local initiatives: it concerned the inclusion of undocumented minors in public schools. The practice was first embodied in local circulars and then in Ministerial circulars, also under pressure from the advocacy coalition at local and national level (Zincone 1999). Here it is evident that the legislative initiative can be taken bottom-up from the peripheries to the centre, from informal to formal actors, from civil society to the public arena and can shift from illegal practices, to soft law and from soft law to decrees and laws.

The 1998 Law can be considered as the first reform regarding immigration and immigrants' rights which was not conceived under emergency conditions, in that it intended to treat immigration as a permanent phenomenon and regulate the subject with a comprehensive act.

The new Ministers Livia Turco (Social Affairs) and Giorgio Napolitano (the Interior) started from the 1994 Contri draft and used more or less the same team of experts and civil servants. Although the draft was radically transformed, the general prevailing solidarity-oriented attitude did not change.

To sum up, in the period preceding the 1998 Law the factors influencing immigration and immigrant-related policy-making were the following:

a. The cultural legacy of a country of emigrant 'workers'.
b. The pressure of the problems, the emergency approach which conditioned not only immigrant and immigration policies, but also the institutional building of this policy machinery.

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[45] This reform is only one element of a wider attempt to make Italian Public Administration and Social Services more market-oriented: a political change which affected not only the Italian management of Public Services (Fedele 2002 and interview g4).

c. Once again, the pressures by the advocacy coalition on a local as well as a central government level.
d. The adoption of *contra legem* practices which over time became increasingly legitimized and formalized, and were transformed from local experiences into national policies.
e. The general style of the political system, in this case the general tolerance of illegality and frequent resort to amnesties.
f. The need to adjust the law to conflict situations, trying to satisfy at the same time public opinion and special relevant actors, thereby producing a discrepancy between the letter of the law and its implementation.
g. Experts' and long-running civil servants' roles alongside newly-appointed Ministers, especially at the beginning of their mandate, and only in the presence of fiduciary personal relations, with the added consequence that g1) they can favour the import of foreign practices and support trans-national legal diffusion processes. Not only do emergencies force continuous changes, but also a sort of 'inevitable' negative feedback from the previous legislation, due to the objective difficulty of 'solving' problems connected to immigrants' integration and border control.
h. General features and general changes in the legislation and in the institutional frame of the country can impact on the specific immigrants and immigration policy-making.
i. Among the general features connected not only to the political culture of the country, but also to the electoral rules, the fragmented nature of the party system is particularly relevant, in so far as it produces heterogeneous and divided ruling coalitions, while also making it possible to have convergences of parts of the minority on this set of policies.

In the next paragraph I will illustrate some other examples of general reforms such as that of the public administration, of the form of the State, and the government, which have affected immigration and immigrant-related policies and policy-making.

1998 and the general reforms of the Italian political system

The Turco-Napolitano Act, no. 40 (then Consolidated Act no. 286/1998), however later amended, is still the main piece of legislation concerning the status of immigrants in Italy. The Law consolidated a development started by the 1994

Contri draft bill. It addressed legal[46] immigrants as individuals and potential citizens, not just workers, and made their rights equal to those of nationals as far as all social rights were concerned (art. 41). At last, valuable financial resources were committed to this set of policies, and a special fund (*Fondo nazionale per le politiche migratorie*, National Fund for Migratory Policies) for the integration of immigrants was set up (art. 45). Furthermore, it also definitively opened up public education (art. 38, paragraph 1) and a large part of public health provisions to undocumented immigrants as well (art. 35, paragraph 3). This set of solidarity-oriented measures, which had been in part already introduced by the 1995 Dini Decree, was mainly the outcome of the ongoing pressure of the advocacy coalition. The introduction of the institution of the job-seeker's residence permit (art. 23) was however due not only to the same pressures, but also to the work of experts and top-level civil servants involved in decision-making by the newly-appointed Minister Turco.[47]

But while the 1998 Law was strongly influenced by the advocacy coalition, it also introduced new 'legalitarian' repressive measures. In order to be admitted to the Schengen area. the Italian government had promised not only to adopt the Schengen Information System, but also to reinforce border controls against illegal migration, so that the repressive measures introduced with the 1998 Law were mostly to respond to the international constraints of Schengen and to explicit pressures[48] from EU member states (Germany in particular). The need to comply with EU requirements was keenly felt by the then Minister of the Interior, Giorgio Napolitano who, as a prominent figure of the former Italian Communist Party, a convinced pro-European and a reformist, was highly concerned with the duties and responsibilities connected with his new appointment.[49] At the European level, in order to have Italy accepted in the Schengen area, the Minister had to overcome the strong resistance of his German colleague, while counting on the support of his Spanish counterpart. In Italy, his leading role among other Ministers involved in immigration policy-making, underlined by one of our interviewees, strengthened the legalitarian feature of the Law[50]. Furthermore, repression of illegal entries represented a bargaining tool which could be used to convince the opposition to avoid filibustering, behaviour which was particularly feared since the centre-left could count on only a narrow majority. The most significant repressive measures

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[46] With a residence permit not shorter than one year.

[47] Interviews n1 and c2.

[48] Interviews r2 and c5.

[49] In his memoirs (2006: 292), Napolitano underlines the fact that he was the first former Communist appointed as Minister of the Interior 50 years after the post World War II National Unity Government.

[50] Napolitano (2006: 301-302) remembers his difficult relations with the then German Minister of the Interior Manfred Kanter, and the good personal relations also with conservative Ministers such as the Spanish Jaime Mayor Oreja.

consisted in the possibility of holding undocumented immigrants in special 'Temporary detention centres' for up to 30 days (art. 14) in order to identify and possibly repatriate them. Various forms of forced expulsion were also introduced for reasons of public order as an administrative measure (art. 13) and as an alternative (art. 16) or subsidiary penalty (art. 15) in court. These repressive measures were hotly disputed by the left wing of the majority (Basili 2005b; Zincone 2006a).

The process leading to the 1998 Law highlighted, more than anything else, the fact that immigrants and immigration policies are dividing issues not only between party coalitions, but also and sometimes mainly within party coalitions, and even within the same party. This evidence was confirmed – as we will see – by the making of subsequent pieces of legislation.

Repressive measures against illegal entries were accompanied by easier access through the front door – the introduction of a job-seeker's residence permit, and more timely and generous inflow decrees.[51] According to this Law, not only yearly planned flows had to be defined, but also a triennial planning document had to be prepared to set guidelines concerning future flows, international co-operation and integration policies (art. 3). In fact the document was and still is more of a device to convince the single Ministries to share data than a real planning tool.[52]

By late 1999 there were again too many ministries and procedures involved in preparing these acts, so to simplify the procedure and co-ordinate the various offices and Ministries, a permanent round table was set up, hosted by the Presidency of the Council. This can be considered a specific institutional innovation. However, the formal structure of immigrant-related and immigration policy-making was affected by more significant changes as a consequence of general reforms concerning the devolution of competences from the central State to local governments, the introduction of a spoil-system approach in the Public Administration, the new electoral laws and the empowerment of government vis-à-vis Parliament.

To sum up, the analysis of the formation of the Turco-Napolitano Law confirms the relevance of the following factors:

a. The role of the advocacy coalition in representing immigrant interests at local and central level, in initiating innovative measures even by *contra legem* practices, in acting as a vehicle of diffusion of institutions via import from abroad (in this case, the residence permit in search of a job).
b. The role of individuals, and of their mutual relations of power, of personal confidence and understanding which characterize the relation between Ministers, civil servants, experts within the same political system, and

[51] These were 58,000 in 1998 and 1999; 83,000 in 2000; 89,400 in 2001.
[52] Interviews p1, p2.

between different political systems at the European and international level.

c. The stronger impact of international constraints when there is a crucial national interest to comply with, as in the case of the Schengen Treaty.
d. The greater need for the majority to bargain with the minority in the case of a narrow majority e) the constant division within governmental majorities on this matter.

The impact of general reforms on immigrant and immigration policy-making structure and functioning, centre-right reform of the reform and its revision

A series[53] of Public Administration reforms affected the status of the very top level public managers: in particular, after the Acts of 2001 and 2002, their contract was no longer permanent and their employment became dependent on the will of the Minister. The introduction of this kind of moderate spoils-system reduced civil servants' role in policy making, even though to a lesser extent than one should have expected. In practice, newly-appointed Ministers, at least in strong traditional departments such as the Interior and Foreign Affairs, still tend to build good relations with the existing staff instead of importing their own personnel, so that the existing staff can rely on a reservoir of cumulative power which the newly-appointed Ministers may lack. Furthermore, the very apex of the Departments, the Private Secretary, has always been chosen by the Minister.[54]

In any case, a relatively higher degree of turnover hit the Italian Public Administration, the dependency of civil servants on politicians becoming tighter, and their buffer action when faced with policy change relatively less efficient than in the past.

General public administration restructuring reforms, most of which passed in 1999 (Law no. 300), also set in motion a process of functional reorganization and gave rise to many changes both within the Ministries and between the Ministries, eventually reducing their number. In 1999 the Ministry of Foreign Affairs took this opportunity and replaced the General Department for Emigra-

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[53] Law no.127/1997 introduced more flexible labour conditions on a local level, while Law 145/2002, that reform the Legislative Decree 165/2001, foresaw the possibility for the Ministers of newly elected majorities to dismiss top level civil servants or to keep them by *silenzio-assenso*, 'assent by default'. At the same time, the Law foresees the automatic withdrawal from office 90 days after the election of the new Government only for the position of Secretary-General of Ministers, the offices of management of structures that are organised into general managerial offices, and for offices of an equivalent level.

[54] Interview r6.

tion and Social Affairs with a new Department for Migration Policies and Italians Abroad, which was actually established in 2002. In 2001 an administrative reform was also implemented in the Ministry of the Interior. Responsibilities for immigration and immigrants, which had previously been shared between the Ministry of the Interior and the two General Divisions for Police and Civil Rights (the latter addressing only asylum-seekers), were brought together in a Department for Civil Liberties and Immigration that included six divisions. At that time, as a consequence of changing majorities, the vision of 'immigrants as potential citizens' was fading, but, due to the lengthy period of time needed to rebuild institutions, it still had a residual effect on the formation of the new Department. In the past, the Ministry of Labour did not include any Division concerned with Migration, and there was just one office within the General Employment Division. The only Ministry that immediately hosted a Special Immigration Division was Social Affairs. Institutional innovation may prove less difficult in newly-created, less powerful ministries than in well-established, powerful ones.

The 1999 reform of the Public Administration, as implemented in 2001, also merged various ministries. Since then the Ministry of Labour and Social Security incorporated the Department of Social Affairs and together became the Ministry of Welfare, which inherited the Special Immigration Division. However the fear of then Minister Roberto Maroni, a Northern League representative, of being involved in a subject such as immigrant integration, where his less aggressive personal opinions were at risk of being in conflict with those of his party leader Umberto Bossi, allowed a shift of initiative from this Ministry to the Ministry of the Interior also in matters previously dealt by Social Affairs.[55] Under the second and third Berlusconi governments, after the appointment of Giuseppe Pisanu, the Ministry of the Interior took the lead[56] not only in combating illegal entry and crime, but also in the field of integration policies. These being highly controversial issues, he was sometimes opposed by other members of his government coalition. Nonetheless, his role increased during his mandate, above all due to the personal prestige the Minister enjoyed within the Cabinet, and to his sensible, and widely respected, attitude towards immigration and immigrants' rights. Again, individuals,

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[55] The Ministry of the Interior has always paid a prominent role in immigrant-related and immigration policies. An empirical survey of Parliamentary questions to the Government had indicated the Minister of the Interior as the main object of such questions (Fedele 1999). The Minister of the Interior is in charge of the more problematic issues in immigration policy. However Ministers Contri and Turco had acquired a leading role in immigrants' integration and immigration policies in the then Ministry of Social Affairs, that was not maintained by the more powerful Ministry of Welfare.

[56] Also in the past the Ministry of the Interior was viewed by Parliament as the main ministry responsible for immigration and immigrant-related policies. At question time this Ministry was called on far more than others (Fedele 1999). However Contri and Turco played a more vocal and active role in this sector of policy.

their personal attitudes and their authority matter in the construction of institutions and in the actual functioning of the existing institutions, not just in policy-making.

Furthermore, we notice that there is not a clear-cut distinction between public policies and decision-making machinery, as both are subject to political decisions and action. More precisely, the relation between policies and institutional structure is a circular one. Institutional structures are the formal machinery which produces policies, but they in turn are the product of policies and political decisions.[57] Consequently, the kind of factors which can influence the formation of the public decision-making structure are more or less the same responsible for influencing policy output.

On the other hand, the 'relative density' of the factors varies. In the case of institutions, the role of dependence pathways, the public legacy, the persistence of the past and resistance to change are more powerful factors *coeteris paribus* . Policy-makers and public administrators are usually more reluctant to relinquish their competences and the related power[58] than their political lines of thought, as the theory of public choice applied to the public administration has tried to demonstrate.[59]

The creation and the form of immigration-related policy institutions are influenced by the general shape of the country's institutions and their reform, as we have already observed in the case of neo-corporatism in the past and in the case of the more recent general reform of the Public administration. These remarks also apply to other sets of reforms.

Since the beginning of the Nineties, various reforms of electoral laws at different levels[60] had attempted to produce more stable governmental majorities

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[57] Furthermore some policies need to be implemented by specific public or semi-public structures: for instance religious assistance in prisons and hospitals, ritual slaughter, and the teaching of religion (when allowed in public schools) need personnel to be appointed and an 'authority' entitled to appoint them.

[58] For instance, newly-created Ministries of Immigration (not only in Italy) are often refused crucial competences, but on the other hand are still given the blame for policy failure (Widgren 2000).

[59] Niskanen (1971) is the founder and leading exponent of the 'new public management'.

[60] The first electoral reform in 1993 concerned the direct election of city Mayors (Law no. 81/1993). The reform process reached its peak with the 1993 referendum that sanctioned the shift to a majority system for the election of the Senate. Thus two laws followed, the first one definitively reforming the Senate electoral system (Law no. 276/1994) and the second amending the Deputy Chamber electoral system (Law no. 277/1994). Lastly, in 1995, the Regional electoral system was also reformed (Law no. 43/1995).

and grant more power to the executive.[61] Though the average duration of Italian governments increased, the number of parties did not decrease. Part of the seats were still assigned through the proportional method, which is one of the factors that enabled small parties to survive. What is more relevant when it comes to accounting for Italian immigrant and immigration policies is the way in which this sort of system actually operated. Parties formed cartels which designated common premier candidates and distributed the less marginal constituencies according to their electoral strength and coalition potential (depending on how pivotal they were to enabling the coalition to win). The system did not discourage the proliferation of parties but favoured bipolar competition and electoral coalitions, and consequently obliged parties to form heterogeneous majorities. As a consequence, the ideological conflict within party coalitions increased. This syndrome, already present during the making of 1998 Law worsened during the preparation and approval of the 2002 'reform of the reform'.

The 2002 centre-right reform was a sort of electoral bill of exchange that centrist parties were obliged to honour.[62] When the centre-right was in opposition it had presented two main bills of law which should have provided the political bases for the Statute to be voted when in government. The first was the Bossi-Berlusconi Bill, whose first proponent was the leader of the xenophobic Northern League, the second being the founder of 'Forza Italia' and candidate premier. This was a people's bill, the needed 50,000 signatures being collected on the eve of the 2000 regional elections. The cultural framework of the Bill was 'functionalist', considering immigrants as guest workers, a flexible production factor rather than a potential part of the permanent population. The most innovative features of the Bill were the increase to a three-year legal residence requirement before family reunification, while preserving the ten-year period before applying for naturalisation for non-EU citizens. The manifesto of the centre-right coalition for the 2001 general election confirmed this functionalist approach: 'Only those who want to work and have a realistic chance of finding a job can come to Italy. No longer quotas of non-EU citizens as in the past, but quotas of manual workers, carpenters, nurses, etc., who already have a contract of employment.'

A 'legalitarian', repressive approach informed the other major bill introduced by the centre-right parties, namely by Alleanza Nazionale, bearing the first signatures of Hon. Landi (responsible for migration policies) and Fini (the leader of the party). This Bill introduced the crime of clandestine immigration for illegal immigrants, implying immediate arrest, summary trial and escorting to the border. Some of the more radical changes foreseen in both bills, conceived when the

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[61] Fast track, antifilibustering measures were introduced with the 1997 and 1999 reforms of the Parliamentary Rules and other proposals were advanced more recently (in particular by the present President of the Senate).

[62] Interviews o3, o2, f1.

centre-right was in the opposition, were toned down during the bargaining preceding the official presentation of the 2002 reform, when the coalition came to power. In the compromise Bossi-Fini bill no crime of clandestine immigration was introduced, no period of residence required for applying for naturalisation was established, and family reunion was still immediate for holders of renewable residence permits of at least one year.[63] This more moderate approach was the consequence of a strong opposition made by the centrist Catholic component of the majority.[64] However, the clash between government and opposition was much fiercer than when the centre-left reform was debated.[65]

The comparative analysis of parliamentary proceedings during the formation of the two main Laws voted by the centre-left in 1998 and the centre-right in 2002 clearly shows not only rhetorical and ideological conflicts between centre-left and centre-right,[66] but also vast political conflicts within both coalitions (Zincone & Di Gregorio 2002; Zincone 2002; Zincone 2006a; Basili 2005b), the conflict within the centre-right being even deeper. Both provisions were the result of compromises which took place mainly between government and opposition in 1998, and mainly within the majority in 2002. The centre-right could count on a large majority, which allowed it to make no concessions to the opposition, with the need to bargain with the opposition obviously depending on the size of its majority. On the other hand, not only does a narrow majority make it necessary to bargain with the opposition and the internal radical fringes, but any heterogeneous majority has to find a compromise among its different components if it has no alternative partners and wants to survive. The radical Northern League was forced to make major concessions to its Catholic partners.

Due to concessions made to the moderate component of the majority, the 2002 Bossi-Fini reform did not encroach on any social rights given by the centre-left not only to documented but also to undocumented immigrants. In fact, the centre-right reform (Law 189/2002) altered the centre-left policies far less than might have been expected as far as social rights were concerned. The only real

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63 Consolidated Act, art. 29, paragraph 4: 'The family members with whom reunification is possible may enter Italy with a foreigner holding a permanent residence card, an employee's entry visa relating to a contract of employment with a duration of not less than one year, or an entry visa for self employment (other than casual employment), study or religious reasons, provided that the accommodation and income requirements referred to in sub-section 3 are met.'

64 Interviews o2, f2, 01.

65 Basili 2005 in Zincone 2006a.

66 The conflict between majority and opposition was fiercer in the case of the second law, the 'reform of the reform' promoted by the centre-right coalition. During the first reform there was a degree of mutual acknowledgement of fairness, and the moderate component of the centre-right helped get the law passed by providing the quorum (Zincone 2006a; Basili 2005).

legal change in immigrants' welfare concerned pensions and was not substantial.[67] On the other hand, the special 'National fund for migration policies' was merged with the 'General Social Fund' during the first budget of the 2001 Berlusconi government, and in the 2003 budget the provision of using part of the Fund to finance immigrants' integration was eliminated, in the context of sizable cuts to the Fund itself. This was due to severe budget constraints and to the desire to conceal the fact that public funds were being destined to immigrants, as well as transferring difficulties and responsibilities to local governments, which were and are in charge of integration policies.

The 2002 Law included yet another amnesty, which first addressed only domestic workers and care givers (art. 33). The albeit reluctant acceptance of this measure by the right wing of the coalition was due also to the pressures from families,[68] from their own voters, in principle hostile to irregular migration and amnesties, though in favour of regularizing their own undocumented employees. The Law was immediately followed by another provision (Decree 195/2002) which included all immigrant workers, and employers (largely centre-right voters) were successful in lobbying for this provision. The cumulative outcome of the two amnesties produced the largest number of regularizations which had ever occurred up till then in Europe (634,728).

The presence within the same coalition of parties and factions characterized by opposing attitudes produced patchwork legislation. The presence of the same social actors and lobbies, the ubiquitous positioning of Catholic pro-immigrant parties in both majorities, and the persistence of similar problems tend to reduce divergences between centre-right and centre-left coalitions even in such a divisive policy sector.

The relative continuity between centre-left and centre-right policies was not only due to centre-right policies veering towards the left, but also to centre-left policies veering towards the right. On the eve of the regional election of 2000 and of the political election of 2001, afflicted by the electoral panic syndrome we have already evoked in the context of the discussion on nationality law, the centre-left government granted some social rights only to long-term resident immigrants,[69]

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[67] Under the Bossi-Fini law, foreigners who return to their own country without having reached the minimum necessary to receive benefits (20 years of contributions, and a minimum age of 65), lose all their contributions if they have been a member of the retributive or mixed system. Only if they are members of the contributory system can they get back what they have paid in. Under the system which existed previously, in contrast, there was a special fund at INPS (the Italian national social and pension fund) for the return of these contributions (plus 5 percent).

[68] Italy is one of the EU countries with the highest use of domestic labour (Sarti 2006).

[69] The centre-left government disowned the INPS (National Institute of Social Security) circular which stated that immigrants were entitled to poverty benefits, while the law in favour of maternity (no. 53 of 8 March 2000), which granted benefits to single mothers

while making the acquisition of a permanent permit more difficult[70] and even proposing more repressive measures[71] (Zincone 2006a).

On the one hand, the centre-right reform conserved some solidarity-oriented measures introduced by the centre-left, including access to education and public health for undocumented immigrants. On the other hand, the 'reform of the reform' tried to insert functionalist and legalitarian-oriented measures to honour electoral promises and appease the right-wing component of the coalition.

The 2002 reform's main impact was on the immigration policy side, where it tightened links between residence permits and employment, abolishing the job-seeker's residence permit (art. 19, par. 1), and reducing from 12 to 6 months the period of unemployment tolerated (art 18, par. 11). It also required[72] more frequent renewal of residence permits and reduced the length of the permit for temporary job (art. 5, par. 1).[73] The 2002 centre-right reform also introduced two repressive norms which proved to be legally debatable: with the first (art.13, par. 5bis), immigrants could be expelled by being forcibly escorted to the borders, with the second (art. 14, par. 5ter) an immigrant, if found for the second time without a residence permit, could be submitted to mandatory imprisonment (from 6 to 12 months in case of a second violation of the entry and residence laws; from one to four years in the case of a third violation).

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and for the third child, restricted those rights to immigrants holding a permanent residence permit.

[70] Minister of the Interior Bianco issued a circular (Interior Ministry Circular no. 300 of 4 April 2000) which made it more difficult to obtain a permanent residence permit. In addition to the five years' legal residence required by law, the immigrant had always to have held a work permit renewable for an indefinite period.

[71] To compete with the opposition, which had prepared the Landi-Fini Bill, the centre-left Interior Under-Secretary, Massimo Brutti, prepared a bill which involved a rhetorical toughening of penalties for smugglers of illegal immigrants. For a while the centre-left government seemed willing to accept a compromise proposed by a moderate Catholic member of the opposition (Carlo Giovanardi), which made illegal immigration a crime only on the third occasion.

[72] This is considered a governing measure, i.e. not compulsory (conversation with Lorenzo Trucco president of ASGI, the Association of lawyers specialized in immigrants rights)

[73] The 'unified contract of employment and residence' was introduced. This involved hiring a worker abroad, with the obligation for the employer to guarantee accommodation and cover the cost of return to the worker's country of origin in the event of dismissal. Residence permits became renewable only for the same period for which they were issued (previously they were renewed for twice that period), and in any event for not more than two years (not more than nine months for seasonal workers, one year for temporary workers and two years for workers with permanent contracts); applications for renewal had to be presented much further in advance of the expiry date (90 days for workers with permanent contracts, 60 days for temporary workers, and 30 days for the others; under the Turco-Napolitano Act it was 30 days in all cases) and unemployment was only tolerated for six months (the Turco-Napolitano Act allowed one year).

These residual but still significant differences between centre-left and centre-right immigrant and immigration policies were partially eroded by two factors, i.e. the action of the ordinary judges and Constitutional Court, which blocked repressive measures or obliged government to amend them, and the actual failure of the frequent renewal rule and short term permits.

As already mentioned, the Italian legal system is characterized by a rigid Constitution and constitutional review by the Constitutional Court, whose cases have to be initiated by trial or appeal courts during a specific trial. Over a thousand constitutional objections were submitted to the Supreme Court against the 2002 repressive measures, leading to the issue of two rulings which eliminated parts of the Bossi-Fini Act. The two judgments (222 and 223, 15 July 2004) ruled that mandatory imprisonment of a person who fails to comply with an order to leave the country after being found without a residence permit or with an expired permit is unconstitutional, since a person cannot be deprived of his freedom for a mere administrative offence, for which a short time of imprisonment[74] is foreseen. Arrest and immediate escorting to the border (also measures affecting personal freedom) by means of a simple endorsement by a judge, without any hearing or possibility of defence, was ruled unconstitutional as well.

The question of which strategies to adopt to handle the rulings of the Constitutional Court once again divided the government. The majority eventually did find a compromise to solve the problem of having a trial in the case of arrest and expulsion without overloading ordinary courts, i.e. by using Justices of the Peace to authorise arrests and deportations (legislative decree 241/2004 converted into Law 271/04), while the years of punishment vis-à-vis mandatory imprisonment disproportion was addressed by increasing sanctions (from one year to four years of imprisonment both in the case of the second and the third violation of the laws on entry and residence). The centre-right thus responded to the second ruling by reinforcing repression.

The ordinary magistracy not only reacted by raising constitutional objections, but also by directly acquitting illegal immigrants who had not left the country, justifying this decision on the base of the principle *ad impossibilia nemo tenetur*, (nobody can be required to comply with an impossible task). Some undocumented immigrants were judged to be unable to comply with the order to return home due to lack of funds.[75]

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[74] Art 280 of the Procedural Criminal Code decrees a minimum penalty of three years (four of preventive custody) to allow for mandatory imprisonment.

[75] Furthermore, in the last few years various Sections of the Corte di Cassazione have passed judgements concerning these contested articles of Law no. 189/2002, even if applying different and contrasting interpretations. For example, in January 2006 one Section stated that, if a foreigner is found without a residence permit for the second time, he must be expelled by being forcibly escorted to the borders or held in temporary

While the repressive side of the law was partially eroded by the action of the magistracy, the functionalist side was partially amended because it proved to be dysfunctional. The complicated procedure of the labour-residence contract and too frequent renewals had provoked jams, and led to the risky situation of having immigrants leave and re-enter the country with a simple receipt of the application.

Making use of innovative good practices initiated at a local level,[76] and within the framework of a general Ministry of the Interiors directive (18 February 2005) aimed at improving the quality of public services, attempts were made to redistribute the burden and outsource the responsibility of dealing with the paperwork. The decentralisation to local bodies and civil society associations, and finally to Post Offices with the requirement of paying extra duties,[77] can be attributed to the 'efficiency-drive' we have already mentioned. The recipe includes devolution, outsourcing, and charging public service customers, while making the service more consumer-friendly[78] (Fedele 2002).

On the other hand, the centre-right government increased the planned inflows. While at the beginning of the centre-right government the yearly planned inflows were slightly reduced[79] in comparison with the last centre-left flows, the temporary and seasonal component also becoming proportionally higher, in the following years planned flows increased enormously, up to the 2006 Decree (Prime Minister Decree, 15 February 2006) when 170,000 non-EU workers and

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detention centres, but he cannot be just ordered to leave the country. Then the foreigner who had not left the country did not disregard art. 14 paragraph 5ter (see above) by remaining without good reason in Italy, thus breaching for the second time the order issued by the Chief of Police. However, a previous judgement of April 2004 had admitted the procedure denied by the sentence of January 2006. In June 2006, a new judgment established that a foreigner found without a residence permit for the second time cannot be imprisoned, but held in a detention centre at the most.

[76] Examples of such practices are quoted in Caponio (2006: 278).

[77] See the Convention of April 2005 between the Ministry of the Interior and the National Association of Italian Municipalities (ANCI), Caritas and Acli (Italian Christian Labour Association) which foresees the involvement of patronages that enable immigrants to get the necessary documentation for the issue or renewal of the residence permit in three Municipalities (Pavia, Cuneo, Modena). On 16 February 2006, another convention between the Ministry of the Interior and ANCI sets the basis for the simplification of bureaucratic procedures in permit renewal (see Caponio 2006). However in May 2006 a circular unified and devolved the handling of renewal procedures to the post office and a 70 euro charge was introduced.

[78] The specific May 2006 measure was strongly criticized by the Associations of Municipalities (ANCI) and by pro-immigrant organizations (See *La Stampa*, May 2006, p. 39). It was judged inefficient and unjust.

[79] Planned flows were 79,500 in 2002, 2003 and 2004; in 2005 there were 79,500 entrances from the new member states and 79,500 from non-EU countries; in 2006 there were 170,000 from new member states and 170,000 from non-EU countries.

another 170,000 workers from new EU member states (for which Italy applied a two plus three year moratorium) were allowed to enter.[80]

Turning from specific to general changes in the policy context, it should be noted that the centre-right proportionalist electoral reform (Law 270/2005), especially through the rules concerning the Senate, not only reintroduced the possibility of very tight majorities, but also made 'house sharing' quite probable: two different majorities in the House of Deputies and in the Senate, in the Italian system where the two bodies have the same competences, could cause serious problems, and would probably imply a return to government instability. However, even the previous electoral rules were not able to produce coherent majorities, especially on such divisive issues as immigration and immigrants' rights. The 2005 reform did not affect this feature, as it was even more likely to produce heterogeneous and narrow majorities at least in one house. In fact, in the 2006 elections, it produced a tiny and heterogeneous majority in the Senate, to the extent that the new Prodi government must try to find internal and external compromises if it wants to survive.

While unsuccessful attempts at electoral reforms were taking place, another maybe more decisive set of reforms (no. 142 of 8 June 1990 in particular) gave more organisational, decisional and financial autonomy to local government. The process of constitutional revision of the 'Form of State' (Title V of the Italian Constitution) towards a more federal and less centralized order has been taking place since 1999 and is still on-going in 2006, through a significant devolution of responsibilities at the regional, or joint state-regional, level. In the field of immigrants' entitlements and provisions, Regions have now legislative responsibility for welfare (public health, public housing, large parts of public education), while Provinces and Cities act as administrative units.

In Italy, as elsewhere in the EU[81], we can observe a significant degree of differentiation at a local level (Zincone 1994; Zucchini 1997; Zuchetti 1999; Cespi 2000; Campomori 2005; Caponio 2003, 2004, 2006; Ponzo 2006), taking place even within centralized state systems. In many of these studies, policy differentiation has been related to variables in the policy-making context, and in particular to policy networks, i.e. to different relations between public actors. Public-private

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[80] Still in the 2006 decree (issued by the President of the Council of Ministers on 15 February 2006) the disproportion in favour of seasonal workers was maintained. The decree foresaw 88,000 seasonal employed workers; 78,500 non-seasonal contract workers; 3,000 highly qualified self-employed workers. Entry of 500 non seasonal employed workers or for self-employed workers of Italian descent was also planned to comply with a co-ethnic principle that the centre-right had introduced since its first flow decree.

[81] See for instance what emerges from research at a sub national level in Germany (Tränhardt 1992), Belgium (Blommaert & Martiniello 1996), France (Moore 2004; Koff 2003), and the UK (Garbaye 2004).

relations are also relevant, such as those between elected officers and public administration, on the one hand, and civil society and private actors (experts, NGOs, foundations, unions, employers' associations and, in some contexts, also banks) on the other hand. More recently, the relations of the previous actors with police forces have also been considered as a relevant explanatory factor (Ponzo 2006). In the field of housing (temporary accommodation, rented housing and council housing) the impact of these networks of relations is particularly clear (Reggiani 2000; Tosi 2001; Confcooperative Federsolidarietà et al. 2003; Henry 2004; Caponio 2006).

As we have already stated, peripheries often play an innovative role, acting as policy test-beds, and their innovation can even take the form of violations of the law, of *contra legem* practices.[82] The decision-making process appears in this light as increasingly informal, diffusive, open and bottom-up. However, the role of local bodies and of the committees where they interact with the central State[83] varies according to the government in power,[84] to its attitudes towards the local powers and to the capacity of the local powers (Regions in particular) for common lobbying efforts, beyond party alignments. Until the 2001 Berlusconi government, Regions were able to lobby together, and governments used to be quite sensitive to their pressure. The centre-right government was less prepared to accept input from the Regions, even when governed by centre-right majorities, and its proposals on further devolution of public education broke the Regions' lobbying alliance, reshuffling it along partisan alignments.

The role of changes in party majorities has also been reconsidered – and apparently 'politics matters' more than expected (Caponio 2004). Both at local and central level the colour of the party majority and its ideological connotation are more relevant at the beginning of the mandate, when the ideological framework is stronger (Caponio 2006). This 'policy cycle' applies both to the 2001 Berlusconi government, and to the 2006 Prodi government, where at the beginning of the mandate Ministers tried hard to keep their electoral promises, giving signals of discontinuity. The present Prodi government started by accepting all the pending applications for residence and work permits (460,000 non seasonal and 58,000

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[82] Contra legem practices are not always benevolent: they may indeed aim to limit immigrants' rights. However, this type of contravention attracts greater attention, even though episodes of this kind are not always condemned strongly enough. When three policemen were filmed on a mobile videophone beating up a drunk Moroccan, after the footage was shown on television there was a public petition in favour of the policemen (*La Repubblica*, 28 February 2006).

[83] The most important being the State/Regions Conference. The Conference is made up of the Presidents of all 20 Italian Regions, the President of the Council of Ministers, representatives of the National Association of Italian Municipalities, of the Union of Provinces, and of the Union of Mountain Communities.

[84] Interviews g4.

seasonal workers), this being denounced by the opposition as a surreptitious amnesty, since the applications were made by workers already present in Italy.[85] At the same time it abolished the moratorium for immigrants coming from new EU member states, and promised to reintroduce the sponsor system and the admission of grandparents through family reunification permits, also reducing the residence time from 6 to 5 years. These can be considered as counter-reform measures aimed at re-establishing the old Turco-Napolitano Law. The new government also took important steps forwards in other directions, when it vowed to substitute the planned inflows system with a more flexible device. A special Committee was appointed to inspect the 'Temporary retention centres' and make suggestions to reform them. In the Council of Ministers on 4 August, the Minister of the Interior, Giuliano Amato, presented a draft nationality law reform, which reduces the residence time required to apply for naturalisation, favours the acquisition of nationality by minors born or educated in Italy, but also discourages marriages of convenience, requires evidence of integration, including knowledge of the language. The bill already incorporates measures that should get the support of parts of the opposition, badly needed because of the fragile majority. However, much of the opposition does not seem prepared to accept it and seems more interested in using the refusal of the nationality law reform as a way to increase popular consensus and to reinforce the strategic alliance between Berlusconi's Forza Italia and Bossi's Northern League.

Summing up, the analysis of the making of the centre-right 'reform of the reform' and the first moves of the new centre-left government confirm the importance of some factors and allows new observations:

a. General reforms, such as the Public Administration reform, the reform of the electoral system, the devolution of competences, have an impact on immigrant and immigration decision-making even though a1) they have to come to terms with rooted traditional powers (such as the staff of strong Ministries), a2) have to face side effects such as heterogeneous majorities, and the need to bargain within the majority.
b. The advocacy coalition, mainly made up of Catholic organizations, sometimes in alignment with employers and supported by economic and demographic needs, can play a role (however reduced) also in a context of centre-right majorities, due to the presence of pro-immigrant parties and individuals (often former Christian Democrats), thus producing an unexpected relative continuity between centre-right and centre-left governments.
c. The judiciary (sometime through judgements which seem to contradict the laws), the Constitutional Court enforcing the conformity of legislation to

[85] More in general, planned inflows are used by workers already illegally present in Italy.

the fundamental principles of the Constitution, are able to destroy part of the repressive measures introduced by centre-right governments, further narrowing the gap between the immigrant and immigration policies of different majorities.

d. Politics matters, especially at the beginning of the policy cycle; once in power the new majorities tend to stress differences and discontinuity. Later, they are however forced to accommodate their initial strategy to the strength and size of their majority, in order to face objective needs, and respond to pressures from powerful lobbies and rebellious constituencies.

Summing up: What to learn from the past and what to imagine for the future

To explain the evolution of this policy sector we have focussed on a set of factors. *Cultural factors*, such as the ethnic conception of the nation. *Systemic factors*, stemming from the responses to changes and challenges in the policy environment, such as large emigration and immigration flows. *Policy frames and legacy* – even when the environment changed and immigration outnumbered emigration, a 'discreet nationalism' towards foreign citizens of Italian origin continued to be shared by both right and left. *Changes in cultural and policy frameworks*, such as the consolidation of gender equality as a public value. *General political system factors* also proved relevant. The *relevant independent role of the magistracy and the Constitutional Court* made it possible to transfer the gender non-discrimination principle included in the 1948 Constitution onto nationality legislation, though this process only started in the mid-Seventies, when the cultural context had changed all over the Western world. A *polarized, highly fragmented party system* was accompanied by the short duration of Italian governments till the electoral and institutional reforms of the mid-Nineties, and this caused huge delays between the initial formulation of a bill and its enactment, giving rise to 'delayed-action laws' such as the 1992 Nationality Law. Polarisation was counterbalanced by the consociational style of Parliamentary decision-making, which meant that large majority votes in Parliament were then not a rarity. *Policy networks factors*: the persistence of nationality legislation and even a relative continuity in immigrant policy was mainly due to the persistent political pressure of the 'powerful lobby of the weaker strata': a pro-immigrant advocacy coalition which used to be more interested in basic policies, such as substantial increases of inflows, amnesties, social rights and their extension to undocumented immigrants, than in citizenship rights. Political action appears conditioned by the contrasting pressures of powerful lobbies (the immigrants' advocacy coalitions, often in line with employers' associations), supported by market forces, on the one

hand, and public opinion on the other hand. As Edelman in general (1964) and Freeman (1995), referring to immigration policies, both observe, policy-makers tend to please public opinion by public rhetoric while satisfying lobbies, and, we should add also benevolent lobbies, while dealing with real problems by real public action. This applies to the non-reform of the nationality law by the previous centre-left governments (immigrants' lobbies attaching limited importance to the issue) and to the generous amnesty and inflow policies of the centre-right governments (issues strongly backed by the lobbies).

What emerges from the analysis of Italian immigrant and immigration policy-making up to the second Prodi government, is a relative continuity between the centre-left and centre-right coalitions in power to a large extent with regards to immigrant incorporation policies, though less so in the context of immigration policies. This relative continuity contrasts with the deep divide in political rhetoric between centre-right and centre-left coalitions on that issue, especially during the campaigns preceding the 2000 regional and 2001 general elections. In 2002 the centre-right announced a radical reform of the 1998 centre-left Consolidated Act, but in fact it did not encroach on immigrants' social rights, including those of undocumented immigrants, and even issued an amnesty provision which initially regarded only care-givers and domestic workers, but was then extended to other employed workers, producing the largest single regularization in EU countries to date. After an initial reluctance to accept large inflows, the centre-right government passed a 2006 planned inflows decree which was four times more generous than the already generous centre-left one. On the other hand, the 2002 Act tightened the links between employment and residence permits, and made the latter more difficult to renew. It also sharpened the repressive dimension of immigration legislation. However, some consequences of stricter immigration control and some aspects of repressive measures were later modified. The relative continuity between centre-right and centre-left policies, at least till the second Prodi government, was also due to the fact that significant repressive measures were already present in the centre-left 1998 Law and that some minor limits on immigrants' rights had already been introduced by the centre-left government on the eve of regional and general elections.

The analysis of this policy sector confirms the role of some factors already mentioned and stresses the role of others. *Network factors:* the on-going pressure of the advocacy coalition explains why centre-right governments maintained the social rights accorded to documented and undocumented immigrants, while its alignment with employers accounts for the generous amnesties and planned flows, even though relations between formal policy makers and the advocacy coalition were now less friendly. The role of *experts and top-level civil servants* also helps to explain continuity in general, but only till the 1998 Law; the 2002 'reform of the reform' was instead prepared and negotiated between the parties in government. After the crisis in politics caused by the 'Clean Hands' judges, politics made a

come-back, and centre-right politicians were quite suspicious of civil servants', and even more of experts', political attitudes. In the meantime, due to the end of the spoils-system inspired reforms in the late 1990s, the legal status of civil servants had become more precarious. However, civil servants of the strong Ministries (Interior and Foreign Affairs) always played and still play a significant role. The role of experts is normally more important at the beginning of the mandate, and in the case of the 'meeting of minds' between experts and politicians, which is more likely to occur in Italy when a centre-left coalition is in power.

The general profile of the political system and of these changes emerges quite clearly. The Constitutional Court and the magistracy were also capable of reforming, and to some extent boycotting, the repressive measures introduced in the 2002 centre-right reform, and this was another factor of continuity. The first Italian electoral reforms aimed at increasing governmental stability by encouraging the emergence of electoral cartels produced heterogeneous majorities. The need to build winning electoral cartels, however heterogeneous, implied competing for the centrist electorate, which in turn entailed the presence of moderate Catholic, pro-immigrant parties, in both coalitions. This presence represented an opportunity for the values of the advocacy coalition, though in the case of the centre-right the window was decidedly less open, if not actually closed. The general reform of public administration to incorporate business-oriented solutions had a significant indirect impact on immigrant policies. The 1992 public health reform imposed strict budget requirements, forbidding central government to settle local health agency debts, making it difficult for public structures to conceal the provision of services to undocumented immigrants, thus shifting the whole burden onto the (mainly Catholic) voluntary sector. This in turn led to stronger pressure from the advocacy coalition to extend social rights to undocumented immigrants. It is relevant to underline the fact that in Italy the representation of immigrants' interests is still an indirect one i.e. immigrants' associations play a marginal role.

The analysis of immigrants and immigration policies underlines also the relevance of *rational and quasi-rational actions*. When parties in government have a narrow majority they must bargain and come to an agreement with the opposition, as in the case of the 1998 centre-left law, and as should be the case with the new centre-left majority reforms. Due to their heterogeneity and to the pivotal role of some radical, both left- and right-wing parties, the conflicts within the majorities themselves are sometimes greater than those between majority and opposition. Reforms are forced to take into account political heterogeneity. The centre-right reform was a patchwork that put together Northern League (in part National Alliance) *Gastarbeitern*-model legislation and law-and-order approach with the solidarity of the Catholic component; the latter eventually prevailing, thus preserving a degree of continuity. Relative policy continuity is also due to the fact that centre-left party coalitions, when opinion polls do not indicate a comfortable majority, tend to be seized by electoral panic. Being unable to respond to public

demand to curb illegality and stop inflows, they offered surrogates such as restricting or not extending immigrants' rights. Another factor which accounts for the relative continuity was the fairly substantial influence, at least up to the spring of 2002, exerted by Guido Bolaffi, a top civil servant and expert on immigration policies, and a leading influence in importing good practices from abroad. *International law factors* appear to play an irregular role. The need not to be excluded from the crucial 'Euro-clubs' (Schengen and the Euro-zone) is more important than general compliance with international treaties, that Italian (and other) politicians tend to implement in their own way.

The general Italian *public culture* which under evaluates legality is another factor that could explain continuity within Italian policies, and divergence or similarities in comparison with other EU countries. A sort of benevolent (and malevolent) non-compliance with the law seems quite typical of Italian public culture. Frequent amnesties concern not only illegal immigrants, but also other illegal practices. In the case of immigrants' rights illegality also appears capable of initiating policies. Policies may start out as *contra legem* practices at a local level, and then be incorporated into increasingly formalized and higher level acts, till they become national laws. Once more, *network factors* are a possible explanation. Decision-making can be described as a circular process that also goes from the *bottom* (civil society and peripheries) *up* to formal measures, formal actors and the State. Different relations between different components of immigrant and immigration policy networks can explain not only variations over time, but also over places, with strong local differentiations within the same political system. *Systemic factors* help to explain the fact that in Italy, as elsewhere, law-making is an on-going process. Continuous changes and reforms are needed to respond to new challenges from the environment (domestic and transnational terrorism, for instance), to new demands and inputs from the electorate (anti-immigrant backlashes), but also because of negative feedback, or the failure of the previous legislation. This questions the effectiveness of specific integration and immigration measures when compared with other structural characters of the receiving country (Michalowski 2005; Boecker and Thraenhardt 2003; Joppke 2006). *Politics factors,* i.e. policy changes due to the different parties or party coalition in government, have also been discussed, and what we observe is a sort of 'conditioned political cycle'. Differences are wider when parties are in opposition, during election campaigns and immediately afterwards, if they think will benefit from taking a stand (the centre-right before the 2000 regional and 2001 general elections), or when they believe (rightly or wrongly) that they will obtain a large victory despite their attitudes on that issue (the centre-left before the 2006 general elections). They tend to converge when it suits their electoral interests, or subsequently, once in government, under the pressure of lobbies and problems.

The *role of the experience and characters of single political actors* is usually properly evaluated in the transition to democracy but underestimated when it comes to the

on-going democratic process. Political leaders' biographies help to account for their behaviour: Boniver's interest in protecting human rights, Contri's legal know-how and reformist attitudes, Turco's very favourable attitude towards the advocacy coalition, and Napolitano's concerns with EU partners' pressures and the need to comply with the requirements of the Schengen Treaty, were all important in directing policy. In particular, Napolitano was diligently pressing Italy to comply with Schengen, and though the repressive measures still in existence were introduced by the 1998 centre-left government, this constituted another element of continuity with the following centre-right reform. Amato's former roles as Prime Minister and Deputy-Chairman of the European Constitutional Convention explain both his propensity for strategic and innovative actions, and his intention to operate in tune with other European countries' legislation and with EU directives.

What can we expect for the future of immigration policies, in the light of the general features of the system? A set of general reforms of the Public Administration led to Ministries being merged and restructured, and this also affected the issue of immigrant incorporation and immigration. However, in order to accommodate the various parties and factions, the third Berlusconi government increased the number of ministries (from 21 to 24) and the 2006 Prodi government has upped it still further, to 25. If we add up Ministers, Vice-Ministers and Under-Secretaries the 2006 Prodi government has reached the record of 102. The present government has thus once more separated functions and competences concerning immigration and immigrants' rights, such as Labour and Social Affairs, and Family (formerly united in the Welfare Ministry), also splitting Education from University and Research. All this will make it even more difficult to co-ordinate immigration and immigrant policies. Even if the present government partially does away with the spoils-system, we can expect to see a further decrease in the importance in the role of civil servants, and their capacity to buffer political changes, with the partial exception of the strong ministries (Interior and Foreign Affairs). The role of experts is likely to depend on their special relations of trust with Ministers and Under-Secretaries, and on the political cycle. Freshly-appointed Ministers are more interested in being informed; later on, as professional politicians, they will need to answer to lobbies, reacting quickly to problems, and responding to demands from public opinion, rather than taking the recommendations of the experts into serious account.

In the present situation, the very narrow majority in the Senate, depending as it does on the presence of the Senators elected by the 'Italians abroad' constituencies, is likely to prevent sharp departures from the notion of 'legal familism' on nationality issues. The centre-left, when it was in opposition, promised in its manifesto to reform nationality law, favouring the naturalization of non-EU immigrants and granting them local voting rights. Once in power, the centre-left has started to fulfil these promises, and it may succeed mainly if it can

count on the support of part of the opposition. It is also likely to be particularly sensitive to the demands of the 'advocacy coalition': amnesties and large flows, reintroducing the job-seeker's permit, and abrogating the more repressive elements of the Bossi-Fini Law. We must also take into consideration the fact that, as time goes by, part of the advocacy coalition has become more aware of the need to press for citizenship rights, since many formerly undocumented immigrants are now settled and documented.

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