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Title:

After entry: humanitarian exploitation and migrant labour in the fields of southern Italy

Abstract:

Since the so-called ‘refugee crisis’, research on migration in the Euro-Mediterranean region has highlighted the entanglement of humanitarian and securitarian logics in the transformation of the EU border regime, with most attention focused on rescue and push-back operations at sea and systems of detention, selection and reception on land. This article moves beyond the point of arrival to examine how humanitarianism has also been implicated in the management of migrant labour in agriculture. Focusing on the tomato districts of southern Italy, the article interrogates recent legislative and emergency measures devised to tackle labour violations and to facilitate the reproduction of the workforce. Measures have included the establishment of impromptu worker shelters run by humanitarian organizations and the recourse to criminal law to combat gangmasters and to assuage public opinion. By developing the conceptual framework of humanitarian exploitation, the article illustrates how humanitarian government is functional both to the regulation of the migrant workforce and to the maintenance of the industrial agri-food system.

Key words:

migrant labour, agriculture; Southern Italy; humanitarian exploitation; penal populism; labour reproduction

1 Introduction

The closure of national borders and restrictions on internal mobility during the Covid-19 pandemic in 2020 threw into sharp relief the global agri-food system's chronic reliance on migrant labour. This reality check was particularly pronounced in Southern Europe (Molinero-Gerbeau, 2021). Since the 1980s, countries such as Spain, Italy and Greece had undergone a shift from small-scale, local market-based food farming towards intensive industrial agriculture, which had led to increasing dependence on a low-wage migrant workforce to bolster competitiveness within global value chains (Corrado et al., 2017). Moreover, given the often inadequate or non-existent accommodation and services in the region's agricultural districts, an archipelago of informal settlements providing substandard shelter had emerged, stretching from the *barracas* around Huelva in Andalusia via the *ghetti* in the tomato and citrus fruit districts of southern Italy to the *parankoupoli* among the strawberry fields in western Greece. The Covid-19 pandemic not only raised the daunting prospect of how to keep agricultural production going but also exposed the harsh working and living conditions that workers ordinarily had to endure.

Three days after Italy's lockdown on 9 March 2020, the country's principal farmer organization sounded the alarm that a bar on labour mobility would spell disaster for at least a quarter of the country's food production, and proposed the recruitment of pensioners and students to substitute the usual migrant harvesters (Coldiretti, 2020). Experimental solutions, such as importing Moroccan workers on chartered flights, proved inadequate and too costly to meet the task. Instead in May 2020, the Italian government resorted to a time-worn strategy that it had not deployed in almost a decade: it issued an amnesty for irregular migrants. Specifically targeted at people employed in the care, domestic and agricultural sectors, the underlying logic was that regularization would resolve labour shortages and better protect migrants against the informal recruitment practices of gangmasters known as '*caporali*'. The fact that less than fifteen percent of the 207,542 applications were in agriculture and of these only 1,500 were sub-Saharan African day labourers (Ministero dell'Interno, 2020), suggested that the amnesty failed to reach out to those workers widely considered to be most vulnerable to employment violations. In part, this meagre figure reflected the restrictive conditions of eligibility, such as the late cut-off date for those with expired permits or the possession of an official residence which was a particular problem for many inhabitants of informal settlements (Caruso and Corrado, 2021: 85-86; Dal Zanotto et al., 2021: 333-336). But it also appeared to indicate that irregularity, while on the rise in preceding months due to government amendments to migration and asylum law in late 2018, was not as prevalent among harvesters as many presumed and, in any case, there was no direct correlation between a

lack of legal status and exposure to exploitation (Dines and Rigo, 2015). Meanwhile, politicians and civil society organizations couched their support for the emergency amnesty in the combined language of humanitarian compassion and crime prevention – ‘let’s liberate the new slaves’ (Bonino, 2020) and ‘a first step towards combatting illegal recruitment in the fields’ (Filios 2020) – that in previous years had come to frame public debates around migrant labour in agriculture, and whose limits and contradictions were now further laid bare by the pandemic.

This article explores how governmental and public responses to the degrading working and living conditions of agricultural workers in Italy over the last decade have increasingly resorted to the instruments of humanitarian intervention and criminal law. In doing so, it considers the entanglements between, on the one hand, the Mediterranean’s recent migration ‘crises’ and the techniques of government that this entailed and, on the other, the contemporaneous shifts in the composition, representation and management of migrant labour in Italian agriculture. The article specifically focuses on sub-Saharan African migrant workers: although numerically they are not always the principal migrant group employed in Italy’s various agri-food districts, they nevertheless constitute a key growing segment of the workforce, especially in harvesting and other low-paid and physically demanding jobs. These migrants have also been at the forefront of public representations of labour violations in agriculture and the principal target of the government’s efforts to curb extreme forms of exploitation.

Thanks to heightened international media coverage over the last decade, it is a commonly-known fact that many West African men¹ who take the central Mediterranean route to Europe end up joining the ranks of a precarious migrant workforce in Italy’s agri-food industry. Descriptions of slave-like practices, predatory organized crime and squalid living arrangements – particularly in the tomato district on the Capitanata plain in northern Puglia and the citrus groves around the town of Rosarno in Calabria – have become, alongside boat crossings and arrival infrastructures, an integral part of the iconography of international migration in contemporary Italy (Agostinis, 2014; Mas, 2018; Jones and Awokoya, 2019; Meiler, 2021). Parallel to rising public awareness, a wealth of research has investigated the complex and conflict-laden positions of migrant workers in intensive agriculture (Corrado et al., 2017). In particular, ethnographic studies and co-research with migrants have challenged discourses about slavery and mafia-like *caporali*, highlighting how these are not only inaccurate and superficial, but work to depoliticize labour relations, obscure migrants’ agency and reproduce racialized labour hierarchies (Perrotta and Sacchetto, 2014; Howard and Forin, 2019; Caruso and Corrado, 2021; Raeymaekers, 2023).

¹ The vast majority of Sub-Saharan African workers in tomato harvesting, which is the focus of this article, are male. The few women who live in informal rural settlements are primarily involved in social reproductive labour such as catering and sex work (Caruso and Corrado, 2021: 57).

With the aim to build on and contribute to this critical literature, I set out to examine how a humanitarian logic has come to reshape the ways in which public institutions address and formulate solutions to the deleterious labour conditions in agriculture. By insinuating itself within the very pores of labour management, I demonstrate how humanitarianism is implicated both in emergency measures and spaces that ensure the reproduction of the workforce as well as in the Italian government's resort to criminal law to counter cases of extreme exploitation. The immediate objective of humanitarian action is to mitigate against the worst excesses in the workplace and to placate public demands for acceptable employment standards. But in the process, it also diverts attention away from the deregulation of agricultural labour relations, the dismantlement of welfare services in rural areas, the inadequacies of regularization channels, and the role of multinational corporations in squeezing prices down the agricultural value chain.

In order to move the discussion forward and to better grapple with the multiple linkages between migration, labour relations and agro-capitalism in Italy, this article develops the interpretative framework of 'humanitarian exploitation.' As a deliberately provocative oxymoronic concept, humanitarian exploitation aims to make sense of how and why humanitarianism permeates policies and measures for agricultural workers and the ways in which these in turn continue to deny migrants' access to the provisions of social citizenship and allow for the perpetuation of a system of production that is the root cause of poor working conditions. Humanitarian exploitation also goes hand in hand with the way in which injustices in the fields have been identified and addressed as acts of criminality. The recourse to criminal law as a means to protect potential victims of human rights violations can be considered an inherent aspect of humanitarian logic. At the same time, it reflects a broader trend over the last thirty years whereby criminal law has assumed an increasingly central role in the regulation of work relations (Bogg et al. 2020), and is underpinned by what I argue to be a form of penal populism (Pratt, 2007). By this I mean that the government's insistence on tackling extreme labour exploitation through the instruments of criminal law is not simply a strategy aimed at improving the lives of migrant workers, but is designed to mobilize and placate public demands for action against unacceptable labour practices and the presumed infiltration of organized crime in agriculture. My use of penal populism in this article is therefore intentionally counter-intuitive. Rather than being directly associated, as one might expect, with the promotion of anti-immigration sentiments, here it seeks to capture the contradictory nature of populism vis-à-vis migration, whereby public disquiet about the inhumane working and living conditions that migrants face inside the national territory appears to be detached from the highly politicized position-taking regarding external borders, to the extent that even someone like former Interior Minister Matteo Salvini, who has built his career around anti-immigration rhetoric, is seemingly at ease in calling for

greater protection of workers from criminal gangmasters. As I will demonstrate, however, this ostensibly benevolent form of penal populism reaffirms the contradictions of humanitarian government insofar as migrants are treated not as workers but as individual victims of criminal offences.

The following article is divided into four sections. The first section considers theoretical engagements with humanitarianism and how these might be redirected to think about the management of migrant labour in the specific case of Italian agriculture. The second section draws on fieldwork in the southern region of Basilicata to describe the unprecedented case of a Red Cross-run shelter for migrant workers to illustrate the objectives and discourses that underpin humanitarian interventions in the lives of agricultural workers. Taking its cue from this vignette, the third section proceeds to develop the concept of humanitarian exploitation as a means to bring into view the instrumental connections between emergency governance, mobility control and labour reproduction, while the fourth section unpacks the role of criminal law in managing labour relations. In conclusion I reflect on the usefulness of humanitarian exploitation as a framework for thinking across multiple fields (labour, migration, borders, food production), and for bringing to light the counterproductive consequences of emergency and legislative measures.

The purpose of this article is primarily theoretical but it is informed by longstanding analysis of media representations, policy reports and legislation related to agricultural migrant labour in Italy as well as repeated periods of ethnographic fieldwork during the harvest seasons between 2013 and 2018 in the tomato districts of the Capitanata plain around the city of Foggia in Puglia and the north of Potenza province in Basilicata. The Capitanata, in particular, represents one of the world's principal sources of tomatoes for industrial processing. In contrast to Italy's other main centre of production in Emilia Romagna where the harvest is entirely mechanized, the majority of tomatoes in Puglia and Basilicata are picked by hand (Perrotta, 2017). At the height of harvest between August and September, approximately 17,000 seasonal workers are employed in the Capitanata, about 5,000 of whom are from sub-Saharan Africa and the rest from Romania and Bulgaria (Bagnardi et al., 2022), while around 2,000 are employed in Basilicata, the majority of whom originate from Burkina Faso. As well as interviews and sustained encounters with sub-Saharan African harvesters, farmers, lawyers, and migrant rights activists and participation in worker support campaigns, part of the research was conducted alongside sociologists and legal scholars in a collective attempt to understand the shifting composition of the agricultural migrant workforce in light of the increased flows in the Mediterranean Sea. While I take full responsibility for the discussion that follows, a number of insights and reflections have been inspired by the conversations that I have had with fellow researchers in the field.

Humanitarian reason, migrant labour and the transformation of Italian agriculture

A key consequence of the intensification of south-north migration across the Mediterranean Sea over the last decade has been the increased entanglement of humanitarian and security agendas in the governance of international mobility (Agier, 2011; Walters, 2011; Campesi, 2015). In particular, scholars have cast critical light on the humanitarianization of migration management, whereby discourses and practices geared towards the protection of life, the reduction of suffering and the transmission of compassion have served to reinforce borders, to legitimate distinctions between ‘forced’ and ‘economic’ migration, to reproduce the differential inclusion of migrants in European society, and to target criminalized activities such as people smuggling (Cuttita, 2018; Pallister-Wilkins, 2020). In short, the contemporary dynamics of Mediterranean migration have exposed – as much as any natural disaster or ‘just’ war – the inherently paradoxical nature of humanitarianism.

While providing important theoretical insights and although attentive to the multiplication of borders across different geographical scales, recent analyses of the humanitarian government of migration in the Mediterranean area have largely focused on maritime spaces, external border controls and arrival infrastructures and have paid far less attention to the reverberations of humanitarianism upon the post-reception livelihoods of migrants who remain in the region. Meanwhile, critical migration scholars have long underscored the functional connections between border regimes, the reconfiguration of labour, and the expansion of capital (Moulier Boutang, 1998; Mezzadra and Neilson, 2013). Differentiated legal statuses among migrant populations coupled with structural racism work to delimit employment opportunities to poorly paid and insecure work (Lewis et al., 2015). In the context of the trans-Mediterranean flows of the last decade, research in Germany has demonstrated how the liberalization of labour markets in 2014 was first and foremost a utilitarian move aimed at filling shortages in key low-level service sectors and was only latterly paraded as a forward-thinking policy that facilitated the social integration of refugees (Maaroufi, 2017). Rather than assessing the incorporation of refugees and asylum seekers into host economies, my principal goal here is to analyse how humanitarianism itself becomes embroiled in the mechanisms for governing migrant labour.

In order to do so, I build on Didier Fassin’s notion of ‘humanitarian reason’ (2012). According to Fassin, humanitarian reason represents, alongside the liberal economy and the police state, a key pillar of contemporary Western politics; one that channels moral sentiments towards the governance and protection of human life and simultaneously functions as a language which allows to speak about violence and inequality in terms of suffering and compassion rather than in terms of justice or systemic transformation (Fassin, 2013). Despite Fassin’s stress on the pervasive nature of

humanitarian reason, the literature on humanitarianism (including Fassin's own analyses of the treatment of poverty and asylum in France) has had relatively little to say on the question of labour, apart from when discussion addresses people working within the humanitarian sector itself (Pascucci, 2019). Nevertheless, as a particular rationality that orders morality, is harnessed to mitigate situations of risk and emergency and ultimately reproduces the liberal social order (Reid-Henry, 2014), humanitarianism offers state and civil society actors effective instruments also for diagnosing and responding to the adverse working and living conditions of those deemed to command compassion, such as frontline harvesters in the crucial sector of food production.

The 'humanitarianization' of agricultural migrant labour can be understood to play out on three key levels. First, it calls attention to the recent recomposition of the sub-Saharan African workforce around possessors of various forms of humanitarian legal status. Second, it refers to the ways in which state and civil society actors represent migrant workers, irrespective of whether they hold humanitarian legal status, as (potential) victims of abuse in need of protection and surveillance (Dines 2018). Third – and what is of particular interest to the discussion that follows – humanitarian government defines and shapes the conditions under which the labour force is reproduced and put to work. This process is extremely contradictory: it tends to misidentify symptoms as structural causes and concentrates on combating certain figures (*caporali* and the 'mafia') while leaving others (such as the retail corporations that drive down prices) out of the picture.

Some general points about migrant labour in southern Italian agriculture are needed in order to frame the rest of the analysis. First, it is important to stress that the incorporation of successive national groups of migrant workers in Italian agriculture from the 1980s onwards coincided with the industrial restructuring of Italian agriculture and the transformation of the supply chain (Corrado et al., 2017). Particularly over the last decade, major food corporations and supermarket chains have assumed almost total power in the fixing of product prices, while labour often represents the only cost over which medium and small producers have some margin of control (Garrappa, 2017; Perrotta, 2017). The continual push to reduce production costs is thus a key reason for the renewed resort to the *caporalato* in some areas, the historical form of labour intermediation that during the 1970s and 1980s had appeared to be in terminal decline (Avallone, 2017; Perrotta and Raeymaekers 2022). Moreover, the replacement of local day labourers with migrants in certain sectors, especially in the tomato and citrus fruit industries, coincided with the restructuring of the agricultural employment system, which essentially consisted in the removal of all forms of state-controlled mediation between supply and demand. This reform process took place in a sector traditionally characterized by the prevalence of locally-agreed contracts and hence exacerbated the fragmentation of regulatory frameworks at national level. It also worked to deepen the rift between

a dwindling and ageing ‘native’ rural proletariat that benefitted from a series of welfare protections obtained from labour struggles in the 1960s and 1970s and a growing mass of unprotected and precarious foreign workers (Bagnardi et al., 2022; Caruso and Corrado, 2021).

Over and above the physical exertion and heat exposure that comes with working in open fields, conditions for migrant harvesters are notably poor. The low rates of pay (on average three to four euros an hour) tend to result in migrants opting for piecework to increase their income. In addition, the common on-call contract has enabled the proliferation of irregularities, such as the incomplete registration of the total number of days worked, which in turn makes it difficult for migrants who possess formal contractual agreements to renew their work permits. In fact, it is not uncommon for migrant agricultural labourers to revert to other means, such as acquiring a contract for domestic work, in order to maintain their residence permit. Public discourse typically conflates these legally established conditions with the local gangmaster system. Certainly, the *caporali* can be violent and profiteering and they typically dock wages for transport and bottles of water. Many, however, are themselves former migrant labourers who establish relationships with fellow nationals based on mutual trust and good social relations (Perrotta and Sacchetto, 2014: 81–82). Ultimately, they ‘are better understood as facilitators of an unjust system than as architects of systemic injustice’ (Howard and Forin, 2019: 591). Moreover, poor working conditions can be found in sectors where there are no *caporali*, such as in the vineyards of southern Tuscany where an analogous form of intermediation is legally carried out by employment agencies (Oliveri, 2015).

The common representation in the national and international media that the most vulnerable segments of the migrant labour force are undocumented and working off the books is somewhat inaccurate. While some of the early policy research in the mid-2000s revealed that over 60% of workers employed in the tomato district around Foggia were undocumented and 96% were employed without a contract (Medici Senza Frontiere, 2005), the situation changed markedly after 2010. Besides the fact that many harvesters in the Capitanata are from Romania and Bulgaria, and are therefore European Union citizens, multiple studies found that most of the sub-Saharan African workforce was authorized to reside in Italy, even if most documents were temporary and not issued for work purposes (MEDU, 2015; 2019; FilieraSporca, 2016; INTERSOS, 2019; Caruso and Corrado 2021). Many of these African workers were asylum seekers, subsidiary protection holders or beneficiaries of international and humanitarian protection – a two-year renewable legal status that was frequently issued to manage the increased flows during the government-declared North Africa Emergency of 2011 and 2012 and continued to be deployed thereafter until it was terminated by the Security Decree introduced by the Interior Minister Matteo Salvini in 2018. During the 2010s, humanitarian protection in particular played a significant role in governing migration insofar

as it compensated for the absence of alternative regularization options, especially given the cuts to the annual quota system for seasonal labour that followed the 2008 economic crisis.² In addition, most workers now possess, at least on paper, some form of job contract, although this invariably does not protect them from mistreatment and illicit practices (such as the non-registration of days worked that prevents workers from reaching the minimum threshold required for unemployment benefit), while the obligation on the part of employers to provide adequate accommodation and transport is rarely fulfilled. In other words, it is too simplistic to equate extreme forms of exploitation with undocumented migration or the absence of a formal contract. Indeed, the ‘refugeeization of the workforce’ (Dines and Rigo 2015) compels us to carefully rethink assumptions about the causes of poor working and living conditions in agriculture and the interventions employed to mitigate them.

Notes on the birth of a humanitarian workers’ camp

The *caporali* – but also journalists, researchers, trade unionists and members of public institutions – usually first encounter migrant workers not in the open fields but in the host of informal settlements dotted across agricultural districts in southern and, to a lesser extent, northern Italy, and which are commonly labelled by dwellers and outsiders alike as ‘ghettos.’ These places represent migrants’ self-organized responses to the lack of viable housing options and, while conveniently located close to the places of work and important places of sociality and recruitment, they are invariably characterized by unhygienic and hazardous conditions. One of the most notorious settlements is the so-called Gran Ghetto, fifteen kilometres north of Foggia: a shanty town of shacks built from salvaged pieces of wood and plastic anchored around abandoned farm buildings, which at the height of the tomato harvest houses up to 2,000 sub-Saharan African workers (for a history, see Caruso and Corrado, 2021: 52–55). Such sites have come to symbolize the dark underbelly of agri-food supply chains and stand in direct opposition to the idyllic images of rural Italy promoted in advertising campaigns (Howard and Forin, 2019). Calamities and conflicts such as fires, deaths of residents, racist attacks by locals and organized labour protests intermittently propel the ghettos to the centre of national media attention, and often trigger a range of actions by authorities, from evictions and hasty health and safety improvements to impromptu arrangements for alternative accommodation. Despite regular demolitions, many ghettos continue to be rebuilt, phoenix-like, on

² In 2017 38.5% of all new permits in Italy were for humanitarian and international protection, while only 4.6% were issued for work motives (Caprioglio and Rigo, 2020: 46). A report on labour conditions in the Capitanata tomato industry published in October 2019, one year after the Salvini law, discovered that out of a sample of 225 sub-Saharan workers, 28% were still holders of humanitarian protection (albeit now without the prospect of further renewal), while 33% were undocumented (MEDU, 2019: 6).

the same spots. At the time of writing in early summer 2022, despite being repeatedly raised to the ground, the Gran Ghetto was once again preparing for the annual harvest.

The fate of the much smaller Ghetto of Boreano, situated on an agricultural plain ten kilometres north of the town of Venosa in northern Basilicata, provides a revealing example of the dynamics and contradictions surrounding governmental approaches to agricultural workers' housing predicaments. This cluster of shacks and empty farm structures had once been the home to a permanent population of around fifty Burkinabé workers that swelled to a few hundred during the tomato harvest at the end of summer. Following its near total destruction by fire in May 2016, authorities ordered the demolition of the final remnants of the settlement. Under the direction of the Basilicata Regional Government's 'Anti-Ghetto' task force, its former residents were subsequently transferred to a former paper factory in a gully below Venosa that had been promptly turned into a dormitory. Responsibility for running the accommodation was assigned to the local Red Cross, which in its own jargon dubbed the building a 'Reception Centre for Seasonal Migrant Citizens'. Besides this bizarre title, the centre was somewhat unique: it was the first time in Italy that one of the world's preeminent humanitarian organizations had been assigned to run a workers' shelter.

The head of the operation, met during a visit to the centre in late August 2016, had in fact cut his managerial teeth during the emergency relief programme that followed the 2009 L'Aquila earthquake and had later run a nearby reception centre for asylum seekers set up in 2011 during the North Africa Emergency. The manager explained that the labourers all voluntarily chose to use the accommodation and the Red Cross provided no further services on the premise that the migrants were there to work – and “those who don't work, don't eat”.³ The facilities were minimal: there were four electric hobs, four toilets and four showers for a maximum of seventy residents, many of whom had to sleep on metal camp beds without mattresses. Besides the inadequate and rundown facilities, what was also evident was how the Red Cross had assumed the task of overseeing the workforce. Visits from outsiders were tightly controlled including members of public institutions and trade unions, who had to make advance requests to meet workers on site. Such restrictions were justified by the need to protect migrants from contact with the *caporali*, who were described unequivocally as predatory criminals. The No-Ghetto Task Force's original plan, besides offering alternative accommodation, had been to register the migrants on official employment lists that, theoretically, would have bypassed intermediation. In practice, however, no farmer signed up to the initiative. In fact, all residents met in the centre complained they had hardly worked since moving to the shelter given its considerable distance from recruitment points and the absence of transport.

³ Interview with Red Cross operator responsible for the running of the Venosa workers' shelter, 26 August 2016.

Ironically, it was the Red Cross shelter rather than the ghetto that appeared to be a greater space of physical and social segregation. On the contrary, and without wanting to underestimate their deleterious conditions, shantytowns such as Boreano not only offer access to (low-paid) work, but also represent sites of socialization, autonomous organization and mutual aid, where a range of activist networks – from language schools to grassroots unions – have been able to build meaningful, if at times strained, political relations with residents.

It is worth pausing a moment to take in the significance of the case. This was not a reception facility for new arrivals that one might normally associate with a humanitarian organization like the Red Cross. It was not a ‘key site in the humanitarian imaginary’ (Pallister-Wilkins, 2020: 998). This was a workers’ dormitory: an essential resource for the reproduction of labour power; one that throughout the postwar era of labour migrations had been supplied – at a fee – by the state or employers. Even if the guestworker hostels and converted barracks of Northern Europe in the 1960s and 1970s (Berger and Mohr, 1975) were far from satisfactory arrangements and one may well be tempted to interpret them as biopolitical interventions on the daily lives of residents, they at least lived up to their task of providing accommodation for workers. The Red Cross shelter, on the other hand, did not. Indeed, the manager was unperturbed that many residents were idle due to their inability to procure employment and instead defended his prior duty of guaranteeing their physical well-being, even if this meant curtailing their freedom. Nevertheless, the humanitarian camp crucially functioned as a means to maintain the status quo by delimiting the options open to migrant workers: remain under the ‘protection’ of the Red Cross or, as what often happened, return ‘into the web of the *caporali*’ (Perrotta and Raeymaekers, 2022: 17). This stark choice captures the underlying effect of such a measure over and above its apparent failure, insofar as it serves to demonstrate that action is being taken to extenuate housing hardship, while ultimately deflecting the responsibilities for labour market participation from the state and employers onto the decision making and survival strategies (including shelter-building skills) of the workers themselves.

Humanitarian exploitation: protecting victims of labour abuse; ensuring agricultural production

In light of the situation just described, the juxtaposition of humanitarianism and exploitation would seem, on the surface, somewhat far-fetched. However, as I now want to argue, combining these two apparently dissonant ideas serves, first and foremost, to focus critical attention on the consequences of the former’s penetration into the management of migrant labour. Over the last decade, public and political discourse in Italy has conceived exploitation in agricultural work as something excessive and the result of criminal conduct rather than a phenomenon inherent to the relations of production

(Rigo, 2015). Such conceptions tend to reify exploitation in specific figures and practices and to individualize its effects by identifying certain workers as *victims*. By redefining governmental duty as the need to safeguard individuals from imminent harm, humanitarian action tends to obfuscate both the underlying systemic forces within supply chains and the withdrawal of the state and employers from sustaining the reproduction of the labour force. As we have just seen, it operates to extract value from, on the one hand, the will to protect and, on the other, the enabling of productive relations to remain relatively unaltered. The goal of humanitarianism is not to resolve the question of exploitation per se but rather to emasculate its excesses. In other words, productive relations are reframed through a process of humanitarian exploitation.

As the Red Cross shelter in Basilicata demonstrates, humanitarianism provides both the ideological and practical template for dealing with workers' poor living conditions. During previous seasons, the Italian government's Civil Protection Department, originally established with the purpose of responding to natural disasters, had set up temporary tent camps intended to house seasonal workers in Puglia and Calabria evicted from self-built shanties, although these official sites often remained largely empty for the same reasons outlined above. Authorities also intervened in the informal settlements themselves. For instance, in the Gran Ghetto, between 2008 and 2017 the Puglia regional government drew annually on public funds to provide residents with drinking water and, through a subcontracted private company, chemical toilets. If these interventions have helped to alleviate insalubrious living conditions, they have also reaffirmed a situation constructed as in a perennial state of emergency. As such, seasonal workers are treated not unlike refugees and the cycles of agricultural production are experienced each year as if they were unpredictable natural events.

One upshot of enabling a perpetual state of emergency through humanitarian action is that rules and access to rights for migrants are continually negotiated rather than established once and for all. For example, migrants living in informal settlements or government worker camps often face the same problem of not having an official address. It means they cannot register for residence in the place of work, and so are unable to use local social services or renew a resident permit.⁴ Nonetheless, sometimes migrants have been able to reappropriate spaces of humanitarian government for reproductive and administrative needs. This has been the case of the reception centre for asylum seekers and an adjacent informal settlement at Borgo Mezzanone, twenty kilometres southeast of Foggia, both of which have long provided shelter for workers employed in

⁴ Scholars have indicated how the procedure for acquiring residence in Italy represents a de facto control on internal mobility, and thus needs to be considered on the same level as the government of external borders (Gargiulo, 2021).

the surrounding countryside (Campesi, 2015).⁵ The reception centre has hosted numerous residents who, overstaying the maximum six-month period, have been allowed to extend their stay by humanitarian and third-sector organizations running the centre, while for many other individuals – including those working in agriculture – it remains the official domicile in procedures regarding legal status. The outcome of this situation is that humanitarian operators have held wide-ranging powers over the lives of migrants that can include revoking reception measures in the event of a person's repeated breach of rules. The unequal relations that are reproduced by humanitarian government do not therefore just regard the meeting of basic reproductive needs but extend to questions of discipline and subordination. Access to rights needs to be continually renegotiated with public and private subjects, whether in the case of the voluntary organization that offers to provide a residential address for the renewal of permits or in the case of the managers of the reception centre who close an eye to those workers who continue to reside there beyond the period set by law because they have nowhere else to go.

Humanitarian exploitation thus points to the ad hoc, stop-gap solutions and disciplining mechanisms that are deployed to ensure the reproduction of the workforce, at a time when social welfare and housing provisions continue to be hollowed out and permanent channels for accessing them are removed. It also shines light on the legislative measures that have sought to counter malpractice in the workplace itself, which prioritize individual human rights violations over, for example, the effective enforcement of existing labour regulations. A case in point is the 2012 transposition into Italy's immigration law of the EU Directive 2009/52/CE on sanctions against employers of irregular migrants, which was initially hailed as an innovative instrument in the fight against labour abuses because it introduced the prospect of granting a resident permit to migrant workers denouncing employers who had subjected them to grievous exploitation at work. To date, however, such arrangements have had very limited effect: between January 2013 and February 2020 only 22 permits were issued for all categories of employment (Caprioglio and Rigo, 2020: 53). First, one needs to bear in mind that the EU directive was primarily conceived as a measure to counter 'illegal' immigration and so only regarded those without documents. Therefore, it has been applicable only to a small proportion of the agricultural workforce, given that until very recently most migrant labourers have held some form of legal status. Second, the incentives for migrants to disclose their irregular working conditions are envisaged only when they are subject to 'extreme' exploitation, which, as defined by the penal code, is very difficult to legally prove. In other words, the underlying paradox is that employment rights are recognized only when migrants are perceived

⁵ The renovation of the centre in Borgo Mezzanone in 2010 led to the removal of the old prefabricated buildings to an adjacent airstrip, which were subsequently occupied by migrants who continued to access the centre's facilities through holes in the perimeter fence.

as victims of semi-slavery conditions and not as workers.

Recent legislation around the labour violations in agriculture has principally focused its attention on the gangmaster system. The 603bis article of the Italian penal code introduced in 2011 criminalized, for the first time, labour intermediation for the purpose of exploitation. The 199 Law introduced by the Matteo Renzi government in late 2016 (and commonly dubbed the ‘Caporalato Law’) extended criminal responsibility to employers profiting from work recruited by *caporali*. Provisions included prison sentences from one to six years for gangmasters, the confiscation of assets and judicial control over firms using unlawfully recruited labour (Caprioglio and Rigo, 2020; Bagnardi et al., 2022). While the 603bis article and the 199 law represent important steps forward in formally acknowledging the widespread injustices experienced by migrant labourers and in combatting cases of extreme violence, they have done little to challenge the heart of the problem – in other words the squeezing of labour costs that leads to the flouting of employment standards – while compliance with new regulations often depends on the humanity of the employers themselves given the dearth of random workplace inspections. According to the Altro Diritto observatory, there were sixteen inquiries regarding labour exploitation in the Foggia area between 2017 and 2021, eight of which regarded the arrests of migrant (mainly Senegalese and Malian) van drivers who had been intercepted while transporting labourers to work (Altro Diritto/FLAI CGIL 2022).

The idea of humanitarian exploitation thus compels us to interrogate both the measures that sustain the reproduction of migrant workers and the mechanisms aimed at regulating their labour relations. It indicates a set of affairs far more complicated than any wrangle over whether indecent work in agriculture amounts to slavery. Although the word ‘*schiavitù*’ (slavery) may slip now and again into the statements of politicians and headlines of media reports, government policy is not framed in terms of neo-abolitionism but rather aims at reigning in the excesses of a potentially explosive collision between retail-driven agriculture, precarious migrant populations and the public’s real and perceived demands for a minimal level of human decency. This gets to the heart of humanitarian exploitation: not only does it leave value chains and production relations unaltered, but thanks to an array of emergency measures, from chemical toilets to pop-up health clinics, it also relieves employers and local authorities of the pecuniary burdens and social commitments of ensuring the reproduction of the labour force.

The urge to punish: criminal law, humanitarian action and penal populism

As noted, over the last decade criminal law has become a key instrument in responding to labour violations in the agricultural sector. At one level, criminal justice is intrinsically bound up with the goals of humanitarian intervention. Humanitarian-driven campaigns against people trafficking, for

example, typically invoke the application of international criminal law in combatting the dangers that this activity is seen to pose to its potential victims, which directly or indirectly operates to exonerate the violence of border regimes and to criminalize acts of solidarity among migrants during their journeys (Caprioglio, Montella and Rigo, 2022). At another level, the general resurgence of criminal law as a regulatory tool in employment relations over the last three decades – from enforcing contractual obligations to criminalizing harassment in the workplace – can be attributed, *inter alia*, to the neoliberal governance of deregulated labour markets, the politicization of criminal justice practices, and the adoption of servicing models by mainstream trade unions (Bogg et al, 2020: 7–8).

The specific development of criminal legislation against exploitative labour practices in Italian agriculture has also been significantly shaped by a penal populism that in recent years has cut across Italy's mainstream political spectrum. Penal populism essentially refers to the representation and deployment of criminal law by political and institutional actors as an effective remedy to societal ills that serves to satisfy public perceptions of insecurity and ultimately build consensus (Pratt, 2007). Punitive action 'is seen as a social reparation towards the injured party, as well as to the whole community' (Anselmi, 2018: p.76). In our case, criminal law has been presented by politicians and the mainstream media as the most realistic, if not only, solution to the mistreatment of migrant harvesters and the measures are targeted as much at a concerned public as they are at workers themselves. As such, penal populism is aligned with the goals of humanitarian government: to communicate compassion, on the one hand, and to suppress conspicuous abuses on the other.

Penal populism interconnects with the common allegations about the infiltration of organized crime in the food production system and the image of the *caporale* as a quasi- or outright mafioso; an image enthusiastically endorsed by the manager of the Red Cross camp. Since the mid-2000s, thanks to the influence of popular authors such as Roberto Saviano (2008), organized crime has often assumed the role of *passé-partout* that deciphers the links between systemic dysfunction and skewed power dynamics, especially in southern Italy, even when there is a lack of convincing evidence or a logical line of reasoning (Dines, 2013). Likewise, the idea of the fight against the Mafia as a struggle for social justice, democracy and human rights has also become a liberal post-political trope, and is strategically mobilized to legitimate controversial operations such as the dual clampdown on human trafficking and search-and-rescue activists in the Mediterranean Sea (Campbell and D'Agostino, 2021). While mafia references in the national and international media have simultaneously dramatized and simplified labour-related issues in agriculture (Palmisano, 2018; Meiler, 2021), they have also functioned as taken-for-granted frames of reference in civil

society and trade union campaigns, such as the annual ‘Agromafie e Caporalato’ reports compiled by Italy’s main CGIL trade union, even when organized crime is not a key focus of analysis (as in the case of the sixth Agromafie report of 2020). While an overemphasis on organized crime invariably depoliticizes representations of migrant labour, the more dispassionate use of labels such as ‘Agromafia’ still serves to draw a line in the sand: for no one in their right mind can disagree with improving workers’ conditions if we are made to believe that on the other side lurks the mafia. This is not to deny situations of delinquency and violence at the bottom end of supply chains or the capacity of organized crime to exploit gaps in policy and emergency measures, for example in the migrant reception system (Orsini and Sergi, 2018). Rather, it is to acknowledge the elementary fact that even if one were truly able to root out organized crime from a given situation, this would not result in the cancellation of exploitative practices precisely because these are not reducible to criminal acts. But in the logic of penal populism, defying the mafia is not a final solution but often the means through which to arouse an otherwise disinterested public.

Since the introduction of the 603bis article to the penal code in 2011, legislative measures against exploitative practices have increasingly pivoted around the criminalization of informal labour brokerage as the source of exploitation. It is important to understand that this shift is not the inevitable response to a dramatic situation but is the outcome a set of political decisions. The penal approach has its origins in the Pansa Commission on agricultural labour set up by the Italian government in 2006 in the wake of a report in the weekly magazine *l’Espresso* by undercover journalist Fabrizio Gatti (2006), which had shed light on tomato pickers’ conditions around Foggia and had been instrumental in launching discourses about slavery and mafia gangmasters that would mark mainstream media representations during the following years (Dines and Rigo, 2015). The commission initially investigated the entire supply chain and proposed a range of countermeasures, including permanent regularization mechanisms for migrants, but in the face of national political pressure and the EU directive on sanctions against employers recruiting irregular migrants, a compromise was reached whereby attention switched exclusively to defining and countering labour exploitation through criminal law (Di Martino, 2019). As already noted, the legal apparatus that emerged has been largely limited to repressing serious labour violations. But it has also been difficult to apply because in order to prosecute these violations it has to prove criminal liability, and thus identify an offender and gather incriminating evidence. Of course, exploitation itself cannot be tried in a criminal court and ultimately sent to jail. This fate befalls individual subjects who are accused to have committed criminal acts, and hence not the food corporation with its headquarters in Paris or London squeezing production costs, but the Senegalese or Malian driver transporting fellow countrymen out to the fields to work.

As a number of legal scholars have argued, the deployment of criminal law has failed to substantially ameliorate the conditions for migrant workers precisely because, in the absence of enforceable employment regulations and social policies, it has been unable to tackle the existing relations of production (Torre, 2018; Di Martino, 2019; Caprioglio and Rigo, 2020). At the same time, however, it has allowed politicians and law makers to relay to the public the state's commitment to addressing labour exploitation. For instance, in August 2018, following the deaths of sixteen workers in two separate road accidents in the Capitanata, the former Minister for Agriculture and co-author of the 199 law, Maurizio Martina, publicly defended the government's approach in part because this was the response that the Italian public had demanded:

We achieved something that people had been waiting years and years for: we approved a new law against the *caporalato* [...] The important thing is to continue to work on prevention. As regards repression – we're there; we've got the rules but they need to be applied (D'Agostino, 2018).

As demonstrated by the various 'wars on drugs' across the West during the 1980s, recourse to penal law is rarely an effective way of dealing with what are essentially social and economic problems, even if this might go some way to satisfying the public's desire for moral settlement. Exploitation is cast as something epiphenomenal, which the law only recognizes after a crime has been committed. As Caprioglio and Rigo have recently argued: 'left alone, criminal law runs the risk of being misconstrued as an instrument of social policy that is entrusted with the task of establishing the threshold of tolerance beyond which exploitation becomes socially and *by law* unacceptable' (2020: 55, original italics).

Conclusion

This article has been, first and foremost, an invitation to think about what happens when humanitarianism is literally *put to work* and penetrates the world of labour relations. Taking its cue from Didier Fassin's idea of humanitarian reason as a pervasive liberal logic for diagnosing and governing the world's afflictions, the discussion has focused on state and non-state responses to the adverse living and working conditions of sub-Saharan African harvesters in southern Italian agriculture against the backdrop of the recent Mediterranean 'migration crisis'. I have proposed humanitarian exploitation as a conceptual framework for making sense of the implementation and consequences of emergency and legislative measures over the last decade.

At an immediate level, humanitarian exploitation serves to dispel a series of popular stereotypes and misconceptions about migrant agricultural labour, such as the accusations of slavery and the idea that migrants are particularly vulnerable because they are undocumented. Instead, and

alongside the counter-intuitive use of penal populism, it alerts us to how these very representations have become operationalized within initiatives aimed at countering employment violations and satisfying public demands for a more humane treatment of essential workers. But humanitarian exploitation also points to how these very initiatives make a powerful contribution to defining the rules of the game, be it in terms of labour reproduction – the right to protection in a Red Cross shelter rather than access to decent housing – or in terms of labour relations – the right not to be a victim of (criminal) abuse rather than better pay or unemployment benefits. In doing so, humanitarian exploitation shifts the sphere of action from tackling the underlying causes of poor labour conditions to identifying and reining in its excesses. As Fassin argues, humanitarianism operates as ‘a new lexicon of moral sentiments [that] tends to mask [the old vocabulary of social critique] in a process of semantic sedimentation that has perceptible effects both in public action and in individual practices’ (Fassin, 2012: 6). Rather than a deliberate act of deception, humanitarian exploitation is the inexorable consequence of governing labour injustice through the language of suffering and compassion. This said, humanitarianism in the context of labour is often messy and contradictory: it gets evoked in the eviction of ghettos but has also been deployed to upgrade the situation of these very same places. It is this versatility that renders humanitarian exploitation all the more functional in sustaining annual cycles of food production. The bottom line is that without humanitarian camps and emergency interventions in ghettos, the cost of labour would be much very higher.

Despite more than a decade of countermeasures, legislative initiatives and recurrent public outrage, working and living conditions of agricultural workers in Italy remain dismal. Self-built shacks and squatted farm buildings still constitute a substantial proportion of accommodation across large part of southern and also parts of northern Italy and tragedies caused by fires or harsh weather persist. The Italian state continues to set up emergency camps to house workers, also in the often-unsuccessful attempt to entice migrants away from informal settlements. The risk is that contradictions that have long existed – such as the dilemma facing a seasonal agricultural worker of whether to obtain employment through a gangmaster and endure substandard housing or accept shelter in a Red Cross camp but forfeit autonomy and the prospects of paid work – remain normalized and reconciled through a humanitarian governmental approach that perpetuates states of emergency, reposes failed policies, and satisfies political constituencies and the public at large with ineffective criminal legislation.

Although humanitarian reason continues to hold hegemonic sway over conventional political thinking and action with regards to the plight of migrant workers in agriculture, many aspects of humanitarian exploitation have not gone unchallenged. Increasingly critical voices have

been raised against the limits of a victimological approach to labour violations and the inadequacies of mainstream trade unions that have thrown in their lot with criminal law approaches (Caprioglio and Rigo, 2020; Caruso and Corrado, 2021). Across southern Italy, a number of grassroots food networks of workers, producers and activists such as SfruttataZero, SOS Rosarno, ContadinAzioni and Funky Tomato have self-organized to create alternative production systems and supply chains (Iocco and Siegmann 2017). Most important, it should not be forgotten that those at the receiving end of humanitarian attention can tactically appropriate its language and technologies for their own ends, for example, when migrant labourers collectively demand improvements to informal settlements so as not to be considered slaves or when they negotiate tacit agreements with authorities in reception infrastructures to secure accommodation, acquire residence and access local services. In the meantime, humanitarian government plays its part in prolonging emergency management and the inequitable relations of production and in keeping in check the tensions between, on the one hand, supermarket-driven industrial agriculture and the insatiable appetite for low-cost food and, on the other, a mass of low-paid workers with no prospects of holiday and pension entitlements irrespective of whether they are alleged to have been ‘exploited’ or not.

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