

# In the Name of the Law: A Study of Undocumented Immigrants' Experience of Legal Violence

## **Abstract**

We study the lived experience of undocumented immigrants in Italy through the lens of various immigration laws and associated legal frameworks. By doing so, we also examine the adequacy of moral guidelines and principles that define the normative ground rules for protecting undocumented immigrants. We find that despite their acquired social legitimacy, immigration laws and frameworks often generate legal violence. Legal violence is multifaceted and complex in nature which can undermine core moral values and manifest in three key mutually reinforcing forms: normative violence, symbolic violence, and identity violation. Our study reveals that undocumented immigrants' experience of legal violence is mainly due to moral precepts fail to provide explicit moral clarities according to context-specific complexities. Based on our findings we suggest that moral issues embedded in convoluted forms of violence can be addressed through transformation processes such as reforming legal institutions and frameworks. More importantly, to counter legal violence in organizational and societal settings we require an integrative moral and legal system. By this we mean that every single law and decree that is developed, as well as the way it is executed by powerful actors and institutions in the society must conform to the micro moral principles of organizations. The aggregate of these reforms (through micro principles actions) have to be aligned with macro boundaries set by core human values that shape moralities in broader societies.

**Keywords:** Undocumented immigrants, legal violence, normative violence, integrated ethical framework

## **Introduction**

Prior research has discussed the different ways in which violence may be inflicted. In its most perceivable form, subjective violence appears as the use of force to inflict damage that is ‘performed by a clearly identifiable agent’ (Zizek, 2008: 1). Other researchers have postulated that subjective violence can also have limited tractability and invisible negative consequences and, therefore, may appear in the form of insensitive violence (Chowdhury, 2021). Another non-physical form of violence, symbolic violence, is manifested in an imposition of the norms of the group possessing greater social power on those of the subordinate group (Bourdieu and Passeron, 1970; Bourdieu et al., 1999; Kerr, Robinson and Śliwa, 2022; Varman et al., 2021). Violence can also be woven into the smooth functioning of economic, political, and social institutional arrangements that govern our world, and manifest in the form of normative violence (Butler, 2004a; Haleem, 2019; Varman and Al-Amoudi, 2016) or systemic (Zizek, 2008) violence.

In parallel to conceptualizing diverse forms and ways of inflicting violence, researchers have also debated whether different forms of violence deserve varying levels of scholarly attention (Van der Linden, 2012; Zizek, 2008). However, we agree with Chowdhury’s (2021: 133) response that “such an assessment is difficult to make in general but depends on how we conceptualize violence, from whose perspective, and under what conditions.” We add to Chowdhury’s argument and posit that when—in its systemic and normative form—violence is inflicted by and through the functioning of highly legitimate frameworks (e.g., legal systems, academia, international organizations) on vulnerable individuals whose voice is often unheard, it can harm individuals in a manner that is tacitly approved by powerful individuals and institutions. By highlighting the deleterious combination of the collective approval of such violence (acquired through the legitimacy of its source) and the silence of its target (due to its vulnerability), we argue that

violence inflicted under these conditions deserves significant scholarly attention. From this perspective, we also posit that by not considering violence inflicted by and because of legitimate frameworks, we are somehow neglecting the profound, extended, legitimized, and silent moral and ethical issues encoded in these frameworks (Vijay and Nair, 2022).

In most developed countries, we find heated debates about what states should do to regulate territorial access of individuals and how those who enter these territories should be treated (Scholten and Geddes, 2016). Hence, states develop, legislate, and effectuate legal frameworks (Schuck, 1984). In some cases, such development is partially influenced by international policies and agreements (Acosta and Geddes, 2013; Geddes, 2008).

Nevertheless, legal frameworks may have unintended consequences (Cornelius, 2001; Haleem, 2019; Massey and Pren, 2012) for individuals who are the main target of immigration law (Menjívar and Abrego, 2012). We argue that, at least for two reasons, these unintended consequences need to be explored by delving into the lived experience of immigrants. *First*, casting light on the violence encoded in the immigration legal frameworks would inform states, policymakers, and businesses about the invisible moral and ethical issues in organizational and institutional arrangements. This knowledge would consequently spur these powerful actors to reform and reconsider the overall establishment of immigration law. *Second*, such exploration would grant voice and visibility to immigrants, and in particular undocumented immigrants, who are widely known for their marginalized and vulnerable status in their host countries (Calavita, 1998; Clibborn, 2015; Nail, 2018).

## **Theoretical context**

### *Normative Violence*

Violence is conceptualized as the use of force against an individual (Varman et al., 2021), the denial of rights of the person (Galtung, 1990), or the exploitation of interdependence among individuals (Butler, 2004a). Violence is also often understood as a broad concept that extends from physical coercion. It may include harm performed at the level of existential vulnerability (Butler, 2009), injurious speech (Butler, 1997), denial of representation (2004a), and deprivation (Butler and Athanasiou, 2013), and violence in all its forms is identified as unethical behavior (Gubler et al., 2018).

Butler argues that violence is often normalized and endemic in everyday life. By introducing the concept of normative violence, Butler (2004a) implies that norms can be violent in themselves but also that individuals, organizations, and institutions may use norms to normalize violence against those who are derealized (Joy et al., 2015; Varman et al., 2021). If so, violence is normalized through the dissemination of narratives that moralize, legalize, and even popularize violence (Haleem, 2019). From this perspective, violence can be woven into the fabric of the social context, as a commonplace and inevitable approach towards others (Giroux and Evans, 2016). Hence, Butler's normative violence is analyzed three main ways.

*First*, Butler (2004b: 41) asserts that “a norm operates within social practices as the implicit standard of normalization.” Norms are significantly implicit, as they are not the same as rules or laws. This conceptualization of norms implies that norms do not explicitly define how people should act and think and its implicit nature often makes them difficult to identify. As a result, it is only the effect of normative violence that is apparent on individuals.

*Second*, Butler nuances that institutional arrangements inflict violence on marginalized groups because they bring them to the state of derealization: a condition of desubjectification that positions the derealized person as “neither alive nor dead” (Butler 2004a: 32). From this

perspective, she suggests that norms encode the operation of power and violence by controlling who counts as a human, as non-human, and as someone in between. Butler (2004b) emphasizes livability and grievability as two connected ideas and suggests that only those whose lives are livable will have deaths that create grief. The ungrievable subjects are those that have been derealized. They are made less human or dehumanized, implying that violence may be inflicted against them without ethical dilemma.

In the above regard, Butler highlights that derealization can inflict and motivate further violence in diverse modes. Derealization is primarily an act of violence in itself since derealized subjects are deprived of the ability to give an account of themselves as full human beings. Derealization motivates further violence when the existence of derealized subjects is perceived as a dangerous subversion of the social order (e.g., physical violence against deviant sexual identities “to refuse the challenge to rethink that world as something other than natural or necessary” (Butler, 2004a: 34). Similarly, derealization of subjects creates a condition in which further violence is acceptable. Thus, even when legal institutions and actors, such as the police or tribunals, are not directly involved in inflicting violence against derealized individuals, they may be complicit in allowing such violence to remain unchecked (Varman and Al-Amoudi, 2016), leaving violence towards ungrievables an unaccountable and unpunishable act.

*Third*, Butler (2004a: 33) does not depict a victimized image of derealized subjects. She rather recounts how these individuals show resistance: “[they] have a strange way of remaining animated and so must be negated again (and again).” At the individual level this resistance entails public displays of vulnerability, where derealized individuals showcase themselves to the broader society, and reaffirm their reality as human subjects endowed with needs and desires (Butler, 2009). At the collective level, derealized persons engage in resistance against normative violence

by forming associations through which they bond and develop counter discourses (Böhm et al., 2008; Levy, 2008) which empower them to claim their rights and refute their derealization.

Prior research also expands Butler's conceptualization of normative violence and advances our knowledge regarding dynamics of violence. In particular, extant research highlights a) *who* is produced as a derealized subject (a subject who is not (fully) living, whose life is not worth sheltering and whose life, when lost, would not be worthy of mourning) (e.g., Haleem, 2019; Varman and Al-Amoudi, 2016), and b) *which* implicit norms – encoded in the social frameworks – have enacted this derealization (e.g., Dubreuil et al., 2022; Varman et al., 2021). However, we argue that by narrowing the view to implicit (rather than explicit) institutionalized scripts (e.g., social norms) researchers have failed to engage in a critique of frameworks that are explicitly established to govern the society (e.g., legal and regulatory frameworks). Like implicit institutional scripts, explicit frameworks may also inflict violence on different groups of people. Further, norms categorize people, and in so doing, produce effects of naturalization for those who are the main subject of the norm or categorization (e.g., binary genders). Subsequently, norms create conditions for further violence against those who are not among their main target (e.g., non-binary genders). Therefore, the derealized subject in normative violence is the person who remains outside the main discourse of the norms. Nonetheless, we argue that sometimes implicit and explicit frameworks (jointly) inflict violence on those for whom these frameworks are developed in the first place.

Immigration law, for instance, is one of the formal frameworks that states develop to govern immigration into and deportation from a country (Schuck, 1984). Immigration laws are constructed from diverse types of explicit norms such as legal perspectives, rules, and institutions. Individuals who enter a country with or without a valid document are the main targets of immigration law of that host country. However, the explicit norms of immigration law may

(in)directly inflict diverse types of violence on these individuals (Menjívar and Abrego, 2012). In the next section we detail how legal violence is more intense when it comes to undocumented immigrants who cross borders without official permission.

*(Undocumented) Immigration and Theoretical Perspectives on Legal Violence*

Immigration laws and policies concern themselves with regulating immigrants' (whether documented or undocumented) access to national territory protection of national security, and immigrants' access to key social institutions such as the labor market and welfare system (Scholten and Geddes, 2016; Schuck, 1984). Although the European Union (EU) plays an increasing role in the decisions about immigration law and policy of EU member countries, these decisions are still taken at the national level to a great extent by countries' politicians and public (Acosta and Geddes, 2013; Geddes, 2008). As a part of these policies, governments authorize off-shore and on-shore border patrols, imprison undocumented immigrants, and deport them (Chacón, 2006; Clemens et al., 2021). They also restrict immigration in more subtle ways by, for instance, limiting or forbidding citizens' interactions with undocumented immigrants by keeping the latter isolated in camps or detention centers (Stations, 2020). There is no doubt that these legal barriers prevent millions of potential immigrants from crossing borders (Clemens, 2011). Nevertheless, every year many immigrants still cross European (and other) borders without authorization.

Research shows that most immigrants with tenuous legal status experience indecent conditions at their workplace and throughout broader society (Eurostat, 2021). Compared to the nationals (and even to immigrants with more stable legal status), immigrants with tenuous status earn less (Behtoui and Neergaard, 2010), work in more unstable jobs (Fleischmann and Dronkers, 2010; Kogan, 2004), and are more likely to be exploited (Clibborn, 2015; Fudge, 2018). They are also unable to apply for and obtain various forms of protection and support from the state

(Knappert et al., 2018). Immigrants in general, and those with tenuous status in particular, face several hurdles to realizing their full or even partial integration in their host societies (Ireland, 2004; Scholten and Geddes, 2016). The roots of these indecent and discriminatory experiences are not limited to immigrants' legal status. Indeed, previous research to some extent has discussed the influence of other socio-economic factors such as racism (Rogozen-Soltar, 2012; Wade, 2015), stigmatization (Nicholls, 2013; Yurdakul and Korteweg, 2013) and immigrants' own social capital (Morales and Giugni, 2011) on the quality of immigrants' life in their host country. Nevertheless, today's immigration laws and policies exacerbate these barriers by creating a wider gap between immigrants and broader society (Dancygier and Laitin, 2014), or by giving rise to practices (e.g., modern slavery and work in de-humanizing conditions) that harm immigrants (Menjívar and Abrego, 2012).

Extant research on immigration turns the spotlight on a wide range of aspects of contemporary migration politics. Scholars have engaged in critiques of ethical concerns regarding immigration policies and legal frameworks (Carens, 2013; Pevnick, 2009; Yong, 2018), and racial considerations in the development and implementation of these frameworks (Bosniak, 2008; Johnson, 2000). They have also addressed the effects of political institutions and policy regimes on reducing the barriers to immigrants' economic integration (Dancygier and Laitin, 2014; Peberdy, 2002), and governments' welfare policies regarding immigrants (Agersnap et al., 2020; Barrett and McCarthy, 2008). Such research predominantly focuses on the policies relating to immigration frameworks and therefore often lacks close engagement with the influence of legal frameworks on immigrants' daily life. In addition, the narrow stream of research in business and management studies focusing on immigrants appears to develop and advance theory with only limited engagement with scholarship on immigration legal frameworks and policies (see, e.g.,



Campion, 2018; Guo et al., 2020; Chowdhury, 2021; Schaubroeck et al., 2022; Szkudlarek et al., 2021).

Against this backdrop, we argue that cross-linking legal frameworks with immigrants' lived experience in their host country can provide unique contributions to our understanding of the invisible and overlooked aspects of immigration legal frameworks. Hence, we emphasize that identification and engagement with critiques of violence caused by legal frameworks and imposed on immigrants is important. Legal authorities and politicians develop legal frameworks of immigration law to include immigrants as the main subject of these frameworks. However, these frameworks can result in intense and inextricable levels of violence that target immigrants in organizational and societal settings. Therefore, we examine an important research question at the intersection of immigrants' lived experiences in their host country and influence of immigration law and other bodies of law (e.g., labour law and criminal law) relevant to immigrants. We ask: *“How can legal frameworks inflict and cause violence to immigrants in organizational and societal settings?”*

## **Methods**

### *Data Collection*

We collected data from three sources. *First*, the lead author conducted semi-structured interviews with 42 undocumented immigrants who entered Italy without an official document, three of which are also cultural mediators (immigrants who are more integrated into the Italian society and are fluent in Italian. They are recruited by the government to assist other immigrants with bureaucratic and administrative affairs); five civil society workers (the members of several private or state-funded organizations supporting and protecting immigrants, and assisting them in securing initial care, training, and education); and one immigration police officer.

**Table 1:** List of Informants

<b>No.</b>	<b>Nationality</b>	<b>Role</b>	<b>Length</b>
1	Italian	Civil society worker	55'
2	Italian	Immigration police officer	45'
3	Egyptian	Migrant	120'
4	Iranian	Migrant	85'
5	Afghan	Migrant	65'
6	Venezuelan	Migrant	60'
7	Italian	Civil society worker	85'
8	Libyan	Migrant	65'
9	Pakistani	Migrant	75'
10	Gambian	Migrant	60'
11	Indian	Migrant	50'
12	Italian	Civil society worker	60'
13	Ghanaian	Migrant	55'
14	Afghan	Migrant	65'
15	Nigerian	Migrant	55'
16	Italian	Civil society worker	70'
17	Iranian	Migrant	95'
18	Iranian	Migrant	55'
19	Italian	Civil society worker	60'
20	Afghan	Migrant	30'
		Cultural Mediator/	
21	Cameroonian	Migrant	65'
22	Gambian	Migrant	35'
23	Ugandan	Migrant	45'
24	Ghanaian	Migrant	50'
		Cultural Mediator/	
25	Gambian	Migrant	60'
26	Gambian	Migrant	25'
27	Liberian	Migrant	30'
28	Somalian	Migrant	25'
29	Ethiopian	Migrant	25'
30	Ghanaian	Migrant	40'
		Cultural Mediator/	
31	Malian	Migrant	60'
32	Cameroonian	Migrant	35'
33	Nigerian	Migrant	60'
34	Gambian	Migrant	60'
35	Iranian	Migrant	90'
36	Indian	Migrant	45'

**Table 1:** Continued

<b>No.</b>	<b>Nationality</b>	<b>Role</b>	<b>Length</b>
37	Nigerian	Migrant	65'
38	Nigerian	Migrant	80'
39	Ghanaian	Migrant	40'
40	Afghan	Migrant	60'
		Cultural Mediator/	
41	Libyan	Migrant	75'
42	Pakistani	Migrant	50'
43	Somalian	Migrant	35'
44	Somalian	Migrant	40'
45	Egyptian	Migrant	50'
46	Malian	Migrant	60'
47	Cameroonian	Migrant	40'
48	Nigerian	Migrant	45'

*Second*, we had access to reports issued by international and Italian authorities, governmental and regulatory bodies, NGOs such as Amnesty International, and Sea-Watch, and videos from political campaigns of the latest Italian election during September 2022. *Third*, the lead author conducted non-participant observation as well as informal conversations with immigrants at parks in Milan city center, and in the refugee camps in Milan and its suburbs (in total the lead author visited three refugee camps). Each formal interview was 25-120 minutes in length, digitally recorded, and then transcribed. See Table 1 for the list of informants.

We used secondary data to substantiate our primary sources (Stewart, 1984). From primary data (informants' narration on lived experience in Italy and en route to Italy) allowed us to identify diverse types of violence they experienced. We then complemented these data with secondary data through triangulation (Jick, 1979). Secondary data also allowed us to cross-link the violence experienced by immigrants with specific policy, institution, or law that had in effect allowed that violence to happen (Cowton, 1998).

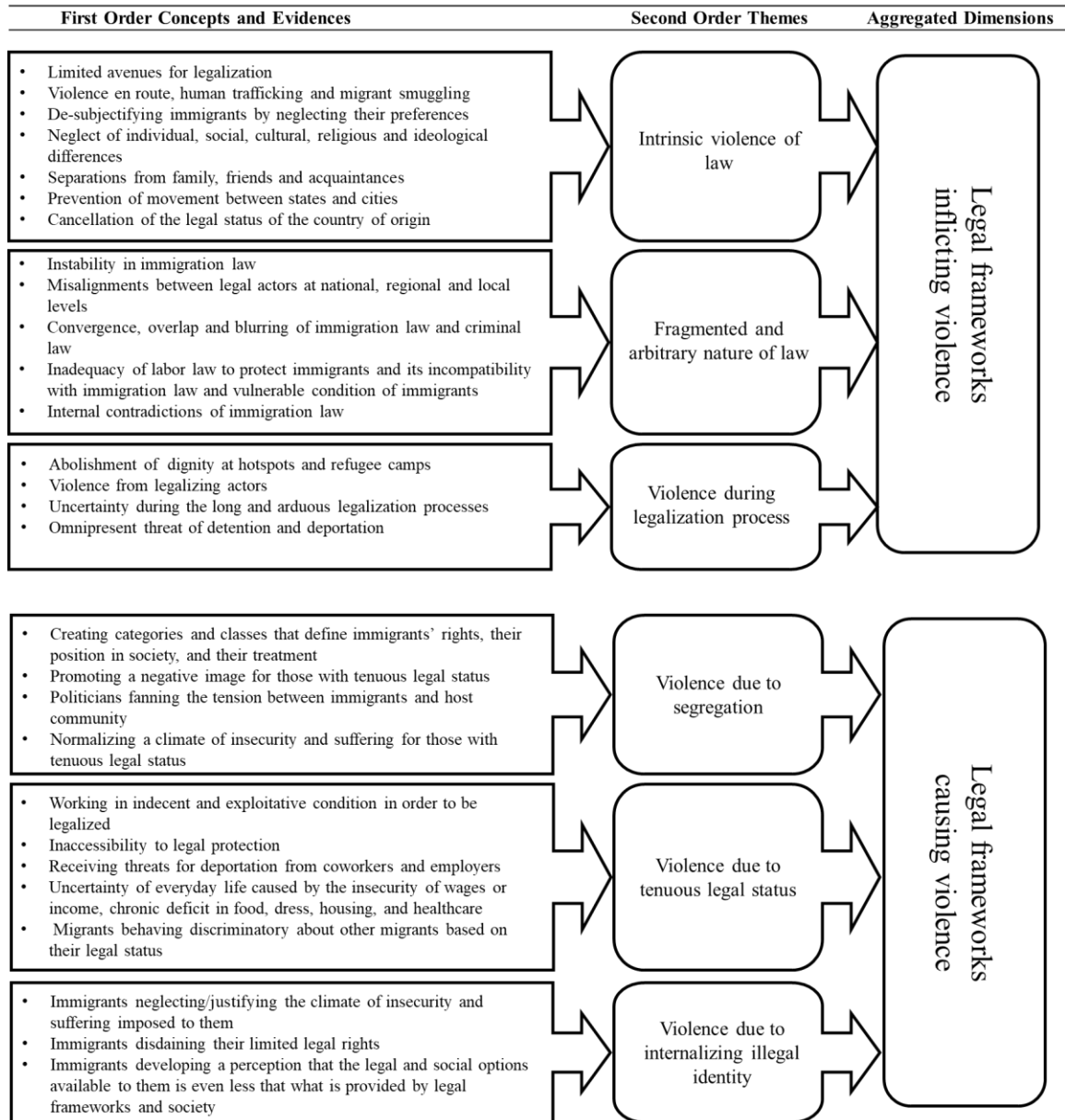
### *Data Analysis*

Our interpretive approach involved an iterative process of simultaneously collecting primary and secondary data, analyzing the data, and seeking new informants and secondary data based on new aspects revealed by prior informants and secondary data. This process continued until no additional themes emerged and we reached theoretical saturation (Glaser and Strauss, 1967). We analyzed the data using conventional thematic analysis (Braun and Clarke, 2006).

The complete dataset was read several times in the first stage to develop familiarity and a deeper understanding. In the second stage, we sought to understand how legal frameworks directly inflict violence or give rise to conditions at the workplace and across broader society where immigrants experience violence. We began our analysis by identifying relevant concepts in the data and grouping them into categories (open coding). This resulted in the development of first-order codes (Van Maanen, 1979) (i.e. terms and language adequate at the level of meaning of the informants such as ‘Instability in immigration law’, ‘Receiving threats for deportation from coworkers and employers’.)

Thereafter, through an interactive process and multiple discussions, we engaged in axial coding (Strauss and Corbin, 1998), wherein we searched for relationships between and among these categories and assembled them into higher-order themes by determining how they fit together into a bigger picture. We then developed theoretical constructs signifying ways through which legal frameworks inflict and cause violence—namely, intrinsic violence of law, fragmented and arbitrary nature of law, legalization of violence, violence due to segregation, violence due to tenuous legal status, violence due to internalizing illegal identity—through an iterative process of grouping second-order themes. In order to mitigate the possibility of problems associated with retrospective accounts, we ensured that we only made statements of findings if we corroborated a given finding

across multiple informants. Representative quotes, therefore, represent only corroborated findings (Figure 1).



**Figure 1:** Data analysis, concepts, second order themes, and aggregated dimensions

## **Findings**

Our findings highlight how those legal systems developed to rectify affairs relevant to immigrants can in fact result in violence to these individuals both directly and indirectly. On the one hand, the inadequacy of immigration law and legal structures can directly impose violence against immigrants. On the other hand, immigration law may embed immigrants in precarious conditions in the workplace and the broader society, and indirectly impose violence on them. More examples of quotes from each theme are provided in Tables 2 and 3.

### **Legal frameworks inflicting violence**

#### *Intrinsic violence of law*

Under the Italian Law, it is not possible to apply for international protection from abroad, nor is a specific visa provided for people in need of protection. Some of our informants mentioned that, before deciding to flee to Europe without a valid document, they had tried to secure a visa to enter a European country. Yet their request was rejected. Many mentioned that they actually did not apply for a visa because they were sure that their request would be rejected. Therefore, all individuals need to reach to Italian territory to be able apply for asylum. Due to limited accessibility to legal documents for entering Europe, immigrants often flee from their country of origin using precarious means. As discussed below, this exposes them to extreme physical and psychological violence en route to Europe.

Libya and Morocco are the two main departure points for immigrants who flee from African countries (UNHCR Appeal, 2019). These immigrants face challenges in accessing Italian territory as Libyan patrol boats, financed by the EU or Italy, block immigrants' boats in Libyan coastal waters.

Upon arrival on Italian territory, individuals are classified by border or immigration police as asylum seekers or economic immigrants. This classification is implemented based on a summary assessment based on questionnaires filled out by immigrants, or by orally asking questions relating to reasons why they have come to Italy. Nevertheless, individuals are often classified just solely because of their nationality. Syria, Iraq and Eritrea are considered as dangerous countries (L'hotspot approach e la relocation, 2021). All other immigrants from countries informally considered as safe are classified as economic immigrants, prevented from accessing the asylum procedure. While this classification is beneficial for protecting immigrants fleeing from dangerous countries, it also neglects the specific condition of immigrant individuals from safe countries:

**Table 2:** Themes and Representative Quotes Relevant to Legal Frameworks Inflicting Violence

Second-order Themes	Representative quotes from the interviews
Intrinsic violence of law	<p>One of the main issues immigrants have to justify is why they decided to come here in Italy. You need to prove that you are the person who needs help desperately. It is almost impossible that they directly accept your case because, for them, most immigrants have no reason to be here. (Interviewee 24)</p> <p>I know many African women who have migrated from north Africa because of climate change and it is not acceptable as a reason for migration. Some of them had left their countries because of domestic violence. But they did not have any document to prove it. (Interviewee 35)</p> <p>If you ask me what I really want to do after 14 years of being in Italy, is that I want to be able to have some documents. To be a person who has a passport of a country. I have an Italian document, a paper which is very weak. I don't have any Gambian document because I had to hand over everything the moment I arrived in Italy. I am a man with no country. (Interviewee 25)</p>
Fragmented and arbitrary nature of law	<p>There are many contradictions in the legal system, and let's call it the economic system that should support immigrants. And both of these systems are rigid. Basically we cannot do much to fix these contradictions. It is negatively impacting what we can do here at the local level for these guys. (Interviewee 19)</p> <p>Sometimes minor immigrants arrive in Italy at the age of 15 or 14. They need to accomplish 12 years of Italian schooling in a few years in order to be eligible for our internship programs. In most cases what happens after they turn 18 is that they aren't eligible for the internship because they haven't accomplished 12 years of school. They can of course continue going to school to get their diploma, but they need money because they cannot receive financial support from us when they are no longer minors. They just go work on the farms. If this law is changed, we can support them to become mechanics, plumbers, and electricians. But because of this law they just become unskilled workers. (Interviewee 16)</p>



**Table 2:** Continued

Second-order Themes	Representative quotes from the interviews
Fragmented and arbitrary nature of law	<p>The Dignity Decree is to prevent instability at work because of temporary contracts. For this decree, employers are allowed to hire workers with a temporary contract for a maximum period of two years. After this period, they should provide the worker with a permanent contract. The employer is also allowed to renew the temporary contract but needs to officially communicate to the legal authorities what is the reason that the temporary contract is renewed. This decree maybe helps Italian workers. But at the same time it creates more instability for immigrant workers. Most employers don't want to provide permanent contracts to immigrants. This is maybe because of their document. Or for any other reason. But employers also try to avoid providing explanations to the legal authorities about renewal of a temporary contract. Employers take on immigrant workers for a period shorter than two years and tell them to go right before they arrive at the limit of becoming a permanent worker. This has just messed up everything for immigrants because they constantly lose their jobs. (Interviewee 30)</p>
Violence during legalization process	<p>There were 24 bunk beds in one large room [in a refugee camp in Milan]. The beds had bedbugs. In the morning we woke up and our body was covered in our blood. We asked the camp managers to do something about it. They came and sprayed something in the room, but it didn't solve the issue. We asked them again and again and finally one day we took all beds and threw them out from the window. It was only after this that they bought new beds. (Interviewee 8)</p> <p>A guy entered Questora and asked for his document. He said that he had been waiting for news for one year. He gave the police officer the receipt of his document. The police officer didn't even investigate the system. He just said, 'your document is not ready.' The guy said 'OK' and went away. While going away he mumbled something in his language. The police officer thought he was insulting him. He called the guy and said, 'Come here, I need to check something again'. The guy came and handed him the receipt. The police officer took the receipt and tore it into small pieces and said, 'Now go start your process from the beginning'. (Interviewee 6)</p>

**Table 3:** Themes and Representative Quotes Relevant to Legal Frameworks Causing Violence

Second-order Themes	Representative quotes from the interviews
Violence due to segregation	<p>If I try to rent a house, the owner will look at us through our document. With the yellow paper, they don't accept us, because it's a yellow paper and plus if you say to them, I'm working with [a food delivery platform] they don't accept you to rent a house. These three issues are linked together. I'm working as a [food delivery] rider because of my yellow paper. Because of my yellow paper and my job I cannot rent a home. (Interviewee 31)</p> <p>When I came here, it was in the government that we had these politicians who were trying to make a change, to make a true integration. Then the next government came, and they started to put out a lot of false information about immigrants in the mind of the citizens, about anything. They started to add and remove laws and the conditions have been immensely hard for immigrants since then. (Interviewee 30)</p> <p>You go out there, these Italians look at you with bad eyes because of what they hear outside, from TV or from newspapers that say: you know these strangers, the immigrants get 300 Euros every month. This is a big, big lie. I don't know how media managed to cause this misunderstanding. This 300 Euros is all the money the government invests in each immigrant. It is the housing, the operators, and everything else is paid from that money. (Interviewee 32)</p>
Violence due to tenuous legal status	<p>If you want to work, every time you need to keep quiet and accept your situation because if you say, 'I will go to the police, I tell them you treat me bad', it is sure that tomorrow you cannot work. Also everyone will know that you complained to the police and nobody will take you anymore. (Interviewee 27)</p> <p>Before I was working at another company. I continued working there to get a better work contract for my document. I tried my best, I didn't get a better work contract, I went to work on the farm because at least I can have a six-month contract. I tried to fix myself so that I can get the document provided, that's what I did before getting the work. (Interviewee 29)</p>

**Table 3:** Continued

Second-order Themes	Representative quotes from the interviews
Violence due to tenuous legal status	<p>I know so many friends of mine who get, you know, job opportunities and they can't have long-term contracts because they don't have the permit. They would just give them six months contracts, based on the six-month permit papers they have. It's affecting a lot of people. (Interviewee 35)</p> <p>When I tell you immigrants work in bad conditions, it could be many different things. Last month we had a guy who received his salary, but his boss told him to give him back the money in cash. Even if he goes to the police, this guy cannot prove anything about this. Because the bank transfer is there. Usually there is a lot of misunderstanding about immigrants so, even if he goes to the police, they won't believe him. (Interviewee 12)</p>
Violence due to internalizing illegal identity	<p>If I am not a successful person, it is only because of myself. If I want to blame an external factor, I cannot do anything about a system. I'm a political refugee here and if you consider that, my situation is not that bad. (Interviewee 14)</p> <p>You know they say, 'when you go to Rome, do what the Romans do'. I'm here without anybody knowing my problem. But I tried my best because I know my situation, where I come from, my documents. I've to calm myself down thinking that this condition is fine and I should fit to it. (Interviewee 38)</p> <p>One day in the supermarket, I was looking for an item, a food item. I also forgot what the kind of food item was. I was not finding the exact brand, and so I just kept looking. A guy who worked in the supermarket came to me and started to shout at me because he thought I was stealing something. I thought that he might be tired, because of his job, because of the timing. He didn't talk in a good mode with me. But I came to understand that he was tired. I didn't have a long argument with him. I said, 'Okay, fine. No problem.' Then I left the shop. (Interviewee 9)</p> <p>As an African guy, who is without any support, any family, or money, with no education, I think this is the maximum I can do. To stay in this hospitality job (janitor) and keep moving on with my life. (Interviewee 25)</p>

*“I come from Egypt where there is no war. Immigration authorities consider it a safe country. But I had to flee my country because I belong to a religious minority that is severely persecuted by the state. In my specific case I needed to be protected. If I go back to my country I would be arrested right at the airport. This is not convincing for the immigration police that Egypt is a safe country, but it is not safe for me.”*  
(Interviewee 3)

After individuals apply for international protection, their fingerprints are registered to be checked with EURADAC (Europe-wide fingerprinting database for unauthorized entrants to the EU). According to Dublin Regulations the competent country for assessing the request for international protection is the first European country the individual has entered. If the fingerprint database verifies that an individual has already applied in another European country, they would be transferred to that country to continue the application process. Dublin Regulations is established to quickly determine the member state responsible for an asylum claim; but it also aims to prevent asylum-shopping. The term ‘asylum-shopping’ has no legal definition but is used in Commission Communications. It often has negative connotations, as it implies an abuse of the asylum procedure when immigrants lodge multiple applications for international protection in different EU Member States (choosing the EU Member State which may grant the most appealing social, humanitarian, and economic standards). Dublin Regulations also assumes that asylum seekers should not have the right to choose (or it should not matter to them) which country they flee to. Nevertheless, our findings reveal that in practice this is not true. Just because asylum seekers are fleeing their own country does not mean they are indifferent to where they end up. Almost all our informants were obliged to remain in Italy, while due to different reasons, such as presence of family, acquaintances and community, or knowledge of the language, they preferred to live in another country. For instance, an informant outside Milan Central Station emphasized:

*“[Indicating to his friend] We are waiting for his train to France. He is my friend from childhood. He has documents to travel so he sometimes comes to visit me during weekends. If I could choose, I would live where he is. Also, because I speak French*

*and living in France would be easier for me. Here I need to learn Italian.”*  
(Interviewee 39)

Individuals who pass the Dublin check receive a document informally known as a ‘yellow paper’. It is valid for six months and provides immigrants with a tenuous legal status while waiting for the final approval or rejection of their application. This process may take several years in complicated cases. Upon arrival in Italy, immigrants need to hand their passport to immigration or border police. An asylum seeker’s request for protection is evaluated by judges in special courts named ‘Territorial Commissions’. If the asylum seeker’s request for protection is approved in these Commissions, they are provided with a renewable residence permit valid for five years, and travel document. Refugees, however, completely lose their legal status in their country of origin. Attempts to travel or to receive a passport from their country of origin may constitute grounds for cessation of international protection (Ministero del’Interno, 2020). This limitation can create several issues for refugees. A political refugee we interviewed explained the issues she faced due to losing her legal status in her country of origin:

*“I left my country overnight after I was informed, I was going to be arrested. I didn’t have time to obtain my university degree. My father had to do it for me, but I was not able to delegate him this right. To do this I needed to go to the embassy of Iran and fill the relevant forms. But how could I do it when I was not Iranian anymore? They [Italian authorities] had even told me that I should not enter the embassy because it is considered as Iranian territory.”* (Interviewee 17)

#### *Fragmented and arbitrary nature of law*

Our analysis revealed several instabilities and contradictions in the Italian legal system regarding immigrants that impose violence on them. For example, continuous changes in immigration decrees have resulted in severe instability in the conditions of immigrants. One of the most restrictive and violent decrees is the ‘Security Decree’ which was valid between 2018 and 2020. Its specific purpose was to guarantee greater ‘security’ for Italy. This decree abolished

humanitarian protection of immigrants and, by doing so, left many individuals with illegal status in the country. Another important change imposed by the Security Decree was the cancellation of the protection system for asylum seekers and refugees<sup>3</sup>. One of the civil society workers explains the events of the day this decree became effective:

*“We were very scared. We had a small center with some Nigerian women and their children. Following this decree, we had to shut down the project. We had to close this center and ask these women to go and live on the street. The church of the town prepared a place to host them. Otherwise, we were asked by law to kick them on to the street, and I know that in many places all around Italy this is what happened to these people during those days.”* (Interviewee 7)

Furthermore, the Bossi-Fini law significantly narrowed avenues for legalization of individuals who came to Italy for economic purposes. From 1990 to the early 2000s, three different regulations on immigration followed one another to define the routes and procedures for asylum application: the Martelli Law in 1990, the Turco-Napolitano Law in 1998, and the Bossi-Fini Law in 2002. The Bossi-Fini Law, which is still valid, has had a significant negative impact on immigrants in Italy to the level that some refugee associations point to it as one of the worst legislative reforms in the history of immigration (Miraglia, 2022). This law completely abolished the legal entrance to Italy through sponsorship of family, friends, and potential employers. It linked the legalization of economic immigrants to the presence of a working contract, as well as payment of high amounts of taxation. By doing so, this reform reduced the legal rights of economic immigrants and instead increased the power and authority of their employers. This excerpt from one of the civil society workers explains the aftermath of such imbalance of power between economic immigrants and employers.

Moreover, in regard to asylum seekers, before 2002, the procedures for their reception, protection, and integration were all overseen by the centralized office of National Commission. The Bossi-Fini law decentralized the asylum procedure to diverse Territorial Commissions that

are established in several cities across Italy. These Territorial Commissions are responsible for examining the applications for recognition of international protection in their respective territory. Moreover, the reception and integration of these individuals are now arbitrary since the mayor of each city or town can independently decide whether the city or town would receive asylum seekers and whether integration projects can be implemented there. An informant described the distrust and discriminatory anger that is sometimes created due to this system of choosing between accepting or rejecting immigrants in a town:

*“It depends on the Sindaco (mayor) of the city, but also the citizens. There are some cities where you can see that the mayor decides to reject reception of asylum seekers. It can also be that the mayor wants to accept them but the citizens say ‘no we don’t want asylum seekers’. Citizens protest in city centers or gather in town halls just to show they hate immigrants. It is not like that their town would accept 200 immigrants. It is like 10 or 20 immigrants. But they show that they don’t want to see even one immigrant.” (Interviewee 24)*

The division of reception, protection, and integration has resulted in several misalignments between local, regional, and national law. Thus, Italy is the only European country without a united system that can guarantee asylum seekers efficient and functional assistance and integration (UNHCR Italia, 2021). This decentralized system creates operational difficulties for local authorities, volunteers, police forces, and all operators in the sector and eventually harms immigrants.

Other evidence for fragmented and arbitrary nature of the whole body of law resulting in imposing violence to immigrants is the convergence or incompatibility of immigration law with other legal structures. Reviewing immigration laws and decrees applied over the past few years in Italy reveals that the legal system and its diverse actors have increasingly linked immigrants with criminals, helping to move immigration matters from the civil realm to the realm of criminal law.

We also find that in many cases the labor law is inefficient or inadequate to protect the rights of immigrant workers. From this perspective, the overlap between immigration law and labor law, and incompatibilities between different bodies of law result in immigrants becoming individuals who are punishable but not protectable.

#### *Violence during legalization process*

Our empirical investigation reveals diverse types of violence imposed on immigrants during several steps of their legalization process. Those immigrants who enter Italy by crossing the Mediterranean Sea are held in reception centers (termed Hotspots by the EU) in which their initial identification and registration of fingerprints is done before being transferred to refugee camps. Our informants described the condition of these reception centers as *'horrible'*. The fingerprint is a necessary part of identification of immigrants required by the Dublin Regulations. Yet sometimes some immigrants refuse to give their fingerprints in Italy as they intend to do so in other European countries. In 2015, the EU implemented a new approach and imposed a 100% fingerprinting requirement, including recommending the use of force where necessary to obtain them. This approach is stated in the handbook of standard operating procedures applicable to Italian hotspots:

*"...where necessary, the use of force proportionate to overcoming objection, with full respect for the physical integrity and dignity of the person, is appropriate."*

Amnesty International (2021) reported abusive behavior in Italian hotspots. According to these records, some asylum seekers are subjected to torture to coerce them to give their fingerprints which includes beatings, being shocked by electric shocks, and sexual humiliation or infliction of pain to the genitals.

After exiting hotspots and entering refugee camps, the conditions do not improve much. Camps are usually overcrowded with no personal space for immigrants. The hygiene conditions are poor and access to medical care is limited.



Furthermore, some of our informants narrated that they experienced verbal abuse at the immigration police office and were often humiliated (e.g., through disrespectful language) by police officers. They described the anxiety they experience during their appointments at Territorial Commissions when their legal status should be approved by judges. Our informants mentioned that merely speaking about what they have experienced en route to Italy makes them anxious. Nevertheless, during commissions they are obliged by judges to explain everything in detail. In addition to experiencing such tension, the behavior of judges during the verbalization is sometimes hostile.

The Italian government explicitly mentioned the maximum duration of each step towards legalization in diverse manuals and guidelines (e.g., maximum one month at hotspot, maximum two months for receiving the yellow paper, etc.). Nevertheless, these processes usually take much longer to the level that some of our informants have been waiting for the approval of their legal status for several years.

The unstable legal and financial status of immigrants in Italy prevents them from being able to plan for their future. This uncertainty impacts planning for social, financial, and educational aspects of immigrants' life such as starting a family, initiating a business, learning Italian, or applying for higher education. Some of our informants described their years in Italy as a '*suspension period*' during which '*life is on hold*'. A few of our informants mentioned that, rather than focusing on other aspects of life, their main target is to renew their legal status or upgrade it to a more stable one.

## **Legal Frameworks Causing Violence**

### *Violence due to segregation*

Immigration law can indirectly impose violence on immigrant individuals. Immigration law creates diverse classifications among immigrants. These classifications are used by employers, larger society, legalization actors, politicians, media, and even immigrants themselves to define the position of each class of immigrant and types of treatment they should receive.

Almost all our immigrant informants pointed to the difficulties of finding jobs and securing a contract even though they all had skills, specializations, or certificates in a sector where they had been working or had prior experience. One obstacle preventing immigrants from being employed in higher positions is their unstable legal status. According to Italian immigration law, immigrants with yellow papers or economic protections, or those who are political refugees all have the right to work in Italy. However, their short-term legal status prevents employers from recruiting them to skilled positions that demand investment in terms of learning and adjustment to the role.

Another obstacle against recruitment of immigrants to higher positions is the distrust between employers and immigrant workers. The civil society workers we interviewed explained that many employers consider immigrants as irresponsible individuals who have little commitment to the work they are doing. This distrust has its roots in a more generic negative image of immigrants, principally created and promoted by politicians. In political debates and campaigns, individuals who enter Italy without a valid document are sometimes called ‘fake refugees’ whose genuine motivation for entering Italy is stealing the jobs from Italians. In the latest national electoral campaign of Italy in summer 2022, for instance, political parties’ programs regarding migration took center stage at political debates. During these debates, immigrants were often described as criminals whose crime is not only limited

to illegal entrance to the Italian territory but extends to serious violent crime such as forcible rape, robbery, and even homicide. Reducing their arrival was used as an index of success of a political party that will enhance the economic and social conditions of the country. These negative expressions about immigrants exchanged in political debates are then reflected in the treatment and behavior that immigrants are subjected to at the workplace and by the broader society.

Remarkably we find that, within the crowded political and social debates about immigrants, what is left out is their unstable and precarious condition and what they suffer in the workplace, camps, reception centers, and larger society. The civil society workers we interviewed mentioned that the indecent conditions experienced by immigrants are so normalized that when they are treated with respect, are not exploited at the workplace, and have a decent experience of life, they consider it as something *'extraordinary and exceptional'*.

#### *Violence due to tenuous legal status*

Tenuous legal status provided by immigration law may also result in immigrants experiencing different types of violence at their workplace, within the broader society, or among themselves. Immigrants' legal status first limits their access to different sectors and positions. Second, in most cases (for economic immigrants and yellow paper holders waiting for the verdict on their case) the same law makes the approval of their legal status entirely dependent on a working contract. Finally, due to the tenuous status it provides for immigrants, migration law exposes them to violence from employers and co-workers. We find that due to a combination of these three aspects, the majority of immigrants end up in very exploitative working conditions where their rights and dignity are diminished. The

majority of our informants faced issues such as working overtime without payment, being recruited on very short-term contracts such as two or four months, lack of opportunity for receiving promotions, and misbehavior and abuse from their employers, supervisors, and co-workers. Sometimes even employers deceive immigrants by the promise of a working contract in the future, which may never be given to the immigrants, or which is designed to exploit them.

The majority of our informants explicitly mentioned that they are not satisfied about the overall conditions of their work, or that they feel abused and exploited at the workplace. Nevertheless, they also emphasized that they have no intention to report their grievances to the legal system or show their dissatisfaction to their employers because they fear losing the job which they need the most for their next appointment with the immigration police:

*“You may think that I should go talk with my boss about the unfair condition of this work, or about the behavior of my supervisor. But if I talk with him, he will be like ‘Ah yeah?! You don’t like this work? The road is open. You can leave!’ but I cannot lose this job because I need my document.”* (Interviewee 39)

A few of our informants mentioned that in the case of collisions or conflicts with their co-workers and employers, they have received threats about calling the police and being deported. One informant, for instance, explained that the credit for a task he accomplished was claimed and received by his Italian co-worker. He did not take his grievance to his employer or the Italian co-worker; instead, he wrote on WhatsApp: *“Thieves are not just for gold and diamond, sometimes your efforts can be also stolen.”* The next day he received a call from the co-worker:

*“He told me ‘you piece of shit! If you write or say anything anywhere, I’ll call the Carabinieri (policemen) and they will deport you’. I just ended the call because I’ve no rights here. I just have a yellow card and I’m under Dublin Regulation. I can be deported to Germany at any moment.”* (Interviewee 3)

Besides the direct violence experienced at the workplace, the legal status of immigrants indirectly affects their daily life, and expose them to violent situations. One of the main issues that many of our informants mentioned is renting a place to live. Those immigrants who are eligible to enter state-designed projects (minors and refugees) receive support for accommodation. However, after the project terminates—and similar to all other immigrants—they need to look for a place by themselves.

Immigrants also suffer from uncertainty caused by unstable and low wage or income. Despite having paid work, many of our informants mentioned that they *'try to keep the life to the minimum'* to avoid any extra cost. Some rely on donations from church or other charities for their daily meals and clothing. Overall, our general observation was that affording basic living expenses is particularly challenging for many immigrants. Unstable and low wage also impacts the immigrants' healthcare. Immigrants are covered by the Italian national healthcare system, but only in cases of emergency and for normal visits to practitioners.

We also realized that, in a few cases, our immigrant informants express discrimination towards other migrants based on their legal status. This discrimination was mainly apparent at the workplace between co-workers. Examples of acting upon such discrimination are threats about deportation, expressing grievance to the employer, or reporting the legal status of co-workers:

*“(A food delivery platform) does not care about your document. That is good for me because I can work there with a yellow paper while other delivery platforms hire only those with a residence permit. But there are also riders who have no document or are waiting for their yellow paper. By law they should not be allowed to work. So one day we went to their office and explained to them that you shouldn't hire these guys because it is illegal.”* (Interviewee 11)

*Violence due to internalizing illegal identity*

Immigrants internalize their tenuous legal status which provides them with a perception of illegal identity. The internalization of the illegal identity was apparent through two manifestations. First, immigrants internalize the climate of insecurity and suffering imposed on immigrants due to their legal status. The second manifestation was immigrants' perception of how few options were available to them (compounded by their tenuous legal and social status) for work and social life. Quite often our informants referred to themselves as 'no one', 'illegal', or 'with no rights'. The internalized perception of lack of rights is not only limited to their immigration and legal status in Italy, but also extends to being denied other rights such as freedom of opinion and expression, defense against false accusations and protection against abuse at workplace. This narration illustrates the disdain of the rights we observed in many of our informants:

*"I sat on a park bench that was a bit broken. An old man passed and then he looked at me and the bench. He pointed his finger at me and said, 'you broke this bench'. He could even see that it was broken a long time ago. But he accused me of breaking that. Then he took out his phone and mentioned 'I will now call the Carabinieri to come and arrest you'. What do you think I did? I just ran away. Because I have no rights here. If the Carabinieri come, for sure they will arrest me."* (Interviewee 15)

However, civil society organizations do have some limited resources and authority to act against exploitation of immigrants in Italy. Nevertheless, immigrants do not use these limited options mainly because they do not believe they have any rights that can be claimed and protected. One civil society worker explains:

*"Sometimes they come to us and explain the very terrible conditions they have at work... We try to explain to them that there are some ways to bring them out of this condition. That we can go after the employer, and we also may find another job for them. Nothing very special, but something a little better. But they constantly ask us not even to share their complaints with their employer. It's impossible to convince some of them that there's a small margin in the law that is available to them. What they share with us remains at the level of a chat between two people."* (Interviewee 19)

The options available for immigrants regarding position and sector of work and social interactions are quite limited in Italy. Nonetheless, some immigrants have developed perceptions that they have even more limited options. For instance, many of our informants work on farmland or are food delivery riders and work in warehouses. We observed that the majority of these individuals similarly believed that, as immigrants, it is impossible for them to find a job outside these limited areas. One of the cultural mediators who works in a refugee camp in south Italy confirms our observation:

*“During the past few years there was one thing I tried to do the most: To help these guys understand that they are not forced to work on farms. I try to explain them that you can try to find jobs as a mechanic or as a painter. But they genuinely believe that they’re only allowed to work on the farms for and that’s it.”* (Interviewee 24)

Further, we realized that most immigrants preferred to limit their interactions with the larger society due to the extreme lack of trust in others. This lack of trust is developed by the legal frameworks, together with media portrayals, and the public discourse that depict them as outside the law, as undeserving, and as law breakers. A civil society worker explains how this lack of trust of immigrants develops and how it affects the support they provide to these individuals:

*“You listen to politicians, you see how they talk about immigrants on TV and newspapers; they all say the same thing: ‘we hate immigrants’. When immigrants see this image of them presented on media and in these discourses, they just think that 100 per cent of the society is against them and so they just lose trust in every single person. Now if you tell me 100 per cent of Italians hate immigrants, it is absolutely not true. Yes, there are many who hate them or try to avoid them, but there are some, like us, who want to support them. But it’s very difficult for us to build a trustful relationship with some of them. Without trust, it’s almost impossible to support them.”* (Interviewee 16)

## **Discussion**

We explored how implicit and explicit norms encoded in legal institutions can inflict violence on undocumented immigrants in organizational and societal settings. Drawing from normative violence (Butler 2004a, b; Varman and Al-Amoudi, 2016; Varman et al., 2021), we conceptualized and advanced legal violence. In a nutshell, our empirical investigation indicates that at least three types of violence are inflicted and caused by legal frameworks: *normative* violence, *symbolic* violence, and *identity* violation.

We elaborate on previous works in normative violence (Butler 2004a, b; Varman and Al-Amoudi, 2016; Varman et al., 2021) and suggest that violence encoded in explicit institutionalized scripts differs from violence created by implicit norms in two aspects—*traceability* and *resistibility*.

We initiated this research to explore the violence encoded in explicit institutionalized scripts of immigration law. However, our analysis revealed that normative violence embedded in legal frameworks creates, and is reinforced by, symbolic violence and identity violation of immigrants. Hence, we draw on previous research on symbolic violence that plays a prominent role for politicians in inflicting such violence (Bourdieu 1998; Bourdieu and Passeron, 1970; Kerr et al., 2022; Kerr and Robinson, 2016). In heated political debates about immigrants, society perceives politicians as symbolically powerful individuals who represent the state and its legal systems (Bourdieu and Passeron, 1970; Kerr et al., 2022). Politicians rely on their powerful positions and use their speeches about immigrants in performative ways. Through mobilization of their rhetoric, politicians can categorize and delineate immigrants as a specific segment of the society that is not equal to its other segments. They also impose new meanings and perceptions about immigrants and immigration (e.g., immigrants are not genuinely in need of asylum, immigration increases the rate of crime, immigration affects economic and social welfare systems).



Immigrants and organizations in broader society internalize these expressions in two different ways.

First, organizations in the broader society internalize politicians' negative vision about immigrants and their own position of dominance in relation to immigrants (Bourdieu, 2021). Therefore, politicians' imposition of new meanings and visions perpetuates the infliction of symbolic violence on immigrants (Bourdieu and Passeron, 1970). Immigrants internalize the social asymmetries debated by politicians and legitimate the inequality and hierarchy expressed in politicians' speeches. Immigrants evaluate their own (exploitative) conditions by applying the categorical frameworks constructed from politicians' points of view and accept the violence they experience as natural. They also frequently experience incidents in workplaces that confirm their understanding of being inferior. Politicians and legal frameworks further develop categorical frameworks to differentiate sub-categories of immigrants. Immigrants draw on these categories and engage in systemic depreciation and denigration of other immigrants who belong to different sub-categories. Through these processes the violence embedded in legal frameworks is internalized by immigrants and causes their identity violation.

Second, new meanings and visions internalized by organizations in broader society are encoded into the implicit norms of institutionalization and legitimization and therefore develop governing relationships with immigrants at workplaces and in other spaces. In doing so, legal frameworks and their powerful actors, together with individuals of the society and immigrants, participate in the creation of self-reinforcing processes of violence inflicted on immigrants in different forms (normative, symbolic and identity violation).

### **Contributions to Literature**

We make three theoretical contributions. *First*, we argue that even though institutions acquire their legitimacy, or their right to rule (Buchanan and Keohane, 2006), as part of a social practice that aims at achieving consensus on whether they are worthy of the public's support (Buchanan, 2018), they can inflict significant harms on marginalized people. Hence, we posit that the legitimacy of institutions cannot guarantee that they are not involved in inflicting harm and violence on any social group or class. Regardless of its legitimacy, any institutions can become harmful unless their norms and values are aligned with human dignities. Moreover, we suggest that the functioning of institutions governing diverse aspects of the society needs to be constantly scrutinized and updated to ensure they are not engaged in harming (marginalized) individuals of any group or class.

Scholarships on violence (e.g., Chowdhury, 2021; Dubreuil et al., 2022; Kerr et al., 2022; Varman and Al-Amoudi, 2016; Varman et al., 2021) often examine exploitation and harm that emerge in only one form or dimension (e.g., symbolic, normative, insensitive, subjective). From this perspective, scholars failed to analyze violence when it appears in profound and multi-dimensional aspects. We conceptualize legal violence as having a multifaceted complex nature that appears in multiple reinforcing forms of normative and symbolic violence, as well as identity violation. We emphasize that several institutes and actors participate in creation and perpetuation of different forms of legal violence. Together, they constitute a harmful system where its influence is not limited to normalizing violence and derealizing individuals. This system further complicates violence traceability and prevents individuals' extrication from their disempowered and exploited position. Our conceptualization of complex ethical issues embedded in these convoluted forms of violence suggests that these issues can only be addressed through proactive transformation of legal institutions and frameworks underlying fundamental moral reasoning and best ethical principles. These processes must involve diverse legal and social actors to ensure inclusivity. Specifically,

powerful actors must collaboratively recognize that ethical dilemmas exist at different levels and engagement in reflexive conversations and narratives to gradually and eventually replace well-established harmful norms with organizations and from societies. This is crucial for fairness and equalities (Bhatt, 2022; Collins and Whitaker, 2009; Reinecke and Ansari, 2015).

*Second*, we contribute to the contested debates on the complex interconnection of ethics and immigration legal frameworks. Extant research on the ethics of immigration mainly considers the ethical plight of immigration from a public policy perspective and overlooks the questions about ethics at the individual level. From this perspective, some scholars (e.g., Bauder, 2016; Carens, 2013; Cole, 2022; Pevnick, 2011) confront current restrictive mainstream politics and dispute their morality, advocating open borders or even no borders between states. These researchers suggest that some macro moral guidelines and principles that significantly limit the options available to those states committed to ethical principles. They criticize the adequacy and efficiency of these ethical principles for protecting immigrants in local contexts. We advance this critique and focus our conceptualization on moral and ethical perspectives that can help individual immigrants to navigate through legal frameworks so that they are not exploited in any organizational settings. We argue that any solutions to moral and ethical issues are found in the adaptation of an integrative moral and legal system in which different micro social contracts are made. This is done to conform “a hypothetical “macro” social contract that lays down moral boundaries for any social contracting.” (Donaldson and Dunfee, 2002: 1854). The plight of immigrants experiencing unethical or exploitative conditions in their daily life is not primarily a matter of legal frameworks at the policy level deviating from broad ethical principles such as ‘all humans are equal’. Rather, it is more the issue of explicit and implicit micro social contracts enforced into broader societal and organizational settings, not conforming to the moral boundaries

laid by theoretical macro ethical principles. We advance the idea of *an integrative moral and legal system* by arguing that every single law and decree that is developed—as well as the way it is executed by powerful actors and individuals in the society—must conform first to the micro moral contracts, and then evaluated to be executed within the macro moral contracts that govern societies for greater diversity and inclusivity.

*Third*, prior research concerning the workplace experience of immigrants emphasizes the role of immigrants' work in their integration into the broader society (e.g., Frenkel and Yu, 2015; Markaki and Longhi, 2013). It further indicates that undocumented immigrants often experience indecent behavior at workplaces (Chowdhury, 2021; Clibborn, 2015). From this perspective, the influence of immigrants' experience at both workplaces and broader society was not addressed adequately. We highlight and conceptualize the reinforcing effect of immigrants' de-humanizing experiences within broader society and in their workplaces and how such (simultaneous) experiences in effect have more detrimental long-term consequences for them. We argue that such consequences work as a reinforcing mechanism that perpetuates the negativity of legal frameworks in immigrants' lives. We posit that legal frameworks pave the way for immigrants' dehumanizing experience at workplaces and even encourage businesses to exploit immigrant workers in diverse manners. In the same vein, immigrants' experience at workplaces by and because of legal frameworks, determines their ability to lead their life in the broader society. Conceptualization of the interwoven and reinforcing nature of immigrants' experience in these contexts unfolds and indicates the profound and extended moral and ethical issues around the plight of immigrants.

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**References:**

Acosta Arcarazo, D., and Geddes, A. (2013). The development, application and implications of an EU rule of law in the area of migration policy. *JCMS: Journal of Common Market Studies*, 51(2), 179-193.

- Agersnap, O., Jensen, A., and Kleven, H. (2020). The welfare magnet hypothesis: Evidence from an immigrant welfare scheme in Denmark. *American Economic Review: Insights*, 2(4), 527-42.
- Amnesty International (2021). Hotspot Italy: Abuses of refugees and migrants. <https://www.amnesty.org/en/latest/campaigns/2016/11/hotspot-italy/>
- ASGI (2022). Hotspots Italy. [https://asylumineurope.org/reports/country/italy/asylum-procedure/access-procedure-and-registration/hotspots/#\\_ftn7](https://asylumineurope.org/reports/country/italy/asylum-procedure/access-procedure-and-registration/hotspots/#_ftn7)
- Barrett, A., and McCarthy, Y. (2008). Immigrants and welfare programmes: exploring the interactions between immigrant characteristics, immigrant welfare dependence, and welfare policy. *Oxford Review of Economic Policy*, 24(3), 542-559.
- Bauder, H. (2016). *Migration borders freedom*. CRC Press.
- Behtoui, A., and Neergaard, A. (2010). Social capital and wage disadvantages among immigrant workers. *Work, employment and society*, 24(4), 761-779.
- Bhatt, B. (2022). Ethical complexity of social change: Negotiated actions of a social enterprise. *Journal of Business Ethics*, 177(4), 743-762.
- Böhm, S., Spicer, A., and Fleming, P. (2008). Infra-political dimensions of resistance to international business: A Neo-Gramscian approach. *Scandinavian Journal of Management*, 24(3), 169-182.
- Bosniak, L. (2008). The citizen and the alien. In *The Citizen and the Alien*. Princeton University Press.
- Bourdieu, P., Accardo, A., Balazs, G., Beaud, S., Bonvin, F., and Bourdieu, E. (1999). The weight of the world: Social suffering in contemporary society.
- Bourdieu, P., and Passeron, J. C. (1970). *La reproduction: éléments pour une théorie du système d'enseignement*. Minuit.
- Braun, V., and Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.
- Buchanan, I. (2018). *A dictionary of critical theory*. Oxford University Press.
- Buchanan, A., and Keohane, R. O. (2006). The legitimacy of global governance institutions. *Ethics and international affairs*, 20(4), 405-437.
- Butler, J. (1997). *The psychic life of power: Theories in subjection*. Stanford University Press.
- Butler, J. (2004a). *Precarious life: The powers of mourning and violence*. verso.
- Butler, J. (2004b). *Undoing gender*. routledge.
- Butler, J. (2009). *Giving an account of oneself*. Fordham Univ Press.
- Butler, J., and Athanasiou, A. (2013). *Dispossession: The performative in the political*. John Wiley and Sons.
- Calavita, K. (1998). Immigration, law, and marginalization in a global economy: Notes from Spain. *Law and Society Review.*, 32, 529.
- Campion, E. D. (2018). The career adaptive refugee: Exploring the structural and personal barriers to refugee resettlement. *Journal of Vocational Behavior*, 105, 6-16.
- Carens, J. (2013). *The ethics of immigration*. Oxford University Press.
- Chacón, J. M. (2006). Unsecured borders: Immigration restrictions, crime control and national security. *Connecticut Law Review*. 39, 1827.
- Chowdhury, R. (2021). Critical essay:(In) sensitive violence, development, and the smell of the soil: Strategic decision-making of what?. *Human Relations*, 74(1), 131-152.
- Clemens, M. A. (2011). Economics and emigration: Trillion-dollar bills on the sidewalk?. *Journal of Economic perspectives*, 25(3), 83-106.

- Clibborn, S. (2015). Why undocumented immigrant workers should have workplace rights. *The Economic and Labour Relations Review*, 26(3), 465-473.
- Cole, P. (2022). Philosophies of exclusion. In *Philosophies of Exclusion*. Edinburgh University Press.
- Collins, D., and Whitaker, J. (2009). Introduction to Central America and Mexico: Efforts and obstacles in creating ethical organizations and an ethical economy. *Journal of Business Ethics*, 225-230.
- Cornelius, W. A. (2001). Death at the border: Efficacy and unintended consequences of US immigration control policy. *Population and development review*, 27(4), 661-685.
- Cowton, C. J. (1998). The use of secondary data in business ethics research. *Journal of Business Ethics*, 17(4), 423-434.
- Dancygier, R. M., and Laitin, D. D. (2014). Immigration into Europe: Economic discrimination, violence, and public policy. *Annual Review of Political Science*, 17(1), 43-64.
- Derakhshan, R. (2020). Building Projects on the Local Communities' Planet: Studying Organizations' Care-Giving Approaches. *Journal of Business Ethics*, 1-20.
- Donaldson, T., & Dunfee, T. W. (1999). Ties that bind: A social contracts approach to business ethics.
- Donaldson, T., and Dunfee, T. W. (2002). Ties that bind in business ethics: Social contracts and why they matter. *Journal of Banking and Finance*, 26(9), 1853-1865.
- Dubreuil, C., Dion, D., and Borraz, S. (2022). For the love of the game: moral ambivalence and justification work in consuming violence. *Journal of Business Ethics*, 1-20.
- Eurostat (2020). Migration and migrant population statistics. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration\\_and\\_migrant\\_population\\_statistics#Migration\\_flows:\\_Immigration\\_to\\_the\\_EU\\_from\\_non-member\\_countries\\_was\\_1.9\\_million\\_in\\_2020](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics#Migration_flows:_Immigration_to_the_EU_from_non-member_countries_was_1.9_million_in_2020)
- Fleischmann, F., and Dronkers, J. (2010). Unemployment among immigrants in European labour markets: an analysis of origin and destination effects. *Work, employment and society*, 24(2), 337-354.
- Frenkel, S. J., and Yu, C. (2015). Chinese migrants' work experience and city identification: Challenging the underclass thesis. *Human Relations*, 68(2), 261-285.
- Fudge, J. (2018). Illegal working, migrants and labour exploitation in the UK. *Oxford Journal of Legal Studies*, 38(3), 557-584.
- Galtung, J. (1990). Cultural violence. *Journal of peace research*, 27(3), 291-305.
- Geddes, A. (2008). *Immigration and European integration: beyond fortress Europe*. European Politics.
- Giroux, H. A., and Evans, B. (2016). Imagination warfare: targeting youths on the everyday battlefields of the 21st century. *Social Identities*, 22(3), 230-246.
- Glaser, B. G., and Strauss, A. L. (2017). *The discovery of grounded theory: Strategies for qualitative research*. Routledge.
- Gubler, J. R., Herrick, S., Price, R. A., and Wood, D. A. (2018). Violence, aggression, and ethics: the link between exposure to human violence and unethical behavior. *Journal of Business Ethics*, 147(1), 25-34.
- Guo, G. C., Al Ariss, A., and Brewster, C. (2020). Understanding the global refugee crisis: Managerial consequences and policy implications. *Academy of Management Perspectives*, 34(4), 531-545.

- Haleem, I. (Ed.). (2019). *Normalization of violence: Conceptual analysis and reflections from Asia*. Routledge.
- Hidalgo, J. (2019). The ethics of resisting immigration law. *Philosophy Compass*, 14(12), e12639.
- Ireland, P. R. (2004). *Becoming Europe: immigration, integration, and the welfare state*. University of Pittsburgh Pre.
- Jick, T. D. (1979). Mixing qualitative and quantitative methods: Triangulation in action. *Administrative Science Quarterly*, 24(4), 602-611.
- Johnson, K. R. (2000). Race matters: Immigration law and policy scholarship, law in the ivory tower, and the legal indifference of the race critique. *University of Illinois Law Review*. 525.
- Joy, A., Belk, R., and Bhardwaj, R. (2015). Judith Butler on performativity and precarity: Exploratory thoughts on gender and violence in India. *Journal of Marketing Management*, 31(15-16), 1739-1745.
- Kerr, R., and Robinson, S. (2016). Architecture, symbolic capital and elite mobilisations: The case of the Royal Bank of Scotland corporate campus. *Organization*, 23(5), 699-721.
- Kerr, R., Robinson, S., and Śliwa, M. (2022). Organising populism: From symbolic power to symbolic violence. *Human Relations*, 00187267221129181
- Knappert, L., Kornau, A., and Figengül, M. (2018). Refugees' exclusion at work and the intersection with gender: Insights from the Turkish-Syrian border. *Journal of Vocational Behavior*, 105, 62-82.
- Kogan, I. (2004). Last hired, first fired? The unemployment dynamics of male immigrants in Germany. *European sociological review*, 20(5), 445-461.
- Levy, D. L. (2008). Political contestation in global production networks. *Academy of Management Review*, 33(4), 943-963.
- Lincoln, Y. S., and Guba, E. G. (1985). *Naturalistic inquiry*. sage.
- Markaki, Y., and Longhi, S. (2013). What determines attitudes to immigration in European countries? An analysis at the regional level. *Migration Studies*, 1(3), 311-337.
- Massey, D. S., and Pren, K. A. (2012). Unintended consequences of US immigration policy: Explaining the post-1965 surge from Latin America. *Population and Development Review*, 38(1), 1-29.
- Menjívar, C., and Abrego, L. (2012). Legal violence: Immigration law and the lives of Central American immigrants. *American Journal of Sociology*, 117(5), 000-000.
- Ministero del'Interno. (2020) National Commission for the Right to Assylum. Practical Guide for Assylum Seekers in Italy.  
[https://www.interno.gov.it/sites/default/files/allegati/la\\_guida\\_in\\_inglese.pdf](https://www.interno.gov.it/sites/default/files/allegati/la_guida_in_inglese.pdf)
- Miraglia, F. (2022). 20 anni di Bossi-Fini. "Ha introdotto lo Sprar tra promesse e tanti limiti".  
[https://www.redattoresociale.it/article/l\\_opinione/migranti\\_20\\_anni\\_di\\_bossi-fini\\_ha\\_introdotta\\_lo\\_sprar\\_tra\\_promesse\\_e\\_tanti\\_limiti?UA=11580724-2andfbclid=IwAR0YISZCUsqNEZJNlazUScqduDPbGqy41JxFcUpSZi86Evx5kOYHYbNUNgk](https://www.redattoresociale.it/article/l_opinione/migranti_20_anni_di_bossi-fini_ha_introdotta_lo_sprar_tra_promesse_e_tanti_limiti?UA=11580724-2andfbclid=IwAR0YISZCUsqNEZJNlazUScqduDPbGqy41JxFcUpSZi86Evx5kOYHYbNUNgk)
- Morales, L., and Giugni, M. (2011). Political opportunities, social capital and the political inclusion of immigrants in European cities. *Social Capital, Political Participation and Migration in Europe*, 1-18. Palgrave Macmillan, London.
- Nail, T. (2018). The political centrality of the migrant. *Critical perspectives on migration in the twenty-first century*, 11, 2-15.
- Nicholls, W. J. (2013). Fragmenting citizenship: dynamics of cooperation and conflict in France's immigrant rights movement. *Ethnic and Racial Studies*, 36(4), 611-631.

- Peberdy, S. (2002). Hurdles to trade? South Africa's immigration policy and informal sector cross-border traders in the SADC'. In *Workshop on regional integration, poverty and South Africa's proposed migration policy* (Vol. 23).
- Pevnick, R. (2009). Social trust and the ethics of immigration policy. *Journal of Political Philosophy*, 17(2), 146-167.
- Reinecke, J., and Ansari, S. (2015). What is a "fair" price? Ethics as sensemaking. *Organization Science*, 26(3), 867-888.
- Rogozen-Soltar, M. (2012). Managing Muslim visibility: Conversion, immigration, and Spanish imaginaries of Islam. *American Anthropologist*, 114(4), 611-623.
- Schaubroeck, J. M., Demirtas, O., Peng, A. C., and Pei, D. (2022). "I" Am Affirmed, but Are "We"? Social Identity Processes Influencing Refugees' Work Initiative and Community Embeddedness. *Academy of Management Journal*, 65(2), 403-426.
- Scholten, P., and Geddes, A. (2016). The politics of migration and immigration in Europe. *The Politics of Migration and Immigration in Europe*, 1-288.
- Schuck, P. H. (1984). The transformation of immigration law. *Columbia Law Review*, 84(1), 1-90.
- Stations, Q. (2020). Protection or Isolation? Humanitarian Evacuees in Australian. *Structures of Protection?: Rethinking Refugee Shelter*, 39, 187.
- Strauss, A., and Corbin, J. (1998). Basics of qualitative research techniques.
- Szkudlarek, B., Nardon, L., Osland, J. S., Adler, N. J., and Lee, E. S. (2021). When context matters: What happens to international theory when researchers study refugees. *Academy of Management Perspectives*, 35(3), 461-484.
- UNHCR Appeal. (2019). Routes towards the Mediterranean. <https://www.unhcr.org/5d1327ab7.pdf>
- UNHCR Italia (2021). Le Leggi Italiane sull'asilo. <https://www.unhcr.org/it/cosa-facciamo/protezione/diritto-asilo/italia/legislazione/>
- Van der Linden, H. (2012). On the violence of systemic violence: A critique of Slavoj Žižek. *Radical Philosophy Review*, 15(1), 33-51.
- Van Maanen, J. (1979). Qualitative methodology. *Administrative Science Quarterly Ithaca, NY*, 24(4), 519-671.
- Varman, R., and Al-Amoudi, I. (2016). Accumulation through derealization: How corporate violence remains unchecked. *Human Relations*, 69(10), 1909-1935.
- Varman, R., Skálén, P., Belk, R. W., and Chaudhuri, H. R. (2021). Normative violence in domestic service: A study of exploitation, status, and grievability. *Journal of Business Ethics*, 171(4), 645-665.
- Vijay, D., and Nair, V. G. (2022). In the name of merit: Ethical violence and inequality at a business school. *Journal of Business Ethics*, 179(2), 315-337.
- Wade, P. (2015). Racism and liberalism: The dynamics of inclusion and exclusion. *Ethnic and Racial Studies*, 38(8), 1292-1297.
- Yong, C. (2018). Justifying resistance to immigration law: The case of mere noncompliance. *Canadian Journal of Law and Jurisprudence*, 31(2), 459-481.
- Yurdakul, G., and Korteweg, A. C. (2013). Gender equality and immigrant integration: Honor killing and forced marriage debates in the Netherlands, Germany, and Britain. *Women's Studies International Forum* 41, 204-214.
- Zizek, S. (2008). *Violence*. Picador.