

# Natives and foreigners: Good, bad, and ugly

January 24 2019, by David Bradley

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After the Second World War of 1939-1945, Western democracies had attempted to reconcile their criminal law in democratic, "republican" terms aimed at the citizen. However, in the last two decades, new criminal law has been written that pertains not to the citizen, but to the foreigner. Writing in the *International Journal of Migration and Border Studies*, Alessandro Spina of the Department of Law, at the University of Palermo, Italy, discusses these new laws. The research focuses on how these new laws essentially treat foreigners as inferior to the citizen and proffer fewer human rights on those individuals when compared to the natives of a given nation.

Spina describes the ephemeral, and yet legally consequential notion of good and bad citizens, good and bad foreigners and 'ugly' mass-foreigners that invokes the neologism of "crimmigration." He further explains how in contemporary [criminal law](#), citizens have renewed importance despite the notion of [globalization](#). Indeed, while globalization is apparent in many developed countries and those we might refer to as "developing" nations, the natural geological, geographical, and political obstacles to human mobility are becoming more apparent.

Indeed, globalization and an urge to become more cosmopolitan both have their opponents and populism and nationalism are on the rise with worries among some pundits and political observers that these are beginning to lead towards fascism in some arenas. Reaction and collective anxieties about [political borders](#), and an "us and them" attitude that has arisen in some quarters during the last two decades are growing stronger as concerns about unfettered immigration get nudged higher up the agenda by those with their own political power agenda.

Of course, the notion of us and them is entirely artificial as is the notion

of borders and national identity. Human mobility has been extant since we took our first steps from the cradle of humanity. Moreover, we are all the same within, there are good, bad, and ugly among us and our legal system recognize this and the humanity of us all whether "[citizen](#)" or "foreigner."

**More information:** Alessandro Spena. The good, the bad and the ugly: images of the foreigner in contemporary criminal law, *International Journal of Migration and Border Studies* (2018). [DOI: 10.1504/IJMBS.2018.096752](#)

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