Organized Crime and the Challenge to Democracy

Edited by
Felia Allum and Renate Siebert

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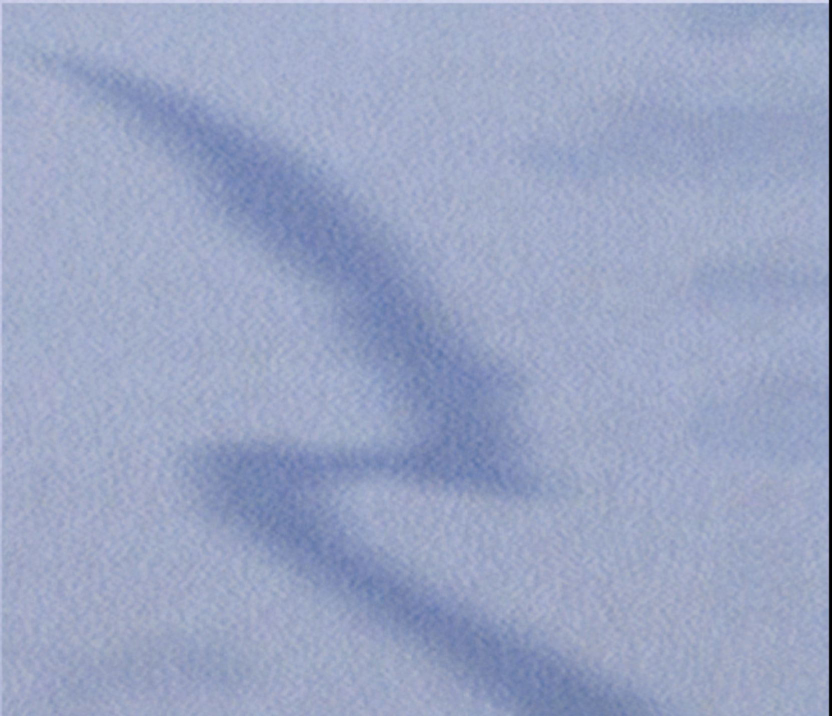

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Organized Crime and the Challenge to Democracy

Are modern democracies threatened by organized crime?

Organized crime has evolved alongside capitalism, remaining one step ahead in order to profit from new and often transnational economic opportunities. It challenges social and political structures yet its strategies are strongly conditioned by the political institutions and the specific type of civil society in which they appear.

This innovative volume examines the relationship between organized crime and the state, civil society and politics, and assesses the consequences and impact of organized crime on democracy. It contains chapters on the United States, Japan, Russia, South America, France, Italy and the European Union.

Felia Allum is Lecturer in Italian History and Politics at the University of Bath, UK. Her research interests are European and Italian politics and organized crime, in particular, its relationship with politics.

Renate Siebert is Professor of Sociology at the University of Calabria, Italy. Her research focuses on gender, generations, the mafia and the Mezzogiorno region in particular.

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Foreword by

David Beetham

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Contributors

Felia Allum is Lecturer in Italian History and Politics at the University of Bath, UK.

Fabio Armao is Associate Professor of International Relations at the University of Turin, Italy.

Jean-Louis Briquet is a Research Fellow at the CNRS in the *Centre d'Etudes et de Recherches Internationales* (CERI)—*Fondation Nationale des Sciences Politiques,* Paris, France.

Alessandra Dino is Lecturer in Sociology at the University of Palermo, Italy.

Sayaka Fukumi is a PhD student in International Relations at the University of Nottingham, UK.

Ercole Giap Parini is a Lecturer in Sociology in the Sociology and Political Science Department at the University of Calabria, Italy.

Robert J.Kelly is Broeklundian Professor Emeritus of Social Science at Brooklyn College and the Graduate School of the City University of New York, USA.

Eiko Maruko is a PhD candidate in History at Harvard University, USA.

Monica Massari is a freelance consultant and a doctoral research fellow at the University of Calabria, Italy.

Paola Monzini is an independent researcher specialized in the study of organized crime.

Sergei Plekhanov is Associate Professor of Political Science at York University in Toronto, Canada.

Wyn Rees is Reader in International Relations at the University of Nottingham, UK.

Rufus Schatzberg is a researcher in criminal justice at the City University of New York, USA, as well as an author and lecturer; he was previously a detective with the New York Police Department.

Renate Siebert is Professor of Sociology at the University of Calabria, Italy.

Foreword

by David Beetham
University of Leeds

A systematic analysis of the relation between organized crime and democracy is timely. As the different authors of this important collection make clear, organized crime differs from terrorism in that its purpose is the pursuit of profit rather than the realization of ideological or political goals, and differs from petty criminality by the complexity and continuity of its organization through time. In considering the many different manifestations of organized crime it is useful to think of a spectrum or continuum along two distinct dimensions: the depth of its penetration, from economy to state and civil society; and the range of its operation, from the local to the national and international. The present era is distinguished by the number of criminal organizations that combine both depth and range in their operation.

What, then, is the relation between organized crime and democracy? As the authors show, it is important to distinguish three different aspects to this relationship. First is whether, and how far, democratic politics facilitates the expansion of organized crime. Second are the effects that organized crime has in turn on the character and quality of democracy. Third concerns the resources democracies can mobilize to limit the damaging impact of organized crime, if not to eradicate it completely. While the different contributors may give greater attention to one or other of these aspects, the collection as a whole provides a comprehensive treatment of them together.

On the first question about the increase in the scale of organized crime in recent years, it is too simple to attribute this to the post-Cold War spread of democratization. To be sure, democracies seek to protect civil liberties, due legal process and the rights of accused persons, and these can be manipulated to their advantage by criminal organizations. Yet it is more plausible to attribute the increased opportunities for organized crime to a combination of rapid economic liberalization and inadequate regulation or lack of capacity to enforce existing law, such as has characterized the post-Soviet regimes and the international market place alike. Indeed the process of financial deregulation at the global level has enormously increased the scope and profitability of transnational organized crime, as it has also that of legal forms of speculation. It is the weakness and disorganization of political institutions, rather than their democratic character, that facilitates this growth.

However, as the contributors also show, there is one distinctive feature of democracies that makes them politically vulnerable to organized crime, and that is the expense of elections and the need of politicians and their parties for funds to run campaigns and secure access to political office. Even where these are sourced from legal businesses, a payback is typically expected in terms of favourable legislation and privileged access to political decision-makers; where criminal organizations are involved, expected benefits include favouritism in public contracts, payroll appointments, collusion in illegality, and so on. Such collusion will typically involve members of the judiciary and other law enforcement personnel as well. Democracies that are politically infected by organized crime will rot from the head downwards.

This brings us to the second aspect of the subject, the consequences of organized crime for democracy. These are naturally most damaging where criminal organizations have penetrated the political domain, in order better to consolidate or expand their economic opportunities and to limit competition. Here the consequences are those typical of all forms of political corruption, whether by legal or illegal businesses and their agents: the privatization of the public sphere in the interests of private advantage; government by secret connivance rather than open debate; loss of accountability and responsiveness to the public; diminution of effective electoral choice; the breakdown of trust in politicians and the political process. Where the corruption involves organized crime, however, the bribery of public officials is reinforced by intimidation—what is known as the ‘throffer’ (offer plus threat: ‘I’ll make you an offer you can’t refuse’). In some of the worst examples examined here, the system of organized violence comes to parallel or even replace that of the state, and to penetrate civil society with a pervasive climate of fear, leading to apathy and depoliticization of the citizen body.

However, it would be mistaken to imagine that, where criminal organizations confine themselves to the purely economic sphere, and do not seek to penetrate or subvert the political domain or public officialdom, they have no political consequences. Even where the product or service provided is itself legal (tobacco, alcohol, automobiles), the evasion of tax and customs dues not only disadvantages legitimate businesses, but deprives the state of revenues needed to carry out its policies, and reduces confidence in the rule of law.

The consequences of the systematic provision of illegal goods and services (drugs, prostitution, child pornography, illegal immigration, etc.) are more pervasive still. Of course it can be argued that such activities only persist because they meet an unsatisfied ‘consumer demand’, or that the harm caused by their criminalization outweighs the harm caused by the activities themselves. But these are matters for considered public debate. Once society through its elected representatives has decided where the line between the permitted and the prohibited should be drawn, then its systematic infringement shows contempt for the democratic process as well as the rule of law. Unlike civil disobedience, organized crime does not seek to change the law, but to preserve it in place so that it can profit from its continuous violation. In this sense it is parasitic upon the very laws it seeks to evade.

A further political consequence of the spread of organized crime is the erosion of civil liberties for all by the exceptional measures introduced to deal with it, which tend to become permanent once passed into law. Increased surveillance and invasions of privacy, reductions in due process for defendants, the introduction of special courts and jurisdictions—these are common in many democratic countries. Since 11 September 2001 they have been strongly reinforced by the so-called war against terrorism, but many were in place before, or else were waiting on the shelves of justice ministries for a suitable opportunity to be produced. While they may enjoy a measure of popular support, their introduction affects the quality of civil life for all.

What other measures, then, can democracies take to reduce the damage inflicted by organized crime? Most difficult to deal with is where it has penetrated the public sphere. Political corruption, once established, tends to become chronic. Yet, as examples discussed here show, the remedy lies not so much in exceptional measures or special jurisdictions as in the readiness and capacity to enforce existing law. And this, in turn, requires a combination of an alert and active civil society and magistrates ready to incur the risk of conducting investigation and law enforcement 'without fear or favour'. It is easier to assert these as necessary conditions than to know how they might be produced.

At the international level, the combination of globalized markets with spatially limited and differing national jurisdictions and tax regimes is one that legitimate businesses are as keen to exploit as illegal ones, so progress in combating transnational organized crime is slow at best. As the example of the European Union shows, the issue here is one of establishing effective institutions of cross-national regulation and coordination in the first place, before they can be made subject to a measure of democratic accountability.

The above are some of the issues explored in this volume. As the phenomenon of organized crime is itself evolving, so is the state of scholarship about it. By definition accurate research on the subject is a difficult if not dangerous pursuit, and the volume's contributors have done an important service in promoting its study, and in showing why democrats everywhere should take it seriously.

Series editor's preface

Students of democracy have been well aware of the dangers and risks of the 'open society' that accompanies such a political system. Democracy requires the protection of individual rights, almost unrestricted opportunities to associate and collaborate, and a market economy based on similar principles. But the very same conditions that enable citizens to contribute to their common interests and participate in public affairs also facilitate actions that are less benevolent for democracy. By now, the disruptive effects of free-rider behaviour, tax cheating or the 'dark sides of social capital' are spelled out in every textbook on collective decision-making in democratic systems. Important as those topics might be, the far more disruptive effects of organized crime for democracies are usually overlooked.

The contributions to this volume do not simply wish to close this gap and they do not restrict themselves to the consequences of organized crime for democracy. Their goal is much more ambitious. The paradox they face is that– although organized crime crushes democracy and democratic rights—it is exactly the conditions found in democratic societies that allow organized crime to flourish. The contributors to this volume differ clearly in their research interests, study designs, selected material, and the scope of their analyses, but they all cope with the entrenched relationships between organized crime and major characteristics of liberal democracies. The four major parts of this volume address the central aspects of this project: the relevant conceptualizations, the role of the state, the linkages with civil society, and the relations of organized crime with politics and justice.

Before specific treatments of these four themes are presented, Felia Allum and Renate Siebert offer, in an introductory chapter, an overview of the main approaches and contested conclusions in this area. The first part consists of three contributions addressed to conceptual and theoretical issues. Fabio Armao rejects simple definitions of organized crime and instead offers a more sophisticated approach of the close connections between crime and society (Chapter 1). As Renate Siebert shows, the state monopoly of violence is particularly challenged by organized crime, and this has profound implications for the daily life of all citizens (Chapter 2). Monica Massari presents a highly interesting discussion of the idea of 'transnational organized crime' in a post-Cold War world (Chapter 3). The next three contributions focus on relationships between organized crime and the State. Sergei Plekhanov opens Part II with a discussion of the close connections between the breakdown of the communist state and the spread of organized crime in Russia (Chapter 4). Dealing with a very different situation Sayaka Fukumi examines the impact powerful drug-trafficking organizations have on the State, in particular in Colombia, pointing out to a lack of legitimate economic sources as a major explanation for the success of drug cartels and guerrilla groups (Chapter 5). Wyn Rees discusses the various ways in which the European Union has tried to deal with cross-border and transnational organized crime: in attempts to provide security, the EU cannot avoid undermining some of the democratic values it defends (Chapter 6). The third part of the volume continues this debate by focusing on civil society and organized crime. Robert J.Kelly and Rufus Schatzberg present a concise overview of the inventive strategies used by organized crime in the USA to neutralize a number of legal measures (Chapter 7). In a fascinating comparison of the role of organized crime in two small villages in the south of Italy Ercole Giap Parini makes clear that the reactions of citizens and civil groups play a crucial part in the reduction of organized crime (Chapter 8). In the last contribution to this part Alessandra Dino discusses the intriguing question of the close links between organized crime and the Roman Catholic Church (Chapter 9). Part IV consists of three contributions dealing with the relationship between organized crime, politics and justice. Paola Monzini underlines the relevance of specific historical and societal conditions in her overview of the activities of gangs in Marseilles and the responses from 'below'—that is, from those being threatened (Chapter 10). Reactions to the investigative strategies applied by Italian courts in the 1990s are analysed by Jean-Louis Briquet (Chapter 11), while Eiko Maruko presents an invigorating overview of the links between organized crime and political leaders in Japan (Chapter 12). Finally, in their brief concluding chapter Felia Allum and Renate Siebert return to the central question of this volume: why is democracy so attractive for organized crime?

Voltaire once noted that 'history is nothing more than a tableau of crimes and misfortunes.' In a time of democratization and globalization, history definitely includes 'a tableau of crimes' against democracy both within and beyond the borders of national states. The very original collection of studies presented in this volume underlines the specific relationships between democracy and organized crime. The results are distressing and scarring for every supporter of democratic and humanistic values and deserve to be discussed widely.

Jan W.van Deth, *Series Editor*
Mannheim, September 2002

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This book is dedicated to two special people in sign of love and respect.

Organized crime

A threat to democracy?

Felia Allum and Renate Siebert

From the first mafia films, *Little Caesar* (M.Le Roy, 1930), *Public Enemy* (W. Wellman, 1931) and *Scarface: The Shame of the Nation* (H.Hawks, 1932), there has been great interest in film representations of organized crime, in the stereotypical scenes of gangland encounters, in the glamorous mythical charismatic figures of the Godfather, the Don, the Boss or the Mobster. If a viewer of the latest example, the American TV drama series *The Sopranos,* were to assume that the fiction is true to life, that Tony Soprano and his New Jersey modern day mafia family are a realistic representation of living mafiosi, past or present, s/he would not be completely wrong. The traditional old-fashioned model which underpins the series is quite authentic, but the contemporary reality hidden behind this attractive myth is much more gruesome, chaotic, violent and ruthless than even the most extreme episode might show. The social representations and the actual analysis of this phenomenon are very different, as will be evident in this book.

Although, because of the scant evidence available, there still exists some scepticism among academics about the very existence of organized crime, it is not because we have difficulty proving it and studying it that it does not exist. In this book, we examine different forms of organized crime and mafias to show how they have come to challenge democracy. Using Fabio Armao’s approach (see 2000) we analyse organized crime as a genus and mafias as a species—in other words, organized crime gangs are criminal networks which undertake different types of crimes, such as drug-dealing, extortion or robberies, while mafias, doing this as well, use politics and political systems to make profit. To quote but a few examples of organized crime in Britain, for instance, in the districts of East London, Hackney and Tottenham, between Christmas Day 2000 and New Year’s Day 2001, there were 11 shootings related to crack cocaine turf wars among Jamaican gangs (Morris 2001) and, in 2001, 21 murders and a further 67 attempted murders (Hopkins, 2002). In Leeds, during the police operation ‘Stirrup’, there were 160 arrests; as a result, 57 persons were deported to Jamaica, and there were a subsequent 30 arrests. Thus, in 2001, 4,019 gun incidents were reported, and in 2002 it was estimated that there were 500 Yardie suspects in the UK who trafficked 200 pounds of cocaine into the country every week, at a street value of £4.5 million (*Sunday Times,* 25 Feb 2002).

In reality, organized crime is very dangerous, but above all, in its most contemporary form, it has become practically invisible and all-pervasive. As white-collar crime, it is fully integrated and immersed in our everyday lives, part of the socioeconomic and political fabric of our society. Today, across the world, organized crime has come to threaten, for example, the lives of citizens in the USA, Nigeria, Belgium, Jamaica and Austria, the banking systems of the UK, Switzerland, Germany, Luxembourg or

Liechtenstein and politics in Italy, Russia, Japan and the EU. Democracy is generally in danger. However, this does not mean that organized crime is seeking to gain control of institutionalized power: rather, as we shall see, its interests lie elsewhere. Nonetheless, slowly but surely, the tentacles of organized crime groups are spreading in different countries in different guises; evidence such as the number of drug seizures and drug addicts, of smuggled and counterfeit goods, of shoot-outs, of the presence and arrests of criminals, of illegal immigrants trying to enter the EU, of the specific economic considerations of unusually large bank transfers, of instant commercial businesses and of front companies can all help to reveal the extent of the activities and the nature of organized crime groups today.

The majority of organized crime groups are firmly rooted in the civil society that facilitated their existence and expansion in the first place. One has only to look at the Italian mafias, the Sicilian Mafia, the Neapolitan *Camorra* and the Calabrian *'Ndrangheta,* for example, and how they condition the everyday lives of many citizens through the extortion of local businesses, the shoot-outs in public places and the distribution of drugs in the small piazzas or narrow alleyways; or the emerging Russian Mafia 'criminal groups [which] collect debts, settle disputes, at times help businessmen obtain special credits, and have even shown the ability to restrain their demands and take into consideration the ups and downs of the economy' (Varese 2001:189).

These groups are an integral part of these countries' civil society, a presence there to control, to 'keep an eye' on 'everything' and 'everyone', so that they can make money undisturbed; in some cases, they appear more efficient than the state, as an alternative state, which provides what the state is unable to provide—jobs, protection, goods and services: 'organized crime emerges as a functional necessity when the State or its policies fail to deliver goods and services (including justice, peace, security or employment) to sectors of society which demand these goods and services' (Einstein and Amir 1999:xi), what Siebert (1996) has called 'instrumental rationalism'.

When organized crime gangs export themselves to 'host' countries and become transnational, they are less intertwined with the host territory and less hungry to control its civil society. They behave as a business, as an economic enterprise there to make money and not feed off its civil society, which has not helped to produce them. In this respect, the various methods, stages and strategies adopted by 'traditional' mafia organizations in taking control of new territories are of great interest. One such, apparently common, strategy seems to be the organizations' initial ability to establish widespread social control over immigrant communities made up of networks of relatives and fellow countrymen (or, in the case of Italy, fellow migrants from south to north). Stefano Becucci (2000) has dealt with this phenomenon in relation to the Chinese Mafia in Italy, whereas Rocco Sciarrone (1998) has analysed the spread of the Calabrian *'Ndrangheta* in northern Italy.

This form of criminal control has limited effects on civil society at large because the acts of violence and intimidation which typify it are aimed primarily at the immigrant community. Nevertheless, any attempt at undermining the democratic principles of society—however small the number of affected citizens may be—poses a tangible threat to the system as a whole. Indeed, mafia members take root in new territories 'by strategically employing their skills to establish their control over the new territory' (Sciarrone 1998:297). Another recent example of this is the Russian Mafia's attempt to control its immigrant community in London: ‘the reality of Russian organized crime in the UK is that they prey on the most vulnerable members of their own community’ (Thompson 2001).

On a more general note, however, the effects of organized crime across the wider spectrum of society still need to be established: how, for example, forms of legal market distortion provoked by the existence of an illegal economy can jeopardize the entire legal system or the negative effects of externalities, such as environmental pollution resulting from illegal activities, can have serious repercussions on the well-being of society as a whole.

While terrorist groups have an ideological agenda, organized crime has only an economic agenda, to make money. With money, undoubtedly, comes violence, a form of violence which has the power to immobilize civil society and to control business deals. These two elements necessarily go hand in hand, and although organized crime gangs have become more sophisticated in their legal activities they still deal predominantly in illegal activities as their main source of capital, using violence very often as a way of doing business. In this sphere, violence remains their main currency. Indeed, the most recent statistics show that violent gangs involved in drug-dealing have now contaminated all big cities. The extreme violence of these gangs is symptomatic of the fierce and competitive nature of their business, whether it is drug-trafficking with the dominance of the Colombian cartels dealing in cocaine, heroin, marijuana and chemical drugs, human-trafficking with the Albanian Mafia and the Chinese Triads, or arms-trafficking with the emerging Russian Mafia.

But, even more importantly, it is the spread of illegality within the legal economy which makes it more dangerous and more difficult to detect and combat. For example, in Belgium, organized crime gangs have penetrated the jewellery retail stores, restaurants and hotels; in France, *bureaux de change,* real estate, golf courses, restaurants, private clinics and casinos in the south; in Portugal, casinos, real-estate agencies and off-shore companies (Savona 1999:39–103). In order to protect both their illegal and their legal activities, organized crime gangs do not hesitate to interfere in the political, judicial and security systems of a country: ‘these criminal elements…command vast sums of money, which they use to suborn state officials’ (a previous Secretary-General of the UN, quoted in Das 1997:133). These relationships are very difficult to detect and prove because of their secretive nature. Indeed, how are we to guess that the hotel we stayed in last night or the restaurant we ate in are not fronts for organized crime and are not relaundering ‘dirty’ drugs money? Innocently, we support and become accomplices of these underground gangs.

Organized crime gangs have mostly appeared and developed in situations of political upheaval, economic chaos and/or social confusion. The most cited example is that of the Sicilian Mafia, where the vacuum provoked by the State’s shortcomings in some areas of the country during unification and in the immediate post Second World War period has been analysed as fertile ground for organized crime; more recently, ‘in China, as in the former Soviet Union, Eastern Europe and elsewhere, transition to a market economy, the opening of borders and the partial unraveling of communist political and social control mechanisms have created fertile soil for the growth of crime and drugs’ (Lee 1995:196). And we should not forget the ongoing integration process of the EU (in particular, the

Schengen Agreement implemented in 1995). All these have all proved to be changes of great importance for some criminal groups:

> Global developments since the Second World War have combined to produce societal, economic and political environments which have increased both the profitability and destructive impact of systematic illegal activity…. As a result, criminal groups can easily branch out into new forms of criminal, economic and political activities at the regional, national and global levels.
>
> (Viano 1999:xi)

These changes have facilitated the expansion and sophistication of groups at local level but also transnationally:

> The profound geopolitical and dramatic economic changes of the last three decades of the twentieth century have not only realigned international relationships and shifted the focus of nations from ideology to trade, they have produced a hospitable environment for transnational criminal groups to emerge and flourish.
>
> (Myers 1995:1)

The globalization process has clearly had a direct impact on the structure, activities and alliances of organized crime groups. From our point of view, what we are interested in is how far these groups are impinging on local, national and international political systems, to what extent they are interfering with the everyday functioning of democracies. It is clear that the situation has deteriorated in some places ‘to a point where criminal organizations can undermine a government’s ability to govern, as in Italy, Russia, Colombia and elsewhere, then the problem goes beyond law and order and becomes a national and international security concern’ (Godson and Williams 1998: 324). The operations of these organizations are no longer limited to traditional organized crime countries; they are now becoming involved in a whole variety of activities in countries neither naturally linked to native organized crime groups nor having an organized crime problem, countries such as India, Albania, Turkey and Ireland.

The end of the Cold War signalled a shift in attention to transnational forms of organized crime which, from an ideological point of view, became the new enemy: ‘organized crime is the new communism, the new monolithic threat’ (US Senator John Kerry, quoted in Naylor 1995). As Williams and Savona pointed out:

> Organized transnational crime, with the capacity to expand its activities and to target the security and the économies of countries, in particular developing ones and those in transition, represents one of the major threats that governments have to deal with in order to ensure their stability, the safety of their people, the preservation of the whole fabric of society and the viability and further development of their economies.
>
> (Williams and Savona 1995:2)

Our worrying obsession with the general threat sometimes diverts our attention from local problems. We would like to stress that organized crime is threatening both local and international governance. It attacks both levels, and we must not forget that its vital strength is in its control of the local—citizens, businesses and politics. Without this it cannot control other levels. Indeed, in 1993 the French journalist Marcelle Padovani bluntly asked: 'how many people are aware of the real threat the Mafia poses democracy?' (1993: xvii). Echoing her worry, we could ask more generally: how many people are aware of the real threat organized crime poses to democracy?

The relationship between organized crime and the State can seem paradoxical: on the one hand, the control which the organization exerts in a given territory is intrinsically totalitarian, whereas on the other, for it to gain such control in the first place, it needs to rely on the existence of a democratic environment. Indeed, it is by exploiting the very freedoms which democratic systems offer that organized crime is able to thrive and speed up its profit-making processes—though it is also thanks to the widespread web of protection and collusion it manages to weave. This, however, does not mean that authoritarian or totalitarian states are any more capable of ridding themselves of organized crime: they may be able to 'hold off' the more blatant forms of crime and effectively deal with the lower levels of criminal hierarchies (such as soldiers, killers), but they remain impotent in their fight against its economic, social and historical roots (Duggan 1989; Lupo 1996). Moreover, in countries such as Brazil or Argentina where there had been military dictatorships, government compromises had led to so much corruption and illegal activity that they may be perceived as real 'mafia states'.

It would appear that some countries harbour conditions (socio-economic and political) favourable to the development and expansion of organized crime groups whereas other countries can resist, for some time at least, the onslaught of organized crime gangs and their activities. We can therefore say that there are some basic conditions which organized crime prefers, which it seeks out because they provide a rich and fertile environment in which it can flourish. It would appear that without these conditions organized crime gangs do not tend to take hold, expand and flourish as well.

The main question we wish to address in this book is the paradox to which organized crime seems to give rise: although mortifying democratic rights, these forms of crime need the democratic space to flourish. In particular, we want to understand the different types of challenge which organized crime is now posing to liberal democracy. Although a comprehensive overview of this complex issue is unfeasible at this stage, we hope to contribute in some way to the general debate on organized crime, in particular, from the perspective of democracy. The approach which we have adopted is a multidisciplinary one, with each part concentrating on illustrating how democracy is threatened by organized crime. We have decided to focus on three different pillars of the democratic framework: the State, civil society and political systems. Before we look at this, we would like to outline the major questions which have been asked about organized crime.

The study of organized crime

The study of organized crime has travelled a long and winding road with considerable ups and downs. It is still an ever-growing research area. As in the case of terrorism, it is a complex subject to study and analyse: the secrecy which surrounds it, the violent methods it adopts, the multifaceted and invisible nature of its activities and the difficulty to access quality material makes the study of organized crime a fascinating yet highly complex experience. Added to this is both the scepticism of those who argue that organized crime as such does not exist and the reluctance of institutions which refuse to acknowledge its potential danger. There is no doubt, however, that developing this area of research is a worthwhile and useful endeavour, in particular today, as the existence of organized crime comes to pose a real threat to democratic systems.

The systematic study of 'organized crime' by sociologists, anthropologists, economists and political scientists is a relatively recent phenomenon, reflecting the expansion of organized crime groups worldwide during the twentieth century. Previously, the detailed descriptions and intricate accounts of its various manifestations had been left to intellectuals and adventurous travellers who recorded and reflected upon the existence of criminal groups. Curious, worried and intrigued, they sought to understand why criminal groups existed and what social, economic and political conditions gave rise to them. The Tuscan intellectual Leopoldo Franchetti, for instance, described the Sicilian Mafia in 1876 as 'an industry of violence', while in 1863, Marc Monnier, a Franco-Swiss journalist based in Italy, wrote extensively about the Neapolitan *Camorra,* arguing that 'the Camorra is kept alive by those who do not dare or who cannot associate together to destroy it' (1994:2). As, in the later part of the twentieth century, organized crime became a more extensive and dangerous phenomenon, its study naturally attracted more attention and interest from different disciplines, all seeking to understand and explain why this paradoxical phenomenon, perversely anti-democratic but needing democratic conditions in which to flourish, is present in so many societies.

Finding a common acceptable definition of organized crime has intrigued all those who have studied it, and many questions still remain unanswered. The association of the word 'organized' with the word 'crime' is in itself a problem, as the two words would appear to contradict each other, but there are so many other complications as a result of disciplinary, geographical, regional, cultural and legal differences that the number of possible definitions is endless. Is it a 'professional crime', as defined by Cressey (1972:46), undertaken rationally to get its perpetrators out of the big city ghettos? Is an 'organized crime group' a group organized specifically to undertake crime (Schelling 1967) or a 'capitalist enterprise' which manages to transform smalltime racketeering activities into a fully-fledged legal business (McIntosh 1973)? Is organized crime 'white-collar crime' (Smith 1982)—in other words, an economic crime which has much in common with corporate crimes and 'should be jointly analysed irrespective of the social characteristics or background of the perpetrators' (Ruggiero 1996:21)? Is it a 'power syndicate', a group interested in power and control, or an 'enterprise syndicate' interested purely in making money (Block 1980)? Or is it a 'criminal enterprise' (Maltz 1985:24), a criminal business or a 'repressive crime' (Hess 1986) which threatens the lives of citizens?

If we turn to practitioners, the situation becomes even less clear. Judicial and law-enforcement agencies have very different definitions as well. This is not only in the US, as Abadinsky stated, where 'the lack of an adequate definition is highlighted by the Task Force on Organized Crime (1976), which noted the inadequacies of state efforts at defining OC', and where definitions differ from state to state: 'these range from the simple definition of the state of Mississippi—…to the more elaborate definition offered by the state of California' (1990:2). It is also different in the various EU member states, which renders the question even more complex, as Monica Den Boer recently pointed out:

> In their first efforts against organized crime, the Member States of the European Community made numerous attempts to draw up a comprehensive inventory of the organized crime groups that were active in their territory. However, these attempts disappeared to the background when it turned out that considerable differences existed between the Member States in the kind of criteria they used and in their perception of the threat of organized crime.
>
> (Den Boer 1999:13)

In the last ten years the term 'transnational organized crime', which was adopted by the UN in 1994, has been elaborated. This definition may be helpful because it shows how organized crime has become a global threat: 'transnational criminal organizations [like national groups], by their very nature, undermine civil society, add a degree of turbulence to domestic politics, and challenge the normal functioning of government and law' (Williams and Savona 1995:35). In other words,

> The emergence of organized crime groups, which have a home base in one state but operate in one or more host states where there are favourable market opportunities, has prompted analysis to term them 'transnational criminal organizations'. They have become major players in global economic activity, and are the key players in industries such as drug production and trafficking that are global in scope and that are estimated to yield profits higher than the gross national products of some developing and developed states. Their common feature is that they engage in unregulated forms of capitalism enterprise, involving illicit products, illicit smuggling of licit products and the theft of licit products, or all three kinds of activity.
>
> (Savona 1995:8)

All these approaches portray an accurate picture of the different aspects of organized crime. However, we must not forget that scholars are necessarily biased when studying organized crime, as there is clearly a question of semantics and approach involved in addressing the issue, which will be resolved depending on one's vision of the problem, one's discipline or one's area of interest. For example, economists are interested in the economic structures of the criminal group, while political scientists are interested in the relationship with politicians. We thus end up with 'as many descriptions [and definitions] as there are authors' (Albanese 1985:4).

It might be useful at this stage for us to distinguish between what is and what is not organized crime. Abadinsky (1990) pinpointed eight characteristics of organized crime: it has no ideological beliefs or objectives, but is interested in money and power; as a result, it usually seeks political protection for its illegal activities. It has a clear vertical power structure from which authority flows; there may be different ranks between the top boss, the lieutenants and soldiers. There tends to be some strict requirements for membership of an organized crime group (such as ethnic background, kinship or criminal record or skills). The group is ongoing, and not generational. In such a group, violence is a readily available and accepted resource; bribes are used to protect its operations and members. Division of labour occurs for functional reasons to make the group more efficient and, therefore, successful. Such a group seeks domination over a particular territory or industry; to do this it must eliminate competition and form a monopoly, restraining free trade to increase profits (such a monopolistic position can be maintained by organized crime groups because of the resources at their disposal: violence and their relationship with police and law enforcement agencies). Like all types of legitimate organizations, these groups have rules and regulations which must be respected by all members.

Das brings all these elements together when he writes:

> In brief, there is broad cross-cultural agreement that organized crime is characterized by the following criteria: criminal activities of a serious nature committed in a planned manner with a view to profit; a continuing business-like and structured hierarchical division of labour that includes internal sanctions and discipline; the use of actual or implied violence and intimidation; and the exercise of influence over, or the corruption of, various elected and appointed officials or other pillars of social control and opinion leaders with society.
>
> (Das 1997:128–9)

At times, it is easy to forget that the two main objectives of organized crime gangs are power and money; they seek economic gain at all costs. Their power is invisible but touches the lives of everyday citizens in many different ways. It is therefore a fundamental feature of organized crime, because it is through power that it reaches its prime objectives, puts into practice its business plans and develops new ideas:

> When all is said and done, beyond the craving for wealth which is undoubtedly an important motive in criminal activities, the Mafia’s paramount aim is power…. The passion for power pervades the entire network of relations, inspiring and conditioning the relationship with women and functioning as a basis for the reproduction of a way of being, thinking and feeling that is mafioso…. What the Mafia sets out to claim, its challenge to the state and, in some respects, also to the Church, is synthesised in its abrogation of absolute power to itself, the power over life and death.
>
> (Siebert 1996:61–2)

Thus, power is gained through organized crime’s control and infiltration of civil society. It controls civil society by ruling over the territory and its citizens, by dominating the economic and political activities which it has undertaken there.

Another fundamental question which scholars have tried to address is why organized crime groups exist, whether it is possible to find explanations for the emergence and expansion of organized crime and how this form of behaviour was produced. There is limited literature on this, but the pre- and post-war American literature on crime and crime deviance may be helpful in this respect. These theories can also, to a large extent, be applied to the rise of organized crime groups in Europe, not only traditional groups in Italy, but also what we call non-traditional groups, such as the Turkish Mafia in Germany, the Russian Mafia in the UK or the Chinese *Triads* in Italy.

The main theories which seek to explain criminal behaviour fall broadly into what Ruggiero has called 'a paradigm of deficit' (1996:33): tradition, absence of the state, pathology and lack of control, relative poverty and delinquent subcultures. There are two main schools of thought: one which looks at the individual and the other which looks more generally at society.

Merton (1938) concentrated on the organization of society and its social structures to explain individual criminal behaviour in America. His theory of 'anomie' explains criminal behaviour as a response to the extensive pressures which American society put on individuals to be 'economically successful' (what he calls 'pathological materialism'). Other viable alternative life choices are limited and therefore crime is the only solution for individuals. Cloward and Ohlin (1960) developed another aspect: a 'subcultural' approach. They argued that specific criminal subcultures were produced as a result of individuals striving for economic success and the strain they felt because of their personal socio-economic situation. Bell (1964) looked at both society and group dynamics and disagreed. Crime, he argued, was 'an American way of life'; it had nothing to do with a specific subculture but was a result of individuals using all the means at their disposal, illegal or not, including past experience, to be economically successful. It was a form of 'social mobility', of getting up the social ladder.

The other school of thought which looked at group dynamics has also produced some convincing theories: Sutherland's (1973) 'differential association' theory looked at the group and how it socialized. He pinpointed nine conditions of its dynamics—the nature, intensity, frequency and duration of a group's togetherness and how it copied behaviour—which explained criminal behaviour. In other words, individuals in a group would copy the criminal behaviour of others, of their friends. Shaw and McKay (1972) went one step further in their 'cultural transmission' theory. They looked at the collective attitudes and values present in a group; it was these attitudes and values, they argued, which transmitted behaviour—in their case, criminal behaviour in the Italian neighbourhoods in America in the 1920s and 1930s. Maybe this analysis can also now be applied to groups in the EU. Ruggiero (1996) has made a strong case for us to move away from these kinds of analyses which tend to concentrate on the 'backwardness/archaism' of individuals, groups and society and think about the fact that organized crime exists just as much in wealthy contexts. There is no doubt that some people who undertake organized crime can come from wealthy backgrounds, but surely to concentrate on this aspect diminishes the importance of set conditions which do give rise to crime, organized crime and violence.

Along with these existential questions, historians and anthropologists became interested in the specific origins of certain criminal groups and their development in a set context. The question was no longer how one could explain this criminal behaviour, but rather what the social, economic and political conditions were which gave rise to such a complex phenomenon and why there were differences between regions. The origins of the Sicilian Mafia, for example, led to an important debate: was it a rural or an urban phenomenon? Did the Sicilian Mafia really exist? As Arlacchi (1986) has suggested, were mafiosi always 'entrepreneurs' or did they undergo some radical transformation in the post-war period? Similar questions were asked about the Colombian cartels and the Chinese *Triads*.

When studying each different criminal group, it soon becomes clear that the origins of groups cannot be reduced to one simple common explanation. Each group, in fact, has its own specific social, cultural, economic and political *raison d'être*. Organized crime can no longer be stereotyped purely as an Italian or Italo-American phenomenon, because research has shown that organized crime existed in many different countries before the twentieth century, although not necessarily in the form we know today. If we look at China and its *Triad* societies, we can note certain tendencies:

> They are secret societies formed by patriotic Chinese three centuries ago to fight against the oppressive and corrupt Ch'ing dynasty. When the Ch'ing dynasty (1644–1911) collapsed in 1911 and the Republic of China was established, some societies began to be involved in criminal activities.
>
> (Chin 1995:47)

This is also the case when we look at Triads in Hong Kong: 'between 1842 and 1930, secret society members from China emigrated to Hong Kong and formed the mutual-aid associations that later developed into powerful *Triad* groups' (ibid.). In the case of Japan, the *Yakuza* has a 300-year history originating from the Tokugawa period (1600–1868) with groups of gamblers and street peddlers. Yet again, it was only at the turn of the twentieth century that these criminal groups came to the fore, and only in the post-war period that they made their mark as organized crime syndicates developing into a unique form of violent gangsterism.

Organized crime in Russia is not a post-communist phenomenon. Some suggest that organized crime existed even before the 1917 revolution (Varese 2001:162–3) and existed throughout the twentieth century in different forms: from under Stalin when it was consolidated as criminal networks, to the raging black market under Brezhnev, to a vicious international mafia in the new market economy. Thus, as Gilinskiy explains,

> The growth of criminal associations is a natural process, in the sense that they are a manifestation of the social systems in which they develop as well as of specific features of their own 'subsystemic' development. Studies of organized crime have shown that the factors influencing the level of development and the specific form of organized crime are worldwide: they are not confined to Russia or even Sicily. The high degree of adaptivity of criminal associations…is a major factor in the survival of organized crime in any society, particularly once they are well established within that social system.
>
> (Gilinskiy 1998:236)

In the post-war period, these cultural and regional differences, as we have already noted, became less important as groups entered the international market place. The rules of the market dictated the terms for all groups equally and they had to respond. They have thus had to shed their differences to become more functional and more efficient to survive in the fierce market place. As a consequence, it would superficially appear that they have moved away from their cultural roots to become a competitive economic force. But is this really the case? Castells has recently argued that their cultural differences might actually be the strength of modern criminal organizations: ‘criminal networks are probably in advance of multinational corporations in their decisive ability to combine cultural identity and global business’ (2000:210). It is indeed in this sense that we see it as a double-level phenomenon: mafias need to be studied both at local and international levels. It is on both these levels we want to concentrate in this book.

Parallel to the historical debate which has taken place on the origins of the different criminal groups, there has been the controversial argument about how organized crime should generally be analysed, what its role in society is and what explains this form of behaviour. By focusing on these questions, scholars have become involved in the ‘crunch’ debate of culture versus economics—in other words, is organized crime a cultural or an economic phenomenon? This has been an ongoing argument in the post-war period, especially in relation to the Sicilian Mafia, where historians, sociologists and anthropologists have all tried to get to grips with such a complex question.

Traditional studies have explained organized crime as part of a specific subculture; they look at their origins and context for an explanation. For example, Henner Hess (1973) analysed the Sicilian Mafia as a by-product of Sicilian culture. Sicily had felt antagonistic towards the centralized government in Rome, not only since it was a peripheral region of a unified Italy; centuries before, it had had to defend itself from foreign invaders—factors which may help to explain the Sicilian Mafia and its mentality. The same approach has been used to analyse black mafias in the US by lanni (1998).

The contrasting approach concentrated on the specific activities of organized crime rather than its historical background and conditions. Thus, organized crime was analysed purely as an economic activity: ‘enterprise syndicate’ (Block 1980), ‘capitalist enterprise’ (McIntosh 1973), ‘Mafia enterprise’ (Arlacchi 1986) or ‘industry of private protection’ (Gambetta 1993; Varese 2001). It is not its origins, structures or members which are of interest here but its economic activities. All agree that it responds to supply and demand in a market place. Gambetta has taken this analysis slightly further and argues that the Italian Mafia provides private protection in a context where trust is missing. The State is no longer able to provide safety, law and order for citizens: this is when the Mafia steps in.

More general and structured approaches have also sought to analyse how organized crime works in society, economy and politics rather than providing theories and justifications about its origins and existence: Jane and Peter Schneider, for instance, analyse the Sicilian Mafia from a global point of view as a form of ‘broker capitalism’, in a more general process of ‘modernization without development’ (1976:203). Beare (1997) argues that it must be seen as ‘a process’ in society, while Tranfaglia (1991), referring to the Italian Mafia, analyses it as ‘a method’ and Armao (2000) sees it as a ‘subsystem’ of society. Tilly (1985) has also introduced the interesting notion that organized crime can be compared to both war-making and state-making, whereas

Umberto Santino (1995) refers to it in terms of the development of a ‘Borghesia mafiosa’ (a sector of the bourgeoisie which identifies with the Mafia). These analyses are helpful, as they consider organized crime from a dialectical perspective, thinking of society as a whole (that is, including economic, social and political aspects).

Once the different facets of organized crime had been elucidated and studied in depth, general attention turned to the concrete danger that these groups pose to society at large, in particular, that to internal security. Transnational organized crime and the security threat it poses has become a growing area of interest since the 1990s.

So far, there have been two levels of analysis. First, the internal and external security threat which organized crime poses the EU as it develops into an institution, specifically the Home and Justice Affairs area and the Schengen Agreement. One of the major handicaps in this respect has been the lack of agreement on a common definition among EU member states:

> Since the creation of the Trevi Working Group on Serious and Organized Crime the member states have been at pains to establish a common definition of organized crime. Even nowadays, when serious work is being undertaken to consolidate intelligence sharing and to establish a network of magistrates, there is still a noticeable struggle to come to an agreement about the exact target of recent strategies and new police investigative methods.
>
> (Den Boer 1999:14)

Second, the international security threat which transnational organized crime has come to pose since the end of the Cold War: ‘transnational crime is presently one of the most serious security threats to democratic institutions, the rule of law, community welfare, and basic values and norms’ (Viano 1999:xi). Indeed, Williams and Vlassis warn that ‘the challenges posed to national and international governance and international security by criminal organizations could prove more enduring, more complex and in some respects, more difficult to manage than the relationships of the nuclear arms race era’ (1998:1). Indeed, what would appear to be worrying is ‘the tardiness of some governments in recognising the severity of the challenge and in coming to terms with the new features of organized crime’ (ibid.).

Peter Martin clearly sums up the problem we are interested in and will try to develop in this book:

> Democracy around the globe is facing formidable challenges today, not from martial forces from outside, as we saw heretofore, but from subversive militants from within. Democracy is infected by a pernicious affliction initiated and propagated by organized crime that gains control progressively, maybe first as only a communal criminal gang, to later transform itself into a market driven force, eventually infiltrating the legitimate government at all levels, and finally rendering the government

> powerless. Throughout the metamorphosis organised crime enlarges its power structure and fortifies itself as democracy atrophies or is lost altogether.
>
> (Martin 1999:25)

Not enough study has so far been made of this particular threat. We hope in some way to contribute to this general discussion, heeding Strange and Paoli's warning:

> Political science and especially international relations as its sub-discipline have both insisted on the State as the primary actor in world politics. Both have resolutely refused to accept the reality of market power and the consequent diffusion of real authority over economy and society; for that reason, neither can come up with explanatory theories capable of adapting to the emergence of transnational organized crime as a major threat—perhaps the major threat to the world system in the 1990s and beyond.
>
> (Strange and Paoli 1995:15)

Organized crime challenges democracy

This book seeks to understand how and why, in the twenty-first century, mafias have come to flourish in democratic societies. Today's post-Cold War world is full of vulnerabilities, and it is in liberal democratic systems that we can find organized crime networks at work:

> Many states that once appeared militarily strong, politically and socially cohesive, and economically vibrant, now appear in a far different light. Others are undergoing difficult transitions to liberal democracy and free market economies. In some countries the new rulers appear to be not good democrats and legitimate businessmen, but a new breed of authoritarian criminals and illicit entrepreneurs. Consequently, one form of authoritarianism is simply being replaced by another.
>
> (Godson and Williams 1998:323)

But why out of all the different existing political systems does a criminal organization need and seek out democratic systems? Once it has established itself, its natural habitat would appear to be one of democratic values and conditions.

What do we mean by democracy? What framework do we use in this book? Sartori's general definition clearly sets out the parameters of what liberal democracy is and is not. It is a system where:

> Liberalism calls liberty and democracy for equality. Conversely, in order to unite them we say that it is the task of liberal democratic systems to combine liberty with equality…. The interplay between liberal and democratic component elements in our systems can be portrayed thus: the

> first is especially concerned with political bondage, individual initiative, and the form of the State; the second is especially sensitive to welfare, equality, and social cohesion.
>
> (Sartori 1987:383–6)

In other words, it is a process. Indeed, liberal democracy in this political sense is the implementation of two basic principles as defined by *The Intemational IDEA Guide to Democracy Assessment* (Beetham *et al.* 2003): 1) popular control over public decision-making and decision makers; and 2) equality of respect and a voice between citizens in the exercise of control. The report argued that these two basic principles are implemented through 'mediating values' present in a society: participation, authorization, representation, accountability, transparency, responsiveness and solidarity. If these values are missing, then democracy is limited, the more present they are, the more democratic the country.

Together with this political arrangement, liberal democracy has developed within a specific economic framework, capitalism with a liberal free market, a mixed economy which can be defined in the following terms: 'domination of private capital, logic of the market, a Keynesian intervention and a substantial public sector' (Allum 1995:29). We believe that it is this political and economic combination that produces opportunities and vacuums for organized crime to exploit.

We do not wish to use the term 'liberal democracy' here in the purely narrow political sense of 'political democracy' but in the wider sense that Sartori calls 'subpolitical', and which includes notions such as social democracy, industrial democracy and economic democracy, which all make up political democracy. We thus adopt a multidimensional approach that combines macro, micro, political, social, industrial and economic aspects; our definition allows us to describe citizens in all their facets: as social, industrial, economic and political beings. Therefore if democracy is threatened, it is all these aspects which are being threatened, not simply the political process and representative democracy.

We have been inspired by *The International IDEA Guide to Democracy Assessment's* (2003) four analytical pillars of democracy: 1) citizenship, law and rights: basic human rights of citizens (civil, political, economic and social rights), nationhood and identity, rule of law and access to justice; 2) representative and accountable government: free and fair elections, democratic role of political parties, government effectiveness and accountability, civilian role of the military and police, minimizing corruption; 3) civil society and popular participation: role of media in democratic society, political participation, government responsiveness, decentralization; and 4) democracy beyond the State: international dimensions of democracy. We decided to limit the parameters of our analysis to three aspects of democracy (this is not exhaustive): the State, civil society and political systems. We want to understand how far organized crime co-habits with and attacks these different aspects of democracy.

The challenges

The overall structure of this volume on organized crime and democracy mirrors the complexity of the issues raised by each contributor. In Part I we provide useful definitions in order to limit the scope of our analysis and offer a framework for the pervasive dynamics generated by organized crime as well as the relevant sectors in which it is found. Parts II, III and IV include different national case studies and focus on the key environments in which organized crime operates, such as the State, civil society and politics. In discussing each case, we will, on the one hand, provide some analytical distinctions so as to identify what trends emerge from different historical, political and economic contexts which nonetheless share common traits. On the other, we will examine the specific characteristics of each individual case.

However, it will also become clear that such distinctions are, to a certain extent, artificial, given the fact that the nature of organized crime is so complex: any analysis of the role played by the State inevitably leads to a discussion of politics and civil society; moreover, any study of what influences individuals in their everyday lives necessarily involves an assessment both of political processes and, ultimately, of the way in which a state is organized. Similarly, when we analyse the complexity of the mafia phenomenon—a form of organized crime essentially based on territorial domination which, in turn, acts as a springboard for the development of widespread international interests—we cannot avoid the myriad historical, economic, political, sociological, psychological, criminal and anthropological aspects which interact to define its identity. In other words, the phenomenon we are dealing with is both intricate and highly articulate. It bridges both local and global civil society by artfully merging deep-rooted traditions with a (late) modernity, a phenomenon which Umberto Santino (1995) has carefully examined through the development of his ‘paradigm of complexity’.

In Part I, we examine the connections between entrenchment (taking hold of a given territory) and expansion (spreading to new environments) and look at the ways in which such approaches operate. Fabio Armao provides the theoretical tools to help us understand these connections from an international perspective: he does this by showing that the relationship between ‘entrenchment’ and ‘expansion’ is highly functional in so far as the former aims at controlling a given territory whereas the latter looks further afield for new areas to dominate. Furthermore, he invites us to conceive of a continuum moving from organized crime to crime syndicates, right through to mafia ‘as the most specialized criminal group, also using politics (which means the totalitarian control of a territory) to obtain profits’. The idea of a continuum has also served as a useful theoretical guide in compiling this book. We agree with his hypothesis that mafia-type criminal organizations are those that pose the main threat to democracy.

Renate Siebert examines the mechanisms which enable territorial social control, threats and violence to remain firmly in place. Her analysis focuses on the individual experiences of men and women involved with the Italian Mafia as well as on the repercussions crime has on people’s everyday lives. Her discussion focuses on how the Mafia can trigger specific forms of consensus while, at the same time, provoke forms of civil resistance and opposition to its control.

Following the debates on the United Nations Convention against Transnational Organized Crime signed in Palermo in 2000, Monica Massari provides a framework of definitions and current controversies. What Kofi Annan referred to as ‘uncivil society’ at the UN convention has much in common with what we call ‘the challenge to democracy’: that is to say, a global threat to civil cohabitation. Massari lists some of the dangers which transnational crime poses to both individuals and the collective, including physical, economic, psychological, community and societal harm. Moreover, she highlights the interdependence between legal and illegal economies and between legal and illegal subjects, which is making new forms of transnational crime increasingly more dangerous and threatening. The history of mafia-type criminal organizations clearly shows that there is a strong relationship between the State—an institution with the legal right and duty to exercise violence—and organized crime, which employs authoritarian and illegal methods in monopolizing the use of violence.

Part II deals specifically with this relationship. The way in which modern states themselves came into being (such as Italy’s unification in 1861), together with the historical contexts, weaknesses and contradictions inherent in such processes, have influenced and continue to influence the development of criminal organizations and the degree of leeway they are given by the democratic systems in which they operate. Sergei Plekhanov’s chapter on Russia from this point of view is particularly significant because it highlights the triple context in which organized crime has developed in the last decade—a global, a systemic and finally a specifically national one. What the *Mafiya* represents for Russian society, as a threat to institutions, political life and civil society, is the result of the USSR’s history. The criminalization of private initiatives, the relentless growth of a ‘shadow economy’, criminal and alternative to the bureaucratic State, have all been extraordinary incubators for the current forms of organized crime. What is at stake in Russia at the moment touches the heart of our analysis on the challenge to democracy represented by organized crime. According to Plekhanov, if Putin’s ‘reform authoritarianism’ is necessary, on the one hand, to render the State strong and credible, on the other, it slows down an already compromised process of democratization, discredited during the Yeltsin presidency. The author concludes ‘without active citizen involvement, campaigns against organized crime and corruption will bring only limited results.’

Sayaka Fukumi examines the case of Colombia, a country whose formal democratic institutions are already under considerable strain and where the State’s authority is relentlessly undermined by both feuding drug cartels and guerrilla warfare, is also heavily implicated in the narcotics trade. The result is that the Colombian state’s legitimacy is seriously called into question: acts of corruption and intimidation at different institutional levels, involving politics, the judiciary, the police and the army, have literally hollowed out the country’s democratic institutions: ‘there are hardly any democratic means left: elections, decision-making and policy-making processes and justice are all controlled by money and violence.’

Although the situation in Colombia is an extreme case, it is nonetheless worth reflecting upon in so far as it is emblematic of the close relationship which can exist between transnational criminal mafias and individual states, or corrupt parts thereof. Similarly, it highlights the importance of efficient state intervention in opposing organized crime. The crucial importance of these issues cannot, we believe, but remain at the top of the European Union's political agenda.

Political unity, over and above economic unity, which is more established, is by no means an easy feat for individual states. At the same time, there is much evidence to suggest that transnational criminals have wasted no time in putting together new strategies to deal with the demands and potential offered by the transition to globalization. In fact, these are indeed better equipped than states themselves in so far as they do not require political consensus in order to legitimize their actions.

Wyn Rees examines the various stages of the development of the European Union during the 1990s, particularly in the light of security policies. As a word of caution, it must be said that the presence of transnational criminal gangs in individual European states varies to a great extent and that European partners are currently particularly concerned with the uncertainty and political disputes which may result from the integration of Eastern European countries into the EU. Having said that, despite Europe's awareness of the dangers posed by the spread of transnational crime, there is, as yet, no common agreement on which repressive and security measures should be adopted against it.

To what extent should we guarantee the safety and rights of citizens? If the member states of the European Union concentrate their energies solely on restoring citizens' freedoms, 'the consequence may be that the EU will undermine some of the liberal-democratic values that it purports to defend', which could in turn pose a risk to the Union's own legitimacy.

Part III deals with the implications of organized crime for civil society and, in particular, the democratic initiatives of citizens who try to oppose the hegemony of the criminal. Robert Kelly and Rufus Schatzberg analyse the history and impact of organized crime on the United States. They show how Mafia criminal groups interact with the legal sectors of the economy by exploiting the very same institutions which are fundamental to the functioning of democracy—in other words, political parties themselves which become true 'political machines': 'the most durable alliance between politicians and gangsters appears to flourish in urban areas with entrenched political machines which are, ironically, overwhelmingly democratic, supported by liberal electoral constituencies.' Criminal gangs have, on the one hand, managed successfully to exploit new market structures and forge political relationships in order to satisfy the social needs which public institutions have failed to address and, on the other, quenched their insatiable drive to make money. In fact, in sectors such as the building industry, it is organized crime syndicates themselves that have acted as rationalizing bodies.

The case of America clearly shows that, under certain circumstances, criminals have become involved in both the public and private domains and have been able to take over those sectors which the system has failed to regulate. The result is that they manage to weaken the mechanisms of democracy from within and, consequently, destroy the quality of life in civil society.

Research carried out by Ercole Giap Parini in the field of Mafia infiltrations in two local communities in southern Italy draws upon the unambiguous existence of a reciprocal relationship between criminal forces and democratic forces: 'the Mafia is not simply something that affects or shapes different aspects of social and economic life, but is in turn something that is affected and shaped by them.' Parini's hypothesis is that, when a democratic system is ‘alive’ with active citizens and an engaged civil society, then organized crime tends to concentrate on the mere criminal aspects of its activities. Indeed, the behaviour of the criminal can be greatly influenced by a society’s inability to invest in and consolidate the civic values, behaviour and attitudes of its citizens.

Alessandra Dino’s contribution also focuses on this inability. Specifically, she analyses the relationship between the Sicilian Mafia, the Church and religion in general, showing the complexity of the symbolic and communicative process which singles out such a relationship. On the one hand, she examines an apparent paradox: Mafia members—men and women—are very religious, to the extent that they see themselves as the official interpreters of divine justice. On the other, Dino emphasizes the contradictory stance the Sicilian Church has towards the Mafia phenomenon. Finally, the very notion of *pentitismo,* i.e., Mafia members turning state witnesses, is examined in the light of the relationship between ‘earthly and divine justice’.

Part IV, the final part of our book, tackles the very substance of the issues raised: the relationship between organized crime, politics and justice. Paola Monzini’s study of Marseilles traces the history of the conflict between the city’s criminal gangs and the democratic process from the beginning of the 1900s. The case of Marseilles is particularly interesting because it highlights specific instances in which organized crime has come into direct contact with politics. For example, in the 1920s and 1930s, Corsican organized criminal gangs seized widespread social control of the city, particularly the immigrant districts, by organizing electoral campaigns and suppressing political rallies and strikes. Moreover, the links between criminal bosses and well-known political leaders became apparent when criminal gangs were recruited to settle disputes in the labour market. Monzini stresses the strong correlation between the politico-economic crisis, the State’s inability to hold on to its monopoly of violence and the spread of criminal power. After the Second World War, following strong pressure on the French government by the United States—which was, at the time, Marseilles’ main drugs market—the protection which French politicians and the secret service had enjoyed was gradually taken away. Eventually, the decision-making centre of the narcotics trade moved to Morocco and Sicily.

The case of Marseilles, and consequently of France, shows that clear forms of collusion exist between political and criminal power; however, it also shows that, when the State is intent on regaining its monopoly of violence, it is indeed capable of doing so.

The case of Sicily and Italy, examined by Jean-Louis Briquet, is somewhat more hard-fought and, ever since the Unification of Italy itself, more compromised. Briquet examines the complexity of this case by studying the reports of the various Antimafia Parliamentary Commissions, the first of which was set up in 1963. The reports provide an understanding of the issue through the changing political discourse which has addressed the Mafia phenomenon in Italy. Such discourse has gone from being apologetic to critical, depending on each political party’s interpretation, and eventually ended in legal action: the Andreotti trial is emblematic in so far as it exemplifies a move to place politics and the Mafia in a judicial context. Moreover, the trial is representative of the highest level of political discourse surrounding the criminal phenomenon, yet, at the same time, it also marks the end of political involvement in such matters, because political issues were transferred to the legal system, allowing judges to become effectively political arbitrators. At present, this shift in responsibilities from the political to the judicial means that political debate on the issue has been delegitimized.

Finally, Eiko Maruko examines the role played by the *Yakuza* in the Japanese political context from the second half of the 1800s. In particular, Maruko addresses the multifaceted question of violence: legitimate violence, seen in terms of state monopoly, which must be justified to citizens; illegal violence exerted by criminal groups which is used to put pressure on certain political forces in favour of others; and finally extra-legal criminal violence, which political forces rely on as a substitute for law and order when the State is too weak to carry out its duties. The *Yakuza's* involvement in Japanese politics has taken the form either of individual bosses or of powerful politicians, where individual bosses are also political leaders; they are locally well known and established as well as openly violent. This was especially the case in the 1930s and 1940s, when renowned criminals also had important political roles. Powerful politicians, on the other hand, were not members of the criminal organization as such, although they were often linked to the *Yakuzaby* secret pacts, corruption and bribes. Maruko points to a significant trend which seems to prevail throughout Japan's history from the beginning of the 1900s: the more a democratic system develops and facilitates civil participation by conducting its affairs openly, the more organized crime is able to perfect its methods of infiltration. Organized crime can be explicitly violent and visible on occasions such as political rallies or election campaigns, yet can also play the part of a strategic and silent mover: 'it is in the backroom, then, that *Yakuza* can have an effect on political decisions such as the selection of a prime minister or give financial support to political candidates, a form of political influence made possible by the financial strength of post war organized crime syndicates.'

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Part I
Definitions and diatribes

1

Why is organized crime so successful?

Fabio Armao

The rate at which the mafia problem is exploding in an ever-growing number of countries, both developed and developing, challenges our understanding over and above our moral principles. We were used to thinking of organized crime as a marginal phenomenon and/or as the sign of closed social groups contrasting the flow of modernization. Now we must assume that criminal organizations act just as private holdings, produce huge profits, enter more and more markets—becoming transnational—without ever losing their main characteristic, which is the use of violence to conquer and defend their positions. But, first of all, what exactly do we mean by 'organized crime' and, second, how is it possible that organized crime may succeed in challenging even modern democracies?

Organized crime: a *genus* with a plurality of *species*

As is well known, the expression 'organized crime' was coined during Prohibition and legitimized by the Kefauver Commission on interstate criminal commerce in the United States in 1951 (Becchi 2000). The term emphasizes the economic aspects of the crime, its pursuit of illicit profits through group activity; and many have argued that the group has ethnic consistency, which implies that crime is an instrument of social advancement for underprivileged minorities (Abadinsky 1990). Lastly, in December 2000 this definition was adopted by the United Nations in its Convention Against Transnational Organized Crime: an "'Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences…in order to obtain, directly or indirectly, a financial or other material benefit' (article 2). But such a definition proves to be oversimplistic because, by decontextualizing transnational organized crime from political and social reality, it impedes comprehension of its origins, and, in so doing, it conceals the fact that its competitiveness may also consist in a traditional network of collusive relationships with members of external (and licit) groups (social, political, entrepreneurial). Besides, it ignores significant differences among organizations, such as white-collar criminals, street gangs, mafia.

It might be useful, at least for social scientists if not for politicians and investigators, to consider and define organized crime as a *genus,* including many different *species* depending on the geopolitical and historical context. In other words, we may imagine a sort of *continuum,* starting from organized crime in the sense of a group of individuals who act together to commit crimes of different types (such as robberies, drug pushing, etc.), even on a transnational basis; then moving on to crime syndicates as well-structured criminal groups with different hierarchical roles devoted to the search for profits, acting first of all as entrepreneurs; and finally at the other end of the *continuum* mafia, as the most specialized criminal group, also using politics (which means the totalitarian control of a territory) to obtain profits (see Figure 1.1).

Theoretically, of course, it is possible to move up or down the *continuum;* thus it is not necessary that all organized crime groups evolve into mafia, and even mafia groups may be able to cut their links with political systems and become more involved in business activities (just like criminal entrepreneurs). Empirically, which means historically, things are much more complex. First, to study transnational organized crime it is necessary to effect a sort of methodological revolution, adopting at least some of the assumptions about multidisciplinarity and multilevel analysis on which social scientists theorize, while at the same time looking at these assumptions as if they were utopian goals. Organized crime is probably the best case study to test this method. A grid to organize the many different variables would be needed and it would also be necessary to collect empirical data, to obtain ever more information on different organizations: their structures, businesses, relationships with the political systems, and so on. But the last point is still, paradoxically, the most difficult one: many governments are reluctant to inform us about the true extent of the phenomenon inside their borders and tend to interpret requests for data and information, even from international institutions, as a gross violation of their sovereignty.

However, if we had sufficient facts we could test a number of hypotheses. Maybe in certain circumstances a sort of ‘natural’ trend exists and the mafia is the point of arrival, a ‘necessary’ evolution of organized crime groups—a confirmation of this trend being the growing number of so called ‘mafia states’ around the world. Or, on the other hand, a criminal group may halt its evolution at the level of a crime syndicate. Probably, however, a sort of ‘a law of no return’ exists: if an organized crime group has developed links with elements of the political system, why should it give up this advantage? If this assumption is true, then those who argue that the mafia can evolve into a purely legal enterprize—and that this is why societies must ultimately learn to coexist with them—are either mistaken or lying.

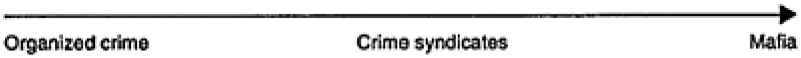

*Figure 1.1*The continuum of organized crime.

As regards the second question—how is it possible that organized crime may succeed in challenging even modern democracies?—the simplest way to answer this is to analyse organized crime groups as if they were ‘systems’ with their own authorities, regimes and structures (Armao 2000). And each of these systems, as such, interacts with its environment, consisting of other (sub) systems, such as the political, the juridical, the economical or the social (Allum 2000). What matters, from this perspective, is that the interaction among the systems is a necessity because they are not autonomous and their borders are not impermeable. The area of true interaction between criminals and, for example, politicians is a 'grey zone' which would be useful to analyse in scientific terms. The strength of a criminal group depends on its capacity to develop a network of relationships with members of other systems—entrepreneurs, politicians, and so on—which for convenience may be defined as the chance to obtain illicit advantages in defeating competitors (for example, both in the market, securing contracts, and in the political arena, buying votes) and attaining monopoly positions. This model of analysis fits mainly the peculiarities of mafia groups, which are therefore the most dangerous for democracy—which is why I will devote my analysis to this species.

'Mafia', as is universally known, is an Italian term; it identifies a criminal association specific to western Sicily, whose main characteristic is exactly its political nature (Pezzino 1994), in the Weberian sense: it aims to obtain a monopoly of physical force within a territory as a guarantee of its own system. The function of this monopoly is to accumulate resources to invest in illicit markets, but also to gain the consent necessary to infiltrate legitimate society. The term mafia, then, may be used to identify a peculiar model of criminal behaviour much more complex than that of 'simple' organized crime, and which equates, to give some examples, with *Cosa Nostra, Camorra* and *'Ndrangheta,* but also with the Japanese *Yakuza* and the Chinese *Triads*—not implying that all these organizations are identical, but that these and other criminal groups have similar structures and functions.

Figure 1.2 offers a dynamic representation of the relationships between different *species* of organized crime and political and economic systems. At the start, organized crime (OC) is clearly unconnected to the political system

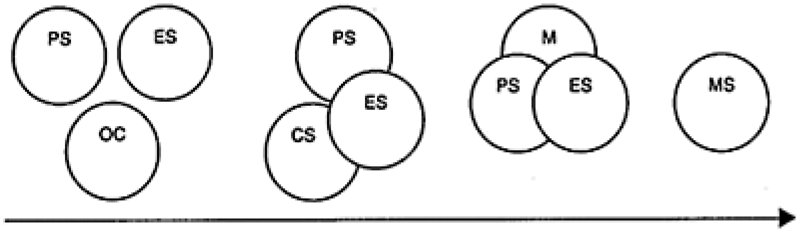

Figure 1.2 The relationships between different species of organized crime and political and economic systems.

(PS) and to the economic system (ES); but as soon as a criminal group becomes more hierarchically structured, that is, it evolves into a crime syndicate (CS), it connects to the economic system (which is already 'institutionally' connected with the political system) and approaches the political system. Mafia (M) interacts with both political and economic systems, gaining a dominant position that may let it evolve into a mafia state (MS), in which the mafiosi also assume both the political leadership and the monopoly of the economic and financial resources of the State.

On the functions of mafia systems

What, then, is the definition of mafia? Mafia is an organization made up of different cells—clans—that are hierarchically structured, so that its authority (almost always protected by secrecy) is guaranteed yet at the same time its structure is loose enough to be able to adapt to different needs. Indeed, mafia pursues profits by means of monopolistic positions in illicit markets and makes instrumental use of licit markets, above all for covert activities and money-laundering. Finally, mafia gains its position by using violence as a specific, although not exclusive, means of acquiring political power.

Thus, mafia systems today appear to be much better equipped than the 'old' modern states in connecting the local with the global—the rediscovery of territoriality and ethnicity with the globalization of the economy. In other words, we must consider the mafia as one of the many different manifestations of modernity, which is functional to a particular way of conceiving of politics (both the authoritative distribution of power and the relationship between citizens and the state) and economics. The fact is that this way of conceiving of politics and economics is shared by a growing number of other groups operating in the legitimate world, and this is the reason why the mafia achieves increasing success.

To test this hypothesis, it is necessary to 'travel' through different levels of analysis, evaluating many variables. First, the mafia originated as an endogenous phenomenon only in certain states and in particular historical circumstances. It depends on the conditions in which the process of the monopolization of legitimate force by the central government occurs: instead of pursuing defeat of local authorities to centralize power resources, the State adopts a strategy of cooptation that allows these local authorities to survive together with their patronage (Tilly 1975). The mafia is thus the result of this 'politics of patronage' at a local level, whereby it came into being as the private army of a specific 'landlord'. The problem with the mafia is not the absence of the State, but the will of the State to lower the costs of nation-building, subcontracting some roles and functions to these groups. This is the case, for example, of Italy after its unification in 1861, of Japan at the end of the Second World War and of Russia after the downfall of communism in 1989. As we have already argued, the control of a territory through violence, maybe of only a few districts in a city, is fundamental for a clan in order for it to progress in the accumulation of resources: money to invest in the much more profitable illicit markets (such as the drugs, arms and slave trades) and power to support the infiltration into legitimate society.

This may be the reason for the origin of the mafia, but to explain its expansion it is necessary to look at the evolution of the political systems involved and the monopolization processes which have taken place there. The evolution of the nation-state has been analysed by distinguishing between two main phases: the first—the formation of monopolies—of competition and conflict among a plurality of political actors that results, or should result, in the accumulation of power resources in the hands of a single authority, and the second during which the private power of the sovereign gradually becomes public by means of the distribution of resources to a growing number of groups (the nobility, the aristocracy, the bourgeoisie, for example) (Elias 1984–6). In some cases, it is clear that modern political systems have now entered a third phase, that of the 'privatization of the public sphere'. This is not a simple rediscovery of previous phases:

that of free competition or that of the authoritative distribution of resources by an absolute sovereign. Today states, some states, are capable of combining the arbitrary acts of authoritarian regimes with the universalism specific to democracies. They are still hierarchically structured, but this structure consists of different strata of clientages, in which the patron of a lower clientage may be a client in an upper clientage.

This is not to say that the patronage system and corruption equate with mafia, but that the mafia can take advantage of this way of conceiving of politics. It can offer its services to reinforce the traditional patron-client relationship through the use of violence: with the mediation of the boss, the client is no longer free to change patrons, and the patron has the certainty of not losing clients. But both patron and client become debtors of the boss. This is the logic which determines the success of the mafia in so many states: politicians do not settle for democratic elections, they do not want to be representatives but owners of their offices—though the same holds for all entrepreneurs who do not like free competition and prefer monopolistic positions. The mafia offers votes and gets rid of competition in all fields, but in turn it wants to manipulate politics or control public contracts. This is also the reason why, historically speaking, some mafia groups have only recently become states: it is much more convenient for criminal organizations to corrupt politicians, to collude with elements of the other system. But sometimes it happens that the State collapses, and in that case the search for a new power élite can favour groups such as the mafia, which hold both financial and violent resources. Political competition is reduced to a fight among clans within the State, but also among states, still seeking the control of illicit markets and the resources of the State.

This is certainly one of the possible interpretations of the recent events in almost all the ex-communist countries: the political transition to democracy has been overwhelmed by the need to organize the transition to capitalism; and this has been put in the hands of criminal organizations. New criminal-political leaderships try to manipulate public opinion and place additional value on ethnic identity and nationalist sentiments. But that these ideologies are purely instrumental is shown by these new leaderships' conception of war; that is, by their way of improving politics through other means. The recent wars in the Balkans are a classic example: instead of mass armies in the field or true guerrilla warfare, the dominant aspect is the rediscovery of privateering: the replacement of professional armies belonging to the nation-state with criminal-mercenaries, who lack any moral code and claim their right to slaughter civilians and to rape women as pay for their services. This is the only method mafia systems can adopt to extend their use of violence.

Two alternating phases: entrenchment and expansion

These criminal groups named 'mafia'—which arose within a small number of states around the world with very different traditions, but with the same strategy of monopolization—have already proved themselves capable of connecting the local dimension of territoriality with the global level of international financial markets. Before analysing in detail how the mafia has managed to combine both these aspects, it is worth noting that, paradoxically, it benefits from the increasing constraints imposed on nation-states by two movements of democratization (Bonanate 2000): first, the growing institutionalization of the international system that forces states, traditionally *superiorem non recognoscentes,* to adopt rules and principles formulated by transnational authorities, and second, the increasing expansion of democratic regimes at state level and the still larger demand for democracy coming from public opinion. It has been noted that capitalism has found it necessary to identify with the State to achieve success (Braudel 1977). The fact is that too much democracy is an impediment for capitalism. The spread of rules and procedures to solve conflicts in a non-violent fashion, the requirement of transparency in economics and in politics, all may limit the search for profit. Capitalism, in that case, can try to overcome the obstacle by reinforcing the domain of illicit markets that have always existed.

In a market seen as being in a Hobbesian state of nature, the mafia can reiterate primary accumulation by means of widespread and violent exploitation of the territory; it can overrule free competition, supporting the creation of oligopolies or even of true monopolies and, by selling illicit goods and services, produce immeasurable amounts of available cash to invest in the financial market. To do this, it needs both an army to control the territory and the support of a large part of the political and economic systems. The interaction among the representatives of these systems produces a dynamic business committee, which may be open to the contribution of different elements, depending on the issue at stake. But how is it that the mafia tries to connect local specificities with global dimensions?

Generally speaking, the mafia tends to develop through a twofold process of entrenchment and expansion. The entrenchment phase consists in the conquest of a territory, which can be achieved by using armed force or diplomacy, both against other criminal groups and against state representatives. Only after having gained a strong position can the mafia clan embark on the colonization of new areas: initially in the same city, then in bordering regions and finally possibly even in new states. This is the history of *Cosa Nostra,* which from Sicily expanded initially throughout southern and then northern Italy, sometimes also contributing to the spread of new organizations; the way in which older organizations tend to ‘out-source’ control of the territory and its low-level business to newer groups is a mechanism worth analysing more carefully. But the *Yakuza*, the *Triads* and other groups have also undergone such an evolution. The fact is that migration, which for the poverty-stricken is a necessity, for the mafia represents an opportunity governed by the laws of illicit markets: managing resources in massive illegal deals, it acts just like a ‘high level merchant’ of past eras committed to long-distance trading, which was of great importance for the birth of modern capitalism, and nowadays remains a means for the rapid raising of money (Braudel 1979a). The clan follows the routes imposed by the laws of demand and supply of the ‘new luxuries’ such as drugs and by the management of services that the illegal market monopolizes or offers at a lower price than legal enterprizes: the supply of enslaved manpower, the disposal of toxic waste or anything else. It would even be possible to describe the borders of each criminal world economy on a map, simply by joining the starting points—as a rule, the chief commercial junctions, since the mafia comes into being in rich areas, rejecting the assumption that it is an indicator of underdevelopment—with the destinations, and to study the variations through time and their contingent causes.

Mafia clans prefer to entrench themselves in cities where there is a solid community from their own country, which enables them to blend in and to facilitate the reproduction of practices of extortion and of totalitarian control already achieved at home. Entrenchment and expansion are, then, two alternating phases of the same process. In other words, Italian, Russian or Chinese bosses act as governors of trading companies simultaneously at home, in their own country and abroad. It is simply as though they take on the burden of administering colonies on government commission in exchange for exploitation rights. The benefit for the legal government is twofold: it lowers its costs and maintains its earnings through profit participation (through receiving bribes). Moreover, these modern trading companies, like, for example, the East India Company, have an enormous advantage over the State: the internalization of the cost of violence (Steensgaard 1981). Mafia need not delegate protection to external authorities because it can raise its own armies. The most successful mafia systems are nowadays capable of producing true 'protection rent' (Lane 1979), a surplus of private violence (which they can also sell to others) that gives them a commanding position both with regard to other criminal entities and versus the State. If a legal government wanted to fight the mafia, it would also need to address two issues: the duty to organize its own defence, fulfilling the criteria of legitimacy and legality (that is, not considering only the economic cost), and the necessity to handle invisible groups, capable of taking advantage of their secret structure to exert an undefined and undifferentiated threat, just as terrorists do.

A global historical outline of mafia systems, 1945–2000

Each mafia system has its own history and follows its own developmental path, although there would appear to be a kind of learning process whereby newer organizations (such as the Russian *Mafiya*) take advantage of the experiences of older ones and overtake their rivals. It is, however, possible to outline the evolution of mafia systems at a global level and to attempt to understand the significance of the worldwide success of these criminal groups.

The fortunes of mafia groups began with the end of the Second World War in an unprecedented number of countries not only because of the institutionalization of the black market, the ideal context for organized crime. The war also provided the occasion for the international political legitimation of some of the most important emerging mafia groups. This is the case of the Italian Mafia during the landing in Sicily in 1943, when the Allies, above all the American secret services, assigned control of the territory to the local *uomini di rispetto* (men of honour) (Lupo 1993; Renda 1997). But the United States had already asked for the contribution of a *Cosa Nostra* in their own country to control the ports, through the dockers' union—both to bar prospective acts of sabotage by pro-Nazis and to halt strikes and other actions capable of hampering manufacturing (Block 1986). And, with the same kind of 'political realism', the American military authorities turned to the *Yakuza* in Japan, at the end of the war, again to control the black market and maintain order, since the Japanese police had been disarmed (Kaplan and Dubro 1986). The *Yakuza* and the *Triads* had actively participated until the 1930s with the Japanese occupation troops in Manchuria and China, also trading in opium to gain financial resources for the military occupation.

This starting phase is of the utmost importance because it admits mafiosi into the political system, which also means into the field of public contracts, a process that was unprecedentedly enhanced during the years of post-war reconstruction. In Sicily, members of the Mafia were then to participate in the experience of the Movement for Sicilian Independence, and finally enter the Christian Democrat Party; in Japan, the *Yakuza* was to become involved with the right wing of the Liberal Democratic Party, which governed the country until 1993. The post-war era, for all these criminal organizations, was the moment of penetration of legal markets, first of all through the building trade: in southern and northern Italy, as in New York and Hong Kong, they took an active part in the property speculation connected with urban development. Indeed, the construction business offered outlets for the ‘reserve army’ of mafia systems because of its poorly qualified jobs. More importantly, it also represented the gateway to the financial machine, which has shown itself to be of the utmost importance in the expansion of what were already massive illicit operations. At the global level, the Cold War era with its relentless ideological confrontation, undoubtedly limited mafia expansion. Almost all such systems were still engaged in entrenchment in neighbouring countries, and expansion of criminal world economies was limited by the very existence of a vast area subtracted from capitalism. Mafia groups, and the *Triads* in particular, were more active in the Far East, where the success of the communist revolution in China favoured the displacement of the *Triads* in Hong Kong. Moreover, some rebel nationalist groups, expelled from China, settled regions in Thailand, Laos and Burma, creating the Golden Triangle, which for years monopolized opium production. In Europe, and in Amsterdam in particular, the *Triads* could count on large Chinese communities, and they dominated the international drug trade until the 1970s.

In the 1970s, two factors produced a sudden improvement: the first is epitomized by the breakdown of the Bretton Woods system, which caused the international financial market to enter a new phase of deregulation and loss of international financial discipline (Gilpin 1987). This was the beginning of what has been called ‘casino capitalism’ (Strange 1986 and 1996): international money circulation was subtracted from central banks and international monetary authorities, and private credit expanded above all in offshore markets, where dirty money is able to ‘disappear’. The second condition is the huge increase in demand for drugs as a consequence of the Vietnam and Afghanistan wars, when soldiers became addicted and began pushing or smuggling in an ever-growing number of countries: Europe, the United States, the Soviet Union. What happens is that mafia systems create a large number of new mercantile chains (Braudel 1979b) where enormous profits are generated by the huge gap between the price at source and the retail price. These profits could now be dispersed in offshore markets. Drug production zones proliferated: the Golden Crescent (Iran, Afghanistan and Pakistan) rivalled the Golden Triangle for heroin; Latin America (above all Bolivia, Colombia and Peru) specialized in cocaine.

Languages were ‘enriched’ by neologisms such as narcodictatorship, narcoterrorism and narcoguerrilla, regressive manifestations of politics financed by selling drugs. The case of Colombia is a prime example: an authoritarian government, open to corruption, legitimizes the formation of death squads that sell drugs to fight a guerrilla movement that, itself, has no ideological scruples and profits from drug-trafficking, and the bosses of drug cartels, acting as populistic leaders (for example, Pablo Escobar) or as heads of Nazi-like movements (for example, Carlos Lehder) actually run for political office (Prolongeau 1992).

The year of the biggest peaceful revolution in history—1989, which for this reason symbolizes a 'genetic' mutation of the international political system (Bonanate 2000)—marked a new escalation of the power of mafia groups. With the implosion of the Soviet empire the global bipolar system ended, as did a significant alliance system. The growing political and economic crisis in a large number of countries suddenly forced them to 'manage' their entrance into capitalism without having either the resources or the capabilities. Recent events seem to demonstrate that the necessary repolarization movement, the creation of a new centre as a consequence of the downfall of the old one, has often occurred around mafia cores. This concerns mainly Russia, where a coalition has grown up between corrupt members of the old communist bureaucracy and the so-called thieves in law *(vory v zakone)*, professional criminals grouped by specialization. This new entity, at once named *Mafiya*, is capable of seizing all the country's almost limitless resources: fissile materials of the ex-Soviet arsenal and manufacturing equipment, energy resources and real estate (Williams 1996).

At the global level, the appearance of these new criminal competitors—a fact worth emphasizing—generates no conflict among different 'national' organizations, which means that illicit markets have not yet reached the limits of their expansion. Criminal world economies proliferate and can count on a growing number of different routes, so that it is increasingly difficult to fight their expansion, and new services join the old ones—for example, the disposal of toxic waste or the slave trade.

Conclusion

It would appear that 'high level markets' have actually found a much more efficient and reliable ally than the State: if the economy seeks to privilege speculative financial profit over production profit to secure its survival, then the mafia is the right solution. Unlike the State, it does not need large armies to conquer its colonies, and its action escapes the control of public opinion. But if this analysis makes any sense, then the State and the international political system have a duty to react, which means that they must find new tools with which to defend the political system and democracy. One might actually believe that the economic aspects of criminal activity are more important, and that it would be more useful as well as more practical to attack illicit profits; however, it is impossible to attack any kind of crime if you cannot count on a government that is free of criminal conditioning. The 'defence of politics' logically comes before the 'defence of the market'. Besides, if the mafia challenges democracy by imposing a totalitarian control of territory—that is, by destroying civil society—and by enforcing through violence the 'privatization of the public sphere'—that is, by cheating citizens of the control of the electoral process—then this also means that the only way to defeat it is to improve democracy.

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2

Mafia and anti-Mafia

The implications for everyday life

Renate Siebert

The phenomenon of the mafia—or mafias—is a crucial question for democracy, both as an institutional form of civil coexistence, and as an interiorized value capable of synthesizing the historical hope related to civil rights and individual freedoms. Democracy, more than an achieved fact, is to be considered a process: 'it is a necessary condition for the exercise of civil and political rights that people should be alive to exercise them, and should have the capacities and resources to do so effectively.' As the authors of *The International IDEA Guide to Democracy Assessment* put it: 'If democracy cannot deliver better outcomes in this respect than authoritarianism, why should they support it?' (Beetham *et al.* 2003:10). This is a crucial question because, at this juncture, the mafia, more than any other economic/political entity, seems capable of corroding from within the democratic fabric of contemporary society in general, and Italian society in particular.[1] An essential resource for the exercise of rights and duties in democracy is the freedom of choice. Franz Neumann wrote:

> On 6 January 1941 the President of the USA Franklin D.Roosevelt proclaimed the establishment of the four freedoms: freedom of speech, not only greatly conditions freedom to decide, but can even make it freedom of worship, freedom from want and *freedom from fear…* Anxiety impossible to make a decision; only a man without fear can decide freely.
>
> (Neumann 1957:270)

A specific aspect of mafia violence—the strong manipulation of fears and anxieties to acquire power—seems particularly important in this context, because it represents the aspect that most prevents the development of civil society and the acceptance on the part of citizens of their rights and duties.

Sensational events aside, the mafia—in the many subtle and effective ways that are particular to it—attacks democracy at the roots, the entire democratic system, the 'natural' rights and freedoms we enjoy. The mafia infiltrates the normal social fabric, the relations between people. Behind the façade of sensational events and exceptional facts lies, in a shroud of highly effective silence, the most dangerous aspect of mafia-related organized crime—that of becoming accustomed to tyranny and tolerating threats and blackmail. Living and conniving with mafia violence alters people's perception of their rights and transforms citizens into subjects: it is almost a full-scale socialization and education (often unintentional) into the mafia as an unquestioned way of thinking and relating (Siebert 1998). There is a cognitive aspect in getting used to mafia abuse.

Everyday life is what is considered obvious, our daily routine to which we are accustomed. The mafia's strict social control has a silent influence on everybody's minds. Personal life strategies are deeply influenced without people often being conscious of those limits. A young woman, the courageous mayor of a small town in Calabria, states:

> I believe such total social control is a terrible thing, even more terrible than the criminal acts themselves or the fighting between different bands. It is like a door towards the future that has been shut in front of you, because there is no way out, you don't grow…you're cut out…you have to fight for your own rights, because nobody can deny the rights to anybody else. Whereas they had taken everything away from us, every single thing.
>
> (Siebert 2001:59)

The mafia means death. Imagining it far from us, imagining our daily life immune from its influences, is part of the field of psychic defence mechanisms effectively activated by everyday thought. The commonplace—*that's the way it is, it will be, and always has been*—is the backbone of daily thought and common sense. The repetitiveness of the gestures and of daily practices generates mechanisms of 'familiarization': these things happen, what can you do? It's obvious they happen. This is how everyday life represents a privileged sphere of social control, a sphere within which the individual learns to adapt, to conform. It is through the very category of *everyday life* that it becomes possible to identify the elements that stubbornly prevent an awareness of the danger the mafia poses by arousing fear and anxiety (Siebert 1996b).

But everyday life is also the ground on which an important part of the struggle against the mafia takes place: the struggle between life and death, between Eros and Thanatos. And it is in *everyday life* that the war against mafia dominion is fought by many, sometimes with superhuman effort. In a widespread climate of *civil war* citizens are called to offer peaceful forms of *civil resistance*. Combating the mafia requires not only exceptional courage, but also an ability to resist in daily life.

Just as civil society, due to its intrinsic nature, knows no frontiers and no nationalities, the mafia, its destroyer and endemic enemy, cannot be reined in within territorial boundaries. Mafia-related organized crime pursues, and at times anticipates, the flows of capital and the processes of modernization and democratization, while the *private* appropriation of *public* resources has always been one of the key means of accumulation on which the mafia has based its power.[2]

While I do not wish to reconstruct the history of the Italian Mafia in detail, it is still important to underline a key aspect of this phenomenon which has existed and grown since the beginning, that is, since the unification of Italy. This aspect is the Mafia's relationship with the State institutions, and in particular with the state monopoly of violence. The Mafia is not solely an enemy of the State, nor a criminal force combating state power, nor an organization seeking to defeat the State in order to seize power. Nor for that matter is it a force that can temporarily make up for the shortcomings or weaknesses of the State. The Mafia is a much more complex phenomenon. It is a criminal organization that seeks to have its own power, at times acting from within the institutions, at times combating these institutions. It is an organization that skilfully switches register between order and disorder, so as to increase its own sphere of dominion. In the words of Salvatore Lupo:

> The Mafia is always an apparatus of order, but always presupposes that there is a social and criminal disorder to be organized and to be kept under control, be it Sicily at the time of the *Risorgimento* or Sicily in the most recent escalation of crime.
>
> (Lupo 1993:11)

The 'new Mafia', has not changed its nature completely: the 'old Mafia' has merely undergone a functional adaptation in order to perform more complex tasks. As far back as 1965 Judge Terranova, who was subsequently assassinated by the Mafia, wrote: 'there is only one Mafia, it is neither old nor young, neither good nor bad, there is the Mafia and it is a criminal organization' (quoted in Lupo 1993:183).

Mafia and violence, Mafia and death, Mafia and lack of freedom are one and the same thing. And yet the Mafia is a criminal organization which prospers in the spaces of the democratic process. According to Lupo, 'the phenomenon of the Mafia is related, albeit in a distorted form, to democratization' (1993:122). Mafia and dictatorship are mutually exclusive due to the very fact that they are related: both seek to have complete dominion over the individual, to have exclusive power through the threat of death against individual rights and freedoms. It is the exclusiveness of the desire for power that makes it difficult for both to coexist. The Mafia is a mortal danger for democracy. Yet it is only through the arms of democracy that the Mafia—or rather the mafias—can be defeated.

There are many theoretical approaches to understanding the phenomenon of the Mafia, ranging from the historical, anthropological and sociological to the economic, political and criminological.[3] We will focus here on some crucial aspects of the phenomenon seen from the viewpoint of the *individual*.[4] By listening to the testimonies of individuals—men and women who represent significantly different experiences—we create images of life in Mafia circles that refer to very specific scenarios of violence. This violence is linked to politics, but also and above all to everyday life as well as personal relationships and feelings. Not all forms of violence are equal. The violence of the Mafia is particularly disturbing.

The distinction between the 'private' and 'public' in the territory dominated by the Mafia tends to be cancelled, wiped out. Individual and collective rights, typical of the parliamentary democracy that forms the background to these territorial enclaves, are suspended. The figure of the 'private citizen'—which is emblematic of civil society and civil rights—disappears or, rather, has no room to exist. Where the Mafia rules, there is a fear of leading a private life, of boasting personal spaces that could arouse suspicion. Caution, in the private and personal sphere, suggests conformism; fear, in the public sphere, requires that personal rights be waived. Hence those who have the right to vote do not exercise it, or vote against their convictions, and those who have the right to apply for public work contracts withdraw for no apparent reason, or cheat. Hence those who rent out a room gradually forego the rent, those who love and respect their daughters offer no opposition to the advances made by the local mobster. Those who see, didn't see; those who hear, claim that they have always been hard of hearing. Connivance with Mafia terror is wide-ranging and also includes various forms of consensus; what, however, typifies the surrender of the individual both in a private and in a public sphere is mortal anxiety, evoked and re-evoked systematically by violent and brutal threats.

By way of background, careful historical analysis has shown the Mafia to be a structural element of Italian political life right from the birth of the Italian state: from the inside, as a force capable of influencing the decisions and strategies of politicians, from the outside as a factor obstructing, suffocating and perverting the democratic life of citizens and the quality of civil society. It is significant that the corrosive capacity of this criminal organization—which is profoundly anti-democratic and, at the same time, necessarily part of the democratic process—has never been recognized as such by any of the political forces. On the contrary, deluding themselves into believing they could turn the Mafia to their own ends, political forces have continually modified their strategy, considering the Mafia a minor factor that was outside the dynamics of political struggle. In the words of Paolo Pezzino:

> The fight against the Mafia has never seen the different political forces working together to tackle and repress a particularly widespread criminal phenomenon, but has been on the contrary an instrument of political struggle and division. The only ones to come out on top in this no-win game are the Mafia and the local ruling classes that back it. The latter are very skilful in siding now on one side, now on the other, depending on contingencies and convergences achieved in individual historical contexts.
> (Pezzino 1995:25)

The direct responsibilities of the various political forces, however, vary greatly, ranging from the evident collusion of the Christian Democrats to the non-involvement of the Communist Party. As Di Lello writes: ‘years of judicial investigations and thousands of trial records have never linked the Communists in any way with the Mafia either directly or indirectly…[the Communists] did, however, make the historical mistake of not combating constantly and to the hilt the system of power behind it’ (1994:150–1). One major consequence of this shortsightedness has been the presence of excessive violence in Italian political life. No other democratic country in the world has seen the assassination of so many magistrates, politicians and representatives of institutions at various levels as Italy.

These considerations, however, should not lead us to believe that the Mafia has affected only the top political echelons. The Mafia has been able to grow and influence parliamentary decisions because it enjoyed a wide-ranging *consensus*. This still to be investigated consensus is contradictory and problematic, and the structures underlying it differ according to the social class, political leanings and existential position of the individuals concerned. The role played by violence, in this context, does not seem secondary. But nor does it appear to be clear-cut. Undoubtedly, in many cases consensus is obtained, if not extorted, through threats. But in other cases the shadow of violence appears to be an element of attraction, a promise of revenge, a coalescing force in an anti-state ideology which sees the Mafia as an avenging force of the people that have been exploited and cheated by a rogue state. Mafia violence, in this form, can be traced back to the legendary adventures of the brigandage in the south acting to counter the monopoly violence of the inefficient and usurper state.

The Mafia, death, daily life

An approach to the complex question of the Mafia that concerns individuals, that attempts to investigate how, in everyday life, the territorial dominion of the Mafia is organized, supported, opposed or shared by men and women, may perhaps also provide some answers to the crucial question of consensus. The fact that the Mafia is a secret, criminal *male* organization is of particular importance when starting from a viewpoint of subjectivity, when listening to those who have experienced the Mafia. Only a man can become part of or be affiliated to the Mafia, while a woman can belong to it only in so far as she belongs to a Mafia man.

The terrible power of the Mafia organization lies in the determination of its affiliates. Apart from the craving for wealth—which is undoubtedly an important motive for committing crime—close observation shows that what the Mafia seeks above all is power. The *passion for power* pervades the entire network of relationships, inspiring and influencing the ties between the men and women inside 'the separate world' of the Mafia, and serves as a base for the reproduction of a way of being, of thinking and considering oneself a mafioso.[5]

The Mafia claim and its challenge not only to the State, but also to the Church, can be summarized as the acquisition for itself of absolute power, of life and death. In point of fact the death penalty is in place in the territories dominated by the Mafia. Violent death is the element that profoundly characterizes this world. Every act, every thought—every fantasy—is determined by the incipient presence of death. The infection of death, of others, but often also of themselves, cannot be stopped by anyone—man, woman or child (Siebert 1999). Murder is a strategic means of conquering and dominating the territory. 'Far from being solely or above all the result of a bloody and uncontrolled instinct or of a marginal subculture, Mafia murder is mainly premeditated murder, it is inspired by a strategic logic' (Chinnici and Santino 1991:195).

As already mentioned, Mafia violence is particularly disturbing. In stark contrast to the hagiographic image that the mafiosi like to give of themselves—that of the negative hero, executioner and rebel—their manipulation of violence and death bear the mark more of exploitation and cowardice. The victims, often after being brutally tortured, are killed barbarously, many as a result of being betrayed by friends and relatives.

'The myth of the *mafioso* as a "brave, generous man of honour" must be dispelled, because the *mafioso* is quite the opposite'—wrote Judge Terranova.

> The *mafioso* strikes from behind, in the back, when he is sure that he has his victim at his *mercy* and that there is no risk of response, he never faces his adversary unmasked and is willing to go to any lengths, any baseness, just to save himself from danger, to avoid the fair rigour of the law, and the consequences of his roguery.
>
> (quoted in Pezzino 1995:232)

The threat is effective, as far as both the victims and the mafiosi themselves are concerned, because the sentence cannot be appealed against. For the victim the power of the threat is amplified by the imagination, which tends to remove limits and boundaries. Strong emotions, connected to the bodily offence, mean that it is not only the integrity of the body that is affected, but inevitably that of the person as a whole. This is how the mafioso's blackmail works. 'The imagined violence shines like a will-o' -the-wisp in all one's daydreams and nightmares' (Popitz 1990:71).

Mafia arrogance is totalitarian in nature and intrusive: it despises its own enemies and refuses to recognize them as free individuals. Mafia dominion insinuates itself in the social fabric and in the interpersonal relations that go well beyond the merely observable.

The Mafia does not only arouse fears that can be traced to real fears. A good part of its power is based on the acquiescence of persons who intimately feel terrorized, intimidated by threats and blackmail. Anxiety creates a state of precariousness, of continuous agitation that greatly conditions the individual. The devastating halo of disdain and scorn that accompanies mafiosi crimes also affects the relatives of the victims, hanging heavily over their pain, their struggle.

Many accounts given by the victims of the Mafia and by their families reveal a social reality similar to that which Hans Magnus Enzensberger does not hesitate to describe as a *civil war:* 'We are deluding ourselves if we really think that we live in peace only because we can still go out and buy some bread without being shot at by snipers. Civil war is not imposed from the outside, it is not an imported virus, but an endogenous process' (1994:11).[6]

The Mafia seeks to have power over the territory, a '*territorial signoria*' which in many ways is 'similar to an absolute dictatorship' (Chinnici and Santino 1991:319). It is in this absolute prerogative of power that the Mafia differentiates itself from perpetrators of ordinary crime. 'The Mafia strives to control all economic activity, be it legal or not, in a given territory: territoriality is the fundamental element that configures Mafia power' (Lupo and Mangiameli 1989:34).

Territoriality, impunity and visibility—a unique visibility, linked to an apparent invisibility which for many, many years has given credence to the claim made by the political forces in power that the Mafia does not exist. The criminal organization skilfully alternates periods of strident visibility, marked by many murders, with periods of apparent non-existence: 'it goes, in other words, into that specific form of hiding that makes it present in the territory without causing "rash" institutional responses…in their unique clandestine way [the mafiosi] have returned to being visible and unassailable at the same time' (Di Lello 1994:147, 226).

Brutality and normality overlap and merge in Mafia crimes. Hannah Arendt, speaking of National Socialism, emphasized the *absence of thought* as the intrinsic quality of the *banality of evil:*

> I truly believe that evil is never 'radical', but only extreme, and that it neither possesses depth or a demon-like dimension. It can invade and devastate the entire world because it mushrooms on its surface. As I have said it 'challenges' thought, because thought attempts to go in depth, to get to the roots, and when it looks for evil, it is frustrated because it finds nothing. This is its 'banality'. Only good is profound, only good can be radical.
>
> (Arendt 1964:56)

Mafia women

As we have already stressed, the Mafia is a single sex male organization. Affiliation is precluded to women. Nonetheless, in a multiplicity of complex ways, the female presence would appear central to the Mafia's deployment of its *signoria* at a local level, not only in terms of the continuation of its day-to-day dominion but also of its immediate control and administration of illegal activities.

For a long time, the role of women in the world of the Mafia remained shadowy. Virtually the only occasion in which these silent and unknown women became visible was at funerals. In the collective imagination the portrait was largely one of women eternally dressed in black, always in dramatic poses midway between a reverential, subordinate silence and an atavistic invocation of revenge. They were, in short, traditional in every way. The rare comments of Mafia men on Mafia women which filtered out of this 'world apart' were all of the same nature: they described women totally dedicated to their families, exemplary mothers and obedient wives, women unaware of the violent criminal activities of their menfolk, stereotypes, icons of the male imagination, women functional to Mafia criminal activity precisely on account of their invisibility.

Yet, on occasion, these women also got killed, sometimes because they found themselves caught 'by chance' in some violent conflict, at others because they unwittingly witnessed crimes or because (the impression we have today) they were directly involved themselves.

Sometimes they would change sides and appear as witnesses for the prosecution in trials, testifying, describing and accusing. One such example was Serafina Battaglia. Her husband was murdered by the Mafia in the early 1960s, as was her son when he sought to avenge his father's death. In many respects, the case of Serafina Battaglia is emblematic. At first she sought revenge. She began by ordering her son to avenge his father. Then she tried to call in third parties to avenge both. Finally, she took revenge herself by following a new, relatively unexplored path, the only one left open to her—justice. She turned directly to Judge Cesare Terranova, whom she trusted. She trusted him as a person—not justice as such—a fact which is also highly significant. Her statements paint a portrait of Mafia women very different from the stereotype of the time. Serafina Battaglia was familiar with the activities of the mafiosi and the *cosche* (other criminal groups). She was acquainted with all the smallest details of the various connections and relations because her house was frequented by mafiosi. Hearing them talking from behind the door, she had found out that these apparently sterling individuals were actually human beings like anyone else, with all their weaknesses and need for familiarity. 'Pupi whose bark is worse than their bite', she called them in an interview.

Yet the case of Serafina Battaglia is emblematic for another reason. Alas, for her as for others in those years and in similar conditions, justice failed to prove a valid alternative to private vendetta. The sad fact is that her long, obsessive judicial odyssey eventually came to an end in 1979, after almost 20 years and 20 trials, with the acquittal, for lack of proof, of all the accused (Siebert 1996a:pt III, 10).[7]

This episode calls for critical reflection on the administration of justice against Mafia crime in general and the penal responsibility of women in particular. Even on the rare occasions in which they were incriminated, women were acquitted because judges saw them as subordinately bound up in a traditional family role. They were not, that is, deemed autonomously responsible for crime. The drafting of these sentences, stresses Teresa Principato, a member of the Anti-Mafia Investigative District in Palermo, was based on sociological indicators ‘inside’ the criminal organizations themselves and instrumentally elaborated according to them as opposed to autonomous criteria of juridical evaluation (Principato and Dino 1997:76).

If the image of women which the Mafia organization sought to attribute publicly was a subordinate one of traditional mothers and perfect wives, all kitchen sink and church and, above all, in the dark about their menfolk’s criminal activities, the reality was very different. When exploring the responsibility and effective commitment of women in Mafia-type crime, it is necessary, above all, to make distinctions between the various different levels of involvement. Just as the Mafia itself, from the point of view of the social composition of its affiliates, is non-homogeneous, so the women we find in its sphere of influence are extremely diverse. It is necessary, first of all, to distinguish between those born and bred in Mafia families (i.e., with one or more men affiliated to the organization) and those who enter into relation with the Mafia either for temporary criminal activity or on account of personal relations with mafiosi.

Among the women of Mafia families, the wives of bosses in particular, levels of complicity and joint responsibility are very high indeed. Suffice it to consider their role during the long years in which their husbands are on the run from the law (the most obvious examples are those of Ninetta Bagarella, wife of Totò Riina; Grazia Minniti, wife of Nitto Santapaola, murdered in a vendetta against her husband; and Saveria Benedetta Palazzolo, wife of Bernardo Provenzano, a boss who is still in hiding). Not only do they offer psychological and material support; through ‘men of straw’, asset and financial management and mediation they temporarily and by proxy take control of economic power. Usually these women act as a connecting link between men on the run or in prison and members of the organization who can move freely in the light of day.

Underpinning this form of involvement is, in all likelihood, a bond of loyalty among family members, a common sense of belonging, and, unquestionably, the power the violent men of the Mafia exert over their women. How far this violence has, in specific cases, exerted a special charm over women who live in this context daily, and how far the violence leads to unhappiness, psychological disturbance and suffering, is still an open question. We are familiar with examples of both tendencies. On the one hand, there was Giacoma Filipello who, even after the violent death of her companion, the mafioso Natale L’Ala, spoke of the attraction which the violence of that environment exerted on her. On the other, we have Vincenzina Marchese, the daughter of a mafioso and wife of the boss Leoluca Bagarella, but also the sister of the state’s witness Pino Marchese. After being actively involved in criminal activities, she committed suicide. The state’s witness Antonio Calvaruso has described how, towards the end of her life, Vincenzina was so obsessed by the idea of being caught by surprise by the police she wore wigs even at home. Even before she committed suicide, she had ‘let herself die’ in a process of psycho-physical depression and decline.

A different level of complicity is expressed by women who are not strictly organic members of the Mafia family context, but who have a degree of autonomy and responsibility in the management of business activities, financial transactions (including money-laundering) and logistic factors in the context of Mafia activities. More often mistresses than wives, these women play such an important role as go-betweens in illegal and legal business precisely because they are less visible.

A whole army of often poor women in socially deprived environments is available for a large array of Mafia-directed activities such as drug-dealing and receiving. Such women are vital threads in a spider's web which extends over people and things in neighbourhoods and areas where the Mafia holds sway.

As I said at the beginning, until comparatively recently Mafia women could have been likened to a largely unexplored submerged continent; nevertheless the phenomenon of collaborating with justice has torn this dense, invisible veil and offered us glimpses of wide-ranging connections, relations, activities and responsibilities. The term *submerged centrality* has been coined to describe it.

This new, unforeseen visibility of Mafia women—on television, in the newspapers, through phone calls to press agencies, interviews, melodramatic outbursts, always in support of the criminal organization—clashes with the rare public appearances of the few women from this environment who, in the past, acquired public notoriety for the opposite reason, speaking out against the Mafia to denounce and rebel (Siebert 1997a).

It is no coincidence that this sort of reversal happened in conjunction with an increase and intensification of the phenomenon of *pentitismo,* turning state witness. If, in some cases, it is possible that the sensational public appeals of women may be spontaneously motivated by their fear of vendettas involving collateral murder, it appears more likely that the main force behind these changes is Mafia strategy, which seeks to use women for the purposes of the organization. In perfect tune with post-modern times, Mafia experts, specialists and social scientists speak in terms of a new communication strategy by the Mafia. But it must be emphasized that the consequences of the *pentitismo* phenomenon are multidimensional and complex. An indicator of the current situation may be the fact that, emphasized in several quarters, the divisions following evidence provided to the State by one or more members of a family generate conflicts that are starting to surface. Public mental healthcare providers have, for example, reported cases of members of Mafia families, usually women, turning to them for help (Lo Verso 1999). Greater visibility and greater *protagonismo,* the desire to be in the limelight, correspond or have to correspond to a greater responsibility—civil and penal, first and foremost—for women.

A public debate is raging on this point at the moment, involving magistrates, judges and politicians, not to mention psychologists, sociologists and representatives of civil society, such as associations, circles and groups of women who identify with the feminist movement. So what are the bones of contention?

Roughly speaking, it is possible to pinpoint three strands, which of course intersect. For comprehension's sake and at the risk of oversimplifying and schematizing things, these positions are briefly summed up below. In some respects, the first reverses the previous removal of the feminine presence from Mafia contexts and interprets the new visibility as a confirmation of the omnipotent presence of an archaic yet still distinctive feature of Mediterranean society, and of Sicily in particular. It may be summed up as the strong, centralizing figure of the mother, both from a symbolic and a psychological point of view, where it may be traced back to the myth of the Great Mediterranean Mother, and in reality, where it can be observed in the relationship between mother and child. The Mediterranean Mother, then: she who poisons her children's minds, she who underlies

Mafia psychology and the presumed maternal culture of Mafia society; the woman who transmits the culture of vendetta, the woman who educates her children to Mafia 'values', the wicked, revengeful woman who embodies the substratum of *Mafiosità,* the Mafia way of being. In this interpretation, the woman as a fulcrum of alleged 'amoral familism' becomes the very soul of *Cosa Nostra*. In this perspective we certainly get very close to the assertion that 'the Mafia is female' (Di Lorenzo 1996).

The second strand unveils the *submerged centrality* of women. While acknowledging their importance for the cohesion of the Mafia organization in a broad sense, this approach nonetheless stresses the civil and penal responsibility of women in relation to Mafia-type crime. Setting out from a critical analysis and a denouncement of the judgements of the past, which acquitted Mafia women whatever their penal responsibilities by virtue of their alleged traditional subordination within the family, this interpretation places the onus on individual responsibility. This view of the phenomenon, based on the principle of equality, sees in the crimes perpetrated by women a form of emancipation, albeit in certain respects perverse. Despite the formal exclusion of women from the organization, a certain temporary delegation of power can be traced to the fact that the vast processes of emancipation which affect Italian society as a whole touch on and, in part, penetrate the terrain of hegemonic Mafia relations. This temporary delegation translates into the participation of women when it comes to exercizing economic power, whereas the power of deciding the organization's strategies stays, for the moment, in the hands of the men (Principato and Dino 1997).

A third approach, in many respects close to the second, tends to explore not only inalienable assumptions of equality, but also differences between men and women in the Mafia context. This gender interpretation does not deny the specific responsibilities of women, but tends to decipher the particular forms of female violence generated by the Mafia context. By analogy with the historical and sociological studies into female identities which have been formed in misogynous contexts, and which cover all aspects of life, both private and public, such as totalitarian regimes, this interpretation is based, above all, on a feeling of subjectiveness, and seeks to understand how the process of female socialization and identification in the forced and violent Mafia context, male by definition and tradition, is gradually 'metabolized' by individual women. This path seeks substantially to raise further contradictions, doubts and questions (Siebert 1997b and 1999).

Women and anti-Mafia

A considerable part of the day-to-day anti-Mafia drive is female (Bartolotta Impastato 1987; Puglisi 1990, 1998; Siebert 1996a). Women occupy a key role in demonstrating a phenomenon which flourishes on its very lack of visibility, where the witness does not dare to speak, and nobody ever testifies for the witness. The suffering of women has become a material factor of change in the conflict between legal democratic order and this subversive, invasive, totalitarian and illegal force which exploits emotions, feelings and intimate relations (as well as the economy and politics, obviously). The subjective experience of loss, bereavement and pain has become, in these dark years of Italian history, the stimulus for a powerful moral and political vindication. Emotions have proved to be a precious public resource and women play a special role in these forms of protest (Siebert 1995).

Women 'of the people', mostly from Mafia circles or, at least, colluding with the Mafia, in the 1980s, the years of the maxi-trial in Palermo, raised their voices against the Mafia. And women from social groups quite outside the Mafia, such as the widows, sisters and mothers of the men murdered for their anti-Mafia commitment, have committed themselves against the Mafia. Regardless of their individual stories, regardless of their obvious biographical differences in class, status or age, they must all be placed on an equal footing in terms of their courage, civil commitment and pain. It was not without some inner conflict that women of such different social backgrounds joined to testify against Mafia criminals. Giovanna—the widow of Judge Cesare Terranova who was assassinated in 1979—president and co-founder of the *Associazione Donne Siciliane per la Lotta contro la Mafia* (the Association of Sicilian Women Combating the Mafia), confirms: 'it was hard until the group opened its doors to these women [coming from a Mafia context] too. Many were afraid to work with them, they were prejudiced. However, they did recognize that these women are also victims of the Mafia' (Kienzle and Galluzzo 1990:39).

What unites women from different social backgrounds and with different life histories and cultures, such as women historically of anti-Mafia environments and women from circles colluding with the Mafia, is their love for *memory*—the need, the necessity of memory. What ties the *before*—with respect to the interruption marked by violent death—with the *after,* what guards and reworks the before into the after, is the intense activity of memory. Individual memory attempts to go beyond private borders. The widow of Judge Terranova said in an interview: 'I would have felt guilty if I had stayed at home. I would have thought: Cesare died for nothing. Yes because being killed is terrible, but being forgotten is even worse. It's like dying twice' (*Donna Più,* September 1985). Memory becomes word, nurtures protest, invokes justice.

In the 1990s the scenario changed. Political corruption, which was revealed through *mani pulite* trials, led to a restructuring of the political and party system; the acts of terrorism that occurred in Palermo in 1992 (as a Mafia reaction to the final sentences passed in the maxi-trial) and that generated new measures of maximum security imprisonment for the convicted Mafia members brought about, in a short span of time, the phenomenon of collaboration with justice. Both of these things, which are complex and variously interlinked, conditioned and influenced the visibility of women in their commitment against the Mafia. Where Mafia contexts are concerned, there is a strong and totally new public presence of women related to *pentiti*—or men in the process of becoming *pentiti*—who are against the collaboration of their men with justice. Women in favour of collaboration or who are collaborators themselves are few.

On the other hand, within the political context, many women are elected to relevant roles such as mayors and councillors. The scandals of political corruption and the crisis of political parties give women who have a strong civil and moral commitment the opportunity to fight against corruption, nepotism and Mafia criminality, despite the great difficulties, in small and medium-sized towns where there is often a strong Mafia presence. These are the women who, although risking their lives, strongly represent the feminine component of the anti-Mafia movement of the 1990s (Mirone 1997; Siebert 2001).[8]

The 'totalitarian quality' of Mafia dominion and 'civil resistance'

It is by listening to their stories and testimonies, by giving the right weight to the subjective experience of individuals, that we are able to recognize the devastating and negative force of Mafia dominion. Like the regime of the Nazis, the control of the Mafia has a totalitarian quality. Through our analysis of the profound anxieties that it arouses and the devastation it wreaks on intimate relationships, we see how the Mafia is a force capable of undermining and corroding the very fabric of civil co-existence. Before killing the body, the Mafia kills the soul.

The Mafia problem in this respect is similar, perhaps, to the question of racism, which has today become crucial for our civil, individual and collective conscience. The cultural and political reworking of these phenomena marks a watershed, a point of non-return between civilization and barbarity. Day-to-day connivance, sometimes against our will—but often with our tacit assent born out of tiredness, fear, indifference—with these shadows overhanging our lives, tends to become routine. We have got used to the 'banality of evil'.

If we do not recognize this aspect of the phenomenon we risk underestimating it and proposing only partial remedies, based only on repression. Indeed, the strategies used in the fight against the Mafia may be divided into two camps. First there are those who maintain that the fight against the Mafia is a matter exclusively for the State; that only the forces of law and order should combat this type of 'anti-state' crime. But Mafia power is based on terror. In the words of Tzvetan Todorov:

> Terror is fear extended in every sense: it threatens everything all the time, and not just opponents, nor solely in times of revolt. It is all-consuming, and makes no distinction between the public and private sphere. It does not hesitate to use death, the ultimate punishment, whenever necessary.
>
> (Todorov 1992:277)

Alternatively, the struggle against the Mafia may be seen as a battle on several fronts. On the one hand, the firm response of the State, contested—with arms—in the exercize of its legitimate monopoly of violence. On the other, however, the Mafia threatens and attacks by infiltrating civil society, whose values and quality cannot be preserved solely by arms. Something else is needed. What is needed is what has been called *civil resistance:* 'the fight by individuals and groups not through force of arms but through moral courage, invention, adaptability, and the ability to change relationships'.[9]

There is an intrinsic connection between *Mafia* and *anti-Mafia*. If we do not recognize the profound implications that the presence of the Mafia implies for the life of *all* citizens in everyday life, we circumscribe the phenomenon to the sphere of the State or to the economy and reduce it to a criminal pathology. And denying the implications on civil society is tantamount to delegating and shirking responsibility. Ultimately this weakens democracy.

Acknowledgement

Translation by Rodney De Souza.

Notes

1 For an analysis of the links between globalization and mafias, see Armao (2000).

2 For an analysis of the trends occurring in various regions of the Mezzogiorno, see Siebert (2000), with contributions by Umberto Santino, Ercole Giap Parini, Rocco Sciarrone, Sonia Floriani, Felia S.Allunn, Dorothy Louise Zinn, Monica Massari, Stefano Becucci, Paola Monzini, Alessandra Dino, Tonio Tucci, Assunta Lucanto and Paola Maria Fiocco.

3 For a critical overview of the key works on the Mafia, see Santino (1995).

4 See Siebert (1999). For an analysis of the Mafia in terms of gender, see Siebert (1996a).

5 See Scarpinato (1998a) and (1998b).

6 It is significant that the state attorney Salvatore Boemi, in an interview with Clare Longrigg, talks about ‘civil war’ in southern Italy (1997).

7 In general, see also Madeo (1994), Longrigg (1997) and Puglisi (1998).

8 The Parliamentary Commission in its report on the Mafia wrote: The new attitude of mayors has its own concrete value in the fight against the *‘Ndrangheta* since it breaks the conspiracy of silence and creates basic roots and the first necessary step towards freeing municipalities from Mafia; but it also carries an undoubted symbolic value, especially if we consider what this symbol represents within civil society’ (*Commissione Parlamentare d’Inchiesta sul Fenomeno della Mafla e delle Altre Associazioni Criminali Similari,* 2000:31).

9 Anna Bravo refers to the concept originally formalized by Semelin (see Bravo and Bruzzone 1995).

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Newspaper

Donne Più, September 1985.

3

Transnational organized crime between myth and reality

The social construction of a threat

Monica Massari

In one of his most famous speeches on the changing nature of the threats to peace and security faced by the world today, the Secretaiy-General of the United Nations, Kofi Annan, indicated the gulf which exists between what he called ‘civil’ and ‘uncivil’ society, one of the new vulnerabilities of the contemporary world (Annan 1998; 2000a; 2000b). According to the words he repeatedly pronounced during numerous conferences, global summits and sessions of the General Assembly, he explained the meaning of these terms and the context within which they should be considered:

> By civil, I mean civilization: the accumulated centuries of learning that form our foundation for progress. By civil, I also mean tolerance: the pluralism and respect with which we accept and draw strength from the world’s diverse peoples. And finally, I mean civil society: the citizens’ groups, businesses, unions, professors, journalists, political parties and others who have an essential role to play in the running of any society.
>
> Arrayed against these constructive forces, however in ever greater numbers and with ever stronger weapons, are the forces of what I call ‘uncivil society’. They are terrorists, criminals, drug dealers, traffickers in people and others who undo the good works of civil society. They take advantage of the open borders, free markets and technological advances that bring so many benefits to the world’s people. They thrive in countries with weak laws and institutions. And they show no scruple about resorting to intimidation or violence. Their ruthlessness is the very antithesis of all we regard as civil.
>
> (Annan 1998:2)

A dichotomic view of the world inhabited by constructive and destructive, ‘civil’ and ‘uncivil’, forces operating within a global arena, which is characterized increasingly by the blurring of national borders, the easy mobility of goods and services across countries, the emergence of a globalized economy and improved information technologies, represents one of the recurrent themes in the debate on the changes that the contemporary world is now facing. However, the same dynamics are often mentioned as the factors which have transformed crime and pushed it beyond previously conventional borders and explanations. Consequently, there are those who call for alternative accounts which would take into consideration the complex links existing between that phenomenon—which is increasingly attracting the attention of a wide range of scholars and which is referred to by the overused term ‘globalization’—and those serious forms of criminality which are usually defined as ‘transnational organized crime’.

Most of the debate has focused on the new opportunities of engaging in various activities, criminal or legal, that a growing interdependent and borderless world has offered a variety of actors generally defined as ‘transnational organized crime groups’, ‘transnational organizations’ or ‘transnational networks’. This approach suggests that scientific, technological and information advancements together with the expansion of markets is accompanied by a simultaneous expansion of crime, and that a number of social, political and economic developments, which have been welcomed by most analysts as positive, do not bring harmony, progress and legality to the world (Ruggiero 2002:178). In this perspective, the Janus-faced nature of globalization has enhanced the transformation of crime beyond places, people and, sometimes, even identifiable victims (Findlay 1999:2–3). The paradoxes and profound contradictions produced by the substantive changes that have occurred in the global economy during the last few decades, such as the decline in wealth distribution from the richest to the poorest and the increased ‘financialization’, are considered in terms of ‘criminogenic’ factors which have contributed to the emergence of a sort of ‘global criminal village’ that extends worldwide (Santino 2002:94–5; Passas 2000:1).

The presence of such an ambiguous trend is not easy to assess. Moreover, it is difficult both to detect and describe wide-ranging transformations while they are still occurring (Pizzorno 2001:201). However, it is a necessary task and we need to address a number of questions: are we really experiencing extensive change in the characteristics, mechanisms and dynamics of organized crime operating both at national and international levels? Does the expression ‘transnational organized crime’ refer to a new or an old phenomenon? And, more crucially, what are the supposed threats posed by transnational organized crime to civil society, to the social fabric and to democracy? It is these questions which we deal with in this chapter.

Transnational organized crime: a question of definition

The term ‘transnational’ is one which belongs to the field of international relations and is generally used to refer to the movement of information, money, physical objects, people or other tangible or intangible items across state boundaries, when at least one of the actors involved in this movement is non-governmental (Keohane and Nye 1972:xii). Transnationality is a mode of action which is deterritorialized and basically challenges the older historical notions of territory and national boundaries (Kastoryano 2001d:1). Similarly, ‘transnational crime’ is a broad concept, covering different offences and actors that fall mainly, at times simultaneously, into the domains of organized crime, corporate crime—such as the illegal behaviour adopted by legitimate companies—professional crime and political crime (United Nations 2000a:2–3). The characteristic that makes the phenomenon unique is its ‘transnational’ aspect, in other words, that this kind of criminality takes place across borders.

The expression ‘transnational crime’ was first used before the international community at the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, when one of the main agenda items was ‘Changes in forms and dimensions of criminality, transnational and national' (Mueller 1999:3). The term, which aimed at defining the phenomenon more in criminological than in juridical terms, was introduced during the discussion on the complex links existing between organized crime, white-collar crime and corruption—in the words of the congress, the serious problem posed by 'crime as business' (United Nations 1975:10). In this framework, the expression referred to a heterogeneous group of crimes carried out primarily for economic gain and involving some forms of organization—in the sense of a set or system of relatively formal arrangements between the various parties committing the illegal acts—which required either the use or misuse of legitimate techniques of business and industry, and which often involved people with high social status or political power (ibid.). According to this view, organized crime, on the one hand, and 'crimes of corporations', on the other, have many similarities and interconnections. At the transnational level, this approach suggests that criminal organizations share with other transnational actors, such as corporations and multinationals, a desire to maximize their freedom of action and to minimize the effects of both national and international control over their activities. In this pursuit, they all engage in activities that readily cross national borders and are concerned with strategies aimed at minimizing risks, maximizing profits and creating new market opportunities (Williams and Savona 1996:6–7).

More recently, the international community has agreed upon a common definition of trasnational organized crime. According to the United Nations Convention against Transnational Organized Crime, signed in Palermo in December 2000, an offence is 'transnational' in nature if: 1) it is committed in more than one state; 2) it is committed in one state but a substantial part of its planning or preparation takes place in another state; 3) it is committed in one state but involves a criminal group that engages in criminal activities in more than one state; or 4) it is committed in one state but has substantial effects in another state.

Although the Convention adopts a very broad definition of organized criminal groups, namely 'a structured group of three or more people, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences…in order to obtain, directly or indirectly, a financial or other material benefit' (United Nations 2000b:1), it provides for the first time an agreed definition which is recognized by the majority of countries as well as the scientific community. However, the debate is still very much open as to the possibility of such an international legal tool being readily adopted, ratified and implemented by enough states to produce effective longterm results.

Dangerousness and threats: some controversial issues

Current trends in the analysis of organized crime place a focus both on the threats posed by criminal groups at the global level and on the redundancy of any description of the phenomenon that does not embrace the centrality of transnationality (Hobbs 1998:207). Thus, the expression 'transnational organized crime' seems to evoke a strong feeling of vulnerability, which is usually emphasized through the frequent use of terms associated with it, such as 'fear', 'menace', 'risk' or 'peril'. However, it also should be noted how difficult it is to use concepts such as 'harm', 'dangerousness' or 'threat' as analytical tools, while a growing tendency towards the 'dangerization' of several dimensions of social life does not help ascertain the existence of those supposed threats (Lianos and Douglas 2000).

In some cases, the effects of this phenomenon are direct and tangible: a person is killed or a factory is destroyed. In other cases, the threat, or the level of dangerousness, is less direct and more difficult to quantify: an official is corrupted, money from illegal activities is laundered or the ‘normal’ course of an economic transaction is disturbed. In this regard, there have been several attempts to identify some of the dimensions associated with the concepts of dangerousness and threat posed by organized criminal groups.

According to Maltz, five main different types of harm can be identified. First, there is physical harm, which is very explicit since it refers to specific acts such as murder, assault and other violent acts. Second, there is economic harm, which is related more to the activities carried out by organized crime groups, their economic gains and the consequent losses suffered by their victims, both individuals and institutions. Third, there is a subtler, but no less harmful, form of threat which is represented by intimidation, coercion and fear—psychological harm. Fourth, there is the harm caused by the attempts made by organized criminal gangs to disrupt many aspects of a community or a neighbourhood—community harm. And, finally, there is the threat posed to the social fabric of society in terms, for example, of the loss of confidence in the government or in the economic system—societal harm (Maltz 1990:41–7). However, the assessment of these forms of harm is not always straightforward, since there are some elements which can be quantified and others which cannot. Maltz states that even the subtlest types of harm (psychological, community and societal) have a tangible or economic impact. For example, the infiltration of a legitimate business or the use of illegal means to stifle competition adversely affects both customers and competitors: reputable businessmen look elsewhere for business, resulting in worsening business conditions and in a loss for the specific economic sector (ibid.: 47).

According to this point of view, not all types of harm produced by organized crime are intrinsic to the specific illegal activities carried out by criminal groups. Some activities, in fact, are labelled as crimes because they generate harm—this is the case of the so-called *mala in se* such as robbery, extortion, arson—while others generate harm because they are labelled as crimes—the so-called *mala prohibita* such as drug consumption, gambling and prostitution (activities forbidden in some countries, but allowed in others). Hence, the element that is the key to the harm produced by organized crime is ‘the interlinking of different criminal activities and syndicates to the benefit of all of them’ (Maltz 1990:47). However, this approach does not seem to take into account the fact that organized criminals do not operate solely in the realm of illicit markets. In other words, it underestimates the strong interdependence existing between legitimate and illegitimate entrepreneurs, which suggests that criminal actors cannot be understood as mere ‘external interlopers’ operating beyond and outside the legitimate economy (Edwards and Gill 2002:208).

Other approaches tend to focus on the overall threat posed by organized crime to civil society and individuals. Consequently, one of the aspects which is usually highlighted is the supposed global threat posed by the existence, in almost every region of the world, of powerful criminal organizations (the Russian Mafia, the Japanese *Yakuza,* the Chinese *Triads,* the Italian *Cosa Nostra,* and so on). The metaphor which is usually used to describe this phenomenon is that of a ‘cancer’ expanding everywhere: ‘there is no form of government immune from the development of a transnational criminal organization, no legal system presently capable of fully controlling the growth of transnational organized crime and no economic or financial system able to resist the temptation of profits at levels and ratios disproportionately higher than the licit system offers’ (Shelley 1997:2–3).

The so-called global organized crime approach[1] suggests that the ‘victim’ of transnational organized crime, of the devastating effects of an increasing globalized world of which crime is said to be an important component, is the social system itself in all its components and articulations. According to this view, organized crime poses a direct threat to national and international security and stability, and constitutes a frontal attack on political, economic and legislative authorities; thus there is the need for extraordinary powers to be granted to law-enforcement agencies, together with the use of special investigative techniques (still not adequately regulated) and the formation of international alliances among states against transnational organized crime.

This perspective has gained a certain popularity since the end of the Cold War, when the disappearance of the bipolar system brought the shifting of the ‘exterior menace’ from the communist regimes to immigration and organized crime (Den Boer 1999:17). It is at this point in time that law-enforcement agencies and, especially, national intelligence agencies, whose priorities had been focused predominantly on Eastern bloc politics, lost their *raison d’être* and were forced to explore new areas of activity (Broome 2000:4). Hence, organized crime has replaced more traditional threats to peace and security as ‘the new enemy of democracy and the free market’ (Rawlinson 2002:295).

The risk produced by this approach towards ‘global’ transnational organized crime is to underestimate the internal conditions which allow organized crime to flourish and to be tolerated within societies to which it is supposed to be an external threat. Focusing on the macro-effects of organized crime on civil society and on the presence of similar phenomena in different countries should not divert our attention from looking at the specific actors, their activities, and the social and economic landscape in which organized crime takes place (Van Duyne 1996:344). In this regard, the results of empirical research undertaken in specific countries, such as Italy, show that the assessment of the true scale of operations and effects of transnational criminal groups is controversial. Two different dimensions of the phenomenon would appear to be inextricably interlinked: 1) its widespread social representations, mostly disseminated by institutional agencies, and 2) its current manifestations (Becucci and Massari 2003).

Transnational organized crime and the social construction of a threat: the case of Italy

If we turn to Italy, we note that, during the 1990s, the annual reports published by the Ministry of the Interior on organized crime started to focus systematically on the activities and strategies of foreign criminal groups operating in several central-northern regions and in some southern areas. In the 1996 report, a full section was devoted to the analysis of the specific features of foreign criminal groups and, in particular, the criminal markets in which they were active, markets such as the exploitation of street prostitution and the management of illegal migration (Ministero dell' Interno 1997:287–489). The report emphasized 'the growing activity of some foreign criminal groups structured both on a homogeneous and non-homogeneous ethnical basis' which were still at the margins of the Italian criminal underworld but which had already displayed a potential level of dangerousness and a possible 'future development within the national criminal scene' (ibid.: 273).

This concern was further stressed in the 1997, 1998, 1999 and 2000 annual reports, when the Ministry of the Interior pointed out not only the presence of various foreign criminal associations structured on the basis of a shared ethnical origin, but also the progress achieved by these groups. They had shown 'a real capacity to manage high-level criminal contacts and networks which would had been unthinkable for newly formed criminal groups' (Ministero dell' Interno 1998:5). From their initial involvement in a limited number of criminal activities, such as property crimes, prostitution and illegal migration, these groups had also engaged in more complex and sophisticated illegal businesses which 'required contacts and relationships at international level and a certain level of integration within the social and economic system of certain regions' (Ministero dell' Interno 2000:17).

In a 2001 report, the Italian police clearly stated that those criminal gangs composed of foreigners, which had originally been loosely structured and organized, had been able, within the space of a few years, to expand and develop to such an extent that they could now be considered as 'mafia-type organizations' (Ministero dell' Interno 2001:135–40), able to cooperate on an equal footing with the more traditional Italian organized crime groups.

According to these sources, the Italian criminal scene had changed considerably and the level of dangerousness displayed by foreign organized crime groups had increased significantly in the last few years. In some cases, these groups had had such a profound impact on the national criminal underworld that they had 'been able to conquer operational spaces also in those areas which were traditionally considered under the control of Italian mafia groups with whom the foreigners have established agreements and pacts aimed at avoiding the insurgence of any conflict' (Ministero dell' Interno 1998:6).

This view has recently gained popularity not only at the institutional but also at the academic level. The supposed 'decline' of traditional Mafia-type organizations, such as the Sicilian *Cosa Nostra* and the Calabrian *'Ndrangheta*, is usually explained by referring to two main factors: first, the exceptional countermeasures implemented in Italy immediately after the murders of judges Falcone and Borsellino and their bodyguards in 1992, and second, the growing difficulties experienced by these organizations in the management of their activities and their consequent disastrous financial situation. Those who support this view emphasize that this process has given new opportunities to foreign groups and has increased the competition existing in the Italian criminal underworld (Paoli 2001). These new criminal actors are said to be well placed in the management of lucrative new criminal markets. However, assertions about the supposed 'ethic succession' process currently taking place in the Italian criminal underworld do not seem to be adequately supported by available data. On the contrary, the supposed decline of traditional Mafia organizations has been strongly denied by several judicial investigations and by the outcomes of studies based on more up-to-date sources of information (Dino 2001; Sciarrone 2002).

Although law-enforcement agencies have reported an increase in the participation of foreign criminal groups in some illegal markets, the level of their involvement seems still to be limited or, in some cases, confined to specific sectors and regions. On the basis of data provided by the Ministry of the Interior, for example, Albanians were pinpointed as the major players among foreign criminal groups active in Italy, followed by North Africans (in particular, Moroccan and Tunisian criminal groups), Nigerians and Chinese citizens (Ministero dell' Interno 2001:52). The report particularly emphasized the seriousness of Albanian organized crime in Italy and its supposed similarities with the Sicilian Mafia, such as its internal code of rules aimed at regulating the behaviour of its members, a mechanism of financial assistance for affiliates who had been arrested and their families, and its control over a wide range of activities such as drug-trafficking, illegal migration, prostitution, and money-laundering (ibid.: 162–3). Unfortunately, although these sources repeatedly stress the danger posed by new and emerging foreign criminal groups active in Italy, they do not provide adequate data supporting these supposed threats.

As far as the smuggling of migrants is concerned, the results of both police investigations and empirical research show that foreign criminal groups can rely upon an extensive network of partners composed of legal firms and enterprises, such as travel and estate agencies, run by Italians (Becucci and Massari 2001). These findings are reinforced by the number of Italian citizens arrested for crimes related to the assistance of the illegal entry of migrants (54 in 1997; 285 in 1998; 189 in 1999; and 172 in 2000) (Gruppo Abele 2001:575). These legal partners often provide traffickers and/or migrants with forged documents and false statements to disguise their illegal status. Moreover, data about the type of tasks carried out by foreigners in the management of specific sectors of some criminal markets show how they mirror the official economy: aliens usually perform the lowest tasks, carry out the riskiest activities and substitute local people in the most dangerous jobs. Information on, for example, the number of people denounced for drugs distribution in some Italian cities shows that the majority of them are foreigners. In 1998 the percentage of foreign citizens denounced for drugs distribution amounted to 82 per cent in Turin, 70 per cent in Bologna and 67 per cent in Milan (Zincone 2001:286).

Finally, information on the ethnic composition of the prison population for organized crime offences[2] in Italy shows that, at the end of 1999, out of 7,510 individuals only 566 were foreigners, which corresponds to 7.5 per cent, while the percentage of foreigners out of the total prison population in June 2000 was around 28 per cent (Corte di Cassazione 2001). Although the prison population does not represent an adequate indicator for the evaluation of crimes committed by foreigners (many crimes remain unsolved), it is worth noting that the predominance of predatory crimes over other offences suggests that, in most cases, these crimes arise from economic need and the condition of illegality, social deprivation and marginalization in which most of these foreigners live. In Italy, there were around 240,000 estimated illegal migrants and 1,251,994 legal migrants in 1999 (Gruppo Abele 2001:553). For example, the percentage of foreigners arrested for theft in some Italian cities in 1998 was 59 per cent in Milan, 46 per cent in Rome and only 6 per cent in Palermo (Zincone 2001:286), where the strong presence of traditional Mafiatype groups exercizing extensive control over the entire local criminal underworld makes it difficult for foreigners to establish their own niche, even in the realm of more conventional property offences.

The increasing visibility of crimes committed by foreign citizens, such as the presence of foreign pushers and prostitutes in the streets of some Italian cities, and the growing concern for the social implications caused by some violent crimes (i.e., the increasing fear of crime and concern about crime) in Italian civil society, has raised the alarm concerning the nature of the danger posed by criminal groups composed of Albanian, Kosovar, Russian, Chinese, Turkish and Nigerian citizens.

However, we should note that this growing concern is based mostly on an overlap between two main categories of crime: 1) those forms of individual criminal behaviour, such as predatory crimes, and 2) those more sophisticated criminal activities which belong to the realm of 'organized crime offences'. Currently, predominant images of powerful foreign criminal networks are based largely on an unjustified sense of 'fear of the other' rather than on a clear evaluation of the actual threat posed by these groups. Without denying the fact that foreign groups do play a recognizable and important role in different forms of serious crime activities in Italy, it may be better to concentrate research on their criminal activities rather than their social and ethnic backgrounds. Moreover, focusing on ethnicity *per se* does not allow us to take into adequate consideration the existence of various forms of interethnic cooperation between groups located in the same or in other countries. More crucially, the competitive advantage, which is produced from shared ethnic origins, should be assessed in terms of social relations that can be built upon. These relations provide a solution to one of the most compelling problems that illegal actors face: the question of ensuring a minimum level of cooperation and trust in an environment, such as criminal markets, dominated by uncertainty, fear and risk. As Albanese suggests, focusing on specific attributes such as ethnicity may help to describe a particular criminal group, but they do little to explain a group's behaviour (1999:8). Finally, while foreign groups are involved in a variety of illegal activities, such as smuggling of migrants, drug-trafficking and prostitution, Italian traditional groups still maintain an absolute monopoly in the 'grey' area of licit business, where they invest criminal proceeds and forge alliances with official economic actors.

Some facilitating factors

The importance which foreign criminal groups have in some countries is related, more often than not, to the role that they play in specific criminal markets. The wide web of social relations based on common national origins can ensure that these groups have easy access to potential clients (such as in the case of smuggling migrants), to potential markets (such as in the case of trafficking arms or cars) and to potential victims (such as in the case of trafficking in women for sexual exploitation) (Becucci and Massari 2003). The transnational dimension of these groups seems to be more a need for expansion and survival than an intrinsic characteristic, since the global dimension along which trafficking activities take place requires criminal groups to adopt an organizational formula which places value on solidarity, cooperation and mutual trust.

As far as Italy is concerned, there are several factors which can help explain why law-enforcement agencies and public opinion are increasingly raizing the alarm on the level of threat and the dangers posed by ethnic-based criminal groups. Hence, there is a paradoxical situation in which it would appear that there is more concern about foreign groups than home-based organized crime groups.

The internationalization of criminal markets has been a factor which has facilitated the transfer to Italy of some individuals linked with foreign criminal networks. Thus, the emergence of international criminal markets has contributed significantly to the elimination of traditional criminal territories and their accompanying historic practices, feuds and alliances (Hobbs 1998). Italy's unique geopolitical position within the main illicit/criminal markets, in particular with Eastern Europe and the former Yugoslavia acting as 'source countries' for illegal goods and services destined for Western markets, has facilitated the emergence of groups who seek to acquire a new role in the international division of criminal labour.

Moreover, the wars and the conflicts in the former Yugoslavia and in Albania provoked important movements of migrants from East to West which changed the composition of the foreign populations living in Italy considerably in the 1990s. The unprecedented migration pressure, which exploded in these countries within a short space of time, together with the restrictive immigration policies adopted by several European countries, suddenly created a strong demand for services aimed at facilitating the illegal entrance of thousands of men, women and children into Western countries (Becucci and Massari 2003). The perverse effects of the adoption of prohibitionist immigration policies have created more favourable conditions for the rise of parallel illegal opportunities to migrate. The demand to cross borders clandestinely has promoted a market for new services—services such as the provision of fraudulent documents, transportation, guided border crossings, accommodation and job brokering—and produced a large illegal market for trafficking in human beings.

Ethnicization of criminal groups vs. internationalization of criminal markets

Globalization has, *inter alia,* contributed to the emergence of locality as a social dimension with its own distinctiveness (Robertson 1992). Most illegal markets in which goods are produced and services are provided have a local basis. Local trading networks ensure the commercial viability of these products and their subsequent transformation through different connections, which follow the routes and flows of the main global markets. The dialectic relationship which exists between the local and the global seems to determine both the legitimate as well as the illegitimate market.

In many cases, family, kinship and ethnicity ties are important components of what have been termed 'networks of affiliation': diffuse and constantly changing networks of individuals and groups with binding ties based upon family hierarchy and more extensive social mechanisms such as common ethnicity, shared experience (e.g., prison, street gangs) or reciprocal obligations (Williams 1999). Accordingly, the new aspect which characterizes transnational organized crime is the network of links, contacts and relationships between actors in different parts of the world (Strange 1998).

However, the ethnicity of criminal groups operating within specific countries is not necessarily something which can help us to understand the contemporary phenomenon of organized crime. As Ruggiero suggests, ‘given the increasing social, economic, geographical and inter-cultural mobility, ethnicity may be seen less as a facilitating factor than mobility itself (2000:189). Thus, new variables should be studied. More attention, for example, could be devoted to analysing how geographical, social and cultural mobility may facilitate criminal undertakings (Williams and Savona 1996; United Nations 2000a).

However, in focusing on cross-border transnational aspects, there could be a risk of removing organized crime activities from the original political, economic and social context within which they might be better understood and explained (Beare 2000). In this regard, it is important that countries confront the political and economic contradictions in their social fabric which promote crime and the provision of specific illicit goods and services. Some scholars have argued that, until mobile and newly formed social groups are denied access to the legitimate economic arena and legitimate structures of society, through social and economic conditions which reconnect them to their local communities, organized crime will persist (Kelly 1986). Consequently, as long as organized crime is understood as an ‘alien conspiracy’ dominated by ethnic groups, its operational existence will remain misunderstood.

The social alarm surrounding the emergence of ethnic-based criminal groups should not replace the concern in relation to home-grown crime syndicates, since partnerships between aliens and indigenous gangs seem to represent the basis and, sometimes, the *condicio sine qua non* for the development of criminal enterprises (Ruggiero 2000). This strategy enhances their capacity to circumvent law-enforcement agencies, facilitates risk-sharing, makes it possible to use existing distribution channels and enables criminal groups to exploit differential profit margins in the various markets (Williams and Savona 1996). Finally, as Armao suggests in his chapter, the strength of a criminal group depends mostly on its capacity to develop a wide web of contacts and relationships with members of other systems, such as those operating in the political, economic or social arena. In some cases, organized crime groups composed of foreigners may find a number of obstacles in establishing strong forms of cooperation with local politicians or entrepreneurs in the host country. Their role on the criminal scene is restricted mostly to the realm of specific illicit businesses and the range of their power is often confined within the boundaries of their own ethnic community. Conversely, national syndicates, thanks to their connections with legal actors and their own criminal experience and ‘reputation’, can obtain much more advantage in defeating competitors and obtaining profitable market positions.

Conclusion

The growing transnationalization of the contemporary world and the impact of globalization on set contexts, institutional processes and patterns of relationships have been accompanied by specific trends in the main criminal markets which have pushed organized crime beyond its ‘traditional’, local dimension. The emergence of criminal markets with a global dimension, such as trafficking in drugs, arms and human beings, has contributed significantly to the more frequent and systematic interaction between organized crime groups and the expansion of their activities beyond their home territories

(Strange 1998; Hobbs 1998; Edwards and Gill 2002). Illegal markets within state boundaries have become more and more interlinked, while criminal groups from different countries have established an extensive network of illicit businesses, trading goods and services, information and funds (Della Porta and Vannucci 1999:111–12). The proliferation of criminal opportunities enhanced by a world becoming evermore interdependent currently represents a fact which can hardly be denied. In this framework, new and emerging forms of organized crime have started to appear almost everywhere, thus suggesting that the phenomenon can no longer be considered as peculiar to specific countries or particular economic, political and social systems. However, we need to stress that theories, which propagate images of powerful global criminal networks about to subvert the world order and the international financial system, are based mainly on journalistic accounts rather than on sound empirical research. Moreover, these approaches risk producing bizarre explanations of the phenomenon which interpret transnational organized crime as an external conspiracy against society, carried out by groups of aliens, foreigners and migrants who are not part of the dominant culture and the universally accepted ethos (Gomez-Cespedes *et al.* 2000). In conclusion, the acknowledgement of the threat posed by organized crime to political systems, national economies, democratization and development processes should be accompanied both by a careful analysis of the strategies and *modus operandi* adopted by criminal groups in carrying out their illegal and legal businesses and by an accurate evaluation of the practices and rules which facilitate the emergence of organized crime within specific contexts.

In order to analyse the impact of transnational organized crime on the health of civil society, it is essential to understand the context in which it takes root and the political, economic, cultural and social factors which allow it to flourish and, in many cases, to be tolerated. In this regard, the scientific community has an essential role to play. Along with more informed law enforcement practices, there is the need to establish more adequate prevention policies, based on the in-depth analysis and comprehensive studies aimed at confronting the challenges posed by organized crime in several regions of the world. Together with strategies aimed at fighting and containing the impact of transnational organized crime on the well-being of civil society, there needs to be a reinforcement of the sense of integrity of criminal justice systems, an improvement in professional ethics in the economic, the financial and the public sector. This would remove some of the crucial conditions which make the interdependencies between legitimate and illegitimate, legal and criminal, licit and illicit, one of the most threatening challenges to the basic values and morals of democratic systems.

Notes

1 Global organized crime has been defined by a former director of the FBI, Louis J. Freeh, as ‘a continuing criminal conspiracy having a firm organizational structure, a conspiracy fed by fear and corruption’ (Stephens 1996:1).

2 Organized crime offences, according to Italian official statistics (ISTAT), refer to the following crimes: membership in a Mafia-type association (article 416 bis of the Criminal Code); kidnapping (article 630) and criminal association aimed at drug-trafficking (article 74 T.U. 309/90); see Gruppo Abele, 2000:236–9.

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Part II
The ‘weakest link’

The State under siege

4

Organized crime, business and the State in post-communist Russia

Sergei Plekhanov

When organized crime becomes a major problem in society, it reflects more than the failure of the State to maintain law and order. Like all other forms of social organization, organized crime exists so long as there are societal needs, legitimate or not, which are effectively met by those who choose to break the law in a systematic, organized manner. The fewer such needs, the less of a problem organized crime is. Torn from its social base, it becomes marginalized and controllable. In a society where lawlessness is the daily norm, organized crime performs too many societal functions for the State to be able to control it—and the State itself then becomes criminalized.

Organized criminal activity is also a form of business, and the market is a nurturing milieu for its growth. Natural conflicts between non-criminal business and organized crime are often overshadowed by multifarious systemic collusion between them. The money flow constantly crosses borderlines between legitimate and criminal business—in fact, the freer and more vigorous the flow, the harder it is even to see those borderlines and the more difficult it becomes to draw new ones.

This puts the State in a quandary. Relations between organized crime and the State are supposed to be adversarial by nature. If the basic function of the State is to maintain the legal order, relying on its legitimate monopoly on coercion, organized crime hits the State at its very core by challenging both the legal order and the State's monopoly on the use of force.

Citizens won't challenge the power of the State unless expected gains from the challenge outweigh the losses suffered from the expected punishment. Interactions between the state and organized crime reflect the overall balance of power between the state and society. No state can fully extinguish organized crime but, in a society characterized by a proper balance between the private and public spheres and by a stable and effective legal order which maintains this balance, the State will presumably be capable of keeping organized crime within tolerable limits. A poorly organized, dysfunctional state (formally democratic or authoritarian) stimulates organized crime by tolerating antisocial activities in some areas, while suppressing or discouraging socially necessary activities in others.

It follows, then, that organized crime grows where the State fails to help create and maintain a social order which would effectively protect citizens from criminal depredations while making it unnecessary for them to resort to criminal acts to meet their needs.

The surge of organized crime in Russia in the past 10 to 15 years has taken place in a triple context. In a *global* context, Russian organized crime has the same causes as other forms of the worldwide proliferation of organized crime and corruption in the past quarter-century—above all, in the rapid and aggressive expansion of the market system which has given rise to new challenges to the authority of nation-states. The emergent global, informationage market system rewards the criminal and stymies the State in a multitude of different ways. Governments, which have been adjusting their policies to grant maximum freedom to the movement and accumulation of capital, are confronted with the fact that capital readily and vigorously explores all opportunities, including—and sometimes especially, given the extraordinary rewards—those considered illegal, while governmental authority is limited by ineffectual institutional arrangements and the regnant neo-liberal ideology which sees the State as a source of problems rather than solutions. Meanwhile, societal dislocations accompanying globalization create fertile ground for the spread of organized crime: at one end of society, poverty and social breakdown furnish organized crime networks with growing numbers of new recruits; at the other, demand for illegal goods and services rises as a product of middleclass and élite decadence (Ruggiero 1996; Elliott 1997; Latov 2001).

In a *systemic* context, Russian organized crime is a post-communist phenomenon, specific to societies of the former Soviet Union and Eastern Europe undergoing systemic transformation from state socialism into capitalism. Organized crime in post-communist countries is rooted in the massive societal upheavals which occurred in Russia and Eastern Europe in the last century, when state-society relations in the region were repeatedly and violently destroyed and recast by wars, revolutions, and failed attempts to build a non-capitalist political-economic system.

Post-communist organized crime is partly a product of the communist system, partly a product of the latter’s downfall. The communist system generated organized crime by seeking to supplant market mechanisms with bureaucratic command and instituting criminal penalties for most private entrepreneurial activities. Societies responded to the inefficiencies of command economies by creating shadow economies. The less capable the communist systems were of satisfying human needs, the greater was the public demand for the products and services provided by those who conspired with each other to break the law for the sake of material gain, and to bribe state officials to avoid punishment.

As communist systems evolved towards capitalism through market reforms, shadow economies became major vehicles of the systemic transformation as sources of capital and sites of established practice of market economics—and, after the fall of communist rule, as power bases for emerging élites taking over state property.

In a *national* context, Russian organized crime reflects specifically Russian conditions (in the sense of geographic and political identity, rather than ethnicity). First, there is the issue of scale. Russia is the biggest post-communist country in terms of territory, population and GDP, the country with the richest natural resources, still a superpower by its nuclear arsenal, the core state of the post-communist world, linked by myriad ties with the other 26 former communist states of Eastern Europe and Eurasia, and still exerting significant influence on most of them. Russia’s unique dimensions and role have made the territory of the Russian Federation a major site of continental organized crime.

Second, the fact that the levels of development of civil society and market economy are much lower in Russia than in most East European states made the transition to capitalism in Russia especially disorderly, wasteful and plagued by social pathologies. The ease and speed with which Russian élites managed to privatize their control over the world's largest state-owned economy were possible only in a country with deeply ingrained historic traditions of state dominance over society. Russian capitalism brutally emerged out of the ruins of Russian communism almost overnight, enforced by presidential decrees, tearing social fabrics asunder, inflicting heavy socioeconomic losses on most Russian citizens, free of concern for their interests or opinions. As a result, the market economy created in Russia is notorious for its opaqueness and exorbitant levels of corruption.

Third, Russia has extremely weak traditions of rule of law. In a weak legal culture, both state officials and citizens feel much freer resorting to illegal methods of achieving their goals. In extreme situations, this may lead to total anarchy, but more often this culture of lawlessness turns crime into an informal social contract between the rulers and the ruled. The ensuing criminalization of society becomes all the more pervasive if the core process of the transformation is privatization of state property.

The Soviet incubator

In the twentieth century, Russia experienced three major crime waves: the first—and the worst of the three—was touched off by the fall of the Romanov Empire in 1917 and received powerful stimuli from the breakdown of the old order, the civil war and the devastation of the Russian economy. The second rose in the mid-1950s following the death of Stalin and the ensuing partial relaxation of the totalitarian regime. The third wave started as a side effect of Gorbachev's Perestroika and crested in the 1990s after the collapse of the USSR.

From its inception in the November 1917 coup, the Soviet state sought to eradicate both capitalism and organized crime and waged ruthless wars against both. By the late 1930s, with the Stalinist regime securing nearly total control over Soviet society, the problem of organized crime was reduced to a minimum, but so was the market economy. Production and trade for personal gain were not completely banned, but marginalized, limited mainly to the agrarian sector, and heavily taxed. Any attempts to go beyond the limits were severely punished as economic crimes. A private entrepreneur was considered a more dangerous social element than a common criminal: if the latter preyed mostly on citizens, the former, by his very existence, presented a challenge to the system itself.

Stalinism's legacy of equating private enterprise with crime lingered into the 1990s, and, even after the Soviet system collapsed, it took post-communist Russian legislators a few years before they got around to abolishing the provisions of the Criminal Code which punished citizens for engaging in private enterprise. In reality, of course, Nikita Khrushchev, deposed in 1964, was the last top Soviet leader who tried to stamp out the private sector altogether, regarding it as a capitalist hangover incompatible with 'real socialism' and communism.

Since Khrushchev's downfall, the Soviet state's war against the market gradually evolved into a form of coexistence. The Stalinist set-up was a historic aberration. The rulers' heavy reliance on command methods of social control was unsustainable, and the system's very survival necessitated liberal reforms, including the legalization of at least some kinds of private economic activity. If Stalin's successors had had the vision and political will to steer the system along the path of such reforms, as it was done, for instance, in Deng's China, Russia's history might have taken a different turn in the past four decades. In the absence of such reforms, the Soviet system became increasingly dysfunctional, and evolved towards the market through the process of decay and decomposition.

The inexorable growth of market relations in Soviet society proceeded in the forms of officially banned, but actually widely practised, activities in which individuals would produce and exchange goods and services for private gain, rather than to obey the government's orders. As Soviet society grew in size and complexity, becoming more and more consumer-oriented, the official economy, managed by the bureaucracy, found itself increasingly overgrown with webs of illicit market relations. The 'shadow economy' grew to involve everyone—rank-and-file workers employed at state-owned factories and doing private jobs for cash, often using materials stolen from their official workplace, doctors performing medical services for cash, managers of state-owned shops using their facilities and their access to state supplies of goods to engage in private trade, managers of huge industrial plants bribing government officials to obtain the materials which their enterprises were supposed to receive according to plan, but would not receive in the absence of the appropriate 'lubrication' of the bureaucrat, second-rank party officials falsifying data on production in the territories they controlled to receive, etc. (Grossman 1977; Shelley 1990; Simis 1982; Sampson 1988).

Some forms of private economic activity (such as production and sales by farmers from their tiny private plots, some forms of construction, some services, etc.) were legal, though tightly regulated. All other forms of productive private enterprise were banned in the USSR up until the late 1980s. Private hiring of persons was allowed only for household help. Any sales for the sake of profit were liable to be punished as crimes, as were all private contracts with foreigners.

Apart from crimes committed 'to fulfil the plan', state enterprise managers and workers also engaged in illegal activities exclusively for their own private gain, stealing materials for use and sale, or using state facilities for private business. Wholesale and retail trade was an especially fertile area for illegal private business of this kind.

Activities banned as economic crimes included theft of state and cooperative property, graft, deception of customers, 'speculation' (resale of goods at a profit), etc. Most Soviet people lived with the daily knowledge that they were violating laws or at least administrative regulations, and, indeed, if those laws and regulations had been enforced to the letter, the entire country would have had to be punished with varying degrees of severity. But as a result of any attempt at such total repression, the economy would have certainly ground to a halt, and the Soviet system found itself increasingly *dependent* on widespread violations of its laws for its own survival. Meanwhile, citizens were developing contrasting perceptions of legal and illegal activities: while legal, officially sanctioned social relations were associated increasingly with low productivity, general inefficiency or even complete uselessness, officially banned activities, from bribing a bureaucrat, to buying beef from the backdoor of a state food store, to contracting with a group of buddies to build a cottage, were seen as guaranteeing quality and gain.

Development of the shadow economy was one of the ways Soviet society, including its ruling class, coped with the irrationality of the political-economic system. The shadow economy was rising as *an alternative system,* driven by the logic of the deal and functioning by its own unwritten rules. It constantly challenged, and just as constantly interacted with, the official system based on the logic of command and obedience. The shadow economy's very growth testified to the fact that the logic of the deal was overpowering the logic of command and obedience.

From a criminological point of view, the meaning of this gradual change in the balance of power between the State and the shadow economy was that crime was winning the war against the law. By the mid-1970s, the shadow economy spawned a phenomenon which could be identified as *organized crime proper*—a sphere of systematic, planned, structured criminal activities motivated by high profits, using violence when needed, seeking monopoly control, and involving collusion of state officials. Leonid Brezhnev was its symbolic godfather. The Brezhnev regime represented a new stage in the evolution of Soviet bureaucracy, when this class lost its last compunctions about ideology and, feeling secure enough both from the threat of Stalinist-type dictatorial punishment and from the possibility of a popular uprizing, turned to personal aggrandizement as its main preoccupation.

Organized crime emerged as a form of the *institutionalization* of the shadow economy. As the underground market grew, it vitally needed higher levels of coordination, organization and security. It was engaged in a struggle for survival with the State; and, to win in that struggle, it had to develop a more effective and durable institutional framework than the State. In a natural evolutionary process, the practice of economic crimes against the State had to become well organized—or become extinct.

At the core of this new institutional framework was a thickening web of mutual interests of three types of social actors: corrupt bureaucrats, underground entrepreneurs and professional criminals. Their interactions can be compared to a three-storey building.

The top floor was occupied by corrupt bureaucrats, by far the most powerful of the three, who were using public property to amass their own private wealth. As they were gradually privatizing the State, they were forming natural business ties with underground entrepreneurs. Underground entrepreneurs on the second floor, running the growing private economy, provided the bureaucrats with goods and services, bribed them, and drew them into business partnerships. Some of the bureaucrats responsible for the management of state enterprises, especially in the trade sector, functioned as underground entrepreneurs *par excellence.*

On the ground floor was the caste of professional criminals, headed by the so-called 'thieves in law', distinguished among the masses of habitual Soviet law-breakers by the fact that, for the members of this caste, crime was their profession. The growth of the shadow economy transformed the world of Soviet professional crime, changing its mode of operation and upgrading its social status. With vast new possibilities opening in the underground market, professional criminals turned their main attention to it, claiming part of its growing wealth as racketeers, partners or fully-fledged entrepreneurs. From the gangsters' point of view, forming a business partnership with a state store manager who was running an illegal trade operation on state property was a much smarter and more promising type of activity than simply burgling the store. In the shadow economy, businessmen acted as criminals, and criminals acted as businessmen. The prison world through which many members of both groups would pass contributed to the development of ties and cultural affinities between them.

The main source of the growth of the shadow economy was, of course, *the illegal flow of funds and resources from the State to the underground private sector*. The illegal market could not possibly grow without an escalation of crimes against public property, and such an escalation could not have taken place without the bureaucrats' widening participation. Through the mechanisms of corruption, the Soviet bureaucracy was playing a truly strategic role in this process of 'liberation of capital' from state control.

Predictably, the rise and institutionalization of the underground market encountered resistance from those Soviet élites whose interests depended on the maintenance of the command economy-especially the military-industrial complex. Public opinion was ambivalent. On the one hand, the notion that the nation's ills were caused by 'the *Mafiya*', whose ranks included top government and party officials, was widespread, and the idea of a crackdown on the networks of crime and corruption was guaranteed popular sympathy. The incipient democratic movement made anti-*Mafiya* slogans a key part of its campaign for the overthrow of the bureaucratic system. On the other hand, the public continued to nurture the shadow economy through its daily mass participation in it, as it was the only market economy available. Soviet society hated the underground bourgeoisie, but needed it for sustenance; it despised the corrupt bureaucrats, but had to resort to bribery to buy at least some degree of control over them.

In 1982–4, during the brief reign of Yuri Andropov, the 'statists' attempted a strong counter-offensive against the shadow economy and corruption. Andropov saw a massive 'clean-up' of the State and a general tightening of discipline in society as a prelude to systemic reform to establish more rational state-society relations in the USSR. The KGB, the key bastion of the 'statists', was to play the role of the main enforcer of this overhaul, and all forms of dissent against the system would be crushed along with the corrupt criminal networks (Reddaway and Glinski 2001:114–18). The design was unmistakably neo-Stalinist, instilled fear, and, if Andropov had had the time to implement it, would most likely have encountered strong resistance from both the élites and the masses. After his death, it became clear that the 'statists' did not have the strength to stem the system's decay and stop the advance of market-oriented élites fuelled by the shadow economy.

The next, and last, attempt at systemic reform, launched by Mikhail Gorbachev, would seek to rationalize the system through concessions to the inexorable rise of the market and to the popular clamour for democratic change. Gradual legalization of market relations and private enterprise was expected to bring the shadow economy into the open and transform it into an important component of a viable market-socialist system. Liberalization of the political system was expected to undermine bureaucratic dominance and enable civil society to develop. Successful economic and political reforms were supposed to remove the root causes of organized crime.

But Soviet society was neither willing nor able to act in the way the Kremlin reformers expected. The ruling bureaucracy was concerned mostly with preserving and expanding its own dominance and wealth, whatever the means, and would accept any reforms only on such terms. The masses, lacking civic habits and a sense of responsibility for the State, were too alienated from politics and too distrustful of the powers that be to engage in sustained and purposeful political struggles to counterbalance élite dominance. The managerial abilities of the top leadership did not extend far beyond a kind of reactive and open-ended *laissez-faire*—removing bans from more and more private activities that had previously been prohibited. The intellectuals who led the democratic movement saw the overthrow of communist rule as the most important priority and had a truly utopian faith in the magic healing power of political and economic freedom.

Gorbachev and his supporters badly underestimated the power potential amassed by the structures of organized crime. Economic and political liberalization had the effect of removing the constraints on the acquisitive drive of the core forces of the shadow economy—the corrupt bureaucracy, the underground bourgeoisie and the professional criminal caste. With their capitals, structures, networks and experience they turned out to be formidable competitors in the unfolding grand battle for the property of the agonizing Superstate.

Crony capitalism

The overthrow of the Communist Party and the collapse of the Soviet state were powerful stimuli for the growth of organized crime proper—and, more importantly, for the entire range of activities which had traditionally engendered organized crime. Liberated from central control, Russian bureaucrats found virtually unlimited freedom to use their administrative posts for private gain—and the cover of ‘reform’ to give such activities a veneer of legitimacy. The underground bourgeoisie was free to help itself to the vast and massively undervalued property of the State—supposedly in the name of replacing state-sector stagnation with private-sector efficiency. Professional criminals were now limited only by their talents and skills—and those of their competitors—in their hunt for treasures, the formal owner of which, the Soviet state, was no longer there.

The new Russian state, instead of functioning as a public institution capable of exerting at least some countervailing impact on the accumulation of private capital, became the main and often direct enabling mechanism of the accumulation process. This failure of the State can be attributed to the obvious and enormous difficulties of rebuilding a system of public authority amid a flood of elemental privatization, and to the venality of Russia’s new masters. But the transition strategy itself, developed in the West, readily adopted by the Yeltsin government, and then made by Western governments and IFIs a key condition for economic assistance to Russia, was deeply flawed—especially in its insistence on rapid liberation of market forces from state control and privatization of state property by any means available as the overriding reform objectives (Wedel 1998; Cohen 2000; Stiglitz 2002). Such policies, entailing exorbitant economic and social costs and completely contrary to the popular sense of social justice, could not be carried out by democratic consensus—they could only be imposed on Russian society from above, in line with Russia’s authoritarian traditions and at the expense of the country’s democratic development (see Reddaway and Glinski 2001: chapter 4). To be able to push the economic reforms through, the new Russian state, while yielding completely to the onslaught of the market forces, needed to isolate itself as much as possible from societal pressures.

In a comparative study of state-market interactions, Shleifer and Vishny (1999) suggest a classification of the main types of state behaviour towards the market economy: ‘the unseen hand’, when the State limits itself to the enforcement of market rules, ‘the helping hand', when the State interferes more or less actively in the functioning of the market, acting as a coherent public body, and 'the grabbing hand', when state officials take part in the market economy for their own personal or group gain, thereby privatizing the State. The third type, requiring a large-scale shadow economy and a highly corrupt state, is the most harmful to the economy and society.

The new Russian State, which has emerged as both a vehicle and a product of systemic transition, presents a classic example of the 'grabbing hand'. The numbers of Russian state officials have not shrunk since the fall of communism—they have grown. Meanwhile, the State they served underwent extraordinary changes: its expenditures were cut, its authority was drastically decentralized, its law-enforcement functions went into limbo, it proceeded to divest itself of the bulk of its property, and it abdicated its social responsibilities to the masses of Russian citizens. The priorities and organization of this new state, and the new social ethic of enrichment by any means available, virtually *induced* many of its servants into private ventures with their offices as their main capital assets. The value of those assets skyrocketed, for the process of privatization could take place only with the participation of the custodians of state property. Access to state officials and partnerships with them became the essential conditions for success in private business. As a Russian oligarch put it, 'in Russia, you are *appointed* a millionaire.'

When a state is privatized, the market economy tends to grow mostly in the shadows. According to Russian survey data, the numbers of people systematically working in the shadow labour market in addition to their official employment grew from 8 per cent of the population in 1990 to 41 per cent in 2001. Two thirds of this 'shadow labour force' are employees of shadow companies, one-third are owners and managers of unregistered businesses. According to data from the 2001 survey of company managers, 38 per cent of them systematically produced unreported goods and services, and 58 per cent regularly employed workers on an unofficial basis (this practice is particularly widespread in the private sector).

Either by choice or as a painful necessity, the typical post-Soviet entrepreneur or manager breaks the law as a matter of habit. In a sociological survey conducted in 2001, 81 per cent of company managers polled answered 'No' to the question: 'Can your company conduct successful business without violating laws and regulations?' Among the general public, only 35 per cent gave affirmative answers to the question: 'Do you think that people like you have an opportunity to increase their incomes without deceiving the State?' (Kolesnikov 2001). According to calculations by Russian sociologists, as much as a third of the Nation's total family expenditure stays unreported to the State, totaling $40 billion a year, which is about as much as the entire federal budget ('Shadow economy blossoms in Russia' 2002).

The shadow economy has become a major component of the Russian economic system, increasingly competing with the officially existing economy. According to the estimates of Goskomstat (the State Committee for Statistics), the non-criminal shadow economy produces at least 20 per cent of Russia's GNP. With criminal activities included, the estimated share of the shadow economy grows to between 40 and 50 per cent (Kolesnikov 2001; 'Shadow economy blossoms in Russia' 2002).

The most important change which has taken place in the Russian shadow economy since the fall of communism is its integration into global markets. With the abolition of the State's monopoly on foreign trade and the liberalization of banking and currency exchange, the freedom to move goods and money in and out of Russia, both legally and illegally, has become arguably the single most important generator of private wealth. The inventiveness of the agents of this bonanza, and the ease with which they were able to overcome any official constraints, boggles the mind. The fact that they found numerous eager partners abroad—ranging from the Italian, Colombian, Albanian and other mafias to major Western corporate executives—is rather mundane.

The Russian economist Mikhail Tarasov emphasizes the enormous moral damage society suffers from the shadow economy:

> In the 1990s, fundamental moral values of the population were substantially deformed, a shadow way of life became habitual for a large segment of society, and the State's authority plummeted. While many people have taken paths of crime, society has become remarkably tolerant toward shadow activities. Sociological surveys indicate that 42% don't see anything wrong in concealing their incomes from the tax inspectorate, and 47% consider it normal to receive their wages in 'black cash' stuffed in an envelope.
>
> (Tarasov 2002)

Organically linked with the shadow economy, corruption has exploded to turn Russia, in a matter of one decade, into one of the world's most corrupt countries, rated no. 79 in the list of 91 countries surveyed by Transparency International (*Global Corruption Report 2001:*236)

According to estimates of the Inter-agency Commission on Combating Crime and Corruption (a body created by the Security Council, the consultative organ of the Russian presidency), two-thirds of private companies are involved services price lists. According to some such 'ads', an appointment with a high in corrupt relationships with public officials. The media publishes corrupt government official costs $1,000, the registration of a car (stolen or not) $2,000, illegal termination of a criminal case $10,000, etc. (Kushnirenko 1998).

To avoid detection, corruption takes a wide variety of indirect forms, such as financing officials' election campaigns; paying élite school tuition costs for officials' children; rendering privileged services to officials, etc. Many cases of an official accepting favours without responding directly by acting in the interests of the person (s) involved, or by refraining from action where such action is required by law, do not actually imply criminal liability. Systematic bribery may take place 'just in case', without requiring any specific commitment from the official involved. The official's reward may be in a deferred form—for example, as an offer of lucrative employment in case of his dismissal (Kushnirenko 1998).

The findings of the major recent study of corruption, undertaken in 1999–2001 by the INDEM Foundation, a major Moscow think-tank, confirm that bribery is condoned and practised by many Russians, with an estimated 55 million people having paid bribes at some instance or another. Forty-five per cent of respondents from the general public and 60 per cent of the polled businesspeople considered corruption an essential, necessary part of life, a mechanism which 'makes it easier to get things done'.

Asked to estimate the levels of corruption in various Russian institutions, respondents in the INDEM study gave the political parties, legislative bodies of all levels, regional governments, the police and mass media the highest corruption ratings (in the 20 to 30 per cent range) and federal executive bodies slightly lower ratings. Institutions such as schools, environmental groups, churches, social-welfare agencies and labour unions were deemed the least corrupt. Characteristically, ‘national security organs’ (this category refers not to the regular police but to secret services) were also perceived to be among the least corrupt institutions, in contrast with the high corruption ratings of the institutions of the new Russian political pluralism (*Diagnostika rossiiskoi korruptsii* 2001).

The system and the bandit

A state cannot be privatized and a shadow economy cannot grow without criminal acts becoming a habitual, normal, system-forming activity of both bureaucrats and entrepreneurs. In a market economy which grows in such conditions, crime pays immensely more than law-abiding enterprise. This becomes an especially serious problem when the centre of gravity of the market economy is not production but the takeover and sale of property. In the 1990s the Russian economy shrank by half and productive investments declined to nearly zero, while most of its valuable assets were taken over by a small group of corrupt bureaucrats and aggressive market operators, and 40 per cent of the population sank below the level of subsistence. The full story of this massive takeover of public property remains to be told, but the evidence already exists to conclude that Russia’s privatization involved widespread and blatant violations of the law. In a half-formed, transitional state, manned by corrupt officials and swept by a tidal wave of greed, it could hardly have been otherwise (see Freeland 2000; Klebnikov 2000; Reddaway and Glinski 2001).

Summing up the new Russian realities, the 1997 Criminal Code of the Russian Federation describes the following nine categories of *economic crimes:*

1 violations of rights of entrepreneurs by government officials
2 violations of law by entrepreneurs (illegal enterprise, illegal banking, bogus enterprise, money- and property-laundering, etc.)
3 violations of rights of creditors (obtaining credit under false pretences, persistent refusal to pay debts, illegal bankruptcy arrangements)
4 monopolistic and unfair competition practices
5 crimes in the monetary and securities sphere (illegal emission of securities, counterfeiting, etc.)
6 crimes involving foreign currency and precious metals and stones (including illegal export of capital)
7 customs crimes
8 tax crimes
9 crimes involving violations of consumer rights (false advertising, deception of customers, etc.).

(*Ugolovnyi kodeks RF:* 213–14)

The lawlessness accompanying Russia’s transition to capitalism made the 1990s the true golden age for Russian organized crime, stimulating the wild growth of its existing forms and the creation of new ones, opening up vast new vistas, and drawing large numbers of fresh recruits into the field.

Estimates of the number of criminal organizations in Russia range between 5,000 and 11,600, with the estimated total membership of 83,000. Alexander Gurov, chairman of the Security Committee of the Russian Duma (the lower house of parliament) and a highly respected veteran of the fight against organized crime, argues that such estimates are inflated, as they include any groups which have committed criminal acts. According to Gurov, professional organized crime in today’s Russia is carried out by 300 to 400 ‘middle-level groups’ and 15 criminal organizations ‘with network structures’ (Gurov 2001).

The three-storey world of Russian organized crime, formed in Soviet times, went topsy-turvy, as relations between and within the three groups underwent repeated changes as a result of the Soviet collapse, intense struggles for power and property, and the expansion of the ranks of the underworld. The bureaucracy strove to retain its dominance as the official keeper of state treasure, but its main source of power and its key to success were increasingly not in the Kremlin but in the private sector. In Yeltsin’s Russia, the bureaucrat came to share the top floor with the oligarch businessman and could ill-afford to offend him. Meanwhile, professional criminals successfully stormed the second floor, making themselves indispensable to the bourgeoisie and seeking to become its dominant echelon, and began to penetrate the top floor, too, by directly capturing elected and appointed offices of the Russian state.

While professional criminals are operating in virtually every sphere of the Russian economy and society, some spheres, such as narco-business, humantrafficking, racketeering, contract killings, various forms of counterfeiting and fraud, prostitution, the stolen auto trade, gambling, and illegal production of alcohol, are monopolized by organized crime. The arms trade, trade in nonferrous and precious metals, banking and finance, real-estate operations, security business, presenting highly lucrative opportunities to organized crime, are among the most criminalized sectors of the Russian economy.

While opportunities for organized criminal activities have boomed, so has the *demand* for the services of organized crime. Helping effect the takeover of a business, intimidating or physically removing a competitor in business or politics, providing a *krysha* for a company (literally, ‘the roof; protection from other criminals), putting pressure on public officials and journalists are only a few of such services. Economic, corporate, white-collar and professional organized crime have become enmeshed in a kind of criminal system of social relations where the interests of the criminals themselves and the interests of a wide range of influential actors using criminal services reinforce each other.

Azalia Dolgova, a prominent Russian criminologist, presents an apt summary of the main dimensions of the role organized crime has come to play in Russian society:

- it has a degree of control over governmental bodies, legislative, executive and judiciary, influencing decision-making
- it is extremely closely intertwined with non-criminal business

- it has become a serious factor of social life, influencing the socialization of youth and giving jobs to growing numbers of people
- it has become one of the main consumers of luxury goods and services
- it is an increasingly important factor of Russia's impoverishment through concentration of wealth and capital flight
- its structures have become a major armed force in society, which stimulates the militarization of the State
- it provokes and participates in armed conflicts and terrorist activities, protecting and expanding its possessions beyond Russia's borders
- it contributes to the social and moral degradation of Russia
- it has become an important factor of international relations.

(Dolgova 1996:40–1)

Putin and beyond

In the 1990s, the growing perception that Russia had become a lawless haven for crooks and bandits damaged the legitimacy of the new Russian state, its international reputation, and Russia's prospects for attracting foreign investments. It was becoming clear that the inability and/or unwillingness of the Russian government to take effective measures against organized crime and corruption reflected deeply rooted, systemic features of post-communist Russia. Publicly proclaimed 'wars' on crime led to the growth of the prison population beyond 1 million people, but did not touch the foundations of Russia's criminal infrastructure, and the disease continued to spread.

Decriminalization of the Russian society, the economy and the State would require the creation of a viable political-economic system, which is hardly possible while the neo-liberal policy orthodoxy remains in force both in Russia and globally.

Still, even under the current policy constraints, it seems possible to see some progress towards the development of an institutional framework in Russia which would separate, at least to some extent, the bureaucracy from business, business from the underworld, and the underworld from bureaucracy and business. Formally, the creation of such a framework through legislation and institutional reform has been under way in Russia in recent years. If this process is to acquire substance, however, it should challenge the fundamentals of crony capitalism and the interests of extremely powerful people who have become used to the status of Russia's new masters.

State-building became somewhat more active and purposeful with the election of President Putin, which reflected the emergence of a new 'statist' consensus in the Russian political class. Putin called for 'a dictatorship of law' to create a strong, integrated and effective governmental authority and made reorganizing the Russian state his main political priority. The intent is to reverse the privatization of public power by the bureaucrats and oligarchs, and to erect a law-based structure, controllable from the top and thus possessing a degree of independence from private interests. Putin's state-building project relies in part on authoritarian methods, such as a massive use of force to suppress separatism in Chechnya, the drive to secure the Kremlin's control over the parliament, the party system, regional governments, and the mass media, the rising influence of security organs and the military. At the same time, legislative and policy initiatives have been put forward, aimed at curtailing arbitrary bureaucratic power, the development of a modern legal system, the creation of a strong independent judiciary, and the reform of the civil service and law-enforcement agencies. The government is attempting to contain the growth of the shadow economy by combining stricter law enforcement with creating incentives for non-criminal shadow businesses to go legal. These steps are part of Putin’s ‘European choice’—a strategic objective of integrating Russian into Western institutions.

On Putin’s orders, the Russian government launched a series of criminal investigations into the financial dealings of some of Russia’s biggest companies and most influential persons, and stepped up cooperation with foreign law-enforcement agencies and international bodies to investigate money-laundering. It began to look as if no one in the ruling class was safe any longer from a sudden inquiry into what they did in the feeding frenzy of the 1990s when many of them developed a sense of invincibility, protected by their money and connections with government officials.

Putin’s ‘reform authoritarianism’, as it may be termed, has made a generally positive impression on the West and has received popular support in Russia. While fear spread among élites that a new version of Stalin’s 1937 purge was about to start, only a minority of Russians saw Putin’s policies as dangerous to democracy and civil rights—in fact, the public seemed to be overwhelmingly in favour of the idea of purging Yeltsin’s ruling class and cracking down on crime, even at the expense of some curbs on civil rights and liberties. This is the price of the discrediting of democracy which in the Yeltsin years became a façade for the ruthless plunder of Russia.

Well into Putin’s third year, crime and corruption were still on the rise in Russia, and the limits and pitfalls of reform authoritarianism were becoming obvious. Under crony capitalism, the élites possess enormous resources, economic, political and technical, from capital flight to media manipulation, to effectively resist, sabotage or co-opt ‘disciplinarian’ actions of the top political leadership. Ultimately, the system is much stronger than the Kremlin. The President cannot afford to alienate too many of the rich and powerful, and has to make deals with some of them against the others, which makes a mockery of the professed goals of establishing rule of law in Russia, deepens public cynicism and alienation, and thus undermines institutionalization. The Kremlin’s drive to restore state control will not get anywhere without the cooperation of the bureaucracy and the regional élites. By eagerly joining this drive, they are able to use it effectively to protect and advance their own interests, shadowy ties and corrupt practices.

Corruption may not suffer greatly under the new regime, but a crackdown on some of the most dangerous forms of Russian organized crime, such as drugs, human-trafficking, racketeering and contract murders, seems to be within the capabilities of the Russian state in the coming years, given sufficient political will at the top. The State may also succeed in suppressing at least some professional criminal organizations. Money-laundering and computer crime are two other areas where the Russian state, following its international commitments, can be expected to achieve some results.

Reform authoritarianism may make the Russian state somewhat more manageable and responsible, but it retards the development of Russian democracy by seeking to reduce the independence of civil society institutions, above all, the mass media. The reform authoritarian approach is avowedly élitist and reflects genuine fears of mass political mobilization, which may threaten the fundamentals of the system by reopening the debate over who owns Russia and on what grounds.

Still, it is not inconceivable that the frictions between the State and the corrupt élites may escalate and draw in the citizenry, which so far has played the role of passive spectators, hoping that the tough new ‘tsar’ will punish the corrupt and greedy ‘nobles’. Russian civil society remains too weak, unstructured and lacking in political leverage, and most people have learned to live with the reality of organized crime and corruption as inescapable evils. But it is there, at the grassroots, that the real political potential for the establishment of law and justice in Russia is hidden. Without active citizen involvement, campaigns against organized crime and corruption will bring only limited results. With such involvement, the struggle against these social evils will be a struggle for real Russian democracy.

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5

Drug-trafficking and the State

The case of Colombia

Sayaka Fukumi

Drug-trafficking is the most popular and profitable economic activity of transnational criminal organizations (TCOs)—including mafias—so much so that it is even considered as their ‘economic mainstay’ (Das 1997:131). Most criminal organizations are involved in drug-trafficking and, despite the intense and continuous activities of law enforcement agencies, there are always new emerging drug-smuggling gangs. Seccombe argues that ‘drug smuggling is like a balloon: squeeze it in one place and it bulges out elsewhere’ (1997:294).

In this chapter, we shall examine the impact that powerful drug-trafficking organizations can have on a state. Although the case of Colombia is unusual, looking at it may help us to understand how vulnerable states can be to these criminal organizations. Colombian drug cartels emerged from the weak economic, social and political structures of the State and have been fuelled by a long civil war. The government’s inability to establish and enforce laws has allowed cartels to take maximum advantage of the international economic capitalist system. According to Armao’s analysis, Colombian drug cartels can be seen as organizations which have helped state infrastructures in order to make profit, as the Russian *Mafiya* has done. Colombia is a democracy—indeed, it has the longest democratic history in Latin America—with three independent branches of the executive, the legislative and the judicial and elected congressmen and state representatives. But, through their use of corruption and intimidation, the cartels have turned this into a mere shell of democracy. The existence of the drug cartels therefore has had implications on the State and its functioning. In order to understand the problems involved we will focus on the disruption cartels cause a constitutional democratic state, in particular, how, with the enormous financial power at their disposal, they prevent the State from functioning in the political and judicial spheres.

Drug-trafficking networks are usually organized in ‘headquarters’, ‘producer’, ‘transit’ and ‘consumer’ states. Andean cocaine trafficking has been dominated by Colombian cartels, and it is in Colombia that they have established their headquarters. Peru and Bolivia are the producers which supply coca leaves and coca paste to the Colombian cartels which manufacture cocaine HCI (powder cocaine). The drug is then shipped to North America and Europe via Mexico and the Caribbean states. To some extent, drug-trafficking organizations resemble trade companies. On the way to the market, traffickers bring back commodities which are in demand: technology and components for weapons of mass destruction, which may cause more serious problems to states than the drug-trafficking itself (Williams 1994b:110).

This chapter is divided into two parts: first, it will discuss generally the nature of TCOs activities and their impact on the State; and then it will deal specifically with the case of Colombian drug-trafficking organizations and their effect on Colombia.

The activities of transnational criminal organizations

The form and activities of TCOs vary greatly. However, their main aim is to maximize economic profit by whatever means possible. TCOs operate purely for economic purposes, unlike terrorist groups, which act through political and ideological motives (Westrate 1987:2). In this sense, they can be compared to legitimate enterprises: they seek a high degree of autonomy from state control just as multinational corporations do. Their goals resemble those of any rational actors in the legal market: maximization of wealth, influence and power and minimization of risk. From this economic perspective, organized crime can be seen, to use Karl von Clausewitz's famous phrase concerning war, as a 'continuation of commerce by other means'. To some extent, 'TCOs are transnational organizations *par excellence*' because of their great success in world markets, even if they desire the freedom to achieve maximum profits by ignoring 'the existing structures of authority and power in world politics and have developed sophisticated strategies for circumventing law enforcement in individual states and in the global community of states' (Williams 1994a; Huntington 1973; Schmid 1996:43). Hence, it is right to say that 'the threats they pose to others are often the unintended consequence of their activities' (Matthew and Shanbaugh 1998:165).

The unintended consequences of TCOs' activities are 'insidious, pervasive and multifaceted', such as political and economic destabilization, social injustice, unfair competition, institutional delegitimization, corruption, monopoly pricing and extortion, unfair treatment, violence, intimidation, fear, oppression and tyranny (Williams and Savona 1996:32; Lupsha 1996:44). In addition, the linkage between TCOs and guerrilla/terrorist groups may increase the risk to the stability of states (Shultz 1985:115). Besides damaging state functions, the activities of TCOs can greatly harm the environment and human beings through, for example, the cultivation of narco-crops, drug consumption and trading in illegal body-parts. Williams and Savona analyse this impact by arguing that:

> Organized crime poses a direct threat to national and international security and stability, and constitutes a frontal attack on political and legislative authority, and challenging the very authority of the State. It disrupts and compromises social and economic institutions, causing a loss of faith in democratic processes. It undermines development and diverts its gains. It victimizes entire populations, targeting and capitalizing on human vulnerability.
>
> (Williams and Savona 1996:32)

It is because of their extensive influence over civil society, the economy and politics that their activities have been regarded as one of the most serious threats to the state in the post-Cold War era (Van de Velde 1996:446). With the enormous financial power at their disposal, they can bribe and purchase weapons to pursue their interests. To some extent, bribery and the use of violence are the fundamental means by which they ensure the success of their business deals. The following sections will investigate the implications of their use of corruption and intimidation on states.

Corruption

Thanks to their illegal activities TCOs have accumulated enormous wealth, which they invest in legitimate property deals and commodities as well as in bribes. Bribery is an essential strategy for them to secure maximum profit and ensure minimum disruption of their business activities by law-enforcement operations. Bribes may not seem to present an immediate danger to the State, but they do, in the long run, affect the political *status quo* through the disruption of government functions in the political and judicial spheres and by undermining the legitimacy of the State.

Legitimacy of a state is evaluative and is formed by the opinions and beliefs of its citizens[1] (Schaar 1984:108). The capacity of the political system to engender and maintain the belief that 'the existing political institutions are the most appropriate ones for the society' comes from the legitimacy of the State itself (Lipset 1984:88). A legitimate state, therefore, can lead people to follow orders through its 'rightfulness' and their belief in a 'moral authority' that 'they ought to obey' (Barker 1990:11). In brief, a legitimate state exists only when it is recognized by the people as a proper authority, which has power to make them obey its rules and order because of its rightfulness.

If a state loses legitimacy, state functions become paralysed and inoperative. In other words, 'it [the State] no longer [assures] security and provisionment by a central sovereign organization' (Zartman 1995:5). Beetham categorizes the loss of legitimacy as 'illegitimacy' and 'delegitimacy'. Illegitimacy occurs when the power of the State is 'either acquired in contravention of the rules (expropriation, usurpation, *coup d'état*) or exercised in a manner that contravenes or exceeds them' (Beetham 1991:16). Illegitimacy, however, differs from 'legitimacy deficit' or 'weakness'. A legitimacy deficit related to 'the source of political authority' is described as:

> A *divergence* or *discrepancy* between the constitutional rules and the beliefs that should provide their justification, whether the divergence exists because the rules have been established or altered in a manner that is incompatible with established beliefs about the rightful source of authority, or because the beliefs of a society have themselves evolved over time in a way that weakens support for the constitutional order.
>
> (Ibid.: 207)

On the other hand, a legitimacy deficit related to 'the ends or purpose of the government' is described as 'an *inadequacy* or *incapacity* of the constitutional rules to facilitate successful government performance, or to provide resolution in the event of failure, whether the failure is one of ineffectiveness or of partiality in respect of the ends that government exists to attain' (ibid.: 207–8; emphasis in original). This inappropriateness and inadequacy bring 'delegitimacy'[2] (ibid.: 212). Delegitimization is caused by the withdrawal of consent by those ‘whose consent is necessary to the legitimisation of government’ through ‘mass demonstrations, strikes, acts of civil disobedience’ (ibid.: 209). In short, an illegitimate state has a government which has obtained power illegally, whereas a delegitimate state has a government with limited authority and power to control over the territory and to secure general interests.

According to Manwaring, ‘the level of corruption of the political, economic, social, and security organs of a nation-state is closely related to the degree of weakness of the State government apparatus, and it is a major agent for destabilisation’ (1994:392). The ascendancy of TCOs and lack of government authority can lead a state to lose control of some parts of its territory, the judicial system and the decision-making process. Furthermore, although they are operating for economic reasons, criminals may support a *coup d’état* if they believe that the new authority will allow them to operate with fewer restrictions. Hence, the danger of the relationship between the military and TCOs is that ‘the rise of military capabilities and armed conflict, far from enhancing the power and authority of the sovereign state, simply points to new uncertainties and capabilities, both subnational and international, which severely weaken that power and authority’ (Camilleri and Falk 1992:155). Consequently, the US Drug Enforcement Administration (DEA) regards the threat posed by drug-traffickers’ financial resources and power as ‘the most significant issue facing drug law enforcement today’ (Westrate 1985:141).

Intimidation

The threat to the State posed by drug-traffickers is one that relies on the subversion of both government and individuals (Dziedzic 1989:543–4), whereas traditional threats to a state are usually material or physical, such as invasion and attacks by others. TCOs do not generally employ violence. It is commonly accepted that they turn to it only as a last resort ‘when money no longer talks’. Although they do on occasion adopt indiscriminate terrorist-style bombings, TCOs basically attack only specific people whom they regard as their enemies, for example, politicians who support anti-drug-trafficking and extradition policies or law-enforcement officers. For drug-traffickers, violence is a means to protect their ‘turf’ and profits, to settle disputes and to intimidate or eliminate members of the government or of the judiciary, journalists or rival gangs.

Violent attacks by TCOs, particularly drug-trafficking organizations, are defined in two ways: in the narrow sense, ‘narco-terrorism’ is a term used purely to define TCOs’ use of violence and intimidation. It is defined as ‘activities initiated by drug traffickers using violence or the threat of violence against individuals, property, state, or its agents, to intimidate and coerce people into modifying their actions in ways advantageous to the drug traffickers’ (Schmid 1996:66). The use of planned and sophisticated violence to achieve economic goals and interests is not covered by the legal or traditional definitions of rebels or terrorist actions (Taylor 1985:114).

In the broad sense, the term defines the relationship between guerrilla/ terrorist groups and TCOs. TCOs often form alliances with regional guerrilla groups in a give-and-take relationship. Drug-trafficking organizations and guerrilla groups have different principles: drug-traffickers form an organization for economic gain and do not have a set political ideology (at least it is not their main concern), while a guerrilla group is established to pursue a political-ideological agenda. These two organizations, however, form an alliance for tactical purposes: drug-traffickers provide financial resources to guerrilla groups, who in exchange provide protection (Williams and Savona 1996:25). ‘Narco-terrorism’ in this sense is a product of this ‘marriage of convenience’ (Westrate 1987:2) and presents a major problem for law-enforcement agencies because, during police operations, their officials have to fight two organizations instead of just one (Skol 1989:8–9).

Both forms of narco-terrorism challenge the State’s monopoly of violence and government supremacy, in other words, its sovereignty (Dziedzic 1989:544). In the traditional sense, wars occur when a state’s territory or sovereignty is threatened by the violence of other states, but today the sovereignty of states can be threatened by TCOs (Van Creveld 1991:204). Sovereignty can also be damaged by the existence of TCOs insofar as a state weakened by corruption and intimidation may no longer be considered by other states as legitimate and as possessing the necessary powers of negotiation in international affairs (Jackson 1999:12). This means that a state weakened or having lost domestic sovereignty may also lose its status and may no longer be recognized as a sovereign state in international relations.

In sum, corruption and intimidation may affect a state both directly and indirectly. Corruption may cause the malfunctioning of the government and, consequently, engender chaos created by injustice and social disorder. Citizens fearing the retaliation of TCOs may not openly accuse the government of corruption, but such a government may no longer be able to maintain its legitimacy. The use of violence by TCOs not only intimidates civil society and provokes the malfunction of the State but also endangers its sovereignty both domestically and internationally. In other words, TCOs’ private use of violence and uncontrolled pursuit of wealth can very seriously challenge the existence of a democratic sovereign state.

Colombia and drug cartels

During the last two decades two powerful drug cartels, known as the Medellín cartel and the Cali cartel,[3] have dominated Colombia. In general, Colombian cartels are organized on the basis of interconnected networks of small criminal groups. Their internal links are similar to those between two horizontally integrated legitimate firms (Bureau of Justice Statistics 1991:57). However, as Naylor has observed among heroin-selling organizations, ‘no one group is essential’ (Naylor 1997:38), and this may also be the case for the distribution networks of the Colombian cartels. So, for example, if law-enforcement officers catch one associated organization in a relatively significant position in the drug-trafficking network, by the time this organization is investigated it has already lost its importance for the whole cartel network. Furthermore, most of the individuals active in the organization are replaceable, which means that the loss of members or employees affect the success of the cartel’s operation only slightly.

In the 1990s, the Cali and Medellín cartels supplied 70 to 80 per cent of the cocaine sold in the United States and 90 per cent of that sold in Europe. Indeed, their share of the international market has not changed despite the decline in power of these two cartels. The Medellín cartel was the first to start trafficking cocaine in Latin America, and its success in the 1980s made it the most powerful cartel in Latin America. Its policy in dealing with the government, however, was not very successful. The Medellín cartel was willing to employ violence and was also keen to use and train paramilitary groups under the instruction of both Israeli and British mercenaries. It smuggled weapons into Colombia in order to equip its self-defence forces (Gregorie 1989:91). The continuous disputes between the government and the Medellín cartel meant that the government tightened its law-enforcement strategy towards the cartel, which suffered the arrest of many its leaders. Eventually it lost its pre-eminent position after the death of one of its leaders, Pablo Escobar, in 1993.

The decline of the Medellín cartel allowed its rival, the Cali cartel, to come to the fore and become the most powerful cartel in Colombia. The members of the Cali cartel were known as ‘the Cali’s gentlemen’ because of their highly professional attitude, and their businesslike operations were carried out with minimum violence compared to those of the Medellín cartel. Indeed, the Cali cartel preferred a strategy of coexistence rather than confrontation with the government to guarantee the stability of its business operations (*The Economist* 1995:25). It was also flexible enough to adjust its activities and products as circumstances changed in order to generate wealth. The structural strength of the Cali cartel was its organization as a federation of small criminal groups that worked relatively independently (*Latin American Monitor* 1995:5). The absence of leaders, as a result of death or imprisonment, had, therefore, only a slight effect on the cartel’s business. It has been said, for example, that, ‘despite the disruptions caused by the arrests and surrender last summer [in 1995] of seven of its eight top leaders, the infrastructure and operation of the Colombian Cali drug Mafia remain formidable’ (Builta n.d.). Through effective market strategies, the Cali cartel became a multibillion dollar trading company with an estimated $7 billion annual revenue in 1996 (Constantine 1996). It has been described as ‘not only the developing world’s most successful TCO, but…also its most successful transnational corporation’ (Williams 1994a:103). The highly successful financial achievements of the drug cartels brought them enormous wealth which they used to obtain influence over the government through either *‘plomo o plata’* (‘death or money’).

‘Corruption is everywhere—in government, judiciary, business, and on the streets of Colombia’, said Juan Ferro of the daily newspaper *El Espectador* (Chepesiuk 1988:27). US law-enforcement officials estimated that Colombian drug cartels spend more than $100 million on bribes every week to buy protection (Lee 1995:207), and people who refuse to accept bribes are simply assassinated. The Cali and Medellín cartels both knew the importance of corruption for the success of their business activities. The Medellín cartel was known primarily for its use of violence. However, this violence tended to alienate communities, and therefore the cartel sought political integration in civil society through bribery and standing for elections in the region of Antioquia (Tullis 1995:17). One of its members, Gonzalo Rodrigues Gacha, controlled at least five city governments as well as mayoral elections in the northern province of Magdalena in 1988 and the whole police force in a town called Pacho (Isikoff 1989). In 1978, Pablo Escobar was elected as a substitute city council member in Medellín, and between 1982 and 1984 he held a seat as an elected substitute congressman (Bowden 2001:41). Both direct and indirect influence allowed the Medellín cartel to control the city of Medellín and the regions around it.

The Cali cartel, on the other hand, established solid foundations for its business through bribery. Miguel Orejuela, a leader of the cartel, was known for his payroll, which listed 2,800 Colombian citizens (Gelbard 1995). The cartel's extensive use of bribes is well explained by Gilberto Rodriguez Orejuela: 'we don't kill judges or ministers, we buy them' (Lee 1995:208). Consequently, the Cali cartel maintained a sufficient hold over the government, which allowed its leaders to run their businesses from prisons as well as influence 'a congressional vote on asset seizure legislation, despite repeated US warning' (Gelbard 1997).

Let us now examine in more detail how widespread corruption in Colombia penetrated the political and judicial sectors (including military officers who were involved in drugs control operations) and what impact this had on state functions. The relationships between drug cartels and politicians in Colombia are developed mainly during election campaigns. As there is no official state financing for party campaigns, donations from drug cartels become an important resource for candidates (Lee 1989:131). A staff report to the United States Senate Committee on Foreign Relations revealed in February 1996 that the Cali cartel had contributed $6 million to President Ernsto Samper's presidential election campaign in 1994 (Committee on Foreign Relations 1996:vi). The report also exposed 'friendly relations between drug traffickers and senior campaign officials of both the Liberal and Conservative parties' (Ross 1994b). In 1995, Samper's election campaign treasurer, Santiago Medin, and three other ministers of his administration were forced to resign because of their involvement with the Cali cartel (Committee on Foreign Relations 1996:4; Menzel 1997:149). This scandal led to Case 8000, which saw the dismissal of corrupt government officials and instigated an investigation into 'the Attorney General, the Controller General and 20 members of Congress, as well as members of Samper's campaign' (Committee on Foreign Relations 1996:4). This scandal provoked tension between the United States and Colombia: Colombia lost its US narcotics certification, and the United States refused to grant Samper a visa except for visits to the United Nations in New York (CNN 1998a; US Department of State 1996:xxv–xxvi).

As far as the judicial system is concerned, in many cases drug-traffickers have avoided prosecution by buying and/or threatening judges or prosecutors. When they are convicted, they receive light sentences, and if they do go to prison, they tend to be released quite quickly. In 1988, for example, a middleranking drug-trafficker who was arrested for the murder of the editor of *El Espectador* was released after only a few days in jail because no judge wanted to hear the case (Lee 1989:10–11). As in Case 8000, only three drug-traffickers were convicted, despite the large numbers of arrests made during the police operation (Committee on Foreign Relations 1996:6).

In another case, in October 1997 murder charges against a jailed leading Cali drug-trafficker, Ivan Urdinola, were dropped by a Colombian judge, and it is believed that Urdinola was released from prison in 1998 without completing his sentence. This situation was suspected by the DEA to be the result of corruption in the judicial system (Constantine 1998). Constantine has also reported the 'disappearance' of legal files and that charges had been reduced during trials because of bribes (1998). Corruption has thus allowed drug-traffickers to carry out their business almost with impunity. According to a chief prosecutor, 'it is very difficult to find a person who does not want to do business with the traffickers, given that they pay well, pay in cash and don't ask for discount' (Isikoff 1989).

The relationships between police officers and drug traffickers are affecting not only the internal judicial system but also joint counter-narcotics operations with the United States. It has been said that 'internal corruption has meant that police operations against the traffickers are often compromised before they begin' (Chepesuik 1989:43). The Barco[4] administration's reform of the police in 1989 ended with the dismissal of 'about 2,000 members of the 80,000-person national police' due to their 'suspected collaboration with the drug cartels' (Bagley 1989–90:160). Between the early 1990s and 1998, more than 14,000 police officers were purged for corruption (Constantine 1998).

It is a fact that corruption had reached even the highest echelon of the Colombian police force. In early 1989 a national police general, José Guillermo Medina Sánchez, was discharged because his name was on Escobar's payroll (Bagley 1989–90:160). In 1994 a cartel payroll was found which listed the names of 35 senior—and 25 middle-level police officers and 130 agents in the town of Cali (Committee on Foreign Relations 1996:19). The number and range of corrupt officials rendered any counter-narcotics operations or attempts at law enforcement ineffectual.

The government authorities cooperate with the drug-traffickers in counterterrorist measures such as intelligence exchange. The Colombian army, which has a special unit to combat terrorism, shares with drug cartels information about 'their common enemy', the guerrilla groups (Mabry 1990:34). Bagley, however, points out that the inefficiency of counter-narcotics operations in the Magdalena River valley and in parts of the Eastern Plains during the 1980s was a direct consequence of this military-drug cartel alliance (1989–90:161). Some officers were involved in the cocaine trade, and their alliance with traffickers became known as 'the Blue cartel' because of the colour of the Colombian air force's uniform (*CNN* 1998b). In 1996 and 1998 the Blue cartel scheduled the shipment of cocaine and heroin respectively to the United States using Colombian air force planes, one of which was expected to fly the Colombian president to the United Nations in New York.[5] Despite the failure of this attempt, the United States took this incident as a serious challenge to their counter-narcotics efforts, and the two states were at loggerheads for a time.

In sum, to ensure the smooth running of their business activities, drug cartels exert substantial influence on the State through corruption. A former DEA official declared that the Colombian system was not a democracy but a 'narcocracy'[6] (narco-democracy) (*International Herald Tribune* 1994). The effects of bribery can be seen in the extensive delays in legislation and all decisions related to drug-control issues, the disruption of legal procedures and trials, and the slowing down of counter-narcotics and law-enforcement operations. Moreover, the collusion between the Colombian government and drug cartels caused the decline of the country's credibility and in respect from other states in the international arena. If we evaluate the situation by Manwaring's yardstick quoted above, Colombia seems to be a weak state, destabilized by corruption, which would tend to prove, as Clawson and Lee have noted, that 'the Cali cartel may have done more damage to Colombia's political order than did its Medellín counterpart' (1996:173).

In the 1980s Colombia suffered from indiscriminate violence initiated by the Medellín cartel, which was then at the height of its power. Corruption and intimidation are two sides of the same coin. It is clear that, for criminals, the use of violence may not have been their primary *modus operandi,* but they did not hesitate to use it whenever necessary: those officials ‘honest’ and courageous enough to refuse bribes from the drug cartels were eventually in fear of their lives.

In Colombia, the direct challenge to government is most likely to come from terrorist groups using indiscriminate violence in cities. When in 1989 the Barco administration signed an extradition treaty with the United States, which would enable them to prosecute drug-traffickers, the Medellín cartel’s terrorist-style attacks escalated to a level that was virtually internal warfare. In the beginning, the Medellín cartel offered to pay off Colombia’s foreign debt in exchange for the repeal of the treaty. The government’s refusal, however, induced violent bomb attacks. The headquarters of the National Security Police were blown up on 6 December 1989 (Tullis 1995:95), approximately 1,700 Colombians and 400 police officers were murdered, and ‘200 bombs were exploded in Bogota alone’ during a six-month period in 1990 (Menzel 1997:80). And when the April 19th Movement (M-19) took 17 supreme court judges hostage in 1988, it was alleged that the Medellín cartel had paid $1 million for the operation (Claudio 1991:71).

Drug-traffickers will collaborate with anyone in order to make more profit with fewer risks. Colombia’s civil war has provided drug cartels with good allies and, at the same time, rivals. As already mentioned, the relationship between drug cartels and guerrilla groups is a ‘marriage of convenience’. Some guerrilla groups engaged in the cocaine trade in order to expand in both size and power. The Revolutionary Armed Force of Colombia (known as FARC in its Spanish abbreviation), for example, doubled in size in the late 1980s as a result of its drug income (GAO 1991:20; Committee on Foreign Affairs 1989:23; Lee 1989:118). FARCearns an annual income of $0.5 to $1.5 billion from the cocaine trade, which is about 80 per cent of its total revenue (Zackrison and Bradley 1997:1). Its increasing involvement in the cocaine trade is evident from its trade relationship with the Tijuana cartel of Mexico and its 20 to 30 per cent share of the Colombian cocaine market. It is said that FARC has sought to establish ‘a monopoly position over the commercialisation of the cocaine base across much of southern Colombia’ since 1999 (Boucher 2000). The cocaine trade has brought sufficient financial power to FARC to recruit 17,000 to 18,000 new members and carry out successful negotiations with the government (Stevenson 2002). In terms of territory, since its negotiation with the government in the late 1990s FARC controls a zone equivalent in size to Switzerland.

With such financial power and territory at its disposal, FARC was at the negotiations known as ‘Peace Talk’ which demanded from the government certain advantageous conditions (for example, maintaining its given territory) for itself in exchange for a ceasefire. However, when the United States willingly offered support to the Colombian anti-narcotics scheme ‘Plan Colombia’ in 2000, FARC adopted a rather aggressive attitude towards the government and suspended their peace talks. Since January 2002, Colombia has been at war with FARC and the United States is now supplying more military aid to support ‘Plan Colombia’.

The nexus between the drug-traffickers and the guerrilla groups was openly acknowledged by M-19, despite the denial by FARC of its involvement in the drugs trade. In fact, there are alternatives sources of income for the guerrilla groups, such as ransoms from kidnappings, an activity more traditionally associated with guerrilla groups. An estimated 2,400 people in Colombia were kidnapped, half of them by guerrillas, in 1998 (Hongju Koh 1999), and there were nearly 5,000 hostages held by drug-traffickers and guerrillas in the late 1990s (Lennard 1999). For the Colombian government, fighting drug-trafficking amounts to fighting guerrilla groups.

Although both the Medellín and Cali cartels have used assassination, it is mainly the former which is most closely associated with this method. Murders are usually carried out by *sicarios* (hired hit-men), trained for ‘assassination and guerrilla style combat’ (Menzel 1997:62), during disputes among drug-traffickers or to engage in ‘a systemic campaign of murder and intimidation against government authorities’ (Bagley 1988:73). In spite of their youth, the *sicarios* are highly professional and well trained. There were 6,000 in Medellín, mainly aged between 12 to 20, and working in 500 different drug-trafficking groups (Menzel 1997:72). It is reported that the Medellín cartel paid for ‘more than 600 assassinations’ between 1989 and 1991 (ibid.: 91) and it is estimated that ‘the value of human life is US$13’ in Colombia (Tullis 1995:14), which is the sum the *sicarios* were paid.

The Cali cartel uses violence ruthlessly against specific individuals to protect its own interests. For example, it not only cooperated with the government to arrest Pablo Escobar and his followers but also killed ‘more than sixty of Escobar’s supporters, associates and employees’ (NACLA 1997:39). However, it is mainly prominent members of civil society who are at risk of being targeted by the drug-traffickers, namely politicians and judges.

Colombian politicians constantly face danger, whether they are pro- or anti-drug-trafficking. There have been few, if any, elections which have taken place without kidnappings or attempted murders or assassinations. As a democratic state, Colombia has elections with large numbers of candidates. These elections are often associated with violence provoked by drug cartels and/or guerrilla groups. During the 1994 presidential election campaign, for example, at least five candidates were kidnapped and four campaign officials injured by bombings (Ross 1994a). In the same year, the congressional election ended with least ten candidates killed, kidnapped or injured (Kendall 1994). The 1997 election resulted in the murder of approximately 40 candidates, the kidnapping of 200 people and threats addressed to over 2,000 campaign members to get them to withdraw from the election (Bureau of International Narcotics 1998). Throughout the 2002 presidential election campaign, a conservative candidate, who supported hardline policies against guerrilla groups, was very popular. Since January 2002, because of the war between the government and FARC, he has been protected against assassination attempts by 70 bodyguards. The campaign ended with one candidate being kidnapped by FARC and several shootings on the streets of Bogota (Wilson 2002c). Despite the democratic appearance of the system, the electoral process in Colombia is controlled by fear, and, once elected, politicians reflect only the interests of the drug cartels and the guerrilla groups.

This atmosphere of intimidation and fear may well prevent politicians from acting against drug cartels. It is not only during election campaigns that they feel threatened but also during their day-to-day parliamentary/political business. In 1993, for example, the senate vice-chairman Dario Londono Cardona, who was sponsoring a bill to widen presidential power on counterinsurgency, was murdered (Menzel 1997:130). Another politician, a former minister of justice, who had been keen to dismantle drug cartels, was assassinated in Budapest, Hungary, in the late 1980s, despite the government’s efforts to protect him by sending him to a place remote from Colombia (Skol 1989:67). These incidents show Colombians that those who attempt to defy the interests of drug cartels will be eliminated, sooner or later, wherever they are. The fear of drug cartels may force politicians to remain silent on drug-related issues and therefore prevent the government from pursuing anti-drug policies. The democratic process is thus distorted.

During the 1980s, more than 50 judges from the criminal courts, a justice minister and an attorney-general lost their lives in drug-related violence (Dziedzic 1989:538). In 1987 more than 30 judges and their families were killed by attacks from narco-terrorists (US Congressional Delegation 1987:7). When judge Eduardo Triana issued a warrant for the arrest of the murderer of a newspaper publisher, Guillermo Cano, he received an offer of ‘20 million pesos ($81,000) to drop the case’ (Nordland and Contreras 1988:37–8). When he refused, 14 assassins were contracted by traffickers to murder him. Hiring 14 assassins to kill one judge may seem a bit of an exaggeration, but it was to warn others as well as to ensure the success of the cartel’s revenge. Alvaro Lopez, who convicted Pablo Escobar and Jorge Luis Ochoa for the murder of ex-cabinet minister Rodrigo Lara, received numerous poison pen letters and phone calls with death threats. He claimed that more than a thousand members of the Colombian judicial system were ‘in serious danger’ and that there was not enough support from the government to the judiciary (Ross 1991).

The government’s scheme to extradite drug-traffickers not only caused damage to citizens as described above but also failed to help judges in their fight against injustice and the manipulation of legal procedures by drug cartels. Indeed, after the Barco administration’s courageous decision of 1989, all Colombian judges found themselves faced with the choice of either ‘accepting large bribes’ from traffickers or ‘braving their death threats and their hired assassins’ (O’Shaughnessy and Matthews 1989).

The fear of the cartels was too strong for anyone to take any action against drug-traffickers in Colombia. The United States ‘offered $500,000 for Jorge Luis Ochoa’s arrest and conviction’, but Ochoa and other four traffickers had their charges reduced and were released from prison (Lee 1989:125). The malfunctioning of the judicial system was extensive: in 1991, ‘of some 8,000 drug-related cases before the Cali courts, only 78 convictions were secured’ (McCaughan 1992). The atmosphere worsened, and insecurity among citizens rose in March 2002 as a popular archbishop was assassinated. It is alleged that the cause of this murder was his referring to ten corrupt congressmen who received money from drug-traffickers. No church member in Colombia had previously been the target of an assassination (Wilson 2002a; 2002b; 2002c). Fear of the use of violence by drug cartels and guerrilla groups affected all citizens, and as a consequence between 300,000 and 2 million refugees left the country. The government had failed to provide protection for people’s lives (DeYoung 2000; CNN n.d.).

Overall, Colombian drug cartels have managed to create their own empire. Corruption has made anti-drug policies difficult to implement and made it easier for drug-related cases to be dropped. Accepting bribes may not always be the choice of government officials, but it is forced on them when they are in fear of their lives. As we have seen, bribery and intimidation disrupts state functions, particularly in the political and judicial spheres and for military officers engaging in anti-narcotics operations. Intimidated judges cannot pursue their investigations and therefore drug-traffickers prevail in civil society with impunity. Although there have been some efforts to change the improper practice of law in Colombia, continuous violence and insufficient support and protection from the government have prevented them from succeeding, so that obvious injustices remain. The government's inability to control its territory and maintain its supremacy seems to have placed Colombia in serious danger.

The Colombian government is currently seeking counter-narcotics measures through 'Plan Colombia'. However, it is clear that it is difficult for the government to solve these problems, partly because of the financial power of the drug cartels and guerrilla groups and partly because of the connections between the two groups. Although the narco-guerrilla ties are largely denied by the guerrilla groups, whenever the government adopts any measures supported by the United States to fight drug-trafficking there is interference by the guerrilla groups. Consequently, if it wants to be successful, the government must not only use counter-narcotics measures, it needs also to exercise counter-insurgency measures. The crucial point is that Colombia's economic and political conditions are not as strong as those of developed countries, and the budget the government can allocate for counter-narcotics measures is limited.

Conclusion

In Colombia today, corruption and intimidation by drug-trafficking organizations has disrupted the functions of government and the State. There are hardly any democratic means left: elections, decision-making and policy-making processes and justice are all controlled by money and violence. Politicians cannot speak out on drugs control or anti-drug-trafficking policies, and journalists cannot write articles about drug-trafficking. Those who try to change this have been killed. The fear of drug cartels has made judges reluctant to handle drug-related cases, and law-enforcement teams cannot operate efficiently because of the risk to their lives. As a result, most drugs-related cases are left unsolved. Consequently, the government authorities lack accountability and transparency in their decision-making procedures and people's willingness and eagerness to participate in the democratic system declines because of the fear of the use of violence by the drug cartels and the revolutionary groups. Those elected thereby cannot represent the nation's will. Moreover, the drug cartels' terrorist activities and their connections with guerrilla groups threaten citizens' lives, forcing some of them to abandon their homes.

Although Colombia has the structure of a democratic state, with popular control, independent institutions and universal participation in elections, its system is not actually working. Indeed, Colombia may not be a classic democratic state, but it may provide us with an image of what the future could hold for a state when drug cartels become all-powerful. Because of extensive corruption, the government does not have enough power or resources to restore peace and protect citizens' safety. In fact, the narco-guerrilla connections are more dangerous for the State than the drug-trafficking per se. Narco-related resources have allowed the guerrilla groups to obtain more power and the means to control particular zones. The government is in a way held to ransom by the relationship between financial power and ideology.

Colombia appears to have lost both legitimacy and sovereignty because of extensive corruption and the control drug cartels have over parts of the country. The feeling of unfairness and disappointment among citizens has led to a deep crisis of legitimacy. The existence of a legitimate authority has been threatened by the expanding power of guerrilla groups because of the financial support they have received from drug cartels. In other words, drug-trafficking organizations or TCOs in Colombia have destabilized the country and threatened its existence as a democratic and sovereign constitutional state both nationally and internationally.

The fight against drug-trafficking organizations is a difficult task for the Colombian government because of the nexus which exists between the drug cartels and guerrilla groups as well as the lack of legitimate economic means to support the nation. The acceptance of bribes by government officials is not only out of fear of the cartels but also out of economic necessity. Those who do not have a sufficient legitimate income become involved in the drugs trade and guerrilla groups to support themselves. What is clearly necessary to sustain the legitimacy of Colombia is an increase in economic standards, an improvement in the living standards of its citizens and the implementation of reforms which would help wipe out corruption in government institutions.

Notes

1 It means that ‘if a people holds the belief that existing institutions are “appropriate” or “morally proper”, then those institutions are legitimate’ (Schaar 1984:108).

2 According to Beetham, it is ‘to expose, not so much the government’s lack of a valid source of authority, as its inability to secure the general interest’ (1991:212).

3 The term ‘cartel’ here is not used in the primary sense of an economic association, but means simply ‘organization’.

4 Virgilio Barco Vargas, president of Colombia between 1989 and 1990, was known for his hardline policies against drug-traffickers. In 1989 he declared all-out war against the drug cartels because of the assassination of Senator Luis Carlos Galán.

5 There was some suspicion that the Colombian air force was involved in drug-trafficking. On 10 November 1998, US Customs officers found 1,639 pounds of cocaine hidden on a Colombian air force cargo plane. Although no link was found between the drugs, the crew members and the passengers, Colombia’s air force chief, General Manuel Sandoval, offered his resignation over the incident. He denied the involvement of the air force in drug-trafficking. However, a week before this incident, three junior members of the air force were sentenced for heroin-trafficking in 1996:4 kilograms of heroin were found aboard Colombia’s presidential jet shortly before it was to fly former President Ernesto Samper to New York for a meeting of the UN General Assembly.

6 The term ‘narcocracy’ was first used by Henman in the early 1980s to describe a political system supported principally by the income of drug-trafficking, more specifically, the García Meza regime, known as ‘coca coup’. It was openly supported by drug-related resources and its government was actively involved in promoting the drug business (1985:140).

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6

Transnational organized crime, security and the European Union

Wyn Rees

Since the 1990s, cross-border, or transnational, organized crime (TOC) has been perceived to be a growing security problem. This has reflected two developments. First, the incidence of transnational organized crime has been increasing. Crime groups tend to be fluid actors that can move easily across national boundaries and alter their structures to respond to the most lucrative opportunities. The flow of illegal drugs into Europe has been rising and has been a major source of concern. Heroin is smuggled from the Far East and Central Asia into the Balkans and Turkey, and finally into Europe, while growing levels of cocaine are imported across the Atlantic from the Andean states and through the Caribbean. Within the European Police Office (Europol), the intelligence body designed to share information between European Union member states, the highest proportion of enquiries relates to drugs issues. Trading in black-market goods across frontiers has been on the increase because of the European single market. Illegally derived money is being laundered through European banks and offshore funds. Human beings are trafficked onto European shores as people seek to escape from lives of extreme poverty and deprivation elsewhere in the world.

Second, concerns over military security in Europe have diminished in salience since the end of the Cold War. This has allowed issues such as organized crime to move up the political agenda. Although the continent has witnessed several vicious conflicts over the last decade, these have tended to be confined to areas such as the Balkans or parts of the former Soviet Union (FSU) and have not impacted upon the territorial security of Western Europe. Because these conflicts have remained localized, they have not raised the fundamental questions of survival that dominated the period of the Cold War. Military security has consequently diminished in importance and a broader range of issues has received attention, one of which has been transnational organized crime.

This is not to suggest that TOC is a new phenomenon in Europe, or that it has the same degree of impact right across the continent. Western Europe has long suffered from organized crime, albeit at a relatively low level. The actual experience of each European country has varied according to the intensity of the problem, and this has been reflected in the variety of attitudes towards organized criminal activity and the laws drafted to combat it. The UK, for example, has only limited experience of this type of problem and consequently does not have an offence on its statute book relating to ‘organized crime’—preferring to discuss it instead as a form of ‘serious crime’.

Among the countries of Western Europe, Italy has been an exception because it has suffered from a major domestic organized crime problem. This has taken the form of its various mafias: the *Cosa Nostra* in Sicily, the *Camorra* in Naples and the ‘*Ndrangheta* in

Calabria. These organized crime groups were the result of Italy's unique historical experience in which the State was traditionally very weak. Nevertheless, mafia groups have been able to permeate all levels of Italian society and have even gained access to political power, at both regional and national level (Jamieson 2000:160). There is evidence to suggest that the concerted attempts to break the power of organized criminal groups in Italy in the 1990s has achieved only limited success: Savona, for example, has estimated that the *Cosa Nostra* may still be able to boast 5,000 members, the *Camorra* 6,000 and the *'Ndrangheta* 5,300 (1998).

In the eastern half of the continent organized crime was known to exist during the Cold War, but the strict policing of those societies ensured that it was kept tightly controlled. The sudden ending of the Cold War resulted in a period of intense turbulence for the Central and East European (CEE) states, as a rapid process of democratization and marketization was initiated. The collapse of the pro-Moscow regimes created instability and a political vacuum that organized criminal groups were able to exploit. The new governments were encouraged by the West to privatize state-controlled enterprises, open up their economies to foreign capital and make their currencies convertible. Yet the broader social effects of economic liberalization resulted in the impoverishment of sections of the population employed in traditional industries that were no longer able to compete in world markets. The increase in the number of people without jobs and the disorientation of hitherto closed societies provided fertile soil for the spread of organized criminal groups.

The ability of these post-communist states to counter the rise of organized criminals was severely constrained. The political and economic dislocation that resulted in the early 1990s rendered it difficult to target a coordinated effort against a ballooning crime problem (EU Commission, Directorate-General for External Relations 1998). The disruption extended to both the police and the judicial services, as individuals were tainted over their complicity with the former regime. This was compounded by the scarcity of resources available at a time of severe economic hardship to devote to law enforcement.

The rise in organized crime in the east of the continent has raised concerns in the west—not least the prospect of criminal activity spilling from one half of Europe into the other. The lifting of travel restrictions from former communist countries has made it easier for criminal groups to cross into Western Europe. Within Western Europe the abolition of internal border controls, as part of the single-market project, has increased freedom of movement but has led to fear about internal security if criminal groups are able to enter the territory of the Union. The density of transnational trade and the diversity of economic regulation makes the continent particularly vulnerable.

This fear has been compounded by the rise in immigration from East to West, particularly illegal immigration from the Asian subcontinent and from the turbulent south-eastern corner of Europe. Crises on the periphery of Europe, such as in Bosnia and Kosovo, have led to major refugee flows. Between 1991 and 1995, the conflict in Bosnia generated 2.75 million refugees and led to huge pressures on countries such as Germany (United Nations High Commissioner for Refugees Statistics 2000). European states have become alarmed at the movement of people from the east of the continent and fears have grown of immigrants, who are unable to obtain work, resorting to crime. Although immigration and criminality are separate issues, the two have become linked in the minds of the public, due in large part to the activities of the popular press and to hard-right political parties desirous of fomenting protest votes.

The view that the post-Cold War rise in TOC activity in Western Europe has been imported from neighbouring territories is open to debate. On the one hand, it is necessary to be suspicious of a politically expedient tendency to blame foreigners for a rise in domestic crime problems. On the other, there is evidence to suggest that foreign criminals have been more active in Western cities in recent years. One authoritative report has estimated that up to half of the organized crime gangs operating in the EU may not be indigenous (Europol 2001). There has undoubtedly been an increase in the actions of criminal groups from Russia, Chechnya and Georgia, as the law-enforcement system in the FSU declined in the 1990s. Furthermore, criminal gangs from Albania and Montenegro have been particularly active in controlling prostitution in many Western cities, as well as in the trafficking of human beings and illegal commodities such as contraband cigarettes from the Balkans into Italy (*The Economist* 1999:27). Turkish crime groups have also asserted their dominance in the heroin trade in the West, as they have been able to maintain a strong sense of cohesion and secrecy within their ethnic group.

The result of these trends in transnational organized crime over the last decade has been to convince European governments of the need to confront this phenomenon collectively. Experienced and effective criminals that perpetrate crimes across national borders present a particularly complex problem to counteract. Organized crime has come to operate across national frontiers, and law-enforcement authorities have to learn to cooperate together if they are to meet the challenge. Police and judicial services have traditionally been nationally constructed and are jealously guarded elements of a state's internal security apparatus. Apprehending and achieving prosecutions, when criminal activity may have been carried out across several legal jurisdictions and where legal systems are not comparable, has required a new approach. Police forces must be capable of sharing their intelligence information and working together. Evidence for criminal cases needs to be admissible in the courts of other states, and judicial decisions need to be recognized in neighbouring countries. In sum, there has been an acknowledgement of a set of shared security concerns that necessitate transcontinental solutions.

Transnational organized crime as a threat to democracy

It may not be readily evident why transnational organized crime represents a major threat to liberal democratic governments. After all, democracy is one of the most stable forms of government. It enables mass participation and the representation of a plurality of interests, and it confers legitimacy through popular consent. Modern liberal democracies are founded upon market economic systems that offer the greatest degree of freedom and personal choice while delivering the highest standards of individual wealth. In the light of such strengths it may be difficult to see how TOC could present a credible threat.

Yet organized crime does not represent a threat in the usual way that the term is understood. Threats have traditionally been measured in military terms and in the context of relationships between nation-states. Crime does not resemble a military threat in that it is subnational in origin and does not put at risk a state's physical survival. Rather, organized crime is essentially a profit-driven activity that seeks to benefit from its target instead of pursuing its destruction.

In the face of TOC, liberal democracies experience two particular vulnerabilities. First, their political and economic systems are relatively open and are capable of being penetrated by covert criminal activities. The freedom enshrined within the economic system thus becomes a source of weakness. Second, the ability of democracies to combat criminal groups is severely constrained by their adherence to the rule of law. For instance, police forces must possess sufficient evidence to bring criminal charges against a suspect and they must have this evidence tested in court. There are often strict limitations upon the means the police can employ to obtain evidence, such as through electronic eavesdropping and the use of *agents provocateurs*. States in Western Europe that have fought against domestic organized crime problems for a relatively long period of time, such as Italy, have found it necessary to draft special legislation to combat the problem.

Lupsha has identified three stages in which TOC grows and threatens nation-states (1996). The first is the ‘predatory’ stage in which criminal organizations establish a foothold and develop their own structures. They often concentrate their energies on one principal illegal market, such as prostitution, or target a legitimate area of state economies, such as transportation or construction. Groups may be vying for market share or for territorial control against other criminal competitors. Because illegal enterprises avoid the overhead costs of normal businesses and can draw on their own financial resources independent of banks, they can often undercut legitimate firms and thereby flood the market with products that were generated below cost price. This gives illicit businesses the capability to force other firms out of the market and assert a monopoly position. Alternatively, they may seek to dominate the market by intimidation and may use the threat of force to maintain their control.

At this early point, the political influence wielded by organized crime groups is usually fairly localized. Corruption is a frequent manifestation of such groups, but it tends to be the bribing of officials, such as customs officers and police personnel, who are instrumental to their illegal economic activities. The impact of the criminality may distort the economies concerned and it may harm the external reputation of the states. Foreign investors may become increasingly reluctant to trade and invest money in these economies because they will have no confidence that their interests will be protected.

The second of Lupsha’s stages is the ‘parasitical’, where criminal groups have established their position and begun to infiltrate both legal businesses and local and regional politics. Large-scale illegal economic activity can have the effect of creating invisible or black-market economies. The United Nations ‘Naples Declaration on Organized Crime’ warned against the emergence of these alternative sectors of economies because of their capacity to undermine established structures. It noted that ‘Black markets are both highly sophisticated and interactive. What is at work is no longer individual illegal markets, but a systemic, transnational, multisectoral “parallel economy” comprised of networks of mutually supporting “submarkets’” (UN Secretary-General 1996). Conventional businesses may be drawn into patterns of cooperation with organized crime groups, resulting from either greed or intimidation. This can lead to members of professions who normally provide a bulwark against illegal activities, such as lawyers and accountants, being drawn in to work for criminal organizations.

In the political sphere, similar parallel structures may arise as criminals take over some of the duties and obligations that governments have performed in relation to their citizens. If people come to feel that the State cannot provide for their requirements, such as policing and security functions, then they may turn to other sources to satisfy their need. Ironically, criminal organizations may step in to perform those very functions, even though they may have helped to create the original sense of insecurity.

The last of Lupsha's stages is the 'symbiotic', in which criminal organizations become fully integrated into the political and economic structure. With access to vast wealth, organized crime groups may influence political systems through their exercise of patronage. The institutions of the states involved, notably the governments, the civil services, the judiciaries and the media, become infected by bribery and corruption. Particular criminal groups may become very influential and seek to legitimize their position by securing political office. In the most extreme case, this can lead to the mixing of a country's political and criminal elites to the point where organized crime groups are able to wield political power.

Lupsha's typologies are helpful in explaining the vulnerabilities of mature democracies to TOC, but, in the case of weak or 'failed' states, the stages have to be conflated. Countries that are experiencing a rapid process of political and economic change, such as the switch to democracy from authoritarian rule, or countries whose systems are unable to provide for the needs of their people, are in this category. They are potentially subject to a sustained assault from organized crime groups. In such cases criminal organizations can become entrenched at a very early point, as they are able to gain powerful positions in industries that are privatized and they can establish power bases in evolving political structures. In the words of Louise Shelley:

> Organized crime groups of ten supplant the State in societies undergoing a transition to democracy, as their representatives assume key positions in the incipient legislatures, which are responsible for crafting the new legal framework for the society. Their presence within the legitimate State institutions undermines political stability because their goals are to further their own criminal interests.
>
> (Shelley 1995:468)

There are numerous examples of this in the post-Cold War CEE states. The Russian Federation, Belarus and Ukraine all experienced massive dislocation with the collapse of the FSU and the transition to market-based economies. Organized crime groups have been able to achieve a position of power and influence on a scale that has led analysts to warn of their possible descent into criminal-state structures. Arnaud de Borchgrave estimated that up to 40 per cent of private businesses and 60 per cent of state-owned enterprises in Russia were controlled by criminals (1997:81). The banking sector is illustrative of one sector of the economy where organized crime groups have developed a strong presence. The need to be able to launder large amounts of illegally derived funds has led to numerous banks and financial institutions being established by criminal groups. This was made possible by the fact that the regulatory system was then in its infancy. It helps to account for why large sums of money flow out from Russia each year as criminal elements invest their profits in overseas currencies, assets and bank accounts.

Combating organized crime through the European Union

The EU is a suitable organization to address a broader security agenda in which organized crime has been designated as a threat. The EU's capacity for multi-level governance, and the fact that it was not configured narrowly around military security issues during the Cold War, has enabled it to respond flexibly to transnational challenges. Its sphere of competence allows it to intervene in a wide range of activities that relate to the interests of its member states: it is able to take action in foreign and external security policy in addition to internal security.

A recognition that TOC issues relate to the Central and East European states has also played to the strengths of the EU. The Union has been able to wield enormous influence over many of the CEE countries because of its undoubted economic and political strength and, more specifically, because of the attractiveness of its enlargement programme. The desire of the candidate countries to become members has granted the EU the ability to draw these states into a virtuous pattern of cooperation that reflects the Union's own priorities.

The EU embarked on the process of constructing a response to the threat from TOC in the early 1990s with the creation of its so-called third pillar in Justice and Home Affairs (JHA). This built upon a foundation of cooperation that can be traced back to the early 1970s and formalized it under the aegis of the EU. The Treaty on European Union (TEU), negotiated at Maastricht and ratified in 1993, created a framework for cooperation that involved matters of policing, mutual assistance in civil and criminal law, and efforts to establish a judicial network. Within socalled Title VI of the intergovernmental pillar, the focus of power lay in the 'K-4 Committee', which contained a working group dealing with serious crime and drug-trafficking (Chalk 2000:178). The weakness of the TEU was that the member states had agreed to only limited instruments and no substantial objectives. Thus, only a potential policy area was established, and it was left undecided what was to be made of this opportunity.

Following the ratification of the TEU, some member states came to recognize both the growing importance of the area of internal security, as problems relating to crime and illegal immigration increased, but also the potential that existed within this sphere to advance the cause of European integration. As a result, when the union began to negotiate the next Inter-governmental Conference in 1996, and progress on topics such as the Common Foreign and Security Policy were mired in disagreement, JHA offered an area for substantial progress. In the words of Monar, 'justice and home affairs have certainly been the biggest "winners" of the 1996/97 Intergovernmental Conference' (2001:265).

The 1997 Treaty of Amsterdam (ToA) heralded a significant 'communitarization' of aspects of the JHA portfolio. The issues of asylum, immigration and external border-control policies were removed from former Title VI, TEU, and placed in the European Community pillar, under a new Title IV. This meant that community instruments could be used in relation to these matters. The ToA established an 'Area of Freedom, Security and Justice' (AFSJ) and declared the objective of, 'provid[ing] citizens with a high level of safety' within the area by developing cooperation in police and judicial issues (Title VI, Article 29, Treaty on European Union). It was evident from the treaty, and the subsequent measures taken to implement its provisions, that the EU member states were determined to address the various internal security challenges with a new level of commitment as well as a willingness to take collective action. For example, in the 1998 Vienna Action Plan and the special EU summit at Tampere in October 1999, it was acknowledged that the issues of freedom of movement and a secure and just domestic environment were closely intertwined. At the same time a joint action was passed on countering money-laundering, while another sought to counter the problem of private-sector corruption.

The underlying strategy behind the EU's approach to internal security has exhibited two main elements. One has been the creation of a hard external border for the union, built around the Schengen provisions. A premium has been placed upon the free movement of persons within the territory of the EU, and the internal borders between member states have been dismantled in favour of a common external frontier. Those outside the EU's borders are perceived to present a threat and justify exclusion: the threat from organized crime in CEE states increased the desire to make this common frontier difficult to breach. This system facilitated greater cooperation between the Schengen participants on countering drug-trafficking and various forms of crime. The To A took the important step of incorporating the Schengen *acquis*. This had the effect of expanding the competence of the union in matters relating to border controls, but led to criticism of a 'Fortress Europe' approach. It was not difficult to see how measures that were justified on the grounds of combating crime could easily be extended to counter the problem of stopping immigrants from entering EU territory.

The second strand of the EU's approach has been to institutionalize a pattern of law enforcement and judicial cooperation between its members. It was widely recognized that police and judicial cooperation needed to be advanced together, otherwise the ability to conduct investigations and achieve prosecutions would be impaired. But in the area of judicial cooperation there have been differences of view among states. Instead of working towards a common legal framework in which laws would be harmonized, the EU has been forced to content itself with the pursuit of sectoral cooperation. An example has been the establishment of a European Judicial Network that has been designed to enhance practical contacts between the existing judiciaries of the EU states (European Council 1998). It has created points of contact so that authorities know with whom they can liaise when an investigation becomes transnational in nature, and it has facilitated the exchange of personnel to work within the ministries of justice of neighbouring countries.

Another judicial initiative has been 'Eurojust', which aims to coordinate national prosecuting authorities, with a special focus on organized crime. This reflects the experience of prosecutions being abandoned in the past due to problems resulting from multiple jurisdictions. The initiative aims to establish teams of prosecutors and magistrates who could deal with complex cases but would initiate investigations only on their own national territory (Notre Europe 2000:8–10). Such people would be expert in their own laws and could cooperate with their counterparts in other European states. In this way, attention has been diverted towards the creation of complementary national judicial networks rather than a single European system. Such national networks will be responsible for determining the acceptability of evidence, deciding where a prosecution is to occur and ensuring the protection of the rights of the accused.

As for police cooperation, the single most important development has been the creation of Europol, situated in The Hague. Europol, which grew out of the European Drugs Unit and was declared operational in 1998, represents an agency in which the EU member states can share intelligence on all aspects of organized crime (Peers 2000:4.3.1). Although it has no operational powers to arrest individuals, it has experienced successive extensions of its mandate. In addition to serious crime it now covers illegal immigration, terrorism, currency forgery, the trafficking in human beings, child pornography and measures to protect vulnerable professions (European Council 1998). It is a vital element in combating TOC because it acts as a focal point for the inflow of information about criminal activity; it provides analysis of trends and it makes available its huge database to member countries. Europol has taken some time to build up experience but it has already come to be seen as a lynchpin between the national police agencies of EU member states in the fight against TOC.

The EU's model of internal security has not emerged according to a specific blueprint advanced by the commission but has developed incrementally and in an opportunistic fashion. It has involved the interlinking of a variety of perceived security threats: transnational organized crime has been linked with terrorism and with illegal immigration. The similarities between aspects of these problems, and the common responses that they elicit, have led the EU to tend to group them together. For example, illegal immigrants are often trafficked by TOC groups, who treat this as another form of income alongside drug-trafficking or contraband smuggling. Conversely, the measures that the EU has adopted against organized criminals can also be employed against terrorism and illegal immigration. For example, information gathered through the Schengen arrangements, such as the fingerprinting of individuals, is made available to Europol in its efforts against organized crime. The incorporation of the Schengen *acquis* into the ToA has meant that the Schengen Information System (SIS), with approximately 14 million records, has been made available within the union (Bort 2000:3). Also, the agreement among the EU members at the end of 2001 to approve the introduction of a European arrest warrant, enabling a warrant authorized in one country to be enacted in another, is a powerful instrument in combating both crime and terrorism. These developments have all contributed to the emergence of a complex and overlapping security regime.

The EU's model of internal security has been evolving into a regime for the entire European continent. This is partly because there exists no organization capable of constructing an alternative to that of the EU and partly because the inherent power and influence of the EU acts as a platform for its initiatives towards the rest of the continent. The Vienna Action Plan acknowledged a specific linkage between the enlargement of the EU and the issue of JHA. It declared that the action plan will 'set out for the benefit of the applicant countries a clear and comprehensive statement of the Union's priorities in this area' (Vienna European Council 1999:para 21). The existing member states have been worried that admitting new entrants will result in the importing of additional organized crime problems. Not only will the EU have to deal with some of the domestic crime and corruption problems of the applicants, it will also have to cope with the situation that the eastern boundaries of these countries will become the external frontiers of the union.

This has stimulated pressure for more demanding entry criteria for new the applicant states as well as stringent monitoring mechanisms. A pre-accession pact on organized crime was set up in May 1998 for the very purpose of ensuring that the applicant states were conforming to the Union's standards in combating crime. The pact linked the candidate states with the EU’s own action plan on organized crime which had drawn up a set of targets and timetables. In return for limited rights of consultation, the applicants were expected to join the judicial network and play a full part in the information exchange process. In June 1998 the EU Commission enacted a Collective Evaluation Group to measure their compliance and implementation of the EU *acquis,* and this has been used as an important instrument for gauging the sincerity of the applicant countries towards JHA matters.

For their part, many of the applicant states are worried about the ambitious hurdles that they are expected to jump on JHA issues before being granted entry. The CEE states are effectively being presented with an EU internal security model that they must swallow in its entirety, without any meaningful input of their own. They are also aware that this area of the *acquis* is especially dynamic and growing all the time. Those countries currently involved in entry negotiations with the Union will probably have to sign up to a range of legal commitments that will be bigger than currently exists. Already the *acquis* necessitates changes to their domestic legislation, the altering of administrative and judicial structures, and the training of personnel in the police and customs services and the purchase of new equipment. All of this will be very expensive for countries that are comparatively poor. Such commitments are on top of obligations to implement international agreements such as the Council of Europe Convention on Money-Laundering.

Problems of EU accountability

It is clear that the European Union has staked a claim to be the principal actor, in concert with its member states, in combating transnational organized crime within the AFSJ. By addressing this challenge, the EU has contributed to its own legitimization. Public opinion within EU countries is convinced of the reality of the threat from organized crime, as evidenced by successive Euro barometer polls, and supports the involvement of the Union in this policy sphere. EU decision-makers can argue that they have been forced to respond to the demands of citizens.

While the EU’s right to be involved in the fight against TOC is accepted, the way that it has gone about this task is not beyond reproach. If TOC presents a threat to the values of liberal democracy, then it is also necessary to assess how the union’s approach to countering this problem contributes to the goal of upholding democracy. Just as, when fighting crime, the rule of law cannot be discarded at a national level, so the instruments and decision-making processes that the EU employs must be demonstrably fair and transparent This requires openness about the way in which the EU makes policy in relation to Justice and Home Affairs and clarity about the principles of accountability within the organization.

The EU needs to begin by being careful about the process by which TOC is being ‘securitized’. It is apparent that a complex interplay of perceptions at both the national and the supranational level is involved. From the national level, law-enforcement agencies, intelligence services and internal security ministries feed into the process. Their experience of TOC has varied according to geography as well as the socio-political and economic development of their regions. These national agencies interact and liaise with

EU structures that have been developed to counter the threat from TOC. Both national and EU bodies have a common interest in focusing attention on the threat and securing the maximum level of resources for their activities. They represent a powerful bureaucratic lobby group that argues for action against transnational organized crime.

The fact that this process of securitizing TOC has taken place with the ending of the Cold War and the demise of communism has led to the allegation that a new threat has been identified and shaped in order to replace the position occupied by the former East European adversaries. Securitizing the issue of organized crime can be interpreted as a means to ensure that the resources allocated to internal security were maintained in the post-Cold War period. In addition, intelligence agencies have been accused of switching their focus over the last decade to issues of crime that were hitherto the preserve of police forces. The ‘Europeanization’ of TOC has been seen as a way to draw attention to and magnify the danger.

Second, the EU has succeeded in constructing a JHA system in a relatively short period of time, but it is a hybrid system over which accountability and transparency are inherently problematical. It was noted earlier that, in the Treaty of Amsterdam, asylum and immigration matters were communitarized over a five-year period. This enabled bodies responsible for maintaining oversight of EU policy areas, namely the European Commission, the European Parliament and the Court of Justice, to exercise appropriate powers of initiative and consultation. Yet issues relating to police and judicial cooperation were not communitarized and were retained in the third pillar under new Title VI, TEU. The intergovernmental nature of this area has meant that the commission, the parliament and the Court of Justice have no significant powers. Consequently, issues relating to the fight against trans-national organized crime remain within the purview of the European Council and outside the accountability mechanisms of the union.

As in so many areas of EU activity, the member states have sought to ensure the minimum of transparency in policy areas vital to their internal security. The traditional response from governments is that appropriate means of accountability reside in the hands of national parliaments and their committees of inquiry. However, the hybrid nature of the EU undermines this argument because the raising of issues to the level of EU competence makes it immensely difficult for national parliaments to provide effective accountability. It may even be a deliberate policy on the part of some governments to lift such issues up to the European level in the knowledge that the power of scrutiny over their own actions will be diminished.

There are also problems of overlap between the first and the third pillars, resulting from the ToA. Some issues straddle the boundaries between new Title IV and old Title VI. For example, issues related to fraud against the EC budget were placed within the competence of the community. Yet many of the appropriate tools for combating fraud, such as extradition, remain within the realm of police and judicial cooperation in old Title VI (Monar 2000:147–8). Clearly, anomalies such as these will need to be addressed in the future.

Third, there is a need to strike a better balance between increasing law-enforcement provisions and providing compensatory rights and guarantees to citizens. Within the context of the AFSJ, the EU has been preoccupied with issues of security at the expense of freedom. For example, the Union needs to be concerned with safeguarding the human rights of those whom it has been seeking to exclude. The priority the EU has attached to fighting organized crime and countering people-trafficking must not obscure and lead to the undermining of the rights of genuine asylum-seekers to obtain sanctuary. Similarly, those that are accused of membership of organized criminal groups must have their rights protected in law.

Conclusion

Amid a security environment that has been transformed by the end of the Cold War, the EU has proved to be the only organization with the legitimacy and the range of competences to respond to the security demands arising from transnational organized crime. The complex nature of the threat presented to liberal democratic governments by TOC makes the EU the appropriate organization to meet this challenge.

Justice and Home Affairs have developed, in a relatively short space of time, into a major area of EU activity. The Amsterdam Treaty took important steps in establishing a comprehensive set of JHA policies and created a momentum that will be difficult to reverse. Evidence of this burgeoning policy sphere can be seen in the new structures that have been set up in the European Council and the new directorate-general for JHA in the commission. It has become possible to discern the emergence of an EU internal security system that has as its objective both the protection of Western Europe and the evolution of a model for the rest of the continent.

Exporting this internal security system to states in Central and Eastern Europe will require careful consideration on the part of the Union. The current preoccupation with viewing the CEE states as a source of threat from organized crime, and retreating into a Fortress Europe mentality, militates against such a measured approach. Yet the danger is that, as the EU begins its enlargement process, it will begin to exclude those states in the east that have no prospect of early union membership. The implementation of the Schengen provisions among the new members will create barriers with states such as Ukraine and Russia. As enlargement proceeds, the border between them will increasingly take on the character of a crime frontier.

As for the EU itself, issues pertaining to JHA will increasingly impact upon the life of citizens. The experience of the terrorist attacks on the US on 11 September 2001 has given this an added impetus. It has heightened fears about internal security within the EU and increased pressure for stronger law-enforcement measures. It has also enhanced the linkage in the minds of policymakers and citizens between terrorism, transnational organized crime and illegal immigration. The ‘fear of the outsider’ has been increased and the perception in people’s minds of the links between foreigners and criminals/terrorists has been exacerbated.

At such a time, when the pressures for further security measures are becoming irresistible, the need for improved accountability is at its strongest. The risk is that the EU and its member states will concentrate their energies on restricting the freedom of citizens. Such policies will, over time, be viewed with suspicion if the rationales for them are not understood, and there is a danger that publics will be left uninformed about what is being done in their name. The consequence may be that the EU will undermine some of the liberal-democratic values that it purports to defend. If it is perceived to be acting in an arbitrary and unaccountable way, the Union puts at risk its own sense of legitimacy.

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Part III
Civil society held to ransom

7

‘Once upon a time in America’

Organized crime and civil society

Robert J.Kelly and Rufus Schatzberg

Charles Baudelaire, the nineteenth-century French poet, wrote, ‘it is the greatest art of the devil to convince us he does not exist’ In many instances organized criminal gangs take the opposite view in that their power rests in the concept that they do exist and will enforce their volitions to achieve their ends. Our ‘reading’ of contemporary organized crime in the United States is both historical and political, and looks into the question of organized crime in terms of its effects on the structure of institutions in a democratic society.

Italy and Sicily during the 1990s experienced some crises when it appeared that the Italian Mafia had brazenly declared open warfare on the State. As in the United States, during the Prohibition era from 1920 to 1933 and the drug crises of the 1970s and 1980s, the social fabric of the country was weakened by violence, crime and corruption. In the United States the widespread distribution of illegal alcohol by organized gangs in the 1920s and 1930s dislocated some legitimate economic activity and, as in Sicily and Russia many decades later, left American society economically fractured.

What are the challenges that organized crime poses for a democratic society such as the United States or any society that bases its institutional structure in democratic politics and an ethos of democracy? Looking into the challenge that organized crime groups pose today for modern democracies invites a brief exploration of the history of organized crime in American society. The United States evolved its understanding of this phenomenon through a medley of laws, statutes, government policies and practices. One can say that democracy helped to create an image of America as a society of opportunity and material success open to all. Of course, the realities of social striving and mobility were tainted by the ugly facts of race and class prejudices, religious bigotry, and other forms of prejudice. Discrimination alienated many and induced social frustrations that resulted in criminal behaviour as a means of attaining culturally approved goals and social objectives (Merton 1957).

Rural crime in the expanding Western frontier

Although organized crime in the United States is popularly associated with immigrant groups and urban environments, its social and economic roots reach back into the formative periods of the country (Abadinsky 1977: chapter 2). Notorious nineteenth-century outlaw gangs on the American Western frontier—the James Gang, the Daltons, the Youngers—represent an early but crude expression of organized criminal activity. The demographic pressures of the early pioneers heading west, south, and north-west, and the cities rapidly filling with teeming immigrant populations, helped the nation grow geographically and economically. The vast virgin territories were rich in resources and inhabited by indigenous aboriginals (native American Indians) who offered a fierce resistance at times to the encroachments of an expanding industrializing society, which eventually prevailed.

During the migration that spread across the prairies and mountains to the Pacific Ocean, the land was there for the taking. This enabled a handful of ambitious individuals to accumulate fortunes by lawful and unlawful means. Expanding the frontier railroads, mining for precious metals, cattle breeding, accumulating large tracts of land for farming and land-speculating were some of the opportunities the territories offered. Some shrewd and ruthless individuals known as ‘robber barons’ transformed their wealth derived from the frontier into long-lasting financial empires. Typically, their wealth was amassed by a mixture of shrewd business practice, ingenuity, violence, corruption and bribery. Often gunmen were employed as enforcers and regulators to control and intimidate the sparsely settled, lawless frontier. However, much of the violence was disorganized (Courtwright 1996). On the frontier, the salutary discipline of family life was precarious, with few controls on the sexual energies of young men. There was little incentive to develop good work habits and productive sedentary lives. So, in areas where the structure of the population was asymmetrical, with more unmarried young males than females, and where few operative institutions to oversee and keep order existed, the milieu possessed the volatile ingredients for trouble. Young bachelors, social hostility, sensitivity about their honour, alcohol abuse, religious indifference, collective indulgence in vice, gun toting, and inadequate law enforcement in this expanding subnation of immigrants resulted in regions of the country that were extremely susceptible to violence and organized criminal behaviour.

While the frontier provided the opportunities for the accumulation of great wealth for a few, it left the skein of social institutions in a crisis. Bandits, outlaws, gunfighters and range war that make up a false and misleading mystique of the Western United States of fearless lawmen and courageous sheriffs facing down unruly gangs of cattle thieves have been captured in the film images of Wyatt Earp, James Butler Hickok (‘Wild Bill’) and the like. In fact, frontier organized crime reflected the rise of new groups and social structures and widespread conflict involving the resistance of entire communities of people, such as the tribal groups of American Indians, who experienced the destruction of their way of life.

The rural American frontier of the nineteenth century with virginal, nascent institutions could be described as an environment ruled by local warlords. These forces accumulated wealth and resources mainly through violence and stealth and offered ‘service’ protection to others against threats of violence and theft, for a fee or a vote. State sovereignty was not at risk in this setting.

The organized criminal activities, including extortion, corruption, murder and mayhem, delegitimated territorial governmental agencies and administrative state structures that were not well defined and articulated in the frontier environments. The rule of the gun and the brute power of landed oligarchies on the frontier substituted for the rule of law. The state presence was weak. Indeed, the Western frontier was fractured;

it tolerated ‘two societies’ as it were—a weak, formal state structure infected with corruption and easily intimidated, and a criminal rule imposed by the powerful landowners and gang leaders who ‘regulated’ society by force and the credible threat of violence.

Urbanization and immigration

In the modern era, organized crime developed like a virus in the rapidly growing American cities. An important factor easing the assimilation of immigrants into American society at the beginning of the twentieth century, and one that enabled the working classes to participate in some ways in the political system, was the political machine with its local political power-broker (lanni 1983). A political machine is a functional unit of a political party that turns out votes in local election districts. In a typical quid pro quo, the vote was exchanged for favours. Political machines are a democratic institution, a component of the larger political party that enabled the party to reach the electorate at every level.

Though often described as a powerful tool of a crime syndicate to affect the upper world’s political and economic organization (Haller 1994:153), the political machine served the legitimate needs of its constituencies with consummate skill and shrewdness (Merton 1967:132). With keen sociological intuition, the machine in an electoral district could recognize that the voter was a person living in a particular community with specific personal problems and needs. Public issues were often too abstract, and far removed from the pressing contingencies of everyday life that individuals faced. Political machines operated at this level—not through a generalized appeal to large public concerns but through direct concrete relationships between local representatives of the political machine and the voters in their district (Schatzberg and Kelly 1976).

A machine politician was typically a popular figure who, in the days before social welfare programmes (which began in the early 1930s), provided important services to loyal constituents, for example, jobs, food and assistance in dealing with public agencies, including the police and courts. For the impoverished and powerless ghetto dwellers, a vote was a small price to pay for services that would otherwise not be available.

Political bosses could channel votes and favours into the complex political system in return for the voters’ ‘patronage’. Jobs and favours were delivered to individuals in local communities who could barter their votes for help. These political bosses often operated saloons and other community-oriented retail businesses that reinforced their community activity.

The saloon, barber shop, gambling house and restaurant were places to mobilize voters and legitimate activities; they were also environments in which to conduct criminal enterprise, get information, meet others and establish informal contact with a range of social actors in need of services and favours (Kelly 1999). In many respects this was the essence of organized crime: a triangular collusion among politicians, lawmen and the underworld that serviced public appetites. With criminal organizations neutralizing law enforcement and corrupting representatives of governmental power, it is difficult to imagine how movements such as Prohibition could have prevailed, much less have been created. Indeed, Prohibition failed as a social and moral reform policy, but it helped the vast expansion of organized crime in urban America. The paradox was that criminal organizations and criminally oriented individuals were aided and abetted by political agencies and upstanding morally righteous individuals operating in democratic political structures.

Today, although gangsters and racketeers operate successfully in societies that espouse a democratic ethos and subscribe to an ideology of representative popular government, they are bitter enemies of those societies. Organized criminals, as they did in the past, present a political threat in several ways to different levels of the political system. The state is faced with delegitimacy by their very presence.

Criminal entrepreneurs exploited the immigrant populations that filled urban America, and the criminals themselves were often members of the exploited groups. The patterns of organized criminality that developed were similar across the diverse ethnic and racial immigrant groups. For instance, among the Irish, Polish, German and north-western European immigrants, the church and the saloon made up staple social bases for community life in the squalid ghettos and enclaves. The fact of discrimination restricted upward social mobility; in response, immigrants remained in close-knit neighbourhoods, where many joined the Democratic Party as an enabling mechanism for social and economic advancement. The Irish swarmed into politics because politics and government employment in the public civil service provided the most readily available roads to social mobility. Irish success in politics was advanced by their ability to speak English and the fortunate circumstance of their arrival in the United States when their presence and skills were needed (Reedy 1991). Further, the social linkages and anchors of Irish political life were the communal entities of the saloon and the parish church (McCaffrey 1976). The saloon was, among other things, a political club, a centre for social services and a relief from the dreariness of slum life. No other organizational entity provided such a variety of services—including easy criminal contacts and associations. Thus, crime and lawfulness lived side by side.

New York City and other large urban areas where immigrants settled and crime thrived were structured along similar patterns: political power was highly bureaucratized, and cities such as New York were divided into wards and districts which served as both electoral and administrative units. Police and municipal court magistrates, for example, operated on the ward/district level (Epstein 1986). Wards were divided into electoral precincts. In this environment saloons were the locales where influence and votes could be delivered. Many powerful political ward bosses were saloon keepers (Asbury 1950). James Pendergast of Kansas City began his political career as a saloon keeper and became one of the most feared power-brokers in the nation. New York City's William Marcy Tweed, the quintessential machine politician of Tammany Hall who headed the infamous Tweed Ring' in the 1880s was at the centre of the fusion of the criminally corrupt underworld and the respectable upper world. The archipelago of political clubhouses and saloons that made up the political power circuits generated a flow of votes, appointments to office and contracts for city service. Federal government appeared not to be the prime target for corruption because it was at local level that politics really mattered (Caputo 1974). 'Just as the political machine does services for "legitimate" business', notes Merton, 'it so operates to perform not dissimilar services for "illegitimate" business: vice, crime and rackets.' Relationship between the racketeer and machine politics at any level is symbiotic (Merton 1967:132).

Although most of what is known about early organized crime focuses on Chicago and New York, corrupt political structures and organized criminal activity have enjoyed a relationship in which success in one depends strongly on the right connections in the other (Landesco 1968). Rackets and racketeers have always contributed heavily to the coffers of political machines. Political bosses and their machine reciprocated with protection of vice activities in the local wards. This symbiotic relationship in which politics and crime came together at the local level was not unlike the mafia pattern in Sicily.

Paradoxically, while organized criminality threatens the democratic order and weakens trust in the structure of expectations, it also serves as a means through which certain hopes and goals which would otherwise remain unful-filled are met (Luhmann 1979). In America during the calamitous economic depression, and in the midst of the extremist moral reform movement of which Prohibition was the most important example, the State was unable to deliver the resources and mechanisms for survival. Organized criminal groups developed and conceived of new market structures and new political relationships. In the 1920s and 1930s the underworld (to use a collective term for the varied manifestations of organized criminality in the form of gangs, syndicates and crime families) stepped into the social and economic void that emerged in civil society and created and redistributed wealth. Similarly today, organized criminal groups are deeply involved in transnational trafficking activities and have successfully exploited global markets in licit and illicit products and activities.

In the industrializing, expansionist nineteenth century, and through the twentieth, as the State democratized its institutions and civil society evolved by broadening its scope and cultural envelopment of territories, frontiers and people across the continental expanse of the United States, it can be seen that the strength and viability of civil society and its ‘civilizing’ dynamics played a vital role by providing key social institutions with the opportunity to deliver degrees of social stability (family life), continuity (education) and adequate resources (commerce and employment opportunities). In these circumstances societal reaction against organized criminality and its subcultures of violence and corruption achieved some success. American history is replete with examples of reformers, posses and vigilantes clearing out entire sections of cities and towns where vice flourished; and in the twentieth century, when it became clear to the public at large that criminal syndicates had infiltrated entire sectors of the economy and political systems, collective, synchronized reaction was slow but nonetheless incisive. Law-enforcement and judiciary agencies were authorized to be vigorous in confronting and destroying organized criminal groups. Consequently, at the end of the twentieth century the American *La Cosa Nostra* had been severely weakened, and the tools and law that were implemented in response to public demand that organized crime be controlled and contained are now being utilized to tackle new ethnic and transnational groups. An important question concerns the degree of international consensus that can be mobilized to identify a crime threat that overlaps many states. Can the necessary resources to confront it be generated?

Criminal coercion, corruption and complicity in civil society

Compared with the entrenchments of the Italian Mafia in the political economy of Italy, the American Mafia appears like a parasitic phenomenon operating at the margins of society. It is now clear that the Mafia of southern Italy played a central role in almost every phase of the nation’s economic and political life (Kelly 1992; Paoli 2001). It is questionable whether the same deep infiltration by organized crime has occurred in the United States. What seems likely is that certain regions of the country are more crime-prone, more vulnerable to organized crime. Ethnic minority communities, impoverished regions of the US, large urban areas—these have been the natural habitats of contemporary criminal organizations. It is this type of community in which youth are exposed to career criminals, to criminal organizations, and where criminal assets are obtainable so that, through a process of what criminologists call ‘differential association’, a person can be recruited and mobilized into crime as a way of life.

In the United States there have been many Commissions, studies and citizen’s committees attempting to expose and deal with organized crime (Rogovin and Martins 1994). The most impressive results, as in Italy, emerged out of prosecutions based on law-enforcement investigations and intelligence data gathered from informants, crime syndicate defectors, police undercover and electronic surveillance activities. Consequently, the American *Cosa Nostra* declined when it lost some tacit acceptance in wider society and when it was in the midst of a deep internal crisis caused by a leadership dispute. In New York, in particular, the assassination of Paul Castellano in 1985 was the flashpoint for internal war. Castellano was the most powerful Mafia boss, head of the Gambino crime family. He was murdered by one of his subordinates, John Gotti, who then emerged as the head of the family. The culture of internal solidarity reinforced by rules of conduct that forbade the murder of a boss without the permission of the *Cosa Nostra* commission was undermined and led the way to the dissolution of the New York *Cosa Nostra* by 1991. Today the five families that controlled labour unions, many businesses and vice industries are fragmented by internal betrayal, effective police work, and rejection by a public that appears to have repudiated an underworld that drains social resources and wealth and diminishes the community’s quality of life.

However, this was not always the case. In other periods—as noted above, specifically during the great Depression and the Prohibition era—organized crime, in Walter Lippman’s phrase, functioned as a ‘servant of power’ (1931). Lippman was referring to periods in American history when organized crime operated in a climate of tolerance because it collectively performed services for which there was a public demand and satisfied certain outlawed but nonetheless persistent human appetites. Ironically the absurdity of Prohibition was ushered in by the machinery of government that had been shrewdly manipulated by ideological minorities who crafted federal legislation that proved very quickly not to be in the public interest. Prohibition took hold of the public’s imagination as a radical but troublesome experiment; it was a milestone event giving birth to a form of organized crime that continued through the rest of the twentieth century. It is edifying to take notice of Prohibition as a democratically inspired social movement designed to remove the scourge of alcohol abuse in American society. The

Temperance Movement and the Anti-Saloon League were legitimate pressure groups of high-minded, well-intentioned social activists who believed that the abolition of alcohol consumption could only benefit society in every conceivable way. Working astutely through the political system, the Eighteenth Amendment to the US Constitution was ratified in 1919 and became the law of the land in 1920. One of its unintended consequences was the emergence of organized criminal syndicates, whose capacities to survive exceeded the repeal of Prohibition in 1933. Prohibition encouraged cooperation between gang leaders from various regions, leading to the formation of crime syndicates (Kelly 1987). The movement of lofty anti-alcohol moralists inadvertently mobilized criminals in an unprecedented manner and helped to establish more direct contacts between gangsters and political leaders. It stimulated these criminal coalitions by making the public at large define itself as a victim of governmental intrusion.

Collusion in the private sector

Before Prohibition in 1920, business people and labour unions hired gangsters as goons or strike-breakers, but otherwise the underworld and the business sector had only glancing, trivial contacts. Then, from the 1920s on, especially after Prohibition, organized crime sprawled in the private sector of society (Block 1991). In labour-management disputes each side, labour and management, hired gangsters to intimidate and do violence to the other. As conflicts in various industries such as trucking, shipping, dock work, seafood distribution, the garment industry and construction worsened, the racketeers began to dominate their employers and assume control of the labour unions and businesses that hired them (Lens 1974).

Asking labour racketeers which side they were on, or with whom they sided in labour-management disputes, was pointless. Racketeers were apolitical animals; they recognized no side but their own. They had no labour ideologies. When they saw the opportunity to make money or gain power they acted. Racketeering in the labour unions worsened in the 1930s. The Depression in the United States was devastating. Unemployment soared; everyone was desperate for work. Prohibition, a source of illicit income for millions, but income nonetheless, was repealed in 1933. Not surprisingly, gangsters abandoned the bootlegging industry in need of new enterprises. The Depression of the 1930s brought the Prohibition gangsters into money-making rackets. This occurred in the absence of a strong civil society. The legal-institutional order was undermined by the political ideology of President Hoover’s administration, which believed in conservative, minimal government.

Labour racketeering, once a matter of random extortions by low-level thugs, became a formal part of organized crime when it meshed with the major underworld gangs. Gangsters exploited small-scale, competitive industries with casual, semi-skilled labour markets fed by unions with usually autonomous locals and corruptible national leaders. Organized mobs could at first seldom penetrate the big steel, railroad and automotive industries, but they found easier pickings in the building-trade, laundry, trucking and restaurant unions (New York State Organized Crime Task Force 1990).

The struggle for influence and control of the labour unions when gangsters were first competing often came down to gangsters versus communists, a fight between pure opportunists and political radicals. Both were secretive conspiracies, veiling their purposes and operating behind contrived, false façades. Both drew their associates and members from largely immigrant and ethnic populations. They believed in neither democratic choices nor free markets; both pursued larger goals beyond the labour movement. Nevertheless, gangsters and communists split on one final, distinguishing point: if they had to choose, gangsters would line up with employers, communists with workers. Gangsters were in it for the money, while the communists wanted to build a labour movement, presumably believing that the labour forces in the nation would constitute a revolutionary vanguard.

However, a larger political drama in Europe subsumed the conflicts and produced some cohesion between these competing factions. During the Second World War in the United States no major strikes hit crucial industries or war-related facilities such as the ports on the East and West coasts. In fact, there is evidence of cooperation between gangsters and military intelligence units of the US Navy and US Army concerning espionage activities on waterfront facilities and of contracts in southern Italy with anti-Fascist mafiosi for logistical aid in army combat operations.

Collusion/exploitation in the private sector

The infiltration of legitimate businesses by organized criminals may be its most serious activity for various reasons: the impact on the economy is direct, and the victims are usually unwilling and unwitting. In other words, the vulnerabilities which allow the penalization of crime into the institutional matrix distort the political system and undermine democratic processes. Why professional career criminals choose to diversify their activities and invest resources in legitimate businesses may be on account of at least three factors. First, illegal enterprises tend to be risky; therefore, as their wealth and incomes increase, criminal entrepreneurs may decide to reduce the overall risks they face. Second, capitalizing the profits of illegal enterprises is a difficult task: since bookkeeping is scarcely possible, and in any case records are not routinely audited even when they are kept to measure business activity, there rarely exists a ready market of buyers prepared to take over an illicit business, even with lucrative profit projections and even at a very reasonable sale price. The characteristics of illicit business ownership ordinarily preclude serious interest among prospective buyers.

Given these realities, should a racketeer wish to pass on his wealth to his family, he may wisely choose to invest in other legal enterprises. (One has to imagine a successful gangster attempting to hand over an illegal drug-trafficking business to his daughter to appreciate the difficulties.) Third, investment in legitimate businesses not only provides a shelter but also affords an image of respectability—important point to a racketeer whose family may be stigmatized by the association with a criminal reputation.

Indeed, racketeers who invest may allow a business to continue operating honestly for precisely these reasons. Participating in legitimate businesses legitimately has another advantage for members of organized crime groups. An organized crime figure with a legitimate business can provide employment opportunities for criminals on parole in need of honest employment. Still another benefit derived from either ownership or participation in a legitimate business relates to the need for a ‘front’ or a base of operations for illegal activities, including vice and loan sharking. Such a business can function as a tax cover, thereby reducing the threat of income-tax evasion while allowing funds from illegal operations to be mixed in with monies from legitimate business.

However, the transition from individual enterprise to control over an entire market requires more than a series of fortuitous circumstances. Racketeers could acquire control through unfair competition. With access to stolen goods and their ability to corrupt public officials, they are positioned to offer lower prices and thereby drive out competitors. An example is private waste collection in New York City, a large service industry where it was found that business conditions were conducive to criminal involvement. The market for trash collection and removal was largely unregulated and neglected by public officials and, therefore, easy to enter. The industry was populated by numerous small, family-based enterprises with little differentiation in vendor service, which meant conditions of open competition in a labour-intensive market of non-professional managers was optimal. Customers were always available, which meant that demand was inelastic. Finally, many firms were identified with low capital assets and no reserve inventory or equipment, and this opened the door for criminals to supply money and equipment illicitly. Thus, conditions for infiltration were ripe, with mutual benefits to be derived by a collusion of entrepreneurs and criminals in the operation of the business (Kelly 2000).

The dilemmas of regulation

The failure of conventional regulatory systems in trade unions and businesses—especially those operating in the public sector—is a factor that points up a significant set of problems: historically, regulators have not had the means to deal with the fundamental problems of the several industries alluded to here. Once a reputation for involvement in organized crime clings to an industry it deters entry by non-criminals and discourages competition and the search for new customers and new business. Customers who turn a blind eye to the various frauds that undermine industry-driven price controls inadvertently contribute to the perpetuation and expansion of criminal activities, which eventually destroy entire industries.

Paradoxically, over-regulation, with its attendant controls, spawns bureaucracies which can paralyse business activity, creating an atmosphere that is conducive to organized criminal involvement. In a study of the New York City construction industry, it was found that organized crime was deeply embedded in all aspects of the industry—from the trade unions and suppliers, to the engineering firms and builders. One of the more interesting findings concerned criminal syndicates playing a ‘rationalizing role’ in the industry’s day-to-day operations. Racketeers actually helped to stabilize the market by cutting through the bureaucratic red tape that threatened to strangle an industry caught up in complicated compliance regulations (building codes, environmental impact reports, union work agreements, etc.). Racketeers were able (through informal and illegal means) to resolve conflicts concerning jurisdictional claims over work processes and particular construction tasks; they could ease the acquisition of permits and certificates, and usually—albeit by criminal means—perform a basic and valuable service. Aided by criminals, the builders, workers, suppliers and others could reduce the risks and uncertainties in a fragmented and uncoordinated industry and get projects completed.

The large concentration of racketeers in the construction industry of New York City may be attributed to the fact that each trade has its own union, and each union has its own political affiliations, interests and connections. Thus, there is a need for a ‘rationalizing body’ capable of regulating the predatory activities of racketeers themselves and having the influence to bring coordination and predictability to the construction process overall. Organized crime syndicates have played these roles very efficiently.

By disciplining disparate groups of racketeers preying on different segments of the industry, crime syndicates assured contractors that by utilizing and favouring mob-connected suppliers and contractors, services paid for would be delivered. These should not be thought of as beneficent services. It is in a syndicate’s interest to ensure stable relationships within a profitable industry where it has secret arrangements. To the extent that the construction industry, or any industry, generates fragmentation within its organization, a crime syndicate can use its network of relationships throughout the industry and its collusive ties to the political order to reduce uncertainties and promote needed stability. Neutralizing public regulating authorities in such complex industries is not that difficult when, indeed, their managers cannot function as disinterested professionals serving the public interests. In short, when the link between political institutions and civil society is broken and wide and affective citizen participation is pre-empted, crime can thrive.

Crime syndicates serve many of the same functions as highly efficient legal consultants. A syndicate’s capacity for violence and corruption and its influence in both the upper and the underworld renders, for example, its construction specialists more ‘effective’ at conciliation, dispute resolution, and expediting problems than most lawyers, mediators, labour relations or construction consultants with legitimate credentials. Similarly, where a crime syndicate can regulate groups of racketeers who control components critical to the production, delivery and installation of necessary building supplies (e.g., concrete), it possesses the strategic power to bring predictability and stability to an industrial process that could otherwise be easily and frequently disputed. Most importantly, for our purposes, the domination of racketeers in industries and in the legitimate business sector illustrates their political power—power to subvert the role of legitimate authorities to carry out the missions and mandates of a democratic polity.

Thus, the characteristics of the construction industry (and other complicated businesses and occupations) not only explain the presence of racketeers but also appear to generate a demand for them as a stabilizing force able to establish order and coherence in the workplace. The function of a syndicate operating as a ‘brokerage’ agent in a disjointed or conflict-ridden work environment requires it to have a domain of influence or significant control of the tasks and core technologies in all segments of the industry. Its power may stem from the institutional and political positions it strategically occupies (or is perceived to hold); or, and as importantly, it may emerge from its ability to prevent or cause economic loss and to intimidate decision-makers at all levels of the industry, including public authorities (Reuter 1987; Edelhertz and Overcast 1990).

Criminal threats to the public sector

No doubt organized criminals see many temptations, many lucrative opportunities in the legitimate sectors of society, and instinctively seek to exploit them. A central thesis of this essay is that even that explanation has its limitations. Regrettably, business people beleaguered by bureaucracy and incoherent regulatory systems or overwhelmed by unions and aggressive political pressures may turn in desperation to racketeers as problem-solvers. Thus, policies to control and contain organized crime must be flexible and broad enough to go beyond measures designed to curtail conventional intrusions into the legitimate market place by concentrating on career criminals alone. Indeed, the problems that stimulate criminal enterprises are structural and institutional. Strategies must seriously consider the nature of the conditions defining the business environment that lead to opportunities to circumvent legal-political authority and promote criminal participation. The challenge is to identify the weaknesses in the organization of legitimate markets before crises occur and then design them to block and frustrate criminal opportunists.

Without crooked politicians and greedy public servants the collusion of criminals and illegitimate business people with public servants would collapse. Typically, in the conspiratorial ‘troika’ the gangsters deliver money and services to the politicians who control public-sector institutions and employees, including law-enforcement and regulatory agencies who exercise discretionary judgements about law enforcement. This system tends to be a self-enclosed, self-generating machine, only periodically menaced by the cries of reformers. The most durable alliance between politicians and gangsters appears to flourish in urban areas with entrenched political machines which are, ironically, overwhelmingly democratic, supported by liberal electoral constituencies. These powerful machines are susceptible to organized criminal manipulations because of their need for the resources to participate in electoral politics; they thus become vulnerable segments of the commercial sectors of the American democratic polity that are often paralysed by regulatory sclerosis.

The recognition of the need for a national-level institutional response to the growth and threat of organized crime dates from the prosecutorial work in the 1930s of Thomas Dewey in New York, where he brought some of the most powerful syndicate racketeers to trial. He obtained convictions against such men as Charles ‘Lucky’ Luciano, ‘Dutch’ Schultz, ‘Waxier’ Gordon and, not least, James (Jimmy) Hynes, the powerful leader of Tammany Hall the Democratic Party organization in New York county (Kelly 2000). Dewey learned that the public prosecutor’s traditional role of a courtroom accuser was inadequate in meeting the challenge of organized crime coupled with systematic political corruption. Victims had to be sought out; close cooperation and coordination were essential from the beginning of an investigation through an indictment and trial. Putting together cases against ordinary criminals was difficult enough; generating evidence against organized criminal offenders was additionally burdensome because of the threat such persons posed to ordinary citizens and the pressures they were capable of imposing on the criminal justice and political systems.

RICO: a legal remedy to strengthen public institutions

Organized crime is more than individuals committing particular offences. Unfortunately, the laws promulgated in the 1960s did not treat organized crime as a collective conspiracy that ultimately threatened the fabric of American institutional democratic substance. The Racketeer Influenced and Corrupt Organizations statute (18 USC Section 1961–1968), usually called RICO, part of the 1970 Organized Crime Control Act, authorized federal law enforcement to use electronic wiretaps and surveillance to gather evidence under court order in the investigations and prosecution of organized crime cases.

Before passage of the Organized Crime Control Act of 1970 the investigation and prosecution of organized criminal groups had not been conducted in a coordinated manner. The United States Congress passed the RICO act with the intent of combating the infiltration of organized crime into legitimate businesses. Providing a wide range of criminal and civil sanctions to control organized criminal activities, the RICO act is employed by prosecutors to imprison heads of crime families, to exact forfeiture based on criminal earnings, and to treble the penalties associated with racketeering. Other techniques and tools, for example, the Witness Security Program (witness protection and relocation), electronic surveillance, immunity from prosecution, the cultivation and recruitment of informants, and anti-racketeering laws such as the Money Laundering Control Act of 1986, provide additional support and served to challenge American organized crime. This is not true in a global sense, however. In Russia, for example, the threats from organized crime through system penetration activities, contribution to capital flight, and clandestine transfers of dangerous materials and weaponry are so serious that these activities significantly impair the operation of state institutions (Blakey 1983). RICO allowed prosecutors to go after whole criminal enterprises, not just low-level ‘soldiers’ and stray associates of criminal organizations. Bosses, dons and top-ranking associates were no longer insulated from their subordinates acting on their orders. RICO also allows lawmen to seize any stolen loot or goods and property acquired with criminally generated funds, including cars, homes, jewellery and so on (Kelly and Cook 2000). Furthermore, RICO is buttressed by the expansion of immunity statutes and Witness Protection Programs operating under the supervision of the US Marshal’s Service. These tools have helped to break the secrecy codes of *omertà* (silence) and the fear of retaliation against those who cooperate with the government.

It took nearly a decade to apply these new crime-fighting instruments. The effectiveness of these legal tools is evident in their emulation and adoption by many nations affected by organized crime.

Opportunity-blocking: administrative remedies against organized crime

In an important sense, every prosecution represents society’s failure to prevent a criminal act. Thus, the proliferation and innovation of methods designed to reduce vulnerability to criminal activity is desirable, and opportunity blocking is one such method (Kelly and Ryan 1989). In New York City, and in other metropolitan areas in the United States, there are still pervasive and systemic patterns of criminality and unethical conduct, including racketeering, bid-rigging for public contracts and so on, despite prosecutions and investigative activities by federal, state and local law-enforcement agencies. Numerous studies have concluded that law enforcement alone cannot solve the problem. Rather, a multi-jurisdictional strategy needs to be set up to go beyond prosecution and incarceration, and use other means, including civil remedies and administrative reforms. Briefly, the idea is to create a screening mechanism to help law enforcement in determining potential criminal threats to industry operators. The guiding assumption is to devise administrative measures in public institutions to reform processes that have invited and generated corruption and racketeering in the public sector (Moore 1986). These are some of the ways in which civil society can fight back, how it can resist criminal activity and seek to re-establish legality.

Transnational organized crime

Crime became increasingly international in the last two decades, especially in the 1980s in the wake of the Cold War. The post-Cold War environment witnessed the growing integration of the world's economic systems and institutions; the easing of barriers to trade, migration and travel; and the sophistication of technologies that support global commerce and communications. These factors also increased criminal opportunities across national borders for individuals and organizations worldwide. In recent years, the United States and other countries have devoted significant resources to the investigation and control of what has come to be called transnational organized crime. Currently, however, developing reliable knowledge about the phenomenon of transnational crime—whether it is indeed the global threat to democracy and free enterprise it is often portrayed to be—is an important issue. The data on transnational offences are only beginning to emerge, and the requirements of adequate law enforcement and political responses are only beginning to be understood.

For the last quarter of a century, heroin and cocaine have caused great damage to the US. Also, large-scale smuggling of illegal immigrants into the country has become more prominent. These types of crime that are unconstrained by boundaries appear to have been affected by several factors. In particular, the rise in the numbers of immigrants to the United States is unprecedented. Also, the vast improvements in communications technologies make borders permeable. Indeed, criminal activities can be carried out in the United States without anyone stepping across a border. Commercial and financial markets are international in scope as globalization grows exponentially. No doubt these factors have played a role in the American crime picture of the past, but they are very pronounced in the opening decade of the twenty-first century, and many incidents have occurred to give substance to general anxieties about uncontrollable foreign crime impinging upon everyday life in America.

Transnational organized crime has attracted a good deal of media attention. Politically there has been some very visible activity in response to the issue: former President Clinton, in two speeches before the General Assembly of the United Nations, observed that transnational organized crime and terrorism were serious problems that threatened the integrity of all nations. He issued Presidential Decision Directive no. 42 in October 1995 authorizing government agencies to develop initiatives against such types of crimes.

Further, at the 1995 meeting of G7 nations (Group of Seven) control of transnational organized crime was a principal item on the agenda. Other policy initiatives emerging from these decisions at the programmatic level have included efforts to help other governments (e.g., Italy, Russia and Colombia) deal with crime organizations that pose a threat to both them and the United States. During the 1990s, and onwards to the milestone Palermo UN meeting in 2000, the US government was strengthening its links through participation in a worldwide network of criminological institutes associated with the UN. With these sources of information and analyses, deciding the seriousness of international crime will be possible. The issues now are to estimate the kind of knowledge needed to prevent and control this type of organized crime (Kelly 2002).

Conclusion

There are many substantive threats to open democratic societies. The enemies are not only hostile foreign governments or groups. Internal, bureaucratic issues involving the lack of transparency in governmental operations and proceedings, inadequate controls on international systems of communication, and the exchange of adequate monitoring on trade and electronic monetary and financial instrument transactions are still other matters of intense concern. Ignorance of intelligence resources available to private and public agencies that would enable law-enforcement organizations to identify and understand organized crime activities seriously impairs the effectiveness of law-enforcement agencies, as the tragic events of 11 September 2001 suggest.

The United States has participated in developing the role of criminal intelligence data in law-enforcement operations against organized crime. Indeed, it pioneered many tools and methodologies that now serve as models for crime-fighting agencies around the world. The abilities to collect raw criminal data, collate, evaluate, analyse then distribute it, and re-evaluate the product as to its effectiveness, as measured by arrests and prosecutions, enables civil society to meet its responsibilities in forecasting and meeting criminal threats to its safety.

Yet, because of the political nature of the prosecutorial and judicial systems in the United States and the importance of political influence in a democracy, corruption can be endemic, and corruptibility is always a serious potential threat to the institutional integrity of the State. When and under what conditions corruption and the vulnerability of the institutional order of civil society can occur are, of course, important issues. Campaign contributions and other payments determine who will or will not be elected. Conflict of interest, which arises when the system responsible for controlling or preventing organized crime activities is itself open to control and influence, provides a partial but nevertheless compelling explanation for the power and persistence of organized crime.

Greed and power are undoubtedly common elements linking organized criminals and individuals poised to be corrupted who are situated in the public and private sectors. In the early twentieth century, crusading journalists described in vivid detail the relationships between graft and lawlessness in local politics, where political machines and bosses controlled organized criminal activities. From the period of mob growth during Prohibition through the years after the Second World War, the onus of being corruptors shifted from the politicians to the organized criminals. Since the 1970s, in the wake of the Watergate scandals that saw the resignation of President Richard Nixon, scandals have been exposed involving officials at every level of government. Executives in major corporations, investment bankers and defence contractors, among others, make political contributions to election campaign funds to befriend government officials and help them get elected, thereby helping to create conditions that lead to abuses of political power and corruption.

The political threat of organized crime occurs in numerous ways. State sovereignty itself may be at risk when organized crime can delegitimate municipal, county, state and federal governments by undermining governmental and administrative structures that alienate the public and disenfranchise the voters. Further, the legitimate economy can be dislocated by black-market operations and extensive criminal cartel formation utilizing extortion, and supplying the public with their demands for illicit goods and services.

Organized crime groups in the United States have devised rather inventive strategies to neutralize law enforcement. Their strategies have been shaped and conditioned by the political institutions they encounter at various strata of civil society. The economic power of organized crime—as was seen above in the racketeering activities in the construction industry—has been leveraged into political power to corrupt and intimidate the very core of democracy.

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8

Civil resistance

Society fights back…

Ercole Giap Parini

Is there a correlation between the strength of organized crime groups in democratic countries and the type of instruments offered by democracy to its citizens to enable them to participate effectively in the democratic process? In other words, can ordinary citizens have a role in the fight against organized crime? These questions are of particular relevance today, as it would appear that institutional responses to the challenges posed by criminal groups remain inadequate without the support of civil society. This is especially true in the case of the Italian mafias that have for a long time endangered and delegitimized democratic institutions in their territories; but similar conditions can be found in a number of affluent countries with the extensive diffusion of international mafia groups, all over the world, which create a feeling of insecurity and powerlessness among citizens.

To examine this question a research project was carried out in Calabria[1] in the south of Italy in two towns where the Mafia has attempted to infiltrate state institutions. These two small towns in the hinterland of the region are considered by observers and locals alike as ‘typical’ territories of the Mafia, in other words, where every aspect of human life is under Mafia control.

In general terms, there is no doubt that the violence and practice of power that the Mafia exerts affects the social and economic contexts in which it operates; indeed, it ‘tends’ to subjugate all the resources in its territory. However, I would like to show that the Mafia can not only affect but also be affected by its context: the Mafia is not simply something that affects or shapes different aspects of social and economic life, but is in turn something that is affected and shaped by them.

An analysis of this dialectically characterized relationship between the Mafia and its social context has to evaluate the functioning of democratic mechanisms, in particular those involving ordinary citizens. Indeed, this analysis defines the essence of democracy as a series of procedures aimed at guaranteeing the widest participation of citizens in public affairs (Bobbio 1987).

In this perspective, the key words are ‘public control’ and ‘political equality’. With regard to the former, it is necessary to deal with an area of human practices separate from the political and institutional ones. In fact, issues such as ‘participation’ and ‘popular control’ can be better understood by starting from the level of civil society, where the private and public spheres cohabit, and by giving importance to the pre-political propensity of citizens for organizing in groups. In other words, the existence of a ‘public disposition’ in values among ordinary citizens is a crucial element for the proper functioning of a healthy democratic system.

A strong, democratic social system must be characterized by the possibility for its citizens to recognize a line separating what is public from what is private, what is under the control of the individual from what should be under the control of the 'community'. This perspective is linked to the concept of trust,[2] since, in specific circumstances, people can really feel part of a public collective and trust that the others in the community do the same. This recalls the aptitude of individuals for cooperation and organizing civil associations which can be seen as a way of expressing and giving a public sense to personal interests. While practising cooperation—even within the microcosm of an association, for instance—individuals have the possibility of experiencing from the 'inside' a kind of direct democracy and to learn the importance of rules as elements that regulate the relationships among individuals. This brings beneficial effects to the entire democratic process, since individuals have the opportunity to enhance their capacity for respecting laws and also for exercising their power of control over state institutions—that is to say, they have the opportunity to become citizens. As regards political equality, the Mafia, like other forms of organized crime groups, uses public resources as if they were a private matter, and this introduces a disturbing element into the democratic system: the discrimination between clients and ordinary citizens for the access to these resources.

In this chapter I will focus on people's 'civil propensity' for accepting or rejecting this practice as scandalous or improper—notions which are linked to the level of citizens' democratic control; I will then suggest an explanation for the peculiar way in which ordinary citizens are able, or not, to weaken the power of the Mafia through the means offered by a democratic system. Consequently, I will show that the role of civil society and of ordinary citizens is crucial in explaining specific Mafia strategies. Up to now, the stereotype of the Mafia[3] as a *Deus ex machina* has to some extent distorted the approach of scholars, and has made them emphasize its power while failing to consider the potential reactions of civil society. Instead, my analysis, based on empirical research, will demonstrate that the so-called passivity of southern Italian people—in groups or as individuals—is a highly disputable assumption.

The paradigm of complexity and the role of ordinary citizens

In order to define the Mafia's specific features, it is useful to point out its predisposition to expropriate resources (material or otherwise) from their legal holders through a variety of means, ranging from corruption to violence. These strategies are rational but follow no rules except that of maximizing efficiency in its search for total power over a territory.[4] Another characteristic of the Mafia is the all-pervasiveness of its power, especially in southern Italy, where such pervasiveness can be total and exclusive, an example of this being 'territorial mastery' *(signoria territoriale)* (Siebert 1996), reminiscent of a medieval system in which the master exerts total power over all aspects of human life in his fief.[5] The ability of the Mafia to affect civil society can be seen at different levels, from the infiltration of democratic institutions to the control of individuals' daily lives when they have to pay the Mafia not only a material tribute (for instance, extortion money) but also a moral one (loss of prospects and hopes for the future).

Umberto Santino has introduced a useful concept in this regard which may help our analysis, the 'paradigm of complexity' (1995). In his approach, the Mafia is analysed as a ‘complex’ phenomenon, well articulated in its social context. Scholars who study the Mafia usually seek to understand ‘whether the Mafia is either an industry or an institution and choose one of these two extremes’ (Santino 1995:131). The ‘paradigm of complexity’, on the other hand, is not interested in deciding which of these alternatives is the correct one; rather, it reconciles both positions and considers the Mafia simultaneously as an industry and an institution. Another important and common question when studying the Mafia is to understand specifically whether it is an organization, a way of feeling, a mental world, a form of behaviour: ‘the paradigm of complexity allows us to look at the Mafia both as an organisation and as behaviour, a hierarchical structure and a cultural code’ (ibid.).

If we adopt this approach it may be helpful to focus on the Mafia’s ability to adapt to its surrounding context. This is a dynamic kind of adaptation aimed at the control of the most important resources in its territory. What I mean by ‘dynamic aspect’ is the continuous negotiation between the Mafia’s interests and the resources that are available in a specific territory, as well as its social and economic features. Consequently, the Mafia’s strategies are to be considered as specific, transitory and changing means for it to face the territory and to conquer it; these strategies are usually the result of an internal process of selection of the leader, carried out through violence—and even through physical suppression if necessary. Indeed, it has been noted that a shift in the Mafia’s strategies very often follows a change in its leadership.

In order to understand these strategies, it is important for us to understand the characteristics of social mobility in each context and also the different ways to access power and economic resources. Naturally, the importance of specific kinds of resources may be different according to the context: what is supposed to be relevant in one context—that is, what is at the top of a hypothetical hierarchy of resources—could reveal itself superfluous in another.

From this approach the invariable characteristic of the Mafia is its ability to ‘pervade’ and dominate a specific territory, and, as such, it is separate from the organization’s specific strategies, which are—by definition—contingent. In this sense, many definitions of the Mafia proposed by scholars (the Mafia as a corporation, an organization or diffused behaviour)[6] are nothing more than transitory strategies enacted by it in order to control the territory. If the actions aimed at starting, enhancing or reproducing the Mafia’s power are studied as something specifically ‘shaped’—to some extent—by the geographical, economic and social characteristics of the territory, it becomes possible for us to distinguish between the power exercized by the Mafia in a modern city such as Milan from the kind of power exercized in an apparently ‘backward’ village in the hinterland of southern Italy. Furthermore, territories traditionally controlled by the Mafia have in the last decade undergone dramatic changes as a result of a strong modernization process of their institutions; it would not be possible to explain the power of the Mafia today without analysing the shift in its strategies shaped by this evolution.

The central question here is: how are we to understand and analyse the ability of the Mafia to rule a defined territory—distorting its economic growth and social welfare—and, at the same time, comprehend that its specific strategies reflect the characteristics of the territory within which it operates? The main hypothesis developed here is that the emergence of a proclivity for democratic control[7] by ordinary citizens is relatively independent from the diffusion and presence of the Mafia, and that it is, as a consequence, necessary to study the specific functioning of those capacities (in terms of immaterial resources and the history of civil society), since their presence is supposed to play a very important role in affecting the performance of Mafia organizations. By recognizing the inner nature of the Mafia, deeply involved in social relations, it is possible to shed light on different kinds of reactions to it and against it, even in southern Italy, where people are only too often depicted as being totally subjugated by the Mafia and totally powerless in front of it.

Monterino and Crocevolta: two different towns

Two small towns, Monterino and Crocevolta, which belong to an area considered by experts, investigators and judges to be ‘at risk’ of the Mafia have been studied to test this hypothesis. These names are fictitious,[8] but the real towns are situated in the hinterland of Calabria, in an area not far from the Tyrrhenian coast. In the past, they have witnessed a bloody feud between two important *‘Ndrangheta* (the Calabrian Mafia) families.

These towns are geographically close to each other, which helps our comparison: they share the same economic and social characteristics, have roughly the same population (about 3,000 inhabitants, a population strongly depleted by emigration in the 1950s) and have the same economic conditions. Both are characterized by the persistence of a huge number of people working in the agricultural sector and only recently has there been a considerable expansion of the service industry—as a result of public employment and a growth in the building industry. In brief, these two towns are typical of southern Italy, towns characterized by economic hardship and a distorted development and modernization process, due partly to a model of public intervention based more on political convenience than on efficiency.[9]

Monterino

In Monterino, a presidential decree disbanded the town’s municipal council because judicial investigations had revealed that the Mafia was influencing its decision-making processes. By controlling the municipal council, Mafia organizations had been able to obtain most of the public contracts for the execution of important public works such as schools and sports facilities. According to the investigators, the mayor of the town, a young and ambitious civil engineer, had played a key role in this affair: he had given preference to a Mafia *cosca* (an Italian term used to identify the molecular organization of the Mafia) in the bidding for public funds. The presidential decree went on to show that the young mayor was actually the nephew of the most important boss in the area.

The presidential decree also noted, on the evidence of an exaggerated increase in the public budget, a boom in the building industry: Monterino, which was usually at the bottom of the prosperity scale, was suddenly hit by ‘building fever’ in public works: a new stadium, new schools, and a new slaughterhouse were all built in a short space of time. These public works projects, valued at billions of Italian lire (millions of euro), were being regularly assigned to local firms which were formally owned by front companies but informally linked to the most import local *‘Ndrangheta* families. On some occasions, little slices of this ‘public pie’ were assigned to ‘friends’, not necessarily belonging to the Mafia, in order to create a thick 'net' of consensus around the affairs of the *cosche*.

The mayor and the men of the Mafia were keenly interested in maintaining this social consensus in order to protect their interests through faithful friends who were, to some extent, involved in the same traffic but at different levels of importance—that is, involved in businesses of minor importance or taking only a marginal role. This is clearly a way to confuse what is illegal and what is semi-legal (if not illegal) and make it socially acceptable to citizens in everyday life.

What emerged from my research[10] was evidence of a long-lasting aggressive strategy perpetrated by the Mafia and aimed at exploiting public funds as if they were private. For the mafiosi and their corrupt politician friends, politics was nothing more than an instrument to accumulate economic resources. Consequently, the functioning of the democratic institutions as well as any principle of legitimacy had been totally distorted by the Mafia's intervention.

Moreover, on the occasion of the election of the mayor and of the city council about one year before the presidential decree, the electoral lists had been composed and filled through patient negotiations between mafiosi. This had happened both in the case of candidates destined for victory and candidates destined to lose.[11]

During this period, no councillor was able to protest against the practice of depleting public funds. The opposition group did not play a very formal role either: occasionally it opposed the majority's activities in trifling affairs, but it always voted with the majority when the political and economic stakes were high (as was the case when decisions for the accumulation processes of the Mafia families had to be taken). All political activities at local level were part of the Mafia's network based on social consensus and the practice of illegal exchange.

While I was studying the political situation in Monterino, it became clear that traditional political parties lacked an ideological or political agenda. Indeed, within the municipal council the only role they had was to guarantee the general social consensus around the interests of the patronage network dominated by the Mafia. Outside, in civil society, political parties were almost non-existent, as politicians lacked structured organizations and a political identity. A clear example of this lack of political 'passion' is the fact that, from election to election, candidates regularly changed party in the hope of joining the list which had the most chances of winning.

Traditional political activities, based on a strong sense of identity which flourish in the public arena and where political opinions can be freely shared, did not exist in Monterino. If they did, they were only simulacra of political participation and were not considered by citizens to be useful. The real and important decisions concerning Monterino's political life were taken in the headquarters of the Mafia and not by the municipal council or the political parties.

As regards ordinary people and their attitudes towards the Mafia, it is possible to use the metaphor of a net. At the very centre of the net, there is a strong mesh consisting of the exchange relationship between politicians and mafiosi who are in fact often related. If we go towards the outside of the net, we find other meshes, consisting of smaller interests, those of relatives, friends and supporters of the politicians and of the Mafia. For example, the shopkeeper who needs a new commercial licence or the pensioner who needs his social benefit quickly all turn to the mayor for help. Someone noted: 'at the time of the previous administration [the one removed through the presidential decree] the mayor managed to create social consensus around his activities since all citizens received some small advantages from them.' In this way, the legal sphere is very often mixed with the illegal one. This peripheral part of the net—a grey area usually made up of ordinary citizens, not properly mafiosi but still contiguous to the Mafia—plays a very important role in protecting the inner mesh, by avoiding any risk of protest coming from the outside.

In Monterino, only a few citizens were angered by this situation and remained excluded from the net; they preferred to remain isolated in their privacy, far from public affairs. Some of them were simply disgusted by events and discouraged from taking action against such a corrupt cycle, almost impossible to break; others feared the possible counter-reactions of the Mafia, not only threats of violence and intimidation, but also public derision, a subtler kind of sanction, so effective in a little town such as Monterino where all citizens know each other, that blunts any kind of protest.

Public life in Monterino was almost non-existent except on Sunday mornings, at the end of Mass in the main square, when people would meet coming out of the church. The tendency to form civic associations and to participate in the 'public' sphere was very limited indeed. Only two civic associations existed and their only activity was to organize card games for the locals and old-age pensioners.

Life and politics in Monterino was very close to the stereotype of life and civil sense in southern Italy as described for example by Banfield (1958) or Putnam (1993). It was a perfect system of power based on corruption and on the practice of depleting public funds for private interests. It was a privileged élite who decided the allocation of public funds while seeking maximum profit from these deals for themselves.

In this case it was only an external event, such as the presidential decree (and the judicial investigations with its data), which removed this collusion between Mafia and politicians and was able to destroy the extensive net. Civil society was unable to do so on its own. However, it is interesting to note that things did change after the municipal council had been disbanded and civil society started to react. A small group of young women and men tried to give new hope to the town when they set up an association called 'Aurora'. Starting from almost nothing, they established a public arena where it was possible for citizens to discuss issues and protest about social conditions and, in particular, to propose a new political perspective. Consequently they formed an electoral list for the municipal council elections and, thanks to the disappearance of the former political class (because of the events just mentioned), they won. Now these young people are running Monterino under a new spirit of legality, although they still face many difficulties. After all, it is hard to bring about such a dramatic change in the political attitudes of a small town like Monterino in such a short space of time.

Crocevolta

A bomb exploded at the front door of the mayor of the town. This event was thoroughly investigated by both the police and investigative judges, who exposed a secret pact between local mafiosi and two candidates in the town's municipal council elections. These two politicians, who belonged to the DC *(Democrazia Cristiana)*,[12] asked for help from a very aggressive and ambitious local *cosca* which at that time was also seeking power in the region through the use of violence. These episodes were significant for Crocevolta because it was the first time that the Mafia had sought to play such an active political role. Indeed, it had previously been absent from local political life and political parties had never been approached.

This does not mean that the Mafia did not exist in Crocevolta. Indeed, the whole area had for a long time been invested by different wars among *cosche;* one even took place in Crocevolta between the local *cosche*. However, it is important to note that Crocevolta's local Mafia families were not integrated into the town's civic life; ordinary people were in effect 'screened off' from the mafiosi. The mafiosi were considered at the lower end of the social scale and, traditionally, the local bourgeoisie had always considered it improper to have relations with them. Hence we can assume that the Mafia did not exercise its traditional 'territorial mastery' in this small town.

According to police reports, it was the two DC politicians who asked the Mafia for help to get elected to the town's municipal council. The terms of the agreement consisted of votes and violent acts against opposition candidates in exchange for small amounts of money and small favours (for example, financial help to sustain the families of men of honour in prison or obtaining a council house for a relative).[13] This is rather surprizing considering the pervasive power of the Mafia and its perpetual objective of seeking the most important resources across the territory. The two DC politicians had a particular interest in being elected as they were the owners of strategic land targeted by the council for urban development. Their aim was to change the classification of this land within the urban development plan and consequently increase its financial value.

Thanks to the mafiosi, the politicians were duly elected, and during their activity as councillors they easily obtained the increase in value of their land. However, they failed to give the mafiosi what they wanted; they failed to 'deliver the goods' and keep their side of the pact. Indeed, other councillors and the mayor—who were totally unaware of the secret agreement—managed to obstruct it. The mayor was particularly resolute in not backing the requests of the Mafia in the distribution of council houses. This reaction put the two councillors into severe difficult *vis-à-vis* its pact with the Mafia, and consequently they supported the decision taken by the Mafia to use violence and intimidate the mayor.

This strategy of violence revealed itself to be a serious error on the part of the Mafia, since Crocevolta's population unexpectedly reacted against it and its attempt to infiltrate the functioning of the town's municipal council. In particular, they were shocked when police investigations revealed the extent of the secret agreement: at the very core of Calabria, this attempt by the Mafia to control such limited public funds was considered a scandal. By mobilizing all their civic resources (associations, volunteers, ordinary citizens, etc.), the people demanded that political parties expel any individual who may have had a relationship with the Mafia, even those only suspected of collaboration. Moreover, at the individual level, citizens wrote to their local MPs requesting that they resolve this scandalous situation. This overwhelming reaction from the grass roots compelled Crocevolta's municipal council to resign in very short space of time.

The question therefore arises as to why civil society in Crocevolta should have reacted in this way when in Monterino it had not? Why did the people feel it necessary to react against the Mafia showing its true civic values? Several factors may help answer these questions. We must not forget that there was a particular political climate at the time in

Crocevolta which made it very difficult for this corrupt agreement to be accepted by all the local councillors and politicians in general; some politicians were not aware of the existence of this agreement, even those belonging to the same DC party as the two corrupt politicians. The impossibility of extending the pact to all political forces and also to ordinary citizens had been the product of a specific articulation between civil life and politics. In fact, in Crocevolta, there was a strong civic tradition which allowed individuals to see themselves as 'citizens' through a strong associative tendency. Moreover, thanks to this tendency they knew how to influence political parties, politicians and bureaucrats involved in the managing of public funds. This is a paradoxical aspect, indeed. The capacity of citizens for participation and democratic control relates to a political conflict that has traditionally existed in Crocevolta, one that pertains to the identity of citizens and their visions of life rather than to their private interests. The association between social life and political 'belonging' is clearly visible to anyone who visits Crocevolta. There is a line which divides the town into two: on one side, a traditionally 'red' area, politically on the left, and on the other, one close to the political centre inspired by the DC. Each district of this small town identifies with one of these two credos. The mayor of Crocevolta explained: 'in Crocevolta there are two of everything: two cultural associations, two football teams, two churches!'[14] Public spaces, too, are strongly characterized by political belonging and identity: the town's main square is traditionally divided into two parts, where the citizens usually form separate groups according to their political persuasion.

It is clear that the practice and regulation of conflict played a very important role in Crocevolta's civil society, as it gave citizens the possibility of experiencing the need to recognize a 'no man's land' constituted by the public dimension of living together. This 'nobody or everybody's land' is a place where decisions are generated in favour of the collective whole, and *not* through personal interests. The conflict provoked an alliance between the two different groups in a very Machiavellian sense,[15] and this produced good rules and good government. Consequently, if someone crossed the line between public and private, it was considered to be scandalous.

The associative dimension present in Crocevolta's civil society is very rich. Civic associations are usually places where democracy is practised by citizens as they discuss and take decisions together. In Crocevolta, there were two important associations, belonging to each of the political camps. Both were very stimulating places, full of people involved in different social activities. As in Monterino, pensioners played cards together, but they also mixed with younger men and discussed the town's latest gossip. When mothers worked in the fields, their children spent their time there: they were safe places for them to stay, under the watchful eye of the elders of the community. Civic associations are also political places where the activities of parties are discussed and challenged if something is perceived to be wrong. Indeed, political parties are only too aware of how important it is to take into account what happens in these civic associations. One questions remains, possibly unresolved: how long can such a social context remain intact and resist the challenge of the Mafia?

Two towns, two Mafia experiences

From these case studies we can see that there were differences in the Mafia's relationship with politics in Monterino and Crocevolta. There were differences in terms of content, form and final outcome, and these were influenced largely by how civil society reacted.

With regard to Monterino, the object of the political exchange demonstrated the role of leadership played by the Mafia and how it sought substantial economic resources. The power of distributing such fundamental resources was a key element in the Mafia's manifestation of its control over the territory. Therefore, where the Mafia was an accepted presence in the managing of daily affairs and everyday lives, it sought to gain as much as possible without fearing any kind of social reaction. In Crocevolta, the fact that the Mafia made fewer demands over the resources available meant that mafiosi had to control politicians. Without clear acknowledgement, the Mafia tried to enter a social context through a 'low-profile' strategy. It did not have social consensus, so it sought to build a basis for its power. In Crocevolta, the Mafia was concerned primarily with gaining a strategic position in the economic, political and social life of the town regardless of the specific stakes involved. Nevertheless, its plans were hindered by the strong reaction of ordinary citizens.

In terms of the nature of the relationship in Monterino, family relations between politicians and mafiosi obscured the different roles among transactors, in particular with regard to their interests. It would appear that these political agreements originated in the family context where different roles were assigned. The second important element we need to stress is the 'slowly-slowly' approach that characterized the managing of the pact as well as the total absence of violent methods on the part of the Mafia.

In the case of Crocevolta, the transaction (secret agreement) took place between clear protagonists: the politicians on the one hand, and the men of the Mafia on the other. The development of the transaction demonstrated, first of all, the subordinate (even if for tactical reasons) role of the men of the Mafia to politicians, and second, that corruption interested only politicians as individuals and not on behalf of their political parties, showing the lack of a systematic relationship between politics and the Mafia. Then the Mafia had to resort to its most extreme resource by using violence, even if at times it was unsuccessful.

Once again, the different reaction and characteristics of citizens can help to explain at least some of the differences in the Mafia's strategies in these two towns. Where the Mafia had social consensus, usually all social relations were tainted by its presence. Thus, when there was clear social acceptance, it was not necessary for politicians and men of the Mafia to maintain a formal separation: the pervasiveness of the Mafia reached its apogée, and mafiosi could become mayors.

On the other hand, where the presence of the Mafia was perceived as scandalous, every form of corruption was undertaken with care so that it maintained an appearance of legality. In Monterino's case, the results were totally favourable to the Mafia (except for the final intervention of the Italian president) and all the terms of the agreement were fulfilled. Thus, where the Mafia was perceived as an important and somehow legitimate actor, it was very difficult to defeat. However, in Crocevolta, the transaction was very problematic, in particular because of the lack of social consensus around such an agreement. The presence of a solid civil society acted as a deterrent for the diffusion of the Mafia's strategy in politics. Its presence was not tolerated.

Conclusion

This study does not seek to generalize the results of one case study: what has been described here refers to specific social contexts at specific moments in time. Indeed, it has been possible to give sense to the events only by taking into account the totality of the social, political and economic relations, and the same combination is not reproducible elsewhere. However, Monterino and Crocevolta are typical of towns in southern Italy, and are very similar in terms of economic and social conditions to many others. They share with other towns problems of legality as well as the presence of the Mafia, which tries to expropriate a truly democratic life from its citizens. This research, however, shows that each Mafia-like process has to be read within a specific context. Indeed, our research rejects well-known stereotypes. Edward Banfield's (1958) hypotheses about southern Italian communities and Robert Putnam's book (1993) devoted to the diffusion of civic sense in Italian regions are good examples of the Anglo-Saxon tendency to describe southern Italy as having desperate conditions.[16] From this point of view, southerners are inward-looking and unable to promote social change.[17] In order to confront these simplifications, it is necessary to adopt a perspective that highlights empirically specific facts rather than one that deals with theoretical concepts.

Moreover, this research contributes to a stimulating debate on the diffusion of public spirit in southern Italy. In particular, research undertaken by IMES and FORMEZ[18] have shown the emergence of vital conditions suitable to the development of associations and a cooperative spirit as well as an unusual interest in public affairs and in participation in politics. These reports argue that real 'cultural mobilization', capable of breaking down the stereotype of chronic apathy towards cooperation and democratic participation, is needed. The only limitation of this research is that it underestimates the fact that, sometimes, cooperative attitudes can have ancient roots, as in the case of Crocevolta. Southern Italy is a constellation of contradictions!

As Francesco Ramella argued, 'since the studies by Almond and Verba, we know that the degree of interpersonal trust diffused in a society affects citizens' aptitudes towards cooperation through associations of volunteers, as the functioning of public institutions does' (1995:471). At the same time, we have to take into account that, when trust-based relationships are in crisis, it is possible that there are functional substitutes for them,[19] such as patronage and/or political corruption. At this level, the ability to control violence is a very efficient resource.

From the wider perspective of the relationship between organized crime and civil resources, this study may offer some interesting conclusions. This is particularly true of the comprehension of the social danger posed by different forms of crime and the ability of a well-functioning democratic system to control criminal groups. Let us not ignore the historical peculiarities of the Mafia: if a typical characteristic of the Mafia is its ability to pervade the entire economic and social context, in particular by corrupting political institutions, a well-expressed democracy, where citizens are endowed with civil sense, has the instruments to relegate organized crime to its mere criminal aspects.

In conclusion, it is important to point out that civic reactions may be a necessary but not a sufficient condition to reduce the dangerousness of organized crime. The assumption that the Mafia is a complex, pervasive and multiform phenomenon, whose strategies and activities are somehow specific to the territory where it is located, means that it has to be fought using a multiform strategy at local level performed by different sectors of civil society, each using their own instruments. The key word is synchronicity. As a mere criminal and violent phenomenon, organized crime has to be fought by judicial powers and police forces through repression and continuous monitoring of the territory in order to guarantee the safety of the citizens and their rights to a normal life.

As regards the ability of organized crime to influence public and political institutions by giving violent support to politicians, the political sector of society has to play its part, predominantly by expelling and barring mafiosi from political parties. As regards my main concern, the civil sense of ordinary citizens, if organized crime is a social phenomenon potentially able to create consensus around its activities by building up a widespread net of interests, the reactions of those same ordinary citizens become important because they can protest against corruption and avoid becoming involved in the complicities of the net.

Notes

1 This research was carried out between 1996 and 1997 thanks to a scholarship given by the Educational Department *(Assessorato)* of the Calabrian Region, under the supervision of Professor Renate Siebert of the Dipartimento di Sociologia e di Scienza Politica, Università della Calabria.

2 For a comprehensive survey on the concept of ‘trust’ as a civic resource, see the essays in the volume *Le strategie della fiducia,* edited by Diego Gambetta (1989). The conceptual approach to my research was inspired by the work of Sztompka (1996; 1999) and Roniger (1992).

3 This kind of stereotype held particularly among members of the public and politicians, has influenced the majority of Mafia studies in Italy.

4 From this perspective, the Mafia respects the rule of law or any cultural code only if it has something to gain thereby.

5 With regard to the concept of ‘territorial mastery’, see Chinnici and Santino (1991), Siebert (1996).

6 See among others, Arlacchi (1986) and Hess (1973).

7 The proclivity for public control is linked to the emergence among individuals of a public virtue that, in the Machiavellian tradition of republicanism, exalts the citizens’ capability to mobilize in order to defend institutions that guarantee them civil rights and social well-being.

8 Names, times and dates have been changed or hidden to guarantee the privacy of the people involved. The interest of the social scientists remains in the social fact and not in the individual identities. The events reported here, however, took place in the 1990s.

9 With regard to southern Italy’s modernization and development process, see in particular Bagnasco (1977) and Paci (1992).

10 There were two phases to my research: 1) I reconstructed general events by studying the political life of Monterino at the time. The main sources of my research were municipal acts, electoral programmes and police reports; 2) I studied Monterino’s political and social

background and focused on the reaction of ordinary citizens to the events revealed by the presidential decree.

11 The mafiosi programmed the result in advance and did not have brilliant forecasting abilities.

12 This was very important in Italy until the early 1990s.

13 I tried to collect documents and testimonies to describe the forms and terms of the agreement and realized that I was witnessing the 'birth' of a relationship between the Mafia and politicians, a very fruitful and rare occasion for a researcher.

14 This conflict very probably originated from an ancient rivalry between two aristocratic families that fought over land.

15 For the concept of 'conflict' as being beneficial to the constitution of the *res publica bene ordinata*, see chapter IV, Book I, of the *Discorsi sopra la prima deca di Tito Livio*, in Machiavelli (1969:63–4).

16 With regard to southern Italy, Robert Putnam used the French term *indvisme* to describe how few people take part in decisions concerning public welfare. See in particular Putnam (1993:135).

17 The Polish sociologist Piotr Sztompka (1996) distinguishes between 'active societies', ones able to enact an organizational change led by their own leaders, and 'passive societies', ones which lack moral, cultural and material resources to promote it.

18 This research, coordinated by Carlo Trigilia, was carried out by Francesco Ramella and Ilvo Diamanti. They undertook a census of cultural associations in southern Italy and studied a representative sample of them (Diamanti, 1995).

19 With regard to the functional substitute of trust in the field of social sciences, see Sztompka (1996).

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9

For Christ’s sake

Organized crime and religion

Alessandra Dino

The relationship between organized crime and religion is both complex and delicate, but we believe that it shows in an exemplary way how organized crime challenges civil society and democracy. At times, this challenge is overt and visible to all, as in the case of murders, extortion and other acts of violence, but it can also be far less tangible and defined when the issues hinge upon how the Mafia affects everyday life and socio-political choices. In order to limit the scope of this chapter, we have concentrated our analysis on the relationships which exist between the Sicilian Mafia and the Catholic Church, hoping to understand further not only the Sicilian context, but also other social contexts, such as in Latin America, where organized crime and religion have a contiguous relationship. Moreover, much caution is needed when carrying out this kind of research, as it can easily lead to confusion and misunderstandings.

We became interested in this topic while studying Mafia-type phenomena, when we noticed the importance of the religious symbolism which underpins *Cosa Nostra’s* methods of communication, as well as the roles and social practices within it. We realized that religion played an important role and that we needed to examine it further, especially in regard to faith, rituals and religiosity. Let us not forget that the Church in civil society is a long established historical institution that uses official channels of communication, individual representatives and a system of values and beliefs, rituals and religious practices to transmit its message to all citizens.

When we say ‘religion’ in Sicily, we mean of course the Catholic Church. When we say ‘criminal organization’, we mean a system in which economic interests are intricately linked to political ones and where there is a need not only to exert violent and authoritarian control over a given territory but also to have social legitimacy. All this requires a well-established system of rules, an organized management structure, widespread consent and firm cultural roots, over and above the use of violence. In fact, the spread of the Mafia ‘model’ is not in contrast to economic, social and political modernization, as in Italy or in Eastern Europe, for example. Indeed, *Cosa Nostra* has been able to capitalize on the positive opportunities provided by Europe’s new geo-political configuration, renewing and relaunching both its legal and illegal activities; the fall of the Berlin wall and the dismantling of the former Soviet Union are just two examples of such opportunities.

Thus, if democratic institutions and the development of criminal organizations such as the Mafia can cohabit within the same territory, it follows that religion and mafia can also share a common habitation. In fact, the explicit appeal to faith voiced by the men and women of *Cosa Nostra* often arises from a need to negate a sense of citizenship which is perceived as incompatible with the Mafia's value system, something which religion does not seek to do.

Our theoretical framework is based on ethnographic methods and interpretative anthropology and our approach relies on observation and comprehending descriptions (Weber 1949), in other words, 'thick descriptions' (Geertz 1973; 1983) in which the point of view of those observed is translated into the words of those observing. Symbolic and social practices are analysed, and, via these, each single experience is examined through a shared sense of experience.[1]

During the course of our research, we realized that we were confronted not with a subculture ruled by archaism and irrationality but with a well-structured and coherent organization in which social practices seemed to be firmly integrated into everyday life. Moreover, such practices were legitimized and capable of influencing specific models of interpretation and relevant structures (Schutz 1979). We therefore adopted a definition of *Cosa Nostra* that highlights its flexibility and its ability to adapt and modernize, rather than its archaic structure (Armao 2000; 2001).

The Mafia and the Church are both present and active in civil society. The analysis of examples in which the Catholic Church was clearly in conflict with the lay principles of the rule of law, in particular the application of sanctions and the exercise of jurisdiction, turns out to be somewhat delicate. The Catholic Church in Italy is one of the country's most important social institutions; its role is to 'educate people's conscience', and its function as mediator between the public and private spheres[2] requires it to take a clear and unambiguous stance in favour of democracy and in defence of legality. Yet, it has often been ambiguous and has frequently made decisions which have condoned and even encouraged actions which are normally sanctioned by judicial authorities. As a result, the Italian Church has sometimes been seen as an obstacle to the values of social equality and to the norms of democratic coexistence inspired by the principles of legality.

The many facets of this complex relationship

Mafia members are retigious

Given the difficulties that emerge in examining the links between organized crime and religion, we shall address the issue by analysing specific examples that can help us to understand it better. One such example is the repeated references made by both men and women of *Cosa Nostra* to faith. It is always interesting to note how the members of *Cosa Nostra* take every opportunity to show and draw attention to their 'religiousness': 'Mafia members are religious. Atheist or anti-clerical Mafia members are unheard of,[3] argues Father Nino Fasullo (1996:39), who has for many years been active in the anti-Mafia movement. Indeed, religion is an essential part of the Mafia's value system through which it defines its public image, legitimizes its power and resolves conflicts.

The role of rituals, the ostentatious attendance of religious ceremonies[4] and the public appeals to faith are all very relevant, yet difficult to analyse given the frequency with which they occur and the seriousness of the occasions on which they take place—for example, the initiation ceremony which seals entry into *Cosa Nostra*. In such circumstances, the importance of the ritual becomes fundamental (Cazeneuve 1971;

Eliade 1958). Religion provides an all-important support and shelter to members who suffer from strong emotional pressures, particularly women, who are often left to mediate when conflicts arise between their Mafia family and the outside world.

Religion also becomes a symbolic point of reference for the Mafia. On the one hand, it serves to seal the secret pact of association between members, thus ensuring that an air of mystery continues to surround the event (Simmel 1908), while in civil society it is used to gain legitimacy and consent for a ‘system of values’ of which *Cosa Nostra* is the official interpreter. This is why attending church every Sunday and for important celebrations or religious festivities, when the men of honour often sit in privileged seats where everybody can see them, becomes a powerful form of social legitimization; the Church is seen to provide both an implicit and an explicit seal of approval to their organization and activities.[5] Moreover, the men and women of *Cosa Nostra* often talk of their personal ‘journey into faith’, claiming that they need religion to give a meaning to their lives.

Thus, for the Mafia, religion becomes a common meeting ground for both earthly and heavenly aspirations, what we might call a privileged area, a ‘border zone’ (Cassano 1996) or a ‘grey area’ (Sciarrone 1998) in which we can observe the changes in *Cosa Nostra’s* development. For the Mafia, the relationship between earthly and divine justice becomes a complex relationship riddled with contradictions. Indeed, being able to reconcile religious and criminal practices is derived from the Mafia’s specific system of representation. This system tenuously brings together different cultural models (such as being able to commit murder while at the same time being ‘as innocent as Jesus Christ’) which are bound by the rules of the association, by the power and authority of belonging to a group, by the extensive use of violence and intimidation and by the widespread control of territory. It also inspires the kind of faith and specific religious practices which are worth identifying. *Cosa Nostra* demands full obedience, allegiance and loyalty. It can ask from its members any kind of sacrifice because belonging to an organization such as the Mafia requires identifying fully with the group, which, in turn, provides its associates with an enormous sense of power and privilege. The state witness Contorno, for example, claimed that the rule of obedience was so strong that, ‘if the boss calls, you have to drop everything, and that includes leaving your wife’s bedside as she gives birth’ (Tribunal of Palermo A: dib. vol. 34 f. 013527).

Moreover, the Mafia bases and legitimizes its power and authority on the fact that it believes itself to be the ‘official interpreter’ of a superior mission, of divine justice itself: indeed, it believes that divine justice coincides with ‘the justice of the Mafia’. This is why, when it comes to the inner realm of emotions, religion and divine justice help to free men, and mainly women, from all moral dilemma and feelings of guilt for the Mafia’s criminal acts towards civil society. If one believes one has acted by the right moral code, then the act of killing for a ‘just’ cause, such as defending one’s Mafia group, does not constitute a problem. According to one state witness:

> If the Italian state was to go to war against another state, say, Yugoslavia or Germany, and an Italian soldier killed thirty or forty enemies, would you consider him a criminal or a war hero? Well, it was as if I was a soldier for a state, my state *Cosa Nostra*, and killing meant carrying out orders from above, those I was killing were my enemies, and I was doing my duty. I used to hate it when something went wrong or when I couldn’t

> do my job, that's when I felt guilty. I was only interested in the opinion of my people, the people of *Cosa Nostra,* I wasn't interested in anybody else's opinion, just as an Italian soldier wouldn't be interested in the opinion of the Yugoslavs or the Germans.
>
> (Scarpinato 1998:48)

Indeed, to a certain extent, the claim of its members to be religious often helps to legitimize the crimes and activities of *Cosa Nostra* because of its interpretation of earthly and divine justice. The Mafia's legitimization of a crime is based on the conviction that it is right, and such certainty is justified by appealing to a 'divine mission'.[6] An example of this is given by the nephew of Gioacchino Pennino, a mafioso who turned state's witness. His uncle 'used to go and pray on the tombs of those they had had to kill' without any feelings of remorse. Like every other man of honour, his uncle never doubted that he was a messenger of God's justice (interview, Rita Mattei, 1997). At a time when Italy was heavily marred by legal injustices and abuses of power, *Cosa Nostra's* role as the mediator of divine will and justice ensured that it was seen as the champion of the rights of the oppressed.

Political and cultural institutions themselves have long perpetuated this image of the Mafia as a mediator, drawing attention to its 'positive' and stereotypical features while underestimating the extent of its infiltration into politics. State institutions are indeed guilty of having handed over strategic areas of democratic management and control, such as the safety of citizens, to the Mafia because the institutions whose job it was to enforce such control were not carrying out their duties.

We are thus confronted with what Aqueci calls a 'double morality' (1989)—Mafia members who, on the one hand, refer to a system of moral 'laws', a system which has rules they recognize and follow, and who, on the other, do not apply the same discretion to situations which are not part of their 'moral' system. Admitting to guilt, given such a system, would be tantamount to admitting that some set of rules has been violated. Yet Mafia members have, through their own choice, defined their rules as being 'different' from those of the social context within which they operate and therefore do not experience guilt: they feel responsibility neither towards state institutions nor to God because they carry out their 'own' justice. Similarly, women whose role is to pass on the rules of Mafia 'morality' often recognize the right both to exercise violence and to seek revenge, while at the same time refusing to recognize the legitimacy of the State's authority in legal matters.

What is already beginning to emerge from this intricate web of religious, political and criminal activities is that organized crime is able to reconcile its criminal interests and religious beliefs by cognitively redefining its identity and by establishing strategic relationships with both political and religious institutions. Indeed, the very existence of the Mafia is portrayed as legitimate and 'normar. Such portrayal is essential if the organization is to continue existing, yet it poses serious threats to the democratic well-being of the civil society in which the Mafia operates.

The Catholic Church’s position in Sicily

If the religious ostentation of Mafia members constitutes one aspect of the relationship, it is clear that the position of the Sicilian Church towards the Mafia is no less significant. Historians have highlighted that, especially in the past, a considerable number of clergy have shown little knowledge and understanding of the phenomenon. Such ignorance has meant that *Cosa Nostra’s* activities were for a long time misunderstood because the Church in Sicily simply dismissed the Mafia as ‘a social and moral evil’ (Ruffini 1982; 1989). Very often, the Church opted for a moderate stance towards the Mafia to avoid open conflict, and attempts at mediation often resulted in unclear outcomes. The long silence in ecclesiastical circles is, in this respect, both indicative and unsettling for our understanding of organized crime and religion (Naro 1994, 1996; Stabile 1989, 1992, 1996). Although there is evidence to link the Church with *Cosa Nostra*[7] this relationship, nonetheless, remains clearly ambiguous. Yet, despite the fact that over the last two centuries many events confirm the existence of such a relationship (Mignosi 1993; Stabile 1992), it is only since the 1970s that some members of the clergy have started to reflect critically on the Mafia phenomenon, on its widespread use of violence and on the stance that the Church should have adopted. So far, the Church’s views on the issue have lacked clarity, coherence and continuity, which seems to reflect the fact that its position remains riddled with contradictions and difficulties: its aim to rid itself of the dangerous, yet historic, proximity it has had to the Mafia in the past remains an arduous task.

Important steps in the development of the Sicilian Church’s policy towards the Mafia were taken at the beginning of the 1980s, when a series of sermons delivered by the then Archbishop of Palermo, Salvatore Pappalardo, condemned the ‘complex system of intertwined links existing between petty crime (which is visible to us all) and shady crooked dealers hidden by effective front men and political protection’ (Stabile and Barraco 1982:255).

Just as harsh and clear were the words of Pope John Paul II in 1993 in Agrigento, Sicily, when he invited Mafia members to convert by reminding them of the terrible crimes they had committed (Naro *et al.* 1997). More recently, the public statements of Father De Giorgi, Archbishop of Palermo, have also been direct: ‘the Mafia in itself, in its motives, in its aims and in the atrocious means and inhuman methods it uses […] is incompatible with the Gospel, with Christian faith and with the authenticity of religion’ (1997:91), words which echo the New Evangelization and Pastoral Note, in which the Mafia was defined as a ‘structure of sin’ and mafiosi as individuals who lived ‘in conflict with the Gospel of Jesus Christ’ and consequently located ‘on the outside of communion with His Church’.[8]

In these examples, the Church’s policy towards the Mafia is very clear and critical. However, more recent statements from the clergy have been quite the opposite. Some representatives of the Sicilian Church have voiced strong and somewhat conflicting interpretations, which once again prove that the issue has not been thoroughly addressed, that much has been underestimated, that the old historical links between the two still exist and that the partners have also come to some dangerous compromises (Dino 2000b).

In analysing the Mafia's expressions of religious devotion, it is interesting to note that some of the statements of Sicilian religious representatives on the issue not only stem from a somewhat personal interpretation of religion but also reflect a syncretism of cultural models—in other words, a hybrid value system, in which different opinions and behaviours cohabit. This serves only to foster a climate of ambiguity and narrow down the relationship to a confusing contiguity between exponents of the Church and exponents of the Mafia (Stabile 1989; 1992).

When priests do speak about the Mafia, they often adopt positions which take into account the personal circumstances of individual mafiosi rather than of the social and violent dimension of the phenomenon, to the point of justifying legally punishable actions according to the view that one must 'fight against this error, but seek he who errs'.[9]

During a discussion on 'Religion and Lawfulness', the moral theologian Enrico Chiavacci talked about the tendency to 'privatize salvation' which has been taking place throughout the Church during the last four centuries, and resulted in clear opposition between the laws of the State and the laws of morality. The duty to not violate the laws of the State has yet to develop', claims Chiavacci. In fact, the Church has often emphasized the issue of the 'the moral lawfulness of violating the laws'. Such a position is by no means subjective or isolated, but rather finds legitimacy in manuals of moral theology which make no reference whatsoever, at least not until the Second Vatican Council,[10] to the need to turn lawfulness into a moral duty. Against such an attitude, the theologian argues that, 'basically, the common good is achieved in each individual state, on local ground, in the cities […]. This is when abiding by the laws of the State becomes an inevitable moral duty'; whereas one must criticize all attempts at 'escaping from the effort of building history together' (quoted in Meneghetti 2000).[11] The theology of liberation may help us to understand the notion of 'the effort of building history'.

The theology of liberation developed in Latin America around the 1970s to oppose the local Church's tendency to adopt a catechetic conception and a disembodied theology which resulted in religious institutions taking no interest in the serious social problems of poverty and injustice afflicting most of the local population. In the face of this lack of interest, the theology of liberation argued for the need to look back in time and use history in order to act openly in favour of the poor and oppressed, while opposing both the excessive power held by the few and social injustice (Gutierrez 1981). This position is indeed forceful and speaks out in favour of the social dimension of history and its roots which can then lead to salvation in the other world (Giuè 1997). From this point of view, not only is the alliance between the Church and the powerful no longer conceivable,[12] but neither is individual or historically disembodied salvation attainable. In order to reach a better understanding of the obscure relationship between the Church and *Cosa Nostra*, the priest Giuè takes the assumptions of the theology of liberation and applies them to Italy's *Mezzogiorno:* 'if the theology of liberation were adopted in the south of Italy, we could show that the ecclesiastical community has reflected on the issues of solidarity and has sided with the victims of the Mafia and cried out in favour of democracy' (1997:28).

Justice and repentance

The word ‘repentance’ immediately brings to mind criminals who have turned state witness, a phenomenon known in Italian as *pentitismo* (from *pentirsi,* to repent), which, in Italian legal terminology, is called ‘collaboration’. People who turn state witness, the socalled *pentiti,* branded by faithful Mafia members as ‘grasses and disgraces’, are those who, having themselves been fully paid-up members of the organization, have decided to tell investigators what they know about *Cosa Nostra*.[13] The collaboration of various men of honour with the state has shaken the stability of the criminal organization to such an extent that the *pentiti’s* revelations have for the first time opened up and exposed the intricacies and crimes of *Cosa Nostra*. The information provided by these collaborators has led to many arrests and important trials. It is for this reason that the Mafia has responded particularly violently and exterminated entire families, whose only ‘crime’ was to be related to the collaborator.

It is therefore clear why the phenomenon of *pentitismo* has had such farreaching consequences, not only in civil society in general, but also for the Catholic Church. The Church found itself having to choose between 1) the usefulness of the revelations of the *pentiti,* 2) the nature of the collaborators’ ‘repentance’ and 3) the accusations of those who—now feeling censured and ‘ruined’ by the revelations—saw only feelings of anger and hatred in the *pentiti’s* words. ‘Nobody can condemn anybody else on earth, in so far as we are all sinners’, said one priest when asked to comment on this. The Christian message encourages pardon and love […]. The Mafia amounts to nothing but a terrible evil we must cure and not punish. Jails should be closed down, because they’re inhuman! The biggest sin is betrayal’ (interview, November 1996).

Father Salvatore Pappalardo, former Archbishop of Palermo, showed some embarrassment towards the *pentitismo* phenomenon, although he expressed this in slightly more moderate terms:

> Certain deals reached with criminals by the judicial system are by no means anything to boast about. It’s as though the State had been humiliated. However, I also realize that negotiating an agreement is necessary and a lot of what we know is due to them […]. But religious repentance is different, it is deeper. We tell Mafia criminals to ‘repent’. And those who do in no way do it to gain some legal advantage.
>
> (*Giornale di Sicilia,* 8 Sept 1997)

Much confusion has surrounded the difference between a ‘collaborator’ and a *pentito* in so far as both terms have been used to refer to a state witness. State legislation does not require that the collaborator actually be *pentito* (i.e., to have repented) in order to be accepted for the protection programme, but rather that he lists the crimes of which he is aware and doesn’t commit any new ones. The Church’s attitudes to the notion of ‘collaboration’ have caused considerable problems in the interventions of both state and Church. Moreover, it may also be that the well-meaning appeals of religious exponents to distinguish between justice on earth and divine justice have ended up creating a general sense of indifference towards civic values, and that this may have justified—albeit indirectly—the claims of former and current Mafia members who say that they have: ‘repented in the eyes of God, but not in the eyes of the state’ and that they believe only in ‘divine justice and not in justice on earth’.[14]

The issue of ‘repentance’ is part of a much wider and more complex scenario. The phenomenon of state collaborators led the Church to ask some searching questions about the need to keep separate the State’s authority in carrying out justice and the Church’s expiation of sin. This also means that some form of reconciliation must be found which takes into account the different roles of both institutions. In other words, conflicts between the Church and the State must be avoided, despite the fact that their objectives are different: the State aims to protect the community at large and to enforce punishment, while at the same time trying to re-educate the offender, without, however, asking him to ‘repent’; the Church aims, on the other hand, at a form of direct repentance in which the sinner converts. However, this should also require some form of social commitment on the part of the sinner to make amends for the damage caused to others, as well as a moral duty to recognize the authority of the State. Trying to reconcile these two positions is by no means an easy task in so far as both institutions must maintain their separate identities. But careful reflection on the issue can represent a first step in addressing these complexities and misunderstandings.

Conclusion

Our research has shown that the points of view of prominent representatives of both Church and Mafia on the relationship which binds them together can differ greatly. It also seems clear that religion and organized crime will continue to coexist, so long as each group is allowed to refer back to its own cultural reference points and systems of meaning. In order to prevent any further threat to democracy posed by such a situation, the legal representatives of Italy’s democratic institutions will have to intervene decisively and clearly. Unless such action takes place, religious discourse, which is so widely and readily used and abused by the Mafia, will continue to support, directly and indirectly, the organization’s policies of intimidation and control rather than discourage them. As this state of affairs continues, citizens’ most basic rights, including their freedom of choice, will remain under threat.

Effective action as well as a clear and critical stance on both political and religious grounds by the authorities is paramount, both as far as their chosen line of action is concerned and in terms of the cultural environments in which they intend to exert their influence. An act of courage is also needed in order to differentiate between the pity one can legitimately feel for an individual’s predicament and the threat that such an individual can, in turn, pose to the entire democratic system and the well-being of the community. Undoubtedly, the balance is hard to strike as the risk of accusations and authoritarian retaliation is ever present: indeed, the process of critical awareness and change is neither simple nor straightforward.

To conclude, let us quote an extract which aptly sums up the complexities I have addressed in my discussion, yet goes further in highlighting the important differences between organized crime and religion:

> Word has got around that a member of the Mafia, just like anyone else, can repent in the eyes of God, but not in the eyes of men […]. The underlying idea being that because repentance in the eyes of God can only be administered by the Church, then the State, society, judges and the police must take a step back and let priests deal with it. As if you could only repent in the eyes of God and not in those of men! As if repenting in the eyes of God were a shortcut, a way of not facing up to one's responsibilities! As if repentance in the eyes of God came cheap or cost nothing at all! When repentance is reduced to a mere question of conscience devoid of all social, and therefore ecclesiastical, meaning, not only does it deny the sacramental nature of the Church, but it also becomes a useless, religious, moral and social trick.
>
> (Aa.Vv., 1997:5–6)

Notes

1 We are not interested here in analysing the main issues underlying ethnographic methodology but the following authors have influenced this research: Schwartz and Jacobs (1979); Giglioli and Dal Lago (1983); Dal Lago and De Biasi (2002); Garfinkel (1967); Gobo (2001); Goffman (1974); Gonos (1977); Hammersley (1998); Jessor *et al.* (1996); Marzano (1999, 2001); and Pollner (1987).

2 Italy also has many Catholic schools, which enable the Church to exercise its role as 'conscience educator'.

3 From the Sardinian prison where he was serving a life sentence, Luciano Leggio explained his relationship with religion: 'in our town, my family was known as *'the Catholics'*. As a kid, I was a choir boy in the church, Santissima Addolorata, in my district. Every night before going to sleep […] I pray […]. I always ask the Holy Father (that's how I call God) to help me improve and remain open to everything and everyone; then I say a requiem for the dead in my family and I prayed for Him to help my loved ones' (ANSA 1 Feb 1998).

4'As far as I know', claims Margherita Petralia (wife of a man of honour from the Paceco family), 'and on the basis of what I've been able to gather about the organization of the Mafia, the attendance of a godmother or godfather at a baptism, or the presence of a witness at a wedding, is a sign of great respect and closeness between the parents and those invited as godmother or godfather. The bond which is created outside, too, is very strong, and I believe that, apart from appointing close relatives, the invitation to be a godmother or godfather or a witness cannot be made to anyone outside the organization' (Tribunal of Trapani, 1991).

5 In an interview conducted by Rita Mattei in January 1997, Leonardo Messina, a man of honour from San Cataldo, claimed: 'As a partner in the sulphur-mine which managed *Cosa Nostra*'s Saint, Saint Annunziata, I dealt with religious festivities. I was in a procession next to the Saint. […] Religious celebrations have a lot of value for us. When I got married I promised to be faithful to my wife and to the Mafia. The priest? What was he supposed to say? You don't think that priests didn't know who organized and funded the saint's festivities, do you?'

6'My wife and I are religious', Leonardo Messina claims. 'I was taught that the Mafia came about in order to carry out justice. There was therefore no contradiction. But now, you know, in front of Christ I feel like a traitor! When I was a killer I used to go to church quite the thing, no qualms. But not now that I've turned myself in, no, I'm all tense when I pray' (interview, Rita Mattei, 1997). That the combination of crime and religion is not something which is exclusive to the Mafia is also shown, among others, by this example of a group of hit men in Medelífn: To qualify as a hit man', writes Mario Vargas Llosa, 'you've got to pass a few tests […]. The hardest […] consists in killing a close relative; but usually the test consists in stopping at the traffic lights and shooting the first, or the second or third, driver stopped at a red light. If you pass the test, you're entitled to your horse, i.e., your motorbike and your firearm. This is when the young hit man lies at the feet of the Virgin Mary in Sabaneta to have the three symbols of devotion he carries with him at all times blessed: one is on his heart to protect his life, another is on his wrist to give him firmness and the last one round his ankle for two reasons: the first is so he can always get away in time, and the second is to protect him from the motorbike chain […]. Before going out to do his job, the hit man boils his bullets in holy water' (*La Repubblica*, 5 Oct 1999).

7 Over the years, there have been many examples of proximity to and involvement in illegal activities on the part of the clergy. These can be found in Mignosi (1993), in the study conducted by Principato and Dino (1997), in Cavadi (1994) and in an issue of *Narcomafie* (July/August 2001) which deals exclusively with the issue of the Church and Mafia. To quote just a few examples, it is worth remembering the priests of Mazzarino who were accused of criminal association, extortion, unlawful wealth, illegal possession of weapons and murder; the case of Father Agostino Coppola, heavily involved in illegal activities and Mafia circles, who also secretly married Totò Riina and Antonietta Bagarella; the murder of Father Giacinto, killed on 6 September 1980 in a room of the Franciscan monastery of Santa Maria del Gesù, which fell under the area controlled by the Bontate family.

8 The Church's clearer stance on the Mafia has a hard-hitting effect on its targets (the men and women of the Mafia) and provokes strong reactions. To mention just a few, it is worth remembering the grand gesture of the 850 prisoners detained at the Ucciardone (Palermo's prison) in April 1983 who, en masse, deserted the Easter celebration held by the then Archbishop of Palermo, Father Salvatore Pappalardo. By doing so, they manifested their disapproval of his constant criticism of the crimes committed by the Mafia. There was also the assassination of Father Pino Puglisi, deemed to be dangerous and guilty because, according to the criminal who had turned state witness, Giuseppe Drago: 'he was a priest who spoke out too much against the Mafia. Therefore, he was someone who got in the way, specifically, in the way of the Brancaccio family' (Tribunal of Palermo B).

9 On 15 April 2002, *La Stampa* informed its readers of the existence of a consistent body of correspondence between a Franciscan priest, Brother Celestino, and some prisoners who were bosses of *Cosa Nostra*, among whom were Pietro Aglieri, Salvatore Riina and his son Giovanni. 'I talk to Pietro, but I've never seen him in prison', says Brother Celestino to the interviewer. 'I've written to him […]. He's answered me […]. He expected the chaplain to be there more […] I think it would be good if one could make known the discussions which find their way into jail. I am obviously not interested in the judicial aspects, dissociation, the benefits of the law. I'm interested in the soul, if there is any chance that he may convert […]. I find it would be useful to let everyone know of the idea of creating a churchtype jail for those who feel the need to pay their dues with their conscience. It could be an opportunity to the give the word "repentance" its original meaning.'

10 The Second Vatican Council began on 11 October 1962 and ended on 8 December 1965. Proceedings were carried out in three sessions, the first of which was led by Pope John XXIII and the other two by Pope Paul VI (who had succeeded him).

11 Enrico Chiavacci's discussion took place in a forum which Meneghetti explained and analysed in Meneghetti (2000).

12 On the tendency of the Catholic Church to stick by the powerful rather than by the weak, Scarpinato notes: 'In the XVI c. the very Catholic Spaniards exterminated the Aztec and Maya peoples of Mexico with the blessing of the Church, because they weren't considered to be part of the human race. It is only in the last century, in the slave-driving south of the United States, that the slave owners were devout Catholics and many priests […got] to the point of blessing the crews of ships before they departed to Africa to raid the indigenous

people in their villages […]. To remain in this century, during the Spanish civil war Catholic priests would bless Franco’s troops before the battles against the republicans. Was God on Franco’s side or the republicans’? Why should a soldier of Franco’s army feel any remorse in killing his fellow countrymen when God himself, through the tongues of his appointed ministers on earth, had previously absolved and blessed him?’ (1998:52–3).

13 The list of state witnesses is very long, despite the fact that, at present, numbers are diminishing, a fact which in itself requires careful analysis. Our reference is to so-called historic state witnesses, the first *pentiti* to have revealed the hidden mechanisms of the Mafia: Leonardo Vitale, Vincenzo Sinagra, Stefano Calzetta, Tommaso Buscetta and Salvatore Contorno.

14 These words were uttered by Pietro Aglieri, head of the Santa Maria del Gesù family in Palermo, shortly after his arrest. During his time in prison, the Mafia boss spent long periods of time praying. When the prison doors were eventually opened, he is said to have exclaimed: ‘I have repented in the eyes of God.’ Upon hearing this, the police officer on duty at the time asked: ‘Do you repent, then, Aglieri?’, at which *Cosa Nostra*’s godfather promptly replied: ‘Sure I do! In front of God, though, not in front of you!’ ‘What will you say to the judge?’ he was asked again. ‘Will you admit to what you have done?’ Again, Aglieri’s reply was calm and collected: ‘I only have to make amends in the eyes of God…. I shall readily accept whatever sentence the judges decide to pass’ (*Corriere della Sera,* 8 June 1997).

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Part IV
Organized crime and politics

10

Democracy and the gangs

The case of Marseilles

Paola Monzini

This chapter introduces the main changes that took place in organized crime in Marseilles during the last century. This case study is worth examining as the city and docklands of Marseilles have been crime ridden since the early 1900s and different forms of organized crime developed over the course of the twentieth century. Sometimes the presence of strong criminal organizations generated serious problems of public order within the city, with wide repercussions at national level. This chapter focuses particularly on the different phases of the history, with particular attention to the degree of tolerance granted to the underworld, and to the main activities of the gangs, which shifted from one field to another according to existing opportunities. The changing social position of the gangs within the local structures of power is briefly reconstructed, and a view of public opinion towards organized crime is also provided. Using a historical perspective this study demonstrates how the gangs' fortunes were firmly intertwined with the life of the 'upper' city. Specifically, the ability of the gangs to develop important social and economic roles became evident in two key periods when they directly and openly participated in political life. It was during the 1930s and in the post-war years that criminal gangs gained more power in the political arena of the city and challenged local democracy. In these two main periods, criminal gangs seriously challenged local democracy: in certain districts of the city during these 'troubled times', local citizens were threatened and exposed to violent reprisals, and found it increasingly difficult to exercise their civic rights. Organized criminal gangs had a disruptive effect on democracy by challenging its participative nature and, more concretely, the functioning of the political and institutional systems. Not only did they attack some of the basic principles of democracy—equality of citizens, openness of decision-making and free elections—but they also distorted the functioning of the economy and civil society. However, as we will see, these 'interferences' have been short in terms of time: in the long run, mafia-type systems have not had the room to develop fully in the French city, as a strong reaction emerged from civil society and the political institutions to circumscribe them.

This chapter comprises four sections: the first is a very general introduction to organized crime in Marseilles and describes its main evolution. The second presents organized crime in the 1920s and in the 'times of trouble' at the beginning of the 1930s: at this period criminal gangs were renowned for throwing their weight around in the docks area, while the city's deputy mayor, Simon Sabiani, nationally known as the 'deputy gangster', employed patronage and ruled the dockland unions with sometimes violent methods. The third section considers the second 'red alarm' period, just after the war (1945–7), when the democratic system—in need of renewal—turned out to be vulnerable and, to a certain extent, tolerant towards gang violence. The ensuing process of decay of the underworld is also considered. Finally, before some brief conclusions, the last section examines the recent period, when the network of traffickers based in the city—which was well known as the chief centre of the international drugs trade—was dismantled and the local underworld became predominantly an urban *milieu* without important international connections, and unable to defy local democracy.

Marseilles and organized crime

Since the early 1900s, Marseilles, France's main colonial port, saw the development of well-established forms of organized crime. Prostitution and smuggling, controlled by pimps and racketeers, composed the two main 'driving spirits' of a multiracial and well-articulated urban underworld. By the first decade of the century, the underworld was composed of several gangs, whose members had special tattoos and nicknames and often belonged to the same country of origin. The social roots of the urban underworld developed almost entirely around the *Vieux Port*, the centre of city life, where the bulk of legal and illegal business took place. Even the red-light district was confined to this area, in the midst of poor neighbourhoods populated mainly by new immigrants coming from the rural areas of different Mediterranean countries.

Illegal dealers working in the docks and on the big ships had the best facilities at this time for doing 'dirty business'. Marseilles traffickers soon emerged on the international scene: they were able to run profitable illegal transactions such as the white slave trade for the brothels in Latin America and the transoceanic trade in gold, drugs and precious stones. In particular, by the 1920s the Corsican traffickers of Marseilles had managed to establish permanent links and a strong economic base outside the city, especially on the shores of Latin America and South-East Asia.

This is to say that underworld activities had a strong, natural base in colonial Marseilles. City gangs operating at local or international level were extremely profit-oriented and open to any new commercial opportunity, but at the same time they were extremely vulnerable to major changes taking place in local government. Depending on the political circumstances, organized crime in the following years was either seen as a pressing political problem which required immediate attention, or was completely forgotten and left to its own devices: it has been considered an intermittent phenomenon, as, having materialized, it then vanished from sight.

Criminal gangs and the public order crisis of the 1930s

At the beginning of the 1920s the growth of the illegal economy in Marseilles, in particular the rise in the amount of smuggling and prostitution, did not provoke repressive action from law-enforcement agencies nor did it trigger any form of social alarm.[1] Only at the end of the 1920s did both the local and the national press start to represent Marseilles as 'the capital of crime', an image which they nourished incessantly for the first half of the 1930s.

It was around this time that the city's bad reputation was established, and Marseilles became known as the French Chicago.[2] The power of local criminals in Marseilles was considered the result of the widespread corruption which existed throughout local government. According to certain reports, the exchange network between organized crime and politico-governmental circles developed during the 1920s, when those who lived off illegal activities, smuggling and prostitution were, in fact, politically integrated into the wider system of clientelism which ruled the city. It seems that criminal leaders, who were in charge of the main illegal markets and whose authority was unrivalled, started to support some of the local politicians. The typical exchange later described by Foote Whyte[3] in the USA was at play: for their political mediation, and for their capacity to 'suggest strongly' for whom the electors should vote, the gangsters would be offered political protection, and in particular they could obtain immunity from prosecution, which they needed in order to further their business interests. During the 1920s gangs, especially of Corsican criminals—who had already made their way to the top of some of the most lucrative, international illegal organizations—began establishing strong links with the local political system. Corsican bosses were prime movers in obtaining electoral consensus among some of the new Corsican immigrants who made up the main foreign group in Marseilles and who, unlike the first generation of Italian or Spanish immigrants, were already entitled to vote.[4] Corsican organized crime was able to leave an indelible mark on the city: the rise of the Guerini clan is an exemplary case in point (Saccomanno 1968; Sarazin 1977; Jaubert 1974).

Antoine Guerini left his home village, Calenzana, a small farming village in Corsica, in 1919 for Marseilles. He soon realized that he could make money from the city's prostitution racket and consequently managed to increase the number of women under his so-called protection. He later arranged for his five younger brothers to join him and involved them in what we might call an illegal-criminal family economy. The overall structure was similar to that of the *Camorra* families in Naples. Known as the Calenzanesi Clan, the Guerinis based their criminal power on their merciless use of violence, as well as on a strong sense of identity and belonging which stemmed from their family ties and the shared peasant origins of their members. Ten years later, in 1930, their firm hold on the prostitution racket extended to the entire district behind Marseilles docks, which was inhabited mainly by the city's first-generation immigrants of the French island. The Guerinis imposed in this area a system of bribes—a true racket—which initially involved brothels and subsequently bars, dance halls and butchers' shops.

The clan itself enjoyed its fair share of immunity at the end of the 1920s, when Antoine, who ran a bar with his brother, was accused of having committed two murders, but was soon acquitted. In the 1930s the Guerinis became increasingly more 'untouchable' as they were openly hired by businessmen to intimidiate potential trouble-makers and to block strikes. At the same time they were paid by politicians to organize electoral campaigns and to repress, or limit, public demonstrations. In the eyes of many they were respected and successful men, and in their district their popularity was genuine: they were admired and held in esteem. The Guerinis used these opportunities to extend their network of contacts throughout legitimate society to secure their invulnerability, and to promote their business ambitions further afield. New illegal markets were opened in Nice, Toulouse and Algiers.

The example of the Guerini family shows that at the beginning of the 1930s the success of a strong form of organized crime was undoubtedly facilitated by two factors: the development of international illegal markets and the spread of patronage and political corruption. What really allowed this clan to establish a true criminal empire, to run lucrative and successful businesses, and to enjoy a state of immunity were its links with the local political bosses. In fact, the Guerinis and other criminal gangs changed their attitude towards local power.

The seven years between 1928 and 1935 marked a period of great social unrest in Marseilles's political history, and organized crime groups took full advantages of this critical situation. A series of financial scandals and election scams resulted in the citizens of Marseilles being called to the polls five times. The economic crisis, the political instability and social changes provoked trade union and racial tensions as well as the escalation of social disorder.

While Marseilles's patronage system evidently lacked the resources to appease such conflicts, the electoral campaigns became open battlegrounds and the working-class struggles became very violent, particularly in the immigrant districts close to the port. Several people were killed during political demonstrations (Bleitrach *et al.* 1981:32). Thus, the most popular political representatives of the city recruited armed gangs to ensure that law and order was maintained during the political rallies in the dock constituencies inhabited by immigrants. All the most important politicians, when visiting these areas, were escorted by their 'protectors'. The recruited armed gangs were organized by the influential local criminals who were often known to the police as racketeers and traffickers. Consequently, in the docks areas, in *Le Panier* and *Porte d'Aix* districts, criminal gangs were better able to control local trouble-makers through the use of violence.

Links between gangsters and the political *milieu* were sometimes very strong. For example, Paul Carbone and Lydro Spirito, respectively of Corsican and Italian origin, were two of the best-known gangsters involved in international smuggling and prostitution. During the 1930s they also became the owners of numerous nightclubs, taxi services, shops and estate agencies. Despite their evident involvement in the criminal underworld, Carbone and Spirito were closely connected with Simon Sabiani, the controversial deputy mayor (Vaucoret, 1978:239–40). What is remarkable is that no attempt was ever made to cover up this relationship. For example, in 1934 the deputy mayor launched a poster campaign to proclaim his solidarity with these two criminals, who had been accused of murder,[5] which in Sabiani's opinion they had not committed (Jankowskij 1989:37).

Although a communist leader in his early career, Sabiani later moved to the right and, through his control of the trade unions, gained great popular support in the dock districts. Under his leadership, the links between the unions and criminal gangs became all the more evident: in 1927 the *Syndicat des Inscrits Maritimes*—one of the dockers' trade unions—was run by some of Sabiani's men, with the help of teams of criminals. At a later stage, these same teams—known as *équipes de choc*—openly adopted violent and coercive methods in order to block strikes and pickets organized in the docklands by communist militants. Above all, through intimidation, these teams were able to monopolize the daily employment of dockers. In other words, criminal gangs were able to oppose the rising communist movement and to organize part of the labour force. For a while, they guaranteed a form of forced 'social cohesion' in the docklands: they became, *de facto*, the guarantors of the entire socioeconomic system made up of dockers, trade unionists, entrepreneurs, businessmen and politicians (Monzini 1999:38–40, 73–86). Just as in New York and other American cities of the time (Block 1980; Bell, 1988:175–209), organized crime was taking over those areas which other social players had hitherto been unable to control. By using violence they were able to impose a strict check on a labour force which was struggling to extend its basic rights.

In this historical configuration, local democracy in Marseilles was evidently blighted by the politico-economic crisis, the authorities' inability to limit the use of violence and the increasing power of criminal gangs. At this time, because of the difficulties of governance, a general climate of cooperation between organized crime and local government was established in the city. Given the uncertain political future, the criminal bosses turned out to be very useful in opposing new forms of social disorder. In other words, local politicians used the power of persuasion of organized crime to maintain the social order when it was no longer guaranteed by legal means. However, the power which was handed over to criminals on such occasions was merely a temporary response to the state of emergency generated by the problems of public disorder and lack of social consensus. In 1934 the situation did, in fact, begin to change: the Communist Party, with its *'Marseille propre'* (clean Marseilles) campaign, managed to reform union forces, and the final result was the eradication of the most corrupt aspects of the system. In 1935 the establishment of a single trade union, together with the left's victory at local level—forerunners to the national alliance of the Popular Front—signalled the reorganization of unionist representation, albeit without its violent component (Billoux 1966:144).

Following these significant changes, organized criminal gangs returned to a more discreet role in Marseilles life, keeping a lower profile. The system of exchanging favours with political representatives returned within its traditional limits of exchange of votes for legal immunity. Even the city's day-to-day criminal activities became less evident: effectively, local and national public opinion was paying more attention to financial than to criminal troubles. In 1939 financial problems in Marseilles had become so severe that the municipal council was disbanded and taken over by central government.

The transitory return of the *équipes de choc* and the decline of the underworld in Marseilles

The return of criminal gangs to the public arena took place in association with the resurgence of social conflicts in the docks after the end of the Second World War. Between 1947 and 1950, the instability of the political scene meant that criminal gangs again found the ideal conditions to seize control of the docklands. The period was characterized by political party infighting and the rise of new political allegiances. As had happened before, the main criminal networks acted as a natural barrier to the city's powerful communist trade unions. The Communist Party, which in 1945 had won 40.3 per cent of the vote, had almost unanimous support in the docks. To resist the demonstrations and strikes organized by the communist trade union, the *Confédération Générale du Travail* (CGT), opposition trade unions again began to recruit the *équipes de* *choc*. Criminal gangs were also informally asked to prevent sabotage and strikes which had been organized to stop the departure of troops to Indochina and the arrival of Marshall Plan aid to the port city (McCoy 1973:60).

In 1948 these struggles enabled the new socialist-oriented trade union, *Force Ouvrière*, to gain ascendance, supported by the *equipes de choc* (Morel and Sanmarco 1985:49–51). However, most of the local government leaders defined the fights which took place at the docks as rough, and a considerable numbers of Socialist Party members claimed to be against such ‘Sabiani-style methods’ (McCoy 1973:44–60). Once again, the alliance with criminal organizations, which was secretly supported by the American secret services and openly criticized by some members of the Socialist Party, was severed once the crisis and state of emergency was over.

Generally after the war, the Marseilles criminal *milieu* became less socially visible on the docks. This was mainly because, in 1943, the occupying Germans had forced the demolition of the districts overlooking the docks, which had traditionally been the heart of local crime and all kinds of illegal dealings, and all the inhabitants were deported. The physical destruction of the worst urban slum severed the main social roots of organized crime. Moreover, by the 1950s, many of the city’s pre-war characteristics had begun to disappear: the role of Marseilles as an international port was greatly reduced, demographic changes were strongly felt and mass immigration had ceased. Whereas in the 1800s Marseilles had been a working-class city, it was by now heading decisively towards the service sector. During this period of transition, local government had no interest whatsoever in openly handing out political protection to criminal organizations, and the city thus began to experience a state of ‘normality’ which was to endure: as mayor Gaston Defferre said in 1954, Marseilles began to ‘return to France’.

In the 1950s and 1960s organized crime was systematically excluded from the local political arena, at least at the visible level (Monzini 1999:79). Corsican traffickers continued to conduct their international business, and it is quite possible that exchanges between political leaders and traffickers consisted of providing immunity in exchange for acts of terrorism, or secret operations, in the colonies.[6] Although there is no concrete evidence as such, the exchange probably involved the secret services and took place at national and not at local levels. During the entire decolonization period, it was most likely thanks to links with organizations such as SAC, *Service d’Action Civique* (the secret service created by De Gaulle) that criminal gangs managed to keep a firm hold on their long-distance international trade and were successful in transferring their business skills to new ventures. Notably, on the commercial side, the range of goods to be illegally traded was significantly reduced, allowing traffickers to specialize in more lucrative activities such as cigarette smuggling and the heroin trade. Given their expertise in international illegal trade, the Corsican traffickers were once more on the front line of these new markets. The very same men who, just before and immediately after the war, had taken part in the dockland fights, were now redirecting their activities entirely towards these businesses. Some of the main Corsican traffickers moved to Tangiers: this free port became the main arrival hall for tons of illegal cigarettes sent from the United States and then delivered throughout the Mediterranean. A complex distribution network spread out between Corsica, Provence and Italy.

Corsican gangs were also able to manage the entire sales and production cycle of heroin: they were in charge of importing the raw goods from South-East Asian producers, of processing morphine in laboratories in the Marseilles region and exporting heroin of the finest quality to the United States and Canada. In the 1960s, during De Gaulle's government, Marseilles became the most important commercial link between producer and consumer countries. At the time, Marseilles had still not become a consumer market for heroin, and consequently trafficking activities were tolerated.

Corsican leadership of this market began to wane at the start of the 1970s, around the same time as America's involvement in the geographic and political aspects of the drugs business started to trigger important changes (Kruger 1980; Choiseul Praslin 1991; McCoy 1973; Lewis 1985). The French government came under increasing pressure to put an end to illegal trafficking. The American press portrayed the élite of Marseilles traffickers as being influential and represented Corsican criminals as businessmen who moved between luxury villas and yachts. They were described as nightclub, restaurant and casino owners who, above all, were incredibly well protected by French politicians and the Gaullist secret services[7] (Lewis 1985:29; Rochu 1983:149–51). Such definitions were backed up by credible sources: the socialist mayor of Marseilles claimed that traffickers were protected not so much by the police as by influential national politicians: 'there are individuals belonging to the majority who step in to cover for the traffickers. It's well known in Parliament' (*Le Nouvel Observateur,* 14 June 1971).

Following strong American pressure, the French government began to repress illegal drug-trafficking, the result being that the Corsicans were systematically prevented from playing a major part in the international heroin market. Three important trials took place in Marseilles in 1974, 1980 and 1986—known respectively as the French Connection, the French-Sicilian Connection and the Pizza Connection, and the drugs trade was handed over to other trafficker networks.[8]

When the Corsican import-export drug cartels were finally repressed, the entire criminal system that had developed during the colonial period went into decline. The Marseilles underworld ceased thereafter to attract public attention; once its political influence and international importance was reduced, it no longer seemed a threat. Its features have become increasingly similar to those of the underworld in other cities in the south of France.

The 1970s and beyond

From the second half of the 1970s, the citizens of Marseilles began to express deep concern about the spread of petty crime, a concern which replaced the issue of organized crime, or *grand banditisme*. According to representatives of the French police, at the beginning of the 1980s the city was no longer at the centre of drug-trafficking routes.[9] Internationally, from the mid-1970s, once the Corsican element had been sidelined, new drug-trafficking élites began to occupy the main positions in the illegal drugs trade. In particular, Chinese organizations, which had come into contact with the Sicilian-American Mafia, were starting to export opium from South-East Asia, whereas the Mediterranean markets were controlled mainly by the Sicilians (McCoy 1973:73).

In comparison to the previous decade, by the 1980s Mediterranean routes seemed to have undergone some important changes: drugs arrived in Sicily from the Middle East; the heroin was refined in Sicily and was then sent to the United States via Marseilles.

Although Sicilian traffickers had begun to shift the spotlight away from the Corsicans and Marseilles-based traffickers, the continuing significance of Marseilles as a thoroughfare for international drugs traffic was nonetheless demonstrated in 1980, when the cooperation between French and Italian judges helped to uncover two laboratories in Italy run by Marseilles and Italian traffickers. Later Judge Pierre Michel was murdered in Marseilles: he was the only magistrate from the city's court of justice to work in close contact with his Italian counterparts in order to identify and dismantle the drug cartels connecting the Mediterranean area to the United States (La Villardiere and Nouzille 1995:223–33). Investigations following his death encountered difficulties;[10] those involved in the murder of the judge were convicted on 19 April 1991, but they were only minor players on the Marseilles crime scene. It is now thought that Michel had put some serious obstacles in the path of a far-reaching system of criminal interests which had spread beyond the local region.

The 1980s also brought new developments. In 1986 both police and magistrates became increasingly convinced that the south coast's bars, clubs and casinos—as far down as Nice—were the ideal haunts for laundering dirty money (*Ministère de l'Intérieur,* 1987). But the wealthy players were not those who before were the most influential in the rich surroundings of Cannes, Cassis and Nice; power had been handed over to shady businessmen operating elsewhere. It has been estimated that the most significant amount of capital in this sector had been invested by criminal organizations based in Paris or in southern Italy. Criminal gangs from Marseilles seem instead to have seized control of the area's minor underworld sectors.

On a more general note, the evident influence of Italian criminal organizations in France in 1992 led the National Assembly to approve a parliamentary inquiry into the involvement of the Italian Mafia in France. The Parliamentary Commission's final report revealed that, after Corsica, Mafia influence was at its strongest in Marseilles. For example, an important cigarette-smuggling business led by one of the main leaders of the Neapolitan *Camorra,* Michele Zaza, was discovered in 1988 (Monzini 1999:98). Today, even if, in the public's eyes, the city remains a thoroughfare for large amounts of drugs, in reality Marseilles no longer holds the central position it once had.

Some conclusions

Organized crime in Marseilles became a political issue only during the crises of the 1930s and 1940s, at very crucial moments for local democracy. In these periods the gangs, which were already managing profitable illegal markets and already benefited from a certain degree of immunity, started to enter into wider social conflicts. In order to resolve serious difficulties of governance, some of those in positions of power in the political or union systems actually invited the gangs to use violence in exchange for such benefits as immunity. Under normal circumstances gangs had control within the social area of the illegal market in which they operated—which, by definition, did not come under legal protection.[11] But, under certain pressures, these criminal gangs started to widen their scope of influence, and through intimidation managed to impose a certain order in the docks and the slums. Professional criminals were therefore allowed to enter the wider social sphere by virtue of their anti-democratic nature, their ability to threaten and use violence. In response to this situation, concerns for democracy came from below, from those who were being threatened, and they organized a form of opposition which had every chance of overthrowing the existing system. The political weight of the underworld was disrupted when a strong, organized and political response came from below.

The case of Marseilles shows that, when the existence of crime threatens the democratic system, law and order alone are unable to tackle the problem; political measures are also needed. In Marseilles, organized crime gangs did, indeed, affect both social and political structures, yet at the same time their strategies were strongly conditioned by the political institutions and the specific type of civil society in which they thrived.

Notes

1 A wave of apprehension took place between 1900 and 1907, in which the whole of France demanded more security and more police officers on patrol.

2 See, for example, Vaucoret (1978).

3 See Whyte's in-depth study of an Italo-American community in Boston (1981).

4 In 1931 the number of Corsicans reached around 60,000 (8 per cent of Marseilles's population and the highest percentage outside Corsica), whereas there were around 10,000 Italians and 15,000 Spaniards.

5 'Excellent cadavers' is an expression used to describe the murders of important institutional figures such as Giovanni Falcone.

6 Reports differ; see Lewis (1985:31–5).

7 See the comprehensive dossier presented by *Newsday* (10 Feb 1973). The most quoted example is of Marcel Francisci, identified as the most influential figure on the Corsican narcotics scene. After the war he was awarded the gold medal and was then elected general councillor for the Gaullist party of Zicavo, a Corsican *canton*.

8 See Monzini (1999:89) for further details.

9 More generally speaking, at the start of the 1980s, new and stronger links were identified between Sicily and Marseilles for the export of heroin to the United States: according to Judge Giovanni Falcone, 'the reason for which drug trafficking re-emerged in Marseilles can perhaps be attributed to the large numbers of Sicilians living in that city, as well as to a large ethnic group of Armenians, all of whom were interested in drugs' (Falcone 1994:228).

10 Laville (1982) has provided a detailed reconstruction of the Michel affair; see also *Le Monde* (27 Oct 1981)

11 On this aspect, see Schelling (1984).

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11

Organized crime, politics and the judiciary in post-war Italy

Jean-Louis Briquet

In the 1990s the prosecuting magistrates who uncovered the links between organized crime and politics in the south of Italy were as important as those who revealed the acts of corruption by politicians in the north during the ‘Clean Hands’ *(mani pulite)* investigations. The accusations of Mafia collusion were directed towards the politicians of the ‘First Republic’, some of whom were its most important leaders (in particular, the former Christian Democrat (DC) prime minister, Giulio Andreotti, and former DC home secretary, Antonio Gava). These accusations questioned the validity of the ‘old political regime’, of the politicians and their parties (mainly, the DC), which had come to represent the Italian Republic. The anti-Mafia movement, whatever the original intentions of those who initiated the campaign, turned out to be at the centre of the criticism of the political élite and of the crisis of the Italian political system.

The exposure of the collusion between politicians and mafiosi was not a new phenomenon in Italy. During the post-war period, and even more so during the 1970s, this collusion had been denounced, especially in the south, by political militants, journalists and intellectuals, even by the magistrates themselves. Since the mid-1960s the problem had been the subject of many Parliamentary inquiries that had revealed the full extent of the Mafia’s penetration of state institutions and politics in Sicily. The ‘Mafia question’ provoked controversies about the politicians and the parties in power. It was at the centre of debates on the degradation of Italian democracy caused by the underground operations of some sectors of the state apparatus and the spread of illegal activities in extensive areas of Italy. However, it was only after 1993 that such revelations became an effective and radical way of delegitimizing the ‘system’ under investigation. Several of its representatives, having been directly incriminated, or simply implicated, by the courts, were dismissed from the political arena. Strong partisan networks were dismantled, and a break with the past and a need for change became progressively necessary for the political parties that emerged during the political crisis. Thus the magistrates became directly involved in the political game, not only because their decisions had an effect on the renewal of the political élite, but also because the judicial arena had become a testing ground for the validity of critical interpretations of the history of the First Republic, which the Mafia question had in part contributed in shaping.

The formulation of the Mafia question in political terms

The existence of a Mafia problem in Italy is certainly the consequence of the importance acquired by influential and durable criminal organizations in the south (see Lupo 1996). But it is also the result of the judicial proceedings that revealed and interpreted the Mafia phenomenon, presenting it as a problem of major social importance and convincing people of both its existence and its unacceptability. The first Antimafia Parliamentary Commission is an example of such developments. Its very creation in 1963 amounted to considering the Mafia as a phenomenon requiring a specific analysis and a political approach.

This position had previously been the subject of bitter controversy: on the one hand, the opposition parties (first and foremost, the Communist Party, PCI) which exposed the Mafia's relationship with landowners and warned of the dangers of its infiltration in local power networks and, on the other, the majority parties (mainly the DC) which criticized the instrumentalization of the Mafia problem for political ends, preferring to present its activity as a form of ordinary delinquency, aggravated by the social and moral 'backwardness' of Sicilian society. This position was held, for instance, by the DC senator Teodosio Zotta in 1961 when he stated, during a parliamentary debate concerning the setting up of a commission of inquiry on the Mafia:

> I believe the Commission will be useless. Useless because it will have to investigate already established facts and analyse the Mafia phenomenon as a product of ethnic attitudes (the particularly lively, violent and impulsive nature of the Sicilians), of historical events (the obscurantist attitude of governments which have oppressed Sicily), of socio-economic conditions (the predominance of a feudal structure) and of natural factors (migration and harsh conditions).
>
> (*Commissione Parlamentare* 1976:25)

As an expression of a traditional society rejecting control of state authority, the Mafia appeared from this perspective as a residual phenomenon which had to be treated as a problem of public order, awaiting that economic and social development would lead to its disappearance.

By pinpointing the existence of a durable relationship between Mafia groups and a section of the Sicilian political class, those who were in favour of the setting up of a Parliamentary Commission strongly disagreed with this interpretation of the problem. Supported by militants, journalists and intellectuals who denounced the Mafia's infiltration of public institutions and government parties, they argued that, because it had penetrated the DC political machine, which had been in power in Sicily since the 1950s, the Mafia had adapted to modernization. From that perspective the Mafia question was explicitly a political problem. They sought to condemn the Mafia operation as a system of complicity between the politico-administrative world and criminal sectors, which expanding state intervention in the Mezzogiorno region had brought about. What they exposed was the 'degradation' of democracy and public spirit which this system had caused. All this in an atmosphere of open criticism towards the DC and the clientelistic system which some of its ‘new notables’ had established in Sicily. Trying to determine who was responsible for the perpetuation of the power of the Mafia was in fact one of the main problems that the Antimafia Commission had to address once it had been set up. The Commission’s Final Report, published in 1976, illustrates these ambiguities: it alternates between explicit denunciation of the DCs responsibility and attempts at denying or minimizing them. Among the former were the insistence on the connections with state authorities as a distinctive characteristic of the Mafia compared to other forms of organized crime, the detailed description of Mafia infiltration in local government (notably the Sicilian region and Palermo municipal council) and of the system of exchange between the Mafia and political leaders (electoral support in return for help in obtaining public contracts, corruption networks), right down to serious accusations of clientelism and mismanagement *(malgoverno).* Among the latter were the repeated assertions of the cultural nature of the Mafia, reducible to an ‘archaic mentality’, with a rigid law of silence *(omertà),* which meant that those involved, other than in exceptional cases,[1] were not named, and, above all, the idea that collusion between politicians and the Mafia belonged to the past and existed only in a residual form.

The disagreement concerned the existence of a Mafia power system in Sicily and, more precisely, of its perpetuation. The Antimafia Commission reports compiled since 1982 have established, however, the continuing ‘organic’ relationships between the Mafia and certain political groups. They have confirmed ‘the perverse connections between criminal business, state institutions and political system’. Furthermore, they have stressed the increasing danger posed by the phenomenon as a result of the transformation of the Mafia into an organized and centralized structure which is no longer playing a passive, intermediary and parasitic role, but is trying to intervene directly in politics by its subversive use of violence and ‘the insinuation within state institutions, political power and legal institutions’ (quoted in Fatò 1989:50, 189).

An interpretation of the Mafia was thus elaborated in which it was presented as being the product of ‘diffused illegality’ in the south, favoured by ‘a well-established tradition in the art of politics and local government… which is based on clientelism, on *trasformismo,*[2] on unprincipled tactics to obtain electoral consensus at all cost’ (quoted in Tranfaglia 1992:376).

This model dealt, above all, with the political aspects of the Mafia question: denouncing the collusion which allowed it to grow in strength by describing it as one of the main threats to democracy itself, even as a ‘power in government’ *(potere di governd)* which had replaced the State in certain parts of Italy (report presented by the Communist Minority of the Antimafia Commission, quoted in *Segno,* no, 112, February 1990).

In the 1980s such an interpretation of the Mafia became prevalent in many sectors of society: in the political sphere and in some voluntary associations; in the academic world, which continues to defend it; and in the judiciary, where many magistrates also continue to advocate it. The Antimafia struggle has been an instrument for political mobilization, taken up by left-wing parties to discredit their political rivals, but also by certain factions of the DC. This analysis gave rise to many debates and conferences in which politicians, magistrates and journalists met and consolidated the ‘political’ interpretation of the Mafia question. Thus there arose a consistent model of analysis which combined the denunciation of clientelism and corruption, the warnings of possible perversion of the democratic order, and the criticisms of the collapse of the 'state of law'.[3] We have here the expression of indignation and a moral revolt against the Mafia violence which spread in the 1980s with the murders of magistrates, journalists and representatives of the state as well as its more usual everyday forms.

Obstacles to denunciation

It might be assumed that the fact of recognizing the Mafia as an illegal power in direct contact with certain official authorities would lead to public condemnation of those who benefited from this relationship. The successive Parliamentary Antimafia Commissions have made it their duty to expose these links with varying degrees of determination, by maintaining, for example, as early as 1972, that 'the Antimafia Commission can and must seek to denounce all the complicity and cohabitation with state authorities which…contribute, in reality, to the Mafia's survival' (Tranfaglia 1992:57) or, later, by encouraging political parties to clean up their ranks and to refuse to select as candidates for office those who were implicated in Mafia collusion or corruption. This problem was tackled head on by the 1992 Commission when it distinguished between penal and political responsibility, using wider criteria based on public morality to distinguish the latter (*Commissione Parlamentare* 1993:28–32).

However, the activities of the Antimafia Parliamentary Commission were rarely translated into precise political condemnation. In fact, one of the most frequent criticisms levelled at them is that they avoided placing responsibility for these actions on specific individuals or particular groups. This is why the communist minority in the first commission published a final report in 1976 which differed from the majority report because 'there was the refusal (on the part of the majority) to thoroughly examine the process by which Mafia gangs were able to penetrate the higher echelons of the DC political machine', even though the majority in the commission had accepted, as the communist MP Pio La Torre[4] explains, 'our fundamental analysis on the origins and evolution of Mafia power and that its main characteristic was to try incessantly to establish relationships with politicians in power' (1976:13). A similar criticism was reiterated throughout the 1970s and 1980s.

In fact, with the Antimafia Parliamentary Commissions being dominated by the majority parties, it was difficult for these same parties to be denounced. The analysis of the Mafia owes a lot to such attempts at avoiding any criminalization of the DC: first, by making the Mafia phenomenon a question of 'mentality'; second, by presenting illegal practices as exceptions and 'anomalies'; and, finally, by describing the system of politico-Mafia power in terms of generalized clientelism and diffused illegality within the whole of the political system.

This was the case in the conclusions of the first Commission, despite the direct incrimination of Vito Ciancimino and very harsh criticism of both the Sicilian region and the Palermo municipal council, and in a document of the 1982 Antimafia Parliamentary Commission in which it was stated: 'the problem [of Mafia infiltration and collusion] does not concern this or that political party, in itself. Certainly, those parties which control the running of state institutions are particularly vulnerable, but no party is in itself immune to Mafia contamination' (quoted in Fatò 1989:53).

It was only after 1993—that is to say, when the DC found itself in the unprecedented crisis which would eventually lead to its demise—that the Commission explicitly acknowledged the need to identify the responsibility of the leaders of the old political system who favoured, or at least did nothing to prevent, the alliance of the state with the Mafia and therefore implicated specific DC members who were responsible. Among these was Salvo Lima, one of the leaders of Sicilian DC party since 1950; the judicial inquiries investigating his murder in March 1992 exposed in clear terms 'his links with members of *Cosa Nostra*' and, with him, the man whom he represented in Sicily, Giulio Andreotti (Commission Parlamentare 1993:95, 123).

Judicial action against the Mafia

The problem then arose as to how to qualify Mafia crimes in legal terms and so how to prosecute them. The *de facto* immunity enjoyed by many of those involved was denounced emphatically as early as the mid-1960s by some members of the first Antimafia Commission but also by the most committed magistrates involved in the fight against organized crime. The main obstacles that the investigators faced were the power of intimidation that the Mafia had over its social environment and the difficulty in obtaining solid evidence of their crimes. This is how, for instance, Cesare Terranova, the investigating magistrate who was later murdered by the Mafia, described the problem in 1965:

> A wall of impenetrable silence caused by the absence of public spirit, a fear of reprisals and, unfortunately, by the lack of trust in the power of the State, have regularly hindered judicial investigations which, despite the commitment with which they are carried out, inevitably conclude often with the equivocal formula of 'acquittal for lack of evidence'…. *L'omertà* is one of the most solid pillars of the Mafia system because the biggest strength of the mafioso consists precisely in the knowledge that his victim will not denounce him, that the eventual witnesses of his activities will not report what they have seen or heard…that is, in other words, what could be called 'the certainty of immunity'.
>
> (quoted in Pezzino 1995:232)

This was one of the main reasons that induced the magistrates to use 'Mafia association' *(associazione per delinquere)* to define Mafia crimes in legal terms. By removing the requirement on the part of the prosecuting magistrates to provide direct evidence of a specific crime, and declaring simply that being a member of the association was a crime, the authorities were able to get around the obstacles erected by the Mafia, in its specific ways, against judicial sanctions: the obligation of secrecy *(vincolo di segretezza)* and solidarity *(solidarietà)* which unite members *(uniscono gli associati),* which put strong constraints on the normal procedures for establishing proof (confessions, denunciations and evidence); the 'occult and visible relations which connect [the Mafia] to power' hindered the activities of law-enforcement agencies (Chinnici 1983:87–8).

Hence all the attempts to establish the Mafia as an organized criminal group, against all the 'culturalist' interpretations or its portrayal simply as an informal collective of independent groups. Hence the demands for the adoption of a category of crime appropriate to Mafia crime that would recognize the specificity and the 'organizational' nature of the phenomenon, which was implemented in the aftermath of General Dalla Chiesa's murder in September 1982, when Parliament passed the law known as 'Rognoni-La Torre'. Hence the importance of the maxi-trial against *Cosa Nostra* which began in February 1986 and which, over and beyond its repressive repercussions on Mafia activities in Sicily, served to test the judicial strategy of the Antimafia 'pool' of the Palermo tribunal. In fact, this trial was the outcome of a series of investigations undertaken from the end of the 1970s onwards by several investigative magistrates (among them Giovanni Falcone), which, for the first time ever considered the Mafia as a unified entity. The state witnesses who collaborated with the magistrates (as Tommaso Buscetta had already done in 1984), described *Cosa Nostra* as an organized and hierarchical structure, which meant that all the criminal activities of the Mafia could be attributed to the coordination of a unified association and to the decisions of its executive (the *Commissione* or *Cupola*). Therefore, in the maxi-trial, one of the major issues at stake was the recognition of the prosecution's logic based on the credibility of the state witnesses' evidence and on the judicial recognition of *Cosa Nostra* as a unified entity. The sentence passed by the Palermo Court of Assize in December 1987 confirmed this logic for the first time and was subsequently ratified to a large extent by the Supreme Court of Appeal *(Corte di Cassazione)* in early 1992.

The magistrates' activities led them to develop a model which analysed the Mafia mainly in organizational terms, a model that was close to the official interpretation of organized crime which had been formulated in the United States from the 1960s onwards (Abadinsky 1997). This logic led them to define the Mafia as a 'power syndicate',[5] insisting on 'the territorial structure of the family, its strict membership, its formidable stability over time and thus, its capacity to undertake…the function of law and order along the extortionprotection circuit' (Lupo 1996:223), as well as on the rigidity of the system of norms and of control in practice. In these conditions, the political aspects of the phenomenon, which concern the system of relations and the links between the criminal organization and its political and economic environment, became a marginal issue.

Certainly, these aspects were mentioned during the maxi-trial when it dealt with the murder of General Dalla Chiesa (who had explicitly denounced a section of the Sicilian DC for its relationship with the Mafia and whose murder, according to the Palermo magistrates, was caused by his investigations into collusion between politicians and Mafia in Catania) and of the Salvo cousins, Ignazio and Nino, businessmen representative of this 'imbroglio of interests between Mafia and politics' which characterized public life in the region (Stajano 1986:354). The maxi-trial revealed the connections that existed between politicians and the Mafia thanks to its 'infiltration of… public bodies' and its ability to use the exchange votes that it controlled (Tribunal of Palermo 1987:1204).

But it was the criminal aspects of the Mafia's own activities (murder, extortion, trafficking of all kinds) which were at the heart of the trial; the organization and internal functioning of *Cosa Nostra* were the issues at stake. One of the main criticisms levelled at the Antimafia magistrates from the late 1980s onwards was that they had dealt with the Mafia organization without tackling its political dimensions, its 'third level': that of its instigators and protectors within the state institutions and that of the politico-criminal intrigues in which it was involved. Beyond this, there was the central problem concerning the possibility of prosecuting acts of complicity between politicians and mafiosi—in other words, the central argument of a political denunciation of the Mafia.

The Andreotti trial (1996–9)

This explains why the accusation of Giulio Andreotti for *concorso esterno in associazione mafiosa* (external involvement with the Mafia) in March 1993 was perceived as a novelty compared to the repressive strategies previously adopted. For the first time in the history of the Italian Republic, the relationship between the Mafia and the political class was at the centre of judicial proceedings, proceedings moreover which were incriminating a man who had been Prime Minister seven times and Under-Secretary or Minister almost continuously between 1948 and 1992, and who as a consequence became a symbol of the collapse of the First Republic. The work done by the Antimafia magistrates (on the structure and functioning of the Mafia), the methods of investigation adopted (in particular, the use of state witnesses) and the legal framework which they had managed to establish (the acceptance of judicial strategies in the fight against the Mafia) were all put into operation in an attempt to denounce the collusion between politicians and mafiosi. The judicial proceedings thus became a battleground where the validity of the critical judgements of the old political system and some of its exponents were tested and the political definition of the Mafia was established and proved right.

According to the evidence of several state witnesses, Andreotti was accused by the Public Prosecutor’s Office *(Procura)* of Palermo of having voluntarily protected the interests of *Cosa Nostra*, directly or through his political representatives in Sicily, by intervening to fix *(aggiustare)*, the trial of some of its leaders; by supporting businessmen associated with the Mafia (in particular, the banker Michele Sindona); and, more generally, by transforming the Andreotti faction in Sicily into ‘a permanent agency providing services to *Cosa Nostra*,’ allowing it therefore to intervene in all areas of public life on the island. In exchange, Andreotti had enjoyed the electoral support that the Mafia had reportedly provided to his Sicilian partners, indispensable support, according to the accusation, for the strengthening of his power base in the DC party and, consequently, for his participation in ‘the distribution of the spoils of political power throughout the entire political-institutional circuit’ (Tribunal of Palermo 1995:884–939).[6]

If the existence of such a ‘pact’ could be demonstrated, then it would be possible to establish the culpability of a single individual accused of untoward actions for self-interest: from *concorso esterno* (external involvement), then, after the charges were modified in 1994, to ‘participation in the Mafia organization’. The Palermo prosecuting magistrates constantly reaffirmed, in response to the accusations of politicization that were being levelled at them more and more frequently, that they were only acting in defence of legality as was their constitutional duty, following the example of the chief public prosecutor of Palermo, Giancarlo Caselli, for whom ‘this [the Andreotti trial] is not a political trial. It is trial of a specific person who was a politician and stands accessed of things specific to him…. Real politics and Italy’s history have nothing to do with these specific accusations relating to one individual’ (*Corriere della Sera*, 12 Aug 1997).

Nonetheless, the events discussed during the trial had to do with political realities. The public prosecution had indeed proposed that the relationships existing between *Cosa Nostra* and the political class were very similar to those that had long been the basis of the critique of the DC power system in Sicily. It adopted, for example, the hypothesis of the transformation of the rural Mafia into an urban one in order to explain how *Cosa Nostra* had been obliged, during the post-war years, 'to enter the game of politics by infiltrating the institutions and power machines which became a faction of the governing parties' (public prosecutor's statement, quoted in *Segno*, no. 206, June 1999: 81). The case of Salvo Lima enabled it to describe and prove the existence of a politico-mafioso network in Sicily: a type of power that resulted from a combination of legal and criminal power which collapsed when the partners were no longer able to 'protect' *Cosa Nostra* against judicial repression, and when the Mafia decided in 1992 to punish the men who had betrayed it (by executing Lima for example) and those who had passionately fought against it (by murdering the Antimafia magistrates Giovanni Falcone and Paolo Borsellino, together with their bodyguards). The trial, therefore, tackled head on a question which had already been formulated in political terms. The confirmation by magistrates of the existence of collusion between the Mafia and parts of the Sicilian DC was used only to establish the legal responsibility of Andreotti, in as much as it proved that he had entered a pact with *Cosa Nostra*. But it also confirmed a whole system of indictment of the DC and, beyond, of the democratic functioning of the institutions of the Italian Republic. The deputy public prosecutor, Roberto Scarpinato, seemed to have been aware of this when he declared at the end of his closing statement:

> The military power of the organization and the personal power of the accused did not join forces on an occasional basis; rather, the two forms of power became a stable 'hybrid' where the one fed off the resources of the other, giving rise to the 'mutant gene' of a new form of power: politicomafioso power. This new form of power was thus able to become an integral part of an already fragmented social, political and institutional fabric. It then proceeded to use violence, intimidation and coercion in order to distort the rules of democracy, to use public means to further personal interests and to infiltrate key areas of the public sphere by moving the decision-making centre out of the official and institutional one. The many anecdotes and examples, which have been recounted on this issue, are part of the same distressing story of a descent into Mafia hell, a kind of death chamber for democracy, where some of Italy's most competent public figures have been well and truly buried.
>
> (*Segno*, no. 206, June 1999:98)

The charges against Andreotti also referred to 'big politics', when it described the occult affairs of the State and the scandals which have marked the Italian Republic and which have frequently served to substantiate criminal versions of its recent history. The case of the banker Michele Sindona, involved in political racketeering, most certainly linked to *Cosa Nostra*, was used in the trial as complementary evidence of the care that Andreotti had taken to protect the economic interests of certain Mafia members. It also served to recall the close relationship that Andreotti would have had with Lucio Gelli, the leader of the P2 lodge, one of the main centres of the occult and illegal organizations which sought to influence the democratic way of life in post-war Italy.

The Pecorelli affair, named after the journalist murdered in March 1979 in which Andreotti was accused by the Public Prosecutor's Office of Perugia of being the instigator, also made it possible to reinterpret the Moro affair and General Dalla Chiesa's murder[7]—two episodes very often used by the up-holders of the 'double state' *(doppio stato)* theory to propose a re-reading of Italian history which uses 'occult powers' as its main key (see Scarpinato 1996:39–49, for an example, but also Sabbatucci 1999 for a critique of this approach). In the prosecution's argument, the recalling of the Sindona affair, and the evocation of the P2 business and the Moro and the Dalla Chiesa affairs served to show that the pact between Andreotti and *Cosa Nostra* was well established and that it had favoured the numerous interests of the criminal organization: not only the fixing of trials and the protection of Mafia interests in Sicily, but also the defence of the illegal system in place at national level and in which the Mafia played a major role. However, these proceedings can also be analysed in political terms. 'If we were to agree with the accusations of Palermo's public prosecutors', argues, for example, the editor of the review *Micromega,* Paolo Flores d'Arcais, 'we would have to admit that the history of Italy's governments, not politics in general, is a history of criminality. Clearly, the history of Italian post-war politics is not the history of a criminal gang. However, it is also clear that there has been a constant relationship between government officials and illegal activity' (Flores d'Arcais 1996:118–20).

The Antimafia magistrates in the Italian crisis

The Andreotti trial is emblematic of the process of 'judicialization' of the Mafia question which took place in Italy in the early 1990s. During those years, the judicial arena validated the critical judgements which had been expressed about the behaviour of some Italian political leaders and about the system of power which they represented. At first, the magistrates promoted themselves as 'moral leaders' (Becker 1963) and, as 'judges' of the 'First Republic', met with the approval of many sectors of public opinion. At the height of the crisis, between 1992 and 1994, the magistrates' denunciation of corruption among the élite helped the project of 'political renovation', which thus became possible within the political arena and state institutions. Such projects were used by those who, within the old parties or in new party formations, saw it as a way of investing in the long-term political future. The strategies used by those who wanted to avoid prosecution (in particular, the use of parliamentary immunity)[8] lost some of their efficacy as the scandals that plagued the traditional political class became more widespread.[9] In this context, the magistrates' action supported the critical interpretations of the 'system', by accrediting them and giving them official status. After 1994 the right of the magistrates to intervene in politics was increasingly challenged, above all after the arrival of new characters on the political scene, notably Silvio Berlusconi and other leaders of *Forza Italia*. The magistrates became the subject of violent criticism concerning the allegedly discretionary (and therefore 'politicized') nature of their activities, as well as the improper use which they were accused of making of certain investigative techniques (notably, state witnesses). The trial against Andreotti, and those against other political leaders, for involvement in corruption or association with criminal organizations was an important juncture in these attacks against the magistrates.

One can understand therefore why Andreotti's acquittal by the Palermo court on 23 October 1999 was seen both as rehabilitation of the First Republic and as a condemnation of the magistrates' excesses which been characteristic of Italy during the *Tangentopoli* years (1992–4). In the weeks that followed the judgement there was a general consensus in that direction. The former Christian Democrats were able to re-establish their lost unity in welcoming the rehabilitation of their former party and the end of the 'era of historical persecution' of which it had been the victim. The opposition, with Silvio Berlusconi at its head, congratulated itself that the 'judicial revolution', which had hit civil life 'like a cancer', had finally ended and that the rejection of the 'theorems' of certain 'politicized' magistrates marked the end of the *Tangentopoli* chapter.

Even among those who had supported the magistrates' initiatives, in particular the *Democratici di sinistra* (Democrats of the left), reactions were lukewarm. While they defended magistrates who were only doing their duty, they were subjected to a political 'lynching' by those who argued that 'history cannot be judged in court' and who wished to return to the 'supremacy of politics' to settle the 'question of justice'. So, an event which had initially been heralded as signifying the end of a regime became the symbol of its rehabilitation and the defeat of those, principally the magistrates, who had played a decisive role in its delegitimation.[10]

Conclusion

The argument is, therefore, that the power of sanctions (legal as well as political) which had been conferred upon the Antimafia magistrates between 1992 and 1995 has been significantly weakened and that the political impact of their denunciations has been considerably reduced. Clear examples of this are the way in which people reacted to Andreotti's acquittal and the fact that numerous warnings given by the magistrates against the perpetuation of the system of collusion between politicians and Mafia had no political impact. Their attempt to unravel such a system after the overthrow of the old political partners of *Cosa Nostra* is no longer of public interest.

Their investigations into the 'new political references' of the Mafia have far fewer political consequences than before, and their attempts at stimulating civil reaction against the threat of the Mafia no longer generates the same enthusiastic responses as in the past. Some magistrates in the Palermo Public Prosecutor's Office expressed their concern at this as early as in 1994, when they noted the 'widespread indifference towards the Antimafia fight' and warned against 'the temptation of returning to the past' that such a decrease in the 'Vigilance of public opinion' might provoke (Caselli *et al.* 1994:19–24).

They frequently warn against the return to illegality, reminding people that the Mafia is reorganizing itself and that it is not impossible that it is 'still now looking for contact with politics' (Caselli *et al.* 1994). They also deplore the possibility of a new pact between 'legal Italy' and 'illegal Italy' which would aim at protecting the latter and regret 'the indifference of vast sections of society towards the control of legality and towards the new powers the magistrates had acquired' (Scarpinato 1995:269; Caselli 1995:272). In any case, the magistrates are having increasing difficulty being accepted for what they were in the 'glorious' period of the Italian crisis: that is, critics of the old political system and, therefore, guarantors of the legitimacy of the process of political renewal that took place in Italy during the 1990s.

Such a delegitimization process entails a loss of credibility for the political explanations of the Mafia question that had previously been formulated and for which the judicial arena had served as the main accreditation platform. This was due to the fact that, when they had been useful in partisan battles, the magistrates had functioned as 'temporary political replacements', but their intervention in the political arena (whether dealing with corruption or collusion) carried a major contradiction: by transposing political questions into the judicial domain, they provoked confusion between political and judicial judgements. Such confusion risks eliminating what in historical terms had only been revealed thanks to the activities of the judiciary. As Salvatore Lupo noted:

> The contamination between the political and judicial arenas is not the result of manoeuvres, manipulations or particular interpretations but rather of the evolution of events: it has been politics which moved out of its area of competence, into the sphere of judicial action, in a situation in which illegality (business, terrorist and Mafia-related) has been not only an instrument of power, but also power itself.
>
> (Lupo 1996:26)

The judiciary participated in bringing to light these illegal practices. But, by constituting legal responsibility as an additional mechanism of political responsibility, it has also ended up basing the legitimacy of political judgements solely on their judicial ratification, which, as the Andreotti trials show clearly, can lead to the justification of a collective denial of precisely that which the judiciary had contributed in exposing.

Notes

1 In particular, Vito Ciancimino, leader of the DC and former mayor of Palermo, who was directly implicated by the Antimafia Parliamentary Commission (see *Commissione Parlamentare,* 1976:221).

2 *Trasformismo* is a term that dates from the end of the nineteenth century and refers to the practice of integrating opposition factions, through negotiations, into the government majority in order to promote political stability.

3 This model was partly accepted in the Antimafia Commission's report released in 1992 and adopted on 6 April 1993, and which described the specific links between the Mafia and politicians (*Commissione Parlamentare* 1993).

4 Pio La Torre was the communist leader who was murdered in Palermo on 30 April 1982 by the Mafia.

5 The notion of 'power syndicate' is used by Block (1980).

6 For an analysis of the prosecution's case, see, in particular, Allum (1997).

7 After the investigations of the Public Prosecutor's Office on the relationship between Andreotti and the Mafia, some state witnesses accused him of being involved in the murder of Mino Pecorelli. This case was dealt with in another trial, first in Rome then in Perugia. The Perugia trial proceedings began on 11 April 1996 and concluded on 24 September 1999 with the acquittal of all the accussed, including Andreotti. One of the main arguments of the prosecution was that Mino Percorelli had been killed because he had in his possession some

compromizing documents for Andreotti, notably the *carte* (notes) that Aldo Moro had written while he was the Red Brigade's hostage, in which he implicated Andreotti in serious corruption scandals (in particular the *Italcasse* incident). Among the many studies available on these affairs see, for example, Silj (1994).

8 At this time a magistrate could undertake a judicial investigation involving an MP only with the permission, decided on a vote, of the political chamber to which that MP belonged. If the vote went against the magistrate he would have to abandon his investigation. This procedure was effectively used to block judicial proceedings against politicians.

9 As illustrated by the Senate's decision to allow the Public Prosecutor's Office to continue its investigation against Andreotti. He was thus forced to ask his colleagues, following the defection of part of his DC party, to approve the request by magistrates to investigate his affairs, as it could otherwise have been seen as a political cover-up. 'At present in such a climate we must avoid at all costs giving cause for suspicion or showing any signs of disrespect for parliamentary procedures' (Senato della Repubblica 1993:18). For an interesting description of the delegitimation of parliament and the incapacity of the MPs to deal with it, see the account given by Giorgio Napoletano (president of Parliament 1992–4) in *Dove va la repubblica* (Milan: Rizzoli, 1994).

10 For an analysis of the political significance of the acquittal of Andreotti, see Briquet (2000).

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12

Mediated democracy

Yakuza and Japanese political leadership

Eiko Maruko

In October 1992, the politician Kanemaru Shin was forced by public pressure to resign from the Japanese Parliament, the Diet, for receiving 500 million yen (approximately $4.1 million) in illegal campaign contributions from the president of Sagawa Kyūbin, a parcel delivery company with ties to the Japanese Mafia. The embattled politician defended his dealings with the *Yakuza,* explaining, 'My political philosophy is to have some appreciation for a person who saves a drowning child in a river, even if that person happens to belong to a crime syndicate' (*New York Times,* 29 Nov 1992).[1] Kanemaru's financial improprieties, which included tax evasion as well as the acceptance of illegal campaign contributions, ignited one in a series of post-war political scandals which revealed the extent to which *Yakuza* influenced Japanese politics at the highest of levels.

Cases such as that of Kanemaru raise the question of how *Yakuza* participation in national politics has impacted the practice of Japanese democracy. The primary concern of this chapter is to examine, in historical perspective, how *Yakuza* connections with élite politics have affected politicians' accountability and responsiveness to the electorate, the equality of citizens, and the openness of political decision-making. This analysis of the history of *Yakuza* involvement in politics focuses on several key individuals and addresses both the negative effects of the rise of *Yakuza* syndicates in the post-war era and the issues of how *Yakuza* have influenced democracy and how political contexts have shaped the nature of *Yakuza* participation in Japanese politics. An examination of the history of *Yakuza* influence on Japanese politics also has broader ramifications for the study of the political activities of mafias in other countries, suggesting ways in which the formation of large syndicates can change the nature of their relationship with the political leadership and thereby pose new challenges to the pursuit of democracy.

Nineteenth-century historical background

The origins of Japanese gangsters date back to the early modern Tokugawa period (1600–1868) when gamblers *(bakuto)* and itinerant merchants (*yashi,* later *tekiya*) came to be known as *Yakuza*. The term itself reflects their gambling origins, as *ya, ku* and *za* stand for eight, nine and three, which was a losing hand in a card game *(hanafuda)*. *Yakuza* did not enter the world of politics until the Meiji period (1868–1912), when mainly gambler-type *Yakuza* along with other political ruffians *(sōshi)* participated in the Freedom and People's Rights Movement (Jiyū minken undo), which opposed the concentration of power in the ruling government clique and supported democratization along Western lines, including the establishment of a national parliament. *Yakuza* were particularly active in the last phase of the movement, in which political demands and economic hardship led gamblers to join, and in one case to lead, a number of violent incidents *(gekka jiken)*, including the Gunma, Chichibu and Nagoya incidents.[2]

After the promulgation of the constitution and the establishment of the Diet, *Yakuza* and other political ruffians became a fixture in the general elections of the early 1890s, intimidating electors, disrupting public meetings and scaring opposition candidates.[3] In the especially violent 1892 general election, for example, armed *Yakuza* and others prevented voters from entering polling stations, stole voting boxes and physically attacked opposition candidates and supporters. The violence was on such a scale that many prefectures called in the military police, and voting was discontinued in some areas. According to government sources, approximately 24 people were killed and 388 wounded during this second general election (Saga-ken shi hensan iinkai 1967:117).[4] By the turn of the century, some *Yakuza* and others had also become active in the efforts of ultranationalist organizations such as the Genyōsha (Dark Ocean Society) to encourage Japanese expansion into Korea and Manchuria (interview with Tōyama Kōsuke, 27 Feb 2002).

On the whole, then, the violent form of political expression used by *Yakuza* in the late nineteenth century served to create a dangerously volatile political atmosphere that was conducive neither to fair elections nor to wide participation.[5] Despite the democratizing intentions of some *Yakuza*, especially those who participated in the Freedom and People’s Rights Movement, the violent tactics used undermined the realization of that which they sought.

***Yakuza* bosses and imperial democracy**

Early twentieth-century Japan ushered in an era of imperial democracy, a period described by the historian Andrew Gordon as one in which common people, as well as politicians, intellectuals, journalists and the urban bourgeoisie, sought to realize a ‘shared, if ambiguous and contradictory, democratic vision’ which, like imperial bureaucracy before it and imperial fascism after it, was centred on the emperor and the desire for empire (Gordon 1991:6, 333).

While Gordon is concerned primarily with issues of labour and the political role of working men and women, the political and social context of imperial democracy that he describes also facilitated the election of a number of big *Yakuza* bosses *(ō-oyabun)* to political office, including seats in the House of Representatives, the lower chamber of the bicameral Diet. This is not to say that the political ruffians ceased their activities—the violent strategies employed by political candidates and factions in the 1890s were similar to those used by supporters of the Seiyūkai (Friends of Constitutional Government Party) and the Minseitō (Constitutional Democratic Party) in the 1920s and 1930s. Yet the wide, grass-roots base of imperial democracy broadened the parameters of who could and would be elected to hold political office.

Yakuza bosses were able to become Diet members in part because they played important roles in the regions from which they were elected, and this local base supported their bids for Diet seats. It was often their role in local business or politics, not political genealogy or educational credentials, that made them strong candidates. Such was the case with Yoshida Isokichi, a *Yakuza* boss who was elected to the lower house of the Japanese Diet in March 1915 in the twelfth general election for the House of Representatives. Having defeated Noda Utarō of the Seiyūkai, Yoshida was selected to represent the Chikuhō region of northern Kyushu (Ino 1994:55–6). Yoshida was not officially schooled in the ways of politics, since as a child he did not attend his local school but worked at various odd jobs, most likely to alleviate the financial burden on his mother, who was widowed when Yoshida was five years old. At the age of nine, Yoshida left his home town of Ashiya to work at a tobacco store in Hakata, but ended up returning to Ashiya, where he peddled eggs, vegetables and fish for most of his early teenage years. Then, at the age of 16, he became a boatman in the coal-shipping port of Wakamatsu. He was an indebted boatman *(funako)* to a boss for several years until he became an independent boatman with money provided by his eldest sister Sue, who was managing a prosperous brothel. After working as a boatman for approximately six years, Yoshida took a trip to Pusan, then returned to Wakamatsu (Ino 1994:16–30; Tamai 1978:17–18).

Yoshida became a part of the local *Yakuza* community in Wakamatsu through his interest in gambling. Having borrowed money from Sue, he gambled, came to associate with gambler-type *Yakuza,* and was eventually introduced to various bosses who enjoyed travelling in certain circles for leisure and entertainment. It was not much later that he also joined the local business community by opening a small restaurant called Gengintei as a way to support his new wife, Inada Iwa, and their son, Keitarō. As a prominent man in both the business and *Yakuza* communities, Yoshida was approached in 1899 by Wakamatsu's town elders and business owners to help stabilize the local gang territories *(bōryoku no chizu).* Yoshida agreed, and began to recruit henchmen *(kobun)* such as Nakayama Toyokichi and Okabe Teizō. Beginning with his successful suppression of the rival gang Ezaki-gumi in February 1900, Yoshida expanded his influence over northern Kyushu and became known as a big *Yakuza* boss.

His decision to run for a Diet seat in 1915 most likely stemmed in part from a genuine concern for, and his ties with, the northern Kyushu region. It is true that he may have had other motivations, such as an ideological dislike for the ruling Seiyūkai, whom he saw as taking advantage of the absolute majority that it had enjoyed in the Diet since 1908 (Yoshida Isokichi ō denki kankō kai 1941:29). He was certainly not the only politician who opposed the majority party—in 1914 there had been a movement led by Okuma Shigenobu to form a new cabinet based on a Diet coalition of anti-Seiyūkai parties in the House of Representatives (Duus 1968:89). Yoshida, worried that the 77-year-old Okuma did not have the vitality required for leading such a coalition, wanted to assume the role of injecting youth and energy into the anti-Seiyūkai movement (Yoshida Isokichi ō denki kankō kai 1941:29). There could also have been a pragmatic dimension to his anti-Seiyūkai stance. It is possible that he sensed, and hoped to ride to political office, the rising ride of anti-Seiyūkai sentiment and the growing strength of Ōkuma's coalition; after all, the 1915 election in which Yoshida won his Diet seat broke the absolute majority of the Seiyūkai and became known as the 'Ōkuma boom' (Duus 1968:89).

Yet just as salient as Yoshida's anti-Seiyūkai convictions was his connection with northern Kyushu. The Chikuhō region which he represented was well known for iron and steel production, being part of the Kita Kyushu industrial zone whose rapid growth in the early decades of the twentieth century was fuelled by the Chikuhō coalfield. Having had contact with the mining industry during his teenage years, and having been a small business owner, Yoshida was likely to be sympathetic to the needs of the new commercial and industrial class. And it was from this population of the Chikuhō region, including farmers' groups as well as coal miners, that he drew his political backers. At one meeting in Wakamatsu, an audience of 6,000 such supporters gathered, saying, 'Let's listen to the boss's *(oyabun no)* speech!' (Ino 1994:56–7). Indeed, in his 1920 bid for a Diet seat, Yoshida ran as a candidate for the Kenseikai (Constitutional Association), the political party that was formed in October 1916 through a merger of the Dōshikai (Constitutional Association of Friends), the Chūseikai (Upright Party) and Kōyū Kurabu. As a representative for the Kenseikai, Yoshida aligned himself with the party that drew most of its support from the new commercial and industrial class so heavily represented in his region. His election to office thus did not signify a perversion of democracy but an actual widening of political participation. As a leader in his local community, Yoshida drew on his strong regional support base to represent members of the new commercial and industrial class at the national level.

Although Yoshida's election was the result of a relatively democratic process, his use of violence in various forms and in varying degrees of intensity served more to hamper than to forward democracy.[6] The most innocuous of his violent actions were the scuffles in which he was involved within the walls of the Diet. Shortly after he was first elected to the House of Representatives, Yoshida was involved in an incident sparked by the then prime minister, Okuma Shigenobu, who stood before a special meeting of the Diet to express harsh criticism of the Seiyūkai. His words angered a Seiyūkai member named Mutō Kaneyoshi, who stormed towards Okuma, seized one of the prime minister's arms, and tried to pull him off of the platform. In an attempt to free Ōkuma, Yoshida grabbed Mutō. Several of Yoshida's colleagues then tried to hold him back, resulting in a pile up of politicians on the Diet floor (Ino 1994:61). A similar incident occurred in the Diet on 3 May 1927, when the vice-chairman was rushed by Seiyūkai members after making an urgent motion on a measure up for discussion. In the commotion of the attack on Vice Chairman Koizumi, Yoshida ran up towards the vice chairman's seat and threw aside the Seiyūkai members who had closed in on the platform (Yoshida Isokichi ō denki kankō kai 1941:86). Yoshida's aggressive behaviour in each of these incidents says more about the violent context of Diet-floor politics than about his destabilizing the political atmosphere of the chamber. That is, the scuffles suggest that the use of a certain degree of violence was accepted by the representatives and that Yoshida and his *Yakuza* background, though not discouraging the use of violent tactics, were not crucial in creating volatility within the Diet.

The use of intense violence to quiet political rivals was, however, more problematic and naturally more detrimental to open political debate. Yoshida did not discourage the use of violent tactics in, for example, local election races against the Seiyūkai. On 27 September 1919, Shinagawa Nobuyasu, president of the *Wakamatsu jitsugyō shinbun* and a man sympathetic to the Seiyūkai, was walking home around 9:15 in the evening when he was fatally stabbed in the heart. Shinagawa was known to have supported a Seiyūkai candidate named Ishizaki and to have criticized Yoshida. Shinagawa's murderer, Nakanishi Naganosuke, was a henchman of Yoshida Isokichi (Yoshida Isokichi ō denki kankō kai 1941:59–60).

The ability of Yoshida, and other *Yakuza* involved in politics, to provide violence to bolster certain political positions was also detrimental to the democratic potentials of the era of imperial democracy, as it meant that decisions were mediated with the language of violence instead of discussion, and that those positions backed by greater physical force carried more political weight. One of the better-known political battles in Yoshida's career, the clash between Seiyūkai and anti-Seiyūkai groups over Nippon Yūsen Kabushiki Kaisha (NYK), illustrates the political power of even the threat of violence. NYK, an outgrowth of the Mitsubishi Mail Steamship Company and the first modern maritime shipping company in Japan, was particularly profitable during the early Taisho years because of returns on purchases of large ships as well as the establishment in 1916 of an around-the-world route by way of the Panama Canal. The company thus held several tens of millions of yen in reserves *(tsumitatekin)* (Yoshida Isokichi ō denki kankō kai 1941:35).[7]

In May 1921, anti-Seiyūkai politicians came to believe that the Seiyūkai was planning to gain control over NYK's reserves by forcing the retirement of the company's president and installing someone who was sympathetic to Seiyūkai interests. The Seiyūkai's reported strategy was to disturb a general meeting of stockholders *(kabunushi sōkai)* that was to be held on 30 May at the Youth Hall (Seinen Kaikan) in the Kanda area of Tokyo by eliciting the help of political ruffians *(sōshi),* rumoured to belong to a well-known right-wing group. Some of the ruffians would buy stock in the company to pose as shareholders, while others would be prepared to disrupt the meeting with force as necessary (*Tokyo nichinichi shinbun*, 28 May 1921, repr. in Yoshida Isokichi ō denki kankō kai 1941:55; ibid.: 36; Tamai 1978:88–9). The Seiyūkai's attempt to gain influence over NYK was strongly criticized by anti-Seiyūkai politicians. One member of the Kenseikai viewed the Seiyūkai's interest in NYK as part of the party's plan to extend its reach into all areas of the economy for the sake of profit (*Tokyo nichinichi shinbun,* 27 May 1921, repr. in Yoshida Isokichi ō denki kankō kai 1941:54). Two men who were certain of a Seiyūkai 'plot' to gain money and influence were Yamagata Aritomo, former prime minister in the Meiji period and an elder statesman *(genrō),* and Sugiyama Shigemaru, a Meiji—to Showa-era politician whose first enterprise was to facilitate the development of the Kita Kyushu region represented by Yoshida. To oppose the power of the Seiyūkai, Sugiyama contacted Yoshida, who cut short his participation in the wedding ceremony of a close relative and travelled to Tokyo, where both Yamagata and Sugiyama requested his assistance. Yoshida then contacted his henchman Okabe Teizo and instructed him to gather together men from Kyushu before the general stockholders' meeting (Yoshida Isokichi ō denki kankō kai 1941:37–8).[8] Although only a small number of supporters were initially summoned, hundreds of Yoshida's men eventually made the trip to Tokyo; reports of the specific number ranged from 200 to 500, the larger figure given by Yoshida himself on 30 May. Of the *Yakuza* who arrived in Tokyo, 70 bought stock in NYK so as to represent the Kenseikai at the general shareholders' meeting, at which 160 Seiyūkai-affiliated ruffians would also be present. In addition, arrangements were made to guard the outside of the Youth Hall, and Yoshida reserved hospital rooms in the Kanda and Tsukiji areas of Tokyo for potential casualties (*Tokyo nichinichi shinbun,* 27, 28, 29 May 1921, *Tokyo asahi shinbun*, 30 May 1921, all repr. in Yoshida Isokichi ō denki kankō kai 1941:53–7). Many of the *Yakuza* from Kyushu gathered at Yoshida's home in the Kōjimachi area, where they prepared pistols and swords (ibid.: 45–6).

Although the escalating tension between the ruffians of the Seiyūkai and the Kenseikai ultimately dissipated without the use of violence, the incident illustrates how the threat of force was essential in shaping the nature and outcome of this political battle. In the end, the Seiyūkai agreed not to disturb the shareholders' meeting, in part because of the increasing journalistic and police attention that was given to the mobilization of ruffians in the city, but also, presumably, because of the unexpected and fairly equal display of force on the anti-Seiyūkai side (*Tokyo nichinichi shinbun,* 30 May 1921, repr. in Yoshida Isokichi ō denki kankō kai 1941:57).[9] Yoshida himself criticized the Seiyūkai's turn to violent tactics and explained his own actions as a necessary countermeasure to the opposing party's show of force. On the afternoon of 29 May, Yoshida spoke to reporters at his Kōjimachi home: 'I neither like nor dislike Yūsen [NYK], but I cannot stand idly by, having heard about [the Seiyūkai's plan] to use violence to realize unjust ambitions. This problem is not just one company's problem, but will create the foundation for an ever more dangerous country' (*Tokyo asahi shinbun,* 30 May 1921, repr. in Yoshida Isokichi ō denki kankō kai 1941:53). The only reason that Yoshida turned to force, he claimed, was because of the Seiyūkai's build-up of gangsters (*Tokyo nichinichi shinbun,* 30 May 1921, repr. in Yoshida Isokichi ō denki kankō kai 1941:57). Regardless of Yoshida's motivations and justifications for the mobilization of his *Yakuza* henchmen, Yoshida's presence in Diet politics meant that violent resources were available for use in settling political disagreements, and Yamagata and Sugiyama knew that Yoshida's political allegiances would lead him to use such resources. The dispute over NYK thus played itself out as politics in the street.[10]

Yoshida Isokichi was not the only *Yakuza* elected to public office. His henchman Okabe Teizo followed his boss's example and was elected to a municipal assembly in 1921 (Ino 1994:59). In 1922 an article in the *Chūgai shōgyō shinpō,* the precursor to the *Nihon keizai shinbun,* printed the names of various *Yakuza* bosses turned Diet members, including the tattooed Koizumi Matajirō and the swordsman Kokure Sanshirō from Shinshū (*Chūgai shōgyō shinpō,* 17 Feb 1922). One of Yoshida's contemporaries in the Diet was also a *Yakuza* boss. Hora Sennosuke, head of the Kagotora-gumi, was elected to the Diet in February 1930 as a member of the Seiyūkai.

Like that of Yoshida, Hora's route to national political office began with the leadership roles that he played in his local community in Shimonoseki, not with a strong educational background.[11] He enrolled in elementary school when he was eight years old, but on most mornings he would head towards the theatres to watch plays instead of going to school. After elementary school he did not continue his education and spent time wandering about. Through gambling, Hora became a part of the *Yakuza* community, and by the time he returned from a tour of duty in the Russo-Japanese War he was known as the boss of the Kagotora-gumi. With his base of operations in Shimonoseki, he also expanded his influence into the business and entertainment worlds; it was rumoured that he had recruited several thousand henchmen (Hora 1963:5– 44; Ino 1994:94–7).

In addition to his involvement in the Shimonoseki area's *Yakuza,* business and entertainment communities, Hora became a part of the local political scene in 1929 when he was elected to the Shimonoseki city assembly. During his tenure he served a brief, two-month stint as vice chair and also took on other responsibilities, such as serving as president and later vice president of the Shimonoseki Chamber of Commerce (Shimonoseki Shōkō Kaigisho). It was through his role as a local assemblyman that Hora met the then prime minister, Tanaka Giichi, president of the Seiyūkai and former army minister, and was taken by the politician's character. Urged by Tanaka to recruit members of the local assembly into the Seiyūkai, Hora was able to convince 16 members (some of whom were his henchmen) to join Tanaka's party, bringing the total number of Seiyūkai-affiliated assemblymen from 7 to 23. When Tanaka died suddenly in September of that year, Hora went to Tokyo along with 30 to 40 young men, who allegedly wore *happi* coats dyed with the characters for 'Kagotora-gumi' and helped carry the former prime minister's coffin (Hora 1963:108–26).

Hora won a Diet seat as a representative of Yamaguchi prefecture in the 1930 general election for the seventeenth House of Representatives. His violent actions seem to have been limited to the sort of scuffles in which Yoshida was involved on the Diet floor, the kind of frays that were more a physical expression of frustration than a serious challenge to the practice of representative government. In April 1930, when Hora was serving as a novice Diet member, the main item on the Diet's agenda was discussion of the London Naval Conference.[12] It was in this context that the politician Ozaki Yukio gave a speech in front of the Diet criticizing the ambiguous stance of the government, which was then headed by Hamaguchi Osachi of the Minseitō. The trouble began when the representatives retreated to the cafeteria during a break, at which point Ozaki was surrounded by 20 Minseitō Diet members and hassled for his comments. Hora proceeded to break into the circle around Ozaki, push one person aside, and draw Ozaki away from the Minseitō members while explaining, among other things, that the representatives might be distinguished, but that they were not as great as his hundreds and thousands of henchmen (Hora 1963:126–38). Such minor scuffles, though charged with an undercurrent of threatened violence, did not in themselves pose a fundamental threat to imperial democracy. In the case of Hora, it was not that he made Diet politics more violent. Rather, his election to office and his acceptance by other representatives suggests that the use of violence in national politics was not considered objectionable; it was the already violent political context of this period that permitted *Yakuza* bosses such as Yoshida and Hora to hold national office.

During the 1920s and early 1930s it was considered perfectly acceptable for *Yakuza* bosses to hold high-ranking political positions. Hora recalls that, during his tenure in the Diet, there was a political leader who was known as 'the tattooed Minister' *(irezumi daijin)* because he displayed the characteristic colourful markings of a *Yakuza*. Hora eventually quit politics and pursued his love of the theatre, because he sensed a change in political generations; he claims that those without education could no longer represent the people (Hora 1963:156). It is unclear whether there was in actuality an increasing concern with educational credentials in the mid-1930s, or whether Hora was simply putting forth a false reason for his departure from national political life. What is clear, however, is that figures such as Yoshida and Hora were much more rare in the post-war period. An avowed *Yakuza* boss who talked of *Yakuza* heroes in his campaign speeches, as Hora did, would have been hard pressed to win a post-war political election. In lieu of the *Yakuza* bosses turned Diet members, the post-war period saw the rise of political fixers with *Yakuza* connections, as *Yakuza* came to play a somewhat less visible yet influential role in Japan's democracy.

Fixing post-war Japanese democracy

With Japan’s defeat in the Second World War, the Allied, but essentially American, Occupation Authorities quickly set about creating democratic institutions with the hopes of washing away the residue of pre-war militarism and encouraging the further development of grass-roots democratic sentiment. Along with labour, land and education reform, the dissolution of industrial and financial combines *(zaibatsu)* and the promulgation of a new constitution, the occupiers purged pre-war military, government and business leaders from their former positions and public office. Yet, in one of the ironies of autocratically imposing a democratic revolution from above, the occupiers’ mounting fears about the spread of communism led them to accept the restoration of some pre-war, right-wing supporters known for their anti-communist stance.[13]

Such was the case with Kodama Yoshio, a trans-war political figure who became a powerful post-war ‘fixer’ with *Yakuza* connections. Kodama, born in Fukushima prefecture in 1911, spent his early years in both Korea and Japan and worked as a labourer in various factories and mills. Although sympathetic with the difficult working life of labourers, he vehemently opposed the communist tint of labour unions and the labour movement; in his diary he recalled, ‘It was difficult for me to understand why the Soviet Union should have to be called our motherland and why Marxism should be forced upon a Japan differing fundamentally in conditions from Russia, in order just to solve the labor-capital dispute’ (Kodama 1951:1–13). He became enamoured with nationalism and in 1929 joined the right-wing anti-communist Kenkokukai, which was led by the nationalist leaders Akao Bin and Uesugi Shinkichi. In November of that year Kodama was arrested for attempting to approach the emperor (who was at Akasaka-Mitsuke on his way to the Meiji Shrine) and hand him a petition. Known as the Tennō Jikiso Jiken, the incident landed Kodama in Ichigaya prison while standing trial for violating the petition ordinance. He was sentenced to four months’ imprisonment in February 1930. In early 1931 Kodama became involved with the right-wing group Kyūshin Aikokutō, and just over half a year later, in May 1931, he was arrested and served four months in prison for suspected connection with an attack on the finance minister Inoue Junnosuke.[14] Kodama formed the Dokuritsu Seinensha in August 1932, then served another term in prison from October 1932 to April 1937 for plans to assassinate cabinet members (Haruna 2000:259; Hori 1976:22; Hori 1991:240; Iizuka 1976:153; Kodama 1951:16–57).

In December 1941 Kodama established the Kodama Kikan, an agency based in Shanghai that procured war material for navy air force headquarters. The agency began by purchasing mercury, copper, nickel, mica and machinery, and later lead and antimony. In 1943 the agency was asked to make mosquito netting and tropical clothing for use by the navy in the southern areas, and by the following year the Kodama Kikan had bought and was managing mines in Japan that produced various metals, including tungsten and molybdenum (Kodama 1951:115, 119, 126; SCAP Investigation Division 1948a:3–5).

Kodama’s pre-war activities shaped the form and ideological bent of his post-war career as a political fixer. Purged by the Occupation Authorities, Kodama sat in Sugamo prison from late January 1946 to late December 1948 as a suspected Class A war criminal, the most serious of the three war criminal designations, as it was reserved for the highest-ranking accused.[15] Although he was never tried and was released for lack of evidence, his reputation as a suspected war criminal and his pre-war record as a right-wing nationalist made it difficult for Kodama to assume an elected office—any political role that he would play would probably be in the shadows, away from the scrutiny of the public.[16] (This did not necessarily have to be the case; consider that Kishi Nobusuke served as prime minister from February 1957 to July 1960, despite having been a suspected Class A war criminal.) Kodama's post-war initiatives were also shaped by his pre-war right-wing convictions; his nationalism and vehement anti-communism led him to organize right-wing organizations and allegedly to cooperate as an anti-communist informant with the concerned Americans (Haruna 2000:269–80; *Sandè mainichi,* 9 Sept 2001; *Yomiuri shinbun,* 25 April 1976). The activities that he organized or advised included the Zen Nihon Aikokusha Dantai Kaigi (1959), the Seinen Shisō Kenkyūkai (1961) and the Nihon Seinen Kōza (1967) (Hori 1991:240). Finally, it was his work with the very profitable Kodama Kikan that provided the means for Kodama's entry into post-war politics and the opportunity for him to establish and solidify his position as a political fixer. His partner Yoshida Hikotarō, who Kodama claimed was merely a 'subordinate', reported to Occupation Authorities that the profits from the agency were divided equally between him and Kodama after the war, with Yoshida's share of the partnership being 20,000,000 yen in cash and all but two of the mines (SCAP Investigation Division 1948a:6). Kodama stated that the agency had a cash profit of 60,000,000 yen, twothirds of which was given to Yoshida, and that his share was used for 'welfare work'.[17] Whatever the exact figure may be, and however those profits may have been garnered, there is a consensus that Kodama donated a large sum of money to Hatoyama Ichirō for the founding of the conservative Liberal Party (Jiyūtō), a party which merged in 1955 with the Japan Democratic Party (Nihon Minshutō) to form the Liberal Democratic Party (Jiyū Minshutō), Japan's ruling party for most of the post-war period. Through Hatoyama, Kodama developed relationships with other politicians such as Miki Bukichi, Kōno Ichirō and Ōno Banboku (a man who, incidentally, was a friend of Hora Sennosuke).[18]

Kodama's post-war rise to power coincided with the formation of large *Yakuza* syndicates, and Kodama sought to unify the *Yakuza* and rally their support for his right-wing agenda. It has been suggested that he solicited campaign contributions from itinerant merchant-type *Yakuza* bosses *(tekiya no oyabun)* in the first post-war general election of April 1946, and that in the late 1940s he won the cooperation of *Yakuza* organizations in fighting against certain labour unions (Ino 1976:60; Kaplan and Dubro 1986:67). One of the *Yakuza-related* initiatives for which Kodama is best known is his mobilization of *Yakuza* to protect American President Eisenhower from protesters during his scheduled 1960 trip to Japan. Eisenhower's planned June visit coincided with the implementation of the Treaty of Mutual Cooperation and Security between the United States and Japan that had been signed in Washington in January 1960. On 20 May, Prime Minister Kishi forced the controversial treaty through the Diet so as to win ratification; the treaty would then be effective by the time of Eisenhower's planned visit 30 days later. The prime minister's move created an uproar, as masses of demonstrators took to the streets to protest against the treaty and Kishi's actions. It was in response to the protestors, and a perceived shortage of security for the visit, that Kodama brought together *Yakuza* and right-wing groups to form, in the words of the journalist Ino Kenji, a kind of riot police or mobile troop consisting of outlaws *(autorō kidōtai)*. This formation of a *Yakuza* group to oppose what was seen as a dangerous leftist movement was not unprecedented. In 1951 the minister of justice Kimura Tokutarō had attempted to reorganize *Yakuza* (*tekiya* and *bakuto dantai*) into a 20,000-person country-wide 'chivalrous group' (*ninkyō dantai;* a euphemism for a *Yakuza* organization) to oppose communists. Kimura's plans were thwarted by the prime minister, Yoshida Shigeru, but smaller hybrid *Yakuza/right-wing* groups *(ninkyō-kei no uyoku dantai)* did begin to form leading up to 1960 (Ino 1976:60; Hori 1976:22).[19] According to the journalists Ino Kenji and Nakamura Kōji, the extra support rallied for the Eisenhower visit numbered 18,000 *Yakuza,* 10,000 itinerant merchants *(tekiya),* 10,000 veterans and members of religious organizations, and 5,000 others. Although the source for Ino and Nakamura's figures is not disclosed and the validity of the numbers is uncertain, it does seem clear that Kodama recruited the top *Yakuza* bosses in the area to help bolster the government's security forces (Ino 1999:271–4; Nakamura 1971).

Kodama's supporters were ultimately not needed, since Eisenhower's visit was cancelled on account of the intensification of popular demonstrations, but Kodama did continue to facilitate the federation of *Yakuza* syndicates. In December 1963, for example, he established the Kantōkai, a coalition of seven powerful syndicates in the larger Tokyo area, including Inagawa's Kinseikai, the Sumiyoshikai, the Matsubakai and the Nihon Kokusuikai. Among the tenets of the Kantōkai was a vow to protect and promote democracy by relentlessly battling and defeating those who obstructed this aim. Also included was a statement about fighting for the eradication of communism and encouraging a patriotic spirit among the people of the nation. These founding principles were allegedly reflected in the behaviour of some of the group's members who, before the dissolution of the group in January 1965, sent critical messages to Diet members, discouraged labour strikes, or spoke out against the Japan Teachers' Union (Hori 1991:97–8; Kaplan and Dubro 1986:93–5).

Perhaps the most problematic aspect of Kodama's influence in early post-war Japanese politics was that, unlike Yoshida and Hora, he did not hold elected office, was not visible to the public, and therefore was not accountable to the electorate. Although he himself was not technically a *Yakuza,* his brokering of ties between politicians and *Yakuza* served to narrow the scope of public discussion and to substitute force for debate. That the Kantōkai advocated the use of violence to forward democracy is not in itself fundamentally undemocratic. States, Charles Tilly has argued, are not much different from organized criminal groups in that they monopolize violence and act as protection rackets; for Tilly, war-making can be seen as a form of organized crime (1985:169–91). Thus a state using violence to protect its democracy would be similar to the Kantōkai. Yet the crucial difference between a state and a group such as the Kantōkai is that the State, or rather its elected officials, is in most cases accountable to its citizens when using violence, while a political fixer such as Kodama is not. Although it is true that Prime Minister Kishi resigned on account of the uproar over the security treaty, Kodama faced no repercussions in his political career.

Ironically, it was Kodama himself who helped bring to light the backroom element of Japanese politics. In 1976 it was discovered that the Lockheed Aircraft Corporation paid bribes totalling $55 million to a number of foreign countries in order to secure contracts. In Japan, Lockheed had paid off All Nippon Airways (ANA) for a lucrative $430 million contract which was brokered by a trading company and several politicians, including the then prime minister, Tanaka Kakuei, who received a $1.6 million cut for his efforts. Eighteen men were eventually arrested for their involvement in what became known as the Lockheed incident. One figure who was exposed as a result of the scandal was Kodama Yoshio, who had been paid $6 million by Lockheed for facilitating the contract agreement, or, in Lockheed president Kotchian's words, for 'establish[ing] a climate in which our product would be properly received'. This apparently involved removing an ANA executive who supported a Lockheed competitor and introducing Lockheed to a large shareholder who was willing to lobby on its behalf after receiving more than a million dollars from the corporation. Kodama was tried for his role in the Lockheed incident, but died before a ruling was made.

With the exposure of the Lockheed case, however, came a stream of articles about Kodama, his pre-war past, his right-wing convictions and his *Yakuza* ties. One young man was so angered by Kodama's role in the scandal that he, a porn actor, dressed up as a *kamikaze* pilot and dive-bombed an airplane into the home of a Lockheed consultant with the hope of killing Kodama. In another incident, a crowd apparently prevented the chronically ill Kodama from entering a hospital.[20] The Lockheed incident was thus crucial in exposing to the public not only the cases of backroom deal-making in politics, but also the influence that the *Yakuza* had had on politics through the connection of men such as Kodama Yoshio.

Yakuza, politicians and the public

Following the Lockheed scandal, there appears to have been a decrease in public tolerance for *Yakuza* syndicates, including their participation in politics, which can be attributed to several factors. First, there were incidents in which inter-gang conflict took the lives of innocent civilians. Second, *Yakuza* syndicates expanded their business beyond gambling and prostitution to include activities such as debt-collection, corporate extortion, bankruptcy management, real estate and settlements of disputes. Both the inter-gang warfare and the expansion of financial activities (known as *minji kainyū bōryoku,* or 'Violent intrusion into civil matters') increasingly impinged on *non-Yakuza* citizens. Finally, the organized crime countermeasures law *(Boryokudanin ni yoru futō na kōi no boshi nado ni kansuru hōritsu,* or *Bōtaihō),* passed by the Diet in May 1991 and enacted in March 1992, was a strong legal move made against the *Yakuza*. Although it is not necessarily the case that the law resulted from, or encouraged, public intolerance for organized crime, it did signify greater legal stringency towards organized crime syndicates.[21]

Public impatience with the connection between *Yakuza* and politicians was particularly apparent with the case of Kanemaru Shin, the politician quoted at the beginning of this chapter, who was implicated in the 1992 Sagawa Kyūbin scandal. Not only did Kanemaru accept the 500 million yen in illegal campaign contributions from the president of Sagawa Kyūbin, but he also helped the former prime minister Takeshita Noboru (1987–9) hire *Yakuza* to silence right-wing opponents and thus facilitate his appointment to the prime ministership (*Asahi shinbun,* 5, 7 Dec 1992; *Mainichi shinbun,* 26 Jan 1993).[22] For his role in the scandal, Kanemaru paid a fine of 200,000 yen (approximately $1,700) but kept his seat in the Diet. Such a light slap on the wrist sparked public outrage, with many Japanese citizens calling for his resignation through rallies, petition drives, letters and postcards, local assembly proclamations and hunger strikes. The Shibuya train station in Tokyo was one site of protests, including a hunger strike and petition drive by a citizens group; more than 100 local assemblies passed resolutions demanding Kanemaru's resignation, a hunger striker received 280,000 postcards of support in 16 days, and one man protested the legal handling of Kanemaru's case by throwing paint at the Tokyo prosecutor's office (*Japan Economic Newswire,* 1 Oct 1992; *New York Times,* 11 Oct 1992; *Christian Science Monitor,* 13 Oct 1992; *Asahi News Service,* 14 Oct 1992; *Asian Wall Street Joumal,* 19 Oct 1992).[23] Public opinion polls reported that 85 per cent of those surveyed supported Kanemaru's departure from political office (*Washington Post,* 8 Oct 1992). Such vociferous public criticism eventually forced Kanemaru's resignation from the Diet.[24]

Conclusion

The public indignation with Kanemaru's backroom politics, including his ties to *Yakuza,* suggests that various elements of the post-war Japanese public have become more sensitive to the possibility of *Yakuza-politician* connections and are critical of such associations when they are revealed. Yet at no point in the post-war period have *Yakuza,* or politicians working with *Yakuza,* been as accountable for their political actions as men such as Yoshida Isokichi and Hora Sennosuke were in the pre-war period. Yoshida and Hora were in some senses indicative of wide participation in Taisho-era politics, since they were politicians supported by and responsible to their local communities. The violent tactics sometimes used by the two *Yakuza* bosses certainly did not facilitate democratic politics, most likely narrowing the scope of political debate and the possibility of political dissent. At the very least, however, their use of violence was visible and thus occasionally criticized in the media.

While the violent aspects of Taisho politics permitted the election of Yoshida and Hora to the Diet, the post-war context made it much more difficult for *Yakuza* to be elected to public office due to the increasing antagonism between *Yakuza* and the general public and a decreasing tolerance for violence. One of the ironies of the more democratic post-war period is that the political role of *Yakuza* has become more insidious. Politicians have attempted, not always successfully, to keep their connections with *Yakuza* hidden, as was the case with Kodama Yoshio and even more so with Kanemaru Shin. It is in the backroom, then, that *Yakuza* can have an effect on political decisions such as the selection of a prime minister or give financial support to political candidates, a form of political influence made possible by the financial strength of post-war *Yakuza* syndicates. The exposure of a politician's dealings with *Yakuza* can lead to a career-ending scandal, but, without such a revelation, a politician and the *Yakuza* are not accountable to the electorate. A more democratic context and a public less tolerant of *Yakuza* intrusions into political life, as well as *Yakuza* adaptation to these trends, have driven the Yakuza-politician relationship further underground, concealing aspects of political behaviour and decision-making from the scrutiny of the electorate and thus making it increasingly difficult to address the *Yakuza* challenge to democracy.

Notes

1 Kanemaru was referring to his enlisting *Yakuza* to help secure the selection of Takeshita Noboru for the prime ministership.

2 See Bowen (1980) and Hasegawa (1995). The Chichibu incident was led by a gambling boss *(bakuto no oyabun)* named Tashiro Eisuke. See Chishima (1983) and Takahashi (1998).

3 See Mason (1969).

4 According to the politician Ozaki Yukio, the reported number of deaths was 25; see Ozaki (2001).

5 The Law of Election also put up institutional barriers to wide participation in politics, as the franchise was limited to men over the age of 25 who paid an annual tax of at least 15 yen. For the first general election in 1890, this was 1.5 per cent of the population.

6 The qualifier ‘relatively’ is used because universal manhood suffrage was not granted until 1925. The first national elections with universal manhood suffrage were held in February 1928. Suffrage was extended to women in December 1945.

7 Reserves of 6.2 million yen in 1901 had increased by 37.2 per cent between 1906 and 1910, and by 81 per cent from 1910 to 1914. See Wray (1984:479–81).

8 Okabe Teizo had difficulty leaving Kyushu and purchasing stock in the company. Okabe, who moved around a great deal, did not have a census register *(koseki tōhon),* which was required documentation for potential stockowners. Even after he managed to borrow someone else’s register, he had to manoeuvre around the local police, who attempted to prevent him from making the trip to Tokyo. See Yoshida Isokichi ō denki kankō kai (1941:38–9).

9 An initial resolution was reached in the grounds of the Yasukuni shrine in Tokyo, mediated by Katō Matsutarō, Yamagata Mitsuo and Arai Isaburō. The final settlement meeting was held in Tsukiji, and was attended by Yoshida and four of his henchmen. Yoshida Isokichi ō denki kankō kai (1941:50).

10 For more on *Yakuza* involvement with Japanese corporations, see Szymkowiak (2002).

11 Hora was born in Wakayama, but moved with his family to Osaka and then to Kobe when he was young. He eventually settled in Shimonoseki.

12 The London Naval Agreement, signed on 22 April, marked the end of the conference and restricted the imperial Japanese navy to a 10:10:6 ratio (US: Britain: Japan) in 8-inch gun cruisers, a 10:10:7 ratio in other cruisers, and parity in submarines.

13 For more on democracy from above, see Dower (1999).

14 Kodama claims that a stick of dynamite was thrown into Inoue’s residence; other sources state that a dagger was used.

15 For more in English on Japanese war crimes, see Minear (1971).

16 The prosecutor Frank G.O’Neill reported: ‘In my opinion, the evidence compiled is insufficient to warrant trial of the accused, and, accordingly, his release as a War Criminal Suspect is recommended’ (O’Neill 1948).

17 Kodama also reported that his real estate and personal property holdings were valued at 6,500,000 yen; SCAP Investigation Division (1948b:4).

18 The oft-quoted figure for the amount that Kodama gave to Hatoyama is 70,000,000 yen, but there does not seem to be reliable evidence to confirm this figure. Some have also suggested that Kodama was involved with diamonds, heroin and platinum; again, the degree of truth in these allegations is unclear (Haruna 2000:264–5; Hashimoto 1988:107–9; Hori 1976:22; Iizuka 1976:153; Ino 1976:60).

19 Some sources quote a figure of 200,000 people.

20 For a more detailed discussion in English of the Lockheed scandal, see Schlesinger (1997:83–90).

21 For a comprehensive discussion of the law, see Hill (2000).

22 There was much journalistic coverage of the scandal; these articles are only a few of many that reported on Kanemaru and Takeshita.

23 Petition drives against Takeshita and another politician, Ozawa Ichirō, continued after Kanemaru's resignation. One such petition collected 54,000 signatures (*Asahi shinbun,* 23 Dec 1992).

24 For more on Kanemaru, Takeshita and Ozawa, see Schlesinger (1997). This author has written briefly about this case in the *Harvard Asia Quarterly,* summer 2002.

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Conclusion: organized crime and democracy

‘Uncivil’ or ‘civil’ society?

Felia Allum and Renate Siebert

The complexity and range of different national, social and political contexts and the diverse theoretical and conceptual analyses presented in this volume offer some invaluable insights into the relationship between organized crime and democratic systems. Although we do not claim to have reached any universally applicable conclusions, the issues raised by the case studies do, nonetheless, contribute significantly to the debate about the nature of this relationship.

The world we live in today is subject to constant and rapid changes which are all the more visible in the process of globalization, where new trends and developments appear. The sociologist Zygmunt Bauman (2000) refers to this phenomenon as ‘liquid modernity’: he argues that we are now experiencing ‘second modernity’, as opposed to ‘first modernity’, which he describes as ‘heavy’ and where the attainment of wealth and power is no longer dependent on static and material forms of possession, but rather on the ability to be flexible and ever ready to generate or capitalize on economic opportunities, wherever these may be.

However, despite the growing need to be more flexible, on a political level, and particularly in terms of political consensus, local groups and communities are increasingly manifesting a strong fear of losing their cultural identities. As a result, there is a general reaction against this process of globalization which is perceived as responsible for the gradual erosion of a community’s cultural identity, of geographical borders and of stability over space and time. Thus, in the same way that legal and legitimate political and economic forces are having to meet the challenge of such changing local and social perspectives, so are national and transnational criminal organizations. As Monica Massari argues in her chapter on transnational organized crime, we are witnessing the combined processes of ‘ethnicization’ and ‘internationalization of criminal groups’ which inevitably contribute and lead to the formation of new and complex international relationships between local national groups.

A debate on this complex and ambiguous aspect of organized crime has recently developed between scholars; between those who consider mafia-type organized crime as deeply embedded in the processes of modernization (even by adapting itself to ‘liquid modernity’) and those who think that these kinds of criminal groups represent ‘a relic from the past’, originating from a premodern and static world. In other words, there are scholars who argue that the way in which mafia groups maintain strong roots and control their home ground is simply an instrumental and effective tool to help the advancement of their economic activities in a complex world; others, however, consider this to be an ‘archaic’ element that hinders their strategies.

In the context of such a debate, our own hypothesis, which considers organized crime to be a serious threat to democracy, is that the key to the success of different criminal organizations lies in their ability to exploit and manage the complexities of the modern world but, at the same time, control the static, more traditional, relationship with its local environment.

Indeed, the mafia's sustained development over time can be explained in terms of its capacity to function both globally and locally: it has learnt to manage the technologically advanced and culturally homogeneous processes of globalization while remaining firmly rooted in its local context and gathers consensus either by exerting violence or by 'organically' and systematically instrumentalizing local cultures and traditional social customs, including their need to belong to a close-knit group. In this way, by bridging the gap between the global and the local, organized crime is able to maintain its hegemony at both a national and a transnational level.

Thus, in a certain sense, the mafia represents the hidden and dark side of our modern-day democratic systems. The activities of organized crime can either run parallel to the everyday functioning of democracy or intertwine with the more official and visible structures of our constitutionally legal systems. Although the geographical and historical contexts described in this volume are significantly different, it would seem that, overall, the mafia's well-established presence can be explained in terms of its longstanding involvement and development within and alongside the democratic structures of each state. In this respect, organized crime is in a position to exert 'informal power' over citizens' consciences, thus acting as a substitute for the official democratic system.

As we reflect upon the challenges which such power poses to democracy, the following definition of 'mafia', which was given in the 1970s by the Italian sociologist Franco Ferrarrotti, in a research project for the Italian Parliamentary Antimafia Commission, appears still appropriate today: the mafia 'is a typical expression of informal power which is characterized by the existence of an organization, by its ability to influence all spheres of public life, by its capacity to interfere with the private lives of citizens and by the acceptance of mafia power in the general consciousness of the different social groups that surround it. This has allowed it to become relatively institutionalized' (quoted in Tranfaglia 1991:41). It is also interesting to note that this definition echoes one given by Sonnino and Franchetti a century earlier following their renowned investigations in Sicily.

We believe that, in order to provide a more realistic picture of what the mafia is, of how it functions and to what extent it challenges our democracies, we must abandon the notion that criminal organizations are nothing more than mere 'outgrowths' of an otherwise healthy system, exceptions to the general rules of civil society, or strange and fascinating illnesses which seem to affect incidentally some democratic systems. Rather, we must start seriously to consider organized crime as a potentially subversive threat to democracy, as an alternative form of 'government' which inhabits the economy and political institutions. The general public is not inclined to think of organized crime in these terms because to do so would involve 'tarnishing' the ideal image we have of democracy as being 'the best of all possible worlds', a notion into which we have all been socialized. By adopting a more critical approach to the relationship between organized crime and democracy we may be in a better position to identify the anti-democratic threat which the mafia poses and focus our attention on the critical areas of our democratic systems. These include our political institutions, because they run the biggest risk of being instrumentalized by organized crime for anti-democratic purposes.

Criminal organizations such as the mafia penetrate the mechanisms which govern democracies and influence their systems of representation. Votes can be extorted from people with threats and violence, or, as is often the case, they can be wheedled out of citizens in exchange for different kinds of promises. The 'Achilles' heel' of democratic systems lies undoubtedly in the methods they employ for gathering consensus. Such methods include the procedures used in political elections or the age-old problem of the Vote of exchange', an issue which lies at the very heart of the mechanisms of the democratic system and which may never be fully resolved. Moreover, we must not overlook the fact that political parties also rely heavily on external funding in order to exist and carry out their functions, and this inevitably makes them susceptible to corruption.

In his chapter, Jean-Louis Briquet describes the degree of tension and conflict which results from the 'cohabitation' between criminal organizations such as the mafia (which exerts informal control) and official forms of political power: when the boundaries between criminal power and political power start to overlap, then any attempt at judicial action becomes all the more difficult and complex. This fact can help to explain the differences between ordinary crime and mafia-type organized crime: the latter necessarily requires some kind of political involvement in order to exist, and this may influence the course of justice. At the trials against the former Italian premier Giulio Andreotti in Palermo and the former minister of the interior Antonio Gava in Naples, many state witnesses, including Tommaso Buscetta, Antonino Calderone, Pasquale Galasso and Carmine Alfieri, described the way in which the socalled vote of exchange worked. This form of exchange was very common in Italy after the Second World War. It ensured that certain candidates were able to secure a number of votes in exchange for 'favours' which could range from important contracts for public works to the hiring of manpower and promoting or abolishing government legislation. Calderone described this Mafia influence by stating:

> With 200 members, the Santa Maria di Gesù family is the largest…its influence is significant given that each man of honour, counting friends and relatives, can rely on at least 40 or 50 people, all of whom slavishly carry out his instructions. This can give some idea of just how important the Mafia's role is in an electoral campaign. All the 'regional commission' of the Mafia has to do is to instruct which party to vote for and tens of thousands of votes will flood in for that party, whose candidates may not all be necessarily against the Mafia; indeed, many may be in favour of it.
>
> (*Procura della Repubblica di Palermo* 1994).

This quote clearly highlights the ambivalent, yet firmly established relationship between criminal activities and legal forms of power and shows how this can pose what we might call a 'structural' risk to democracy: one of civil society's most significant achievements and one of democracy's fundamental tenets is the individual and universal right to vote. Yet, by interfering with citizens' votes, a system is created whereby politicians who are corrupt, or who are prone to corruption, can become members of parliament much in the same way as criminals who can be directly elected. It is also very difficult to prove the illegal nature of the Vote of exchange' because, to some extent, the relationship between voter and candidate is intrinsically based on a general notion of exchange: we vote for whom we think will deliver the promises we believe are in our best interests. In return for our vote, the candidate will aim to turn promises into deeds. Thus, it clearly becomes very difficult to draw the line between legal and illegal interests. It is precisely in this fluid area, the loophole of the democratic system (both its strength and weakness), that criminal groups are able to operate, be it under the auspices of or in opposition to their democratic hosts.

The apparently cyclical nature of criminal phenomena has emerged from the case studies presented in this volume. More significantly, anti-mafia strategies also seem to have a cyclical trend, since governments and civil society devote attention to such a policy only periodically. This reminds us of the relationship between organized crime and the functioning of democratic institutions.

This apparent cyclical nature of criminal activities would appear to be the result of their relationship with their local context: the mafia is profoundly influenced by economic and political conditions. At the same time, the mafia, in turn, exerts a strong influence on its context. The success of this influence depends on different local and global factors: economic and, more and more, political and civil ones.

The conceptual framework outlined by Fabio Armao has been instrumental in our comparative analysis of substantially different social contexts because it has allowed us to assess just how much of a threat different criminal organizations are to the democratic system: it helps us to analyse the extent to which political, economic and civil society has been penetrated by criminal activity but also shows how organized crime has extended to global contexts. Parts II and IV, in particular, deal with this issue.

The specific nature of criminal groups such as the mafia lies in their ability to establish close links with political power in order to make a profit. Consequently, the mafia takes on a pseudo-political role. At the same time, however, the fundamentally violent nature of criminal organizations makes their relationship with the state a confrontational one, in particular by challenging the State's very monopoly of violence. As a result, the democratic system is inevitably weakened, as Sayaka Fukumi highlights in her study of the Colombian context. By contrast, Wyn Rees showed how different nations may seek out common answers to the problem, a case in point being the European Union.

The fact remains, however, that, as David Beetham points out in his foreword: 'democracies that are politically infected by organized crime will rot from the head downwards.' This quote is particularly significant in the light of Sergei Plekhanov's analysis of Russia and its currently weak democratic system, in which the authoritarian reforms aimed at supporting the State in its fight against organized crime do not always act in the best interests of democracy.

In discussing the nature of democratic systems we must constantly bear in mind the complexities with which we are dealing. If, on the one hand, criminal organizations put civil society under considerable pressure by exerting illegal forms of violence and by exploiting the formally democratic, yet substantially corrupt, channels of institutional power, while at the same time being active and effective members of society, it is also true that their actions are nonetheless confined to a democratic system. This means that their criminal activities must continually measure themselves against and reach compromises with the responses of democratic institutions and with those coming from its individual representatives. Our analysis of the relationship between organized crime and democracy must not overlook this crucial issue because it allows us to identify some of those essentially democratic factors which are in fact responsible for safeguarding the democratic system as such. The case of Marseilles presented by Paola Monzini illustrates this point by showing how a democratic system can combat organized crime even when it is already profoundly embroiled with criminal activity. Similarly, despite the limited context in which it was carried out, Ercole Giap Parini's research testifies to the interdependence and mutual conditioning which can exist between a system of democracy and a more or less extended system of organized crime.

By drawing attention to the vulnerability of the democratic system and by examining its ability to react against the infiltration of crime into its public institutions and social relationships, our case studies touch upon another, very topical, issue: the repercussions of organized crime on the everyday lives of ordinary citizens and on their freedom to unite and publicly affirm their right to protect their own interests. Such freedom is one of democracy's fundamental principles because it allows citizens to develop their ideas, beliefs, social practices and, not least, social consciences. Political parties, associations, and freedom of speech, the press and the media in general are the channels through which political consensus is formed. In certain national or local contexts not only is organized crime tolerated, it is actually widely supported. The reasons for this cannot be found solely in the use of violence and intimidation which is typically associated with mafia-style totalitarian control. Other factors play their part, too, such as social indifference linked to the so called grey area (an expression which originally referred to the large number of citizens who were fundamentally indifferent to the extermination of Jews under the Nazis) and various forms of consensus. Indeed, criminal activity thrives on social consensus. It does this by exploiting a complex mechanism through which organized crime becomes the dark shadow of its democratic alter ego: the mafia exerts its social and territorial control in contexts where a significant number of citizens are dissatisfied with the economic and social performance of its democratically elected representatives. Consequently, these same citizens turn to apparently alternative forms of power such as the mafia, which readily offers tangible and rapidly available solutions. Rather than immediately judging such consensus as criminal and dismissing it as such, it needs to be understood. This can be done by identifying where and how the democratic system and the State as a whole have failed in allowing organized crime to develop. The success of many of these organizations is due to their capability of mediating between traditional and modern elements inside civil society, of promising integration in the local community and dealing with citizens' everyday concerns (by offering 'protection', employment and opportunities). This makes any attempt to challenge their authority particularly difficult. In this scenario, the State's effort to repress criminal acts by trying to reclaim its monopoly of violence is not sufficient, and the dark shadow of organized crime can continue to act in its place.

These situations highlight the extent to which peaceful coexistence and the quality of life in a democratic society are determined and conditioned by the degree of criminal activity which is festering within it. The case of Colombia clearly shows this, possibly because it is so extreme. That organized crime can generate wealth and social development is merely chimera, yet one which is indirectly nurtured by the shortcomings of a democratic system whose existence is based on the fundamental principle of safeguarding civil, social and political rights. Civil society is the realm in which men and women develop and partake in the democratic process; but when this same society begins to falter and waver, citizens are prone first to consider and then to turn to criminal alternatives. Renate Siebert deals with this issue by examining gender differences in criminal activities on the one hand and in democratic participation against mafias on the other. Similarly, Alessandra Dino analyses the important role played by religion, and other cultural phenomena, in shaping consensus (and therefore instrumentalized by the criminal organizations).

Taking an active part in public life encourages citizens to set up and join associations. By definition, the existence of different associations relies on people having the freedom to choose according to their beliefs and inclinations. Historically, associations have been instrumental in defining and consolidating social bonds within a community, a fact which also explains why the mafia has devoted considerable interest to such groups. Robert J.Kelly and Rufus Schatzberg deal with this issue within the context of American society. Specifically, they examine the instrumental role of social support groups, which has been akin to that of a ‘Trojan horse’: ‘in a study of the New York City construction industry…one of the more interesting findings concerned criminal syndicates playing a “rationalizing role” in the industry’s day-to-day operations.’ Similarly, in the early 1900s, when benefactors met their clients directly and politicians entertained criminals, the social distance between them gradually decreased. Kelly and Schatzberg highlight the recurring paradox in the coexistence of organized crime and democracy by showing how the former poses a threat to the democratic order and undermines citizens’ faith in institutional power while, at the same time, triggering new social processes which would otherwise not have arisen, for example, in the regulation of industrial relations. The extent to which this takes place is different according to the country and historical period in which it occurs. However, a common feature seems to be the mafia’s ability to liaise at different levels, navigating between the local community and society in general, handling both local traditions and global modernity and managing the economic and political systems. Clearly, this ability to penetrate civil society so effectively has often been the reason why representatives of the democratic order have been lured into reaching agreements with criminal groups, as if it were possible to ‘sell one’s soul to the devil’ and remain unscathed.

Our discussion so far indirectly refers to the role played by local culture in determining the success of criminal organizations such as the mafia, an area of debate which has long engaged sociologists. The mafia’s ability to move with ease between traditional and modern environments in order to ‘govern’ more effectively is undoubtedly due to its firmly rooted and longstanding presence in a given territory. In this regard, it is also worth mentioning that newly formed criminal organizations tend to imitate the more traditional organizations by following strict rituals from the past, even though these are now carried out entirely out of context. Our contributors illustrate this aspect very clearly, despite the different circumstances and countries involved (from Japan to America, Italy and France); all are affected by the existence of organized crime.

The role played by local culture in producing violent, criminal organizations intent on seizing control of a given territory also raises the question of the social class to which the criminal individuals belong. It is generally agreed among researchers that members of organized criminal groups are drawn from across the class system. Nonetheless, despite the class system being more or less fully represented within a criminal organization, certain roles, particularly those which involve liaising with the outside world—the so-called white collar criminals—are executed by members of the professional middle classes, such as businessmen, lawyers, accountants and politicians. Historically, however, a more 'popular' culture has prevailed, particularly throughout the 1800s up to the mid-1900s, aspects of which can still be found in the many rituals, customs, celebrations, attitudes to gender and manifestations of violence which typify many criminal organizations, such as the Japanese *Yakuza*, the history of which has been outlined in Eiko Maruko's chapter. This study explores how ordinary people, who are accustomed to violence and consequently resort to its use, aspire to reach the higher echelons of society regardless of the fact that they do not possess the socially acceptable means of climbing the social ladder. The historian Paolo Pezzino's hypothesis on the Sicilian Mafia is interesting in this respect in so far as he suggests that a significant proportion of ordinary people have tried, and often managed, to attain social success through an unscrupulous and premeditated use of violence: 'In other words, we would be dealing with a distorted re-presentation by low-class people of models which are copied from higher levels of society and reused for illicit purposes, or at least considered to be so by the institutions and the ruling classes, too, because they incorporate forms of violence that are independent of all state and ruling class control' (Pezzino 1990:12).

This socio-cultural remark is significant because it allows us to interpret a series of individual criminal attitudes that can be found in the strategies used to gain control of a territory, a rival organization or even the members of the same group. Researchers will, from time to time, question whether such strategies, which can be traced to much earlier times, can in fact justify the use of the term 'pre-modern' to describe the criminal organizations of the twenty-first century. We feel that the evidence collected in this book has presented a strong case against this approach, not least by showing how adept criminal organizations are at adjusting to the process of change. It is clear that this ability does not stem from any particular interest in modern development; rather it is the result of a strategic attitude aimed at the survival of the organization.

Political modernity (we have seen how 'close' criminal organizations are to democratic systems) also implies economic modernity. It is clear that illegal forms of economic activity greatly condition the legal economy, especially when they interfere with the system of competition through the use of violence. They would also appear to influence and hinder the entire economic system's prospects of development. The relationship between economic underdevelopment and the infiltration of criminal groups is thus a complex one. To a certain extent, the relative instability of an economic system can give rise to the progressive infiltration of criminal organizations. We must not underestimate that it is often the mafia that can rapidly and effectively provoke an imbalance in the system in so far as the very existence of organized crime has an immediate effect on market forces. At the same time, though, the mafia indirectly influences and distorts political decisions relating to the economy through its close relationship with public administrators, civil servants and politicians. The strong links between development, underdevelopment, public administration, politics and organized crime are particularly visible in countries with young democratic systems, both at an institutional level and among citizens, where democratic participation is still weak.

From the different discussions and case studies presented in this book we can see that organized crime is a clear threat to democracy not only within specific national contexts but also in terms of general democratic values and concepts. We have tried to show the extent to which organized crime affects the very core of democracy.

Our close examination of the relationship between three spheres—the State, civil society and politics, and organized crime—has been useful in showing clearly just how deeply interconnected they are. It is also necessary to stress the theoretical implications of the issue: in other words, that complex criminal networks are not simply temporary foreign bodies that will pass in time. Rather, they form a network of forces that were born and developed historically within that society, within its institutions and with the full participation and consent of its citizens. This is as true of the economic sphere as it is of the political one. Even if the history of the countries considered is extremely different, as in the case of the USA and Russia, the levelling-out tendency exacerbated by the process of globalization has created conditions and threats which have very similar characteristics. It is extremely difficult to establish clear and unequivocal boundaries between the legal and illegal sectors of the economy and to see whether the democratic tool *par excellence,* that of universal suffrage, has not been used and manipulated by forces which are intrinsically anti-democratic. But such difficulties should not deter our efforts, because closing our eyes would not help the functioning of democracy.

Liberal democracy has a ‘Vulnerable’ structure compared to totalitarian regimes when it comes to organized crime. But why is this? We would like to suggest some possible answers. Organized criminal groups appear generally where there are economic opportunities available off which they can feed in order to pursue their ultimate objective of money and power. This means that liberal democracy, with its capitalist economic system, becomes a very tempting proposition: money-making opportunities are plentiful. As a social, economic and political package, liberal democracy brings together all the elements which organized crime can use and manipulate to be successful: the composition of civil society, the organization of the State and the framework of political systems. In other words, because liberal democracy is based on the citizen and on the citizen’s freedoms as a starting point and an overall process, organized crime can challenge its very essence.

Civil society in liberal democracy is an area where citizens are social subjects with freedoms and rights in both the private and public sphere, where they can congregate in different groups (churches and sects, newspapers and media, schools and universities, parties and interest groups, civic and voluntary associations) and express themselves through different forms of activity (religious, cultural, intellectual and political). But it is these very freedoms and rights which make them vulnerable to the threats of organized criminal groups and their violence.

Organized crime has access to means which it can, and does, use to distort the various democratic processes: use of violence to threaten and money to corrupt MPs, policemen, judges, administrators, civil servants, entrepreneurs, local and national. Liberal democratic systems, based on representative democracy where citizens elect their politicians to represent their views in parliament, are political systems which can easily be manipulated with bribes. Nevertheless, different examples have also shown that civic values can defeat organized crime, although a lot of courage, determination and persistence is required. Money and violence frequently predominate.

This is even more the case for mafias which base their economic power on specific forms of violent control in a given territory, a real and true *signoria territoriale*—because it weakens democratic institutions, perverts democratic processes and terrorizes citizens. From this point of view, mafia power expresses strong totalitarian tendencies. The anguish and pressure, which derive from its power and domination, run the risk of transforming a democratic context into an empty shell. Under such pressures, the rights of citizenship risk remaining purely formal: they have neither the time nor the space to be exercised as effective rights.

We would like to suggest that organized crime will always represent a challenge to any system because it will always provoke reactions as a result of its violent domination in promoting its interests. The difference lies in who and what is provoked by these acts: in a totalitarian regime, the provocation is directed towards those who retain authoritarian forms of power and can react either by fighting the mafia as a competitor for the domination of territory and the control of citizens or by coopting and engulfing it to become a true 'mafia state'. Democracy would appear to be provoked in very different ways: it is more vulnerable because it is based on guaranteed constitutional rights and duties, but it is also strong as it represents maybe the only true possible antagonistic resistance to mafia power.

Ultimately, the challenge which organized crime represents for democracy is to confront it with its responsibilities, to force it to measure itself against its own ideals and basic principles and constantly revivify its own resources—in terms of rights, freedoms and legitimacy—in guaranteeing the equality of citizens. Fighting the criminal tendencies which lead to the 'uncivil society' Kofi Annan talks about must surely be the crucial defence strategy of any democratic system worthy of its name.

In conclusion, we would like to quote the following passage from the *Report* elaborated by the minority parties in the Italian Parliamentary Antimafia Commission in 1990:

> The divide between progress and civil values can be as detrimental to the essence of democracy as an attitude of indifference is to the very essence of democracy. By contrast, keeping the Mafia as far away from democracy as possible consists in the political commitment to the primacy of civil values and the respect for rules; it is this kind of commitment which distinguishes democratic power from criminal power.
>
> (Tranfaglia 1992:349)

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