

Constructing the mafia concept on the bench. The legal battles in the ‘Mafia Capitale’ case in Rome

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Abstract

The Italian Antimafia Operation ‘Mondo di Mezzo’ (the World in Between) has presented the group called “Mafia Capitale” as a mafia-type group born and bred in Rome, with its own mandate and reach into public administration and politics. A maxi-trial established that the corruptive method employed by associates of Mafia Capitale, together with the entrepreneurial nature of the group, were enough to qualify the group as a mafia-type criminal association within the scope of article 416-bis of the Italian Penal Code.

Starting from considerations on legal constructivism, this paper compares juridical documents by the Antimafia Prosecutors and the first degree Tribunal to explore the diversity of their legal arguments. The paper will argue that considering systemic corruption as strategy of intimidation and manifestation of mafia power in contemporary days is imperative to evolve the concept of mafia itself.

Keywords: Mafia; Organised crime; Legal constructivism; Italy

1 Introduction

On the 2nd of December 2014, the District Antimafia Prosecutors in Rome revealed the findings of operation “Mondo di Mezzo” (World in Between) by arresting 38 people, among which Massimo Carminati, sentenced to 20 years of prison for its recidivist involvement in a number of criminal activities (such as extortion, loan-sharking, usury, etc.). It is beyond the scope of this paper to present and evaluate the criminal career of Carminati, who, well known to Italian authorities, has a past with right wing terrorism and organised crime groups in the capital city of Rome ([Mazzeo, 2015](#); [Martone, 2016b](#)). Other 44 people were arrested in June 2015 within the same investigation. The group led by Carminati and his associates has been named “Mafia Capitale”.¹ In July 2017, as the first degree trial ended with 41 convictions for crimes as disparate as corruption, loan sharking, trafficking of favours and influences, obstruction of justice and of public administration, the Tribunal in Rome (hereinafter ‘the Tribunal’) argued that Mafia Capitale is certainly an unlawful association - characterised by organised corruption and serious crimes - but it cannot be considered a “mafia-type” association.² The Antimafia Prosecutors appealed the sentence against 19 defendants in December 2017. The Appeal trial confirmed the thesis of the Prosecutors and the mafia status of the group in September 2018.³

Since its inception, the case has attracted a lot of attention from media and scholars for its peculiar setting - the capital city of Rome - and because of its extremely successful, and for a long time unpunished, criminal character ([Vannucci, 2016](#)).

Relying on judicial documents including arrest warrants, interceptions, the first-degree sentence and its motivations, and the case for appeal, and including two interviews with the key Antimafia prosecutors on the case, this paper will perform a content analysis first (for a preliminary coding) and a discourse analysis afterwards, of the legal battle between the Antimafia Prosecutors and the first degree Tribunal in the recognition and legal qualification of Mafia Capitale. A total of 6500 pages of documents constitute the data considered for this paper. The two interviews only had the scope to clarify some of the legal choices and technicalities of the case and should be considered as supporting data to the documents. By assessing how legal constructivism has worked in this case, this study fundamentally reconsiders the core of the theoretical frameworks that - at both sociological and legal levels - define the phenomenon of mafias. An assessment of the debates in the course of the Mafia Capitale first trial reveals a profound revolution of the theoretical foundations of the mafia concept; the battle is, in this sense, not just a legal one, but also a conceptual one with repercussions beyond this trial.

This paper will ultimately argue that the legal interpretation given by the Antimafia prosecutors and confirmed in the Appeal trial appears more aligned with criminological conceptualisations of mafias, whose actions need to be qualified as set of methods and set of behaviours ([Sergi, 2017b](#); [Sciarrone and Storti, 2014](#)). These concepts better describe modern manifestations of organised crime groups, seeking both power and profit, and using both violence and systemic corruption, as in Italy so abroad. The thesis of this paper is not entirely an original one. Other scholars have already looked at this case as paradigmatic of a very profound set of changes currently happening within Italian jurisprudence when it comes to unlinking mafia associations from the geographical and structural elements usually attributed to them ([Visconti, 2015b, 2015c](#); [Ciccarello, 2016](#); [Manzini, 2016](#)). Within these studies, Mafia Capitale has been defined an “idealtypic” case ([Ciccarello, 2016](#)) because it represents the possibility to reconsider the debate on mafia offences ideally, as well as representing a very specific case, which might be difficult to generalise. This current

study, aimed at an international audience, aims at contributing to the current debate with an analysis of the legal discourse that shows how legal constructivism within current debates in Italian jurisprudence actually work in practice.

2 Framing mafia and organised crime: an outlook to the Italian legal context

The terms ‘organised crime’ and ‘mafia’ are often considered to be interchangeable, especially in public and media discourses around the world (Whithorn, 2014). In Italian institutional discourses, these terms overlap (Sergi, 2015a). However, scholars and policy makers tend to be more nuanced in the way mafia-type organised crime differs from non-mafia/other organised crime, even though differences might be more fictional than substantial (Von Lampe, 2016).

These two phenomena have been approached from various disciplinary points of view. Seminal studies have stressed the importance of understanding criminal groups within the culture and the socio-psychological traits of their territories of origin, through analysis of families, communities, trust and ethnic solidarity (Hess and Osers, 1973; Schneider and Schneider, 2005; Paoli, 2003). Next to socio-cultural studies, we find socio-economic studies, which understand organised crime as a product of the liberal market (Mattina, 2011; Ardizzi et al., 2012; Shapland and Ponsaers, 2009), thus opportunistic in nature and oriented to maximisation of profits. Increasingly, the strength of traditional, Southern Italian, mafias – the Sicilian Cosa Nostra (or simply Sicilian mafia, the Calabrian ‘ndrangheta and the Campanian camorra – has been identified in their mixed nature: embedded in their original culture, but also crucially entrepreneurial in illegal and legal markets (Sergi and Lavorgna, 2016; Lupo, 2011). Studies on mafias and organised crime have also evolved to include organisational studies and network-based studies that enrich and complete both cultural and economic approaches (Calderoni et al., 2017; Sciarrone, 2014; Catino, 2019).

Crucially, public corruption might be one of the differentiating factors between the two phenomena. It has been argued that the difference between “mafia-type” unlawful association and “other” unlawful associations, is in the ability to *systematically* corrupt and infiltrate various facets of public and political life (CSD, 2010; Holmes, 2010; Sciarrone and Storti, 2016; Mete and Sciarrone, 2016; Sciarrone, 2016). In other words, whereas organised crime is often paired with either occasional, ad-hoc, corruption or long-term usually sectorial (finance, justice, health sectors) infiltration in public administration (CSD, 2010), mafia groups –successful ones – are more likely to climb up to political powers (Vannucci, 2001, 2016). This is essentially because “other” organised crime groups, generally speaking, aim at financial gains, while mafia groups aim at both financial gains and connivance with, and acquisition of, power (Sergi, 2017b). The environments where criminal groups operate will often mould the capacity and reach of criminal groups into political circles. In societies, like for example certain areas of the South of Italy, where communities’ ties have developed across clientelistic and familial bonds (Piselli and Arrighi, 1985), the overlapping of interests among entrepreneurs, politicians and mafia affiliates – for acquisition of power and money – is expected (Dalla Chiesa, 2010; Sciarrone and Storti, 2016).

It is in the law, in article 416-bis of the Italian Penal Code (i.e. the mafia offence), that we find the specification of mafia-type associations as more serious (even for sentencing purposes) and qualified forms of unlawful associations. “Other” organised crime is covered by article 416 of the Penal Code instead and, compared to the mafia offence, lacks the employment of the mafia method, including political ties. In fact, article 416-bis requires a certain number of “ingredients” to “make” a mafia group (Morosini, 2010). A mafia type criminal association exists when a group of people systemically employ the “mafia method”:

“When the participants take advantage of the intimidating power of the association and of the resulting conditions of submission and silence [omertà] to commit criminal offences, to manage or in any way control, either directly or indirectly, economic activities, concessions, authorisations, public contracts and services, or to obtain unlawful profits or advantages for themselves or for any other persons, or with a view to prevent or limit the freedom to vote, or to get votes for themselves or for other persons on the occasion of an election”.

The interpretation of the mafia method, how it manifests and how it can be proved, is the core of the split between prosecutors and judges across many Antimafia cases. The Supreme Court (Court of Cassation) clarified in 2015⁴ that the mafia method is “*the use of the intimidatory power that originates from the very existence of the organisation paired with a diffuse subjection in the social environment and therefore a general condition of omertà*”.

To qualify a criminal group as a mafia group is not an easy task especially outside of the territories of traditional mafia presence, to which the norm is historically attached to (Balsamo, 2016; Visconti, 2015b; Ciccarello, 2016). In this context, the main challenge for the prosecutors in the Mafia Capitale case was to prove the ingredients of article 416-bis, mafia-type unlawful association, for the criminal organisation led by Massimo Carminati especially by using paragraph 8 of the norm, which applies to “any other criminal organisation, whichever their local title”.⁵

3 Legal constructivism in mafia cases

Mafia Capitale has been considered both the challenge and the opportunity for legal and social constructivism of the mafia phenomenon in Italy and abroad (Dalla Chiesa, 2015; Sergi, 2016b; Ciccarello, 2016). Mafia Capitale has been presented by the Italian Antimafia prosecutors as an autochthonous mafia organisation born and bred in Rome, with links to all Italian major criminal organisations in the capital city, but eventually autonomous and with its own mandate and reach into public administration and politics (De Bonis, 2015; Mete and Sciarrone, 2016). As said, the first-degree trial, which ended in July 2017 with 41 convictions, did not confirm that the criminal group acted with the mafia method even though it was confirmed that the unlawful association was involved in systemic corruption, extortion, loan-sharking, money laundering, collusive tendering and trafficking of favours.⁶ It became very clear

that there was a split in the way the prosecutors, on one side, and the Tribunal, on the other, interpreted criminal law on mafia and organised crime in Italy. This split was overturned again in the Appeal trial in September 2018 that confirmed the thesis of the prosecutors; the trial is not over yet as defence lawyers have remanded the appeal sentence to be considered by the Supreme Court for rebuttal or confirmation.

Criminal law expresses and influences social meanings and, by qualifying and interpreting behaviours, it does represent mechanisms of both legal and social constructions (Dworkin, 1986). Criminal law principles can facilitate a criminological understanding of complex phenomena, like mafias, embedded in their historical meanings (Melossi, 2001; Morosini, 2010). Furthermore, all legal constructions are bound to consider the changing nature of the phenomena they seek to define, while still maintaining logic, integrity, coherence and continuity in theoretical approaches, in the same way social inquiry cannot dismiss social theory that drives its methods and analysis of new or newly approached phenomena (Weisberg, 2003). Dworkin's (1977) approach for the constructivist interpretation of the law further specifies that judges need to possess adequate 'conceptions' to interpret the law. To have 'conceptions' is to have "just", shared and recognisable ways of constructing things in one's mind by thinking about or interpreting them. Adequate conceptions are the basis of legal constructions in paradigm cases - situations about which interpretive agreement is ready to hand and consolidated. In non-paradigm cases (hard cases), according to Dworkin's school of legal constructivism, judges begin with what can be agreed upon in paradigm cases, and then construct or build upon this foundation. In the case at hand, judgements on "traditional" Southern mafia groups within article 416-bis can be (to a certain extent and when in the South) considered paradigm cases, while Mafia Capitale qualifies as a hard case.

One of the ways in which constructivist mechanisms can work in hard cases, is by using Rawls' (1974; 1971) method of reflective equilibrium. This method implies departing from a sense of justice which the majority shares; when judgements collide - e.g. in hard cases - beliefs are adjusted by negotiating an equilibrium, which allows judges to provide practical guidance and to eventually reach an innovative verdict without losing the sense of justice that others share. This negotiation will balance the law in books and the law in practice.

In criminal law this is even more necessary, even in jurisdictions like Italy where judges 'do not make the law', but still have a very crucial role in its interpretation (Antolisei, 2008). In Italy, the criminalisation of mafias has been considered as sociologically driven, in the sense that the sociological evolution and representations of the phenomenon has influenced its institutional perception and eventually its legal construction (Sergi, 2017b; Martone, 2016a).

The mafia method - intended as a "*collective behavioural requirement*" (Sergi, 2017b: 94) of planning group criminal activities, is essential to charge article 416-bis of the Criminal code as it differentiates mafias from "other" forms of organised crime (Ciccarello, 2016; Manzini, 2016). Hard cases of article 416-bis, like Mafia Capitale or migrating mafia clans in the rest of Italy or new or foreign criminal groups (Visconti, 2015a, 2015b; Sparagna, 2015) require constant negotiation of justice through the method of reflective equilibrium. For other forms of organised crime activities, the offence in article 416 of the Criminal code - unlawful association ("other" organised crime) - is used, often a residual and fall-back choice for the judges (Sergi, 2016a) as the result of this negotiation.

At trial, in fact, it often becomes very difficult to prove the mafia method, also because of the burden of its sociological connotations. For example, notwithstanding the importance of territorial sovereignty and organisational features to understand organised crime and mafias, neither control of the territory nor hierarchy requirements of the mafia offence (Ciccarello, 2016; Dalla Chiesa, 2015). At trial, however, both are often considered as necessary manifestations of the mafia organisation and method, a sign that the interpretation of the mafia offence is still linked to its historical and sociological birth - the fight against the Sicilian mafia - (Sergi, 2016b) and therefore its legal construction is bound to paradigmatic cases whose boundaries of interpretation and construction have already been negotiated.

Finally, as reminded above, a discourse on the criminalisation of mafias cannot avoid touching upon the peculiar relationship that exists between mafia groups and corruption. The mafia norm *absorbes* the concept of corruption (Turone, 2008). Whenever there is mafia there is a risk of (systemic/endemic) corruption: the mafia method *subsumes* the ability to corrupt and to govern (Sergi, 2015b, 2017b; Dagnes et al., 2018; Sciarrone, 2011). Conversely, corruption itself can manifest in many different scenarios, public and private ones, individual or corporate (Ruggiero, 1985) beyond organised crime and the mafia method. The legal construction of cases where a) criminal activities are aimed at both profit and political influence or power (which suggests a mafia behaviour) but b) fear, intimidation and omertà are not easily proved because violent acts are missing or residual (which makes it difficult to prove the mafia offence) and c) systemic corruption seems to be the main tool to establish the groups' financial and political powers, sits unwell within the boundaries of Italian law (Vannucci, 2016). As this is the construction of Mafia Capitale as argued by the prosecutors, it is clear to see how Mafia Capitale explodes the limits of the mafia offence, thus becoming a hard case for legal constructivism.

What follows is a deconstruction of the mafia method as exemplified in the legal battle for Mafia Capitale: on one side the expansionist positions of the Antimafia prosecutors, on the other side the conservative positions of the Tribunal for the first degree trial.

3.1 The legal battle in Mafia Capitale

See [table 1](#)

4 The different worlds of Mafia Capitale

The quintessential difference between the thesis of the prosecutors and the legal construction of the Tribunal, pivots around the qualification of Mafia Capitale as either one – as the prosecutors argue – or two different associations – as found instead by the Tribunal. From this crucial difference essentially come all the others, especially in terms of the mafia qualification: if the criminal group known as Mafia Capitale is not a unified one, it follows that the whole thesis of Mafia Capitale being a mafia-type organisation falls apart. We can, however, clarify this further, by looking at points of interpretative convergence and divergence on intercepted materials as well as, more generally, at the nature of ties within the different groups that make Mafia Capitale.

4.1 The underworld

First of all, it is the opinion of all authorities – Antimafia prosecutors, the Tribunal and an Inquisitive Commission – which scrutinised offices and departments of the municipality of Rome to evaluate mafia penetration after the arrests in 2014 – that Mafia Capitale's success was linked to a specific strategy and to the personality of Massimo Carminati (Vannucci, 2016). Carminati himself during an intercepted conversation,²⁹ reveals the existence and the ultimate aim of this criminal group:

“(…) It is the theory of the world in-between mate ... there are ... how to say ... the living above and the dead below and we are in the middle (...) a world in between where everybody meets and you ask ... how the hell is this possible that tomorrow I can be at dinner with Berlusconi³⁰ (...) you understand ... all meet, every social class. It's not a question of social class, it's about merit, right? (...) in between also the person in the upperworld has interest for someone in the underworld to do something for them that no one else would do”.

As noted by the District Antimafia Prosecutors, it has always been in Carminati's nature *“the ability to interact with different realities and to be at the same time emancipated from them and their limits, operating always in autonomous and transversal ways”*.³¹ Interceptions reveal how Carminati – in between the *“living ones above”* (entrepreneurs, public administrators and politicians) and the *“dead ones below”* (street criminals) – has been the real engine behind the complex group of relationships and ties on which the whole group was based. According to the Prosecutors, the complexity of this system, which touches all strata of society, from below to above, is typical of mafia groups in particular because Carminati used the vastity of this complexity to intimidate (he says, in an attempt to corrupt that sounds as a threat or a warning: “if I know that someone else does it for you ... that would be unpleasant”³²). Different position holds the Tribunal: there is no proof that *“this criminal project was known to all the others in the groups or that they agreed and approved it”*.³³

The ties in the underworld of the Mafia Capitale group are of three categories, which reflect the composite nature of criminality in the region of Lazio and the city of Rome (Martone, 2017a): Carminati's friends and associates mainly from the years of the criminal mafia-type group known as Banda della Magliana and the far right armed militia, involved in extortion and debts collection; street criminals, such as robbers, who are helpful to secure control over different areas of the city; other criminal groups, including mafia groups, operating in the capital city, who are at the same time partners and competitors for the group. Mostly, these ties are opportunistic, seeking mutual support when needed – as explained in an interception – for *“certain things to do in the capital city ... for example kill someone (...) have territorial support, being facilitated in the acquisition of weapons as well as getting alerts if someone had not paid”*.³⁴ For the prosecutors, the derivation from the Banda della Magliana and the existence of a composite underworld able to use violence and to enforce debt collection if needed, is essential to the reputation of the organisation (Ciccarello, 2016; Martone, 2017b). As seen in Table 1, the prosecutors also consider fundamental the relationships with more established mafia groups; particularly relevant according to the prosecutors is the recognition by the ‘ndrangheta – Italy's most powerful mafia group (Sergi and Lavorgna, 2016), encapsulated in the interception of an individual affiliated to the ‘ndrangheta but also embedded in the Mafia Capitale group: *“down there, they [the ‘ndrangheta] rule, here we [Mafia Capitale] rule”*.³⁵ The fact that established mafia-type criminal groups, like the Mancuso clan of the ‘ndrangheta for example, choose to do business with the Mafia Capitale group is essentially an *endorsement* of the group's capability and reach (Prefetto di Roma, 2015). For the Tribunal, instead, the links with historical criminal groups in the capital city is only relevant to boost the reputation of Carminati, and him alone. In addition, according to the Tribunal, the group in the underworld mostly constitutes an autonomous unlawful association, separated from the main activities the groups carries out, especially the systemic corruption of public administration. In particular the Tribunal finds that *“the proceeds of crime are confined to the group [the criminal group handling extortion and debt collection] and never destined, not even partially, to support higher organisational levels, as it used to happen for example also in the Banda della Magliana”*.³⁶

Table 1 Presents direct quotes from both the prosecutorial documents (arrest warrants, interceptions and appeal decree) and the sentence and motivations drafted by the Tribunal in the first trial for Mafia Capitale. The table constructs 9 themes of divergence in the legal interpretation, through which the construction of Mafia Capitale starts appearing as a powerful and composite criminal group, heavily invested in extortion and debt collection as well as systemic corruption and infiltration into public affairs and contracts, with two central figures, Massimo Carminati and Salvatore Buzzi.

alt-text: Table 1

	Antimafia Prosecutors	First-Degree Tribunal
The criminal	“An unlawful and evolved group, which uses intimidation originating also from the criminal past of	“An aggregation of individuals committing an indeterminate amount of crimes, but in two

organisation	some of its primary members (...) A criminal organisation so dangerous and multifaceted that operates (...) primarily in the world in between - a place where - because of the authoritative character and the power of Mafia Capitale, criminal synergies between the underworld - made of white collar criminals, entrepreneurs and institutions - and the underworld - made of robbers, drug traffickers and arms dealers, are successfully maintained” ⁷	different organisations: one aimed at loan-sharking and debt collection through extortion and the other aimed at the acquisition of public contracts through corruption (also realised via money generated through false invoicing) and collusive tendering” ⁸
Activities of the organisation	“The core business of Mafia Capitale is the commission of all the illegal activities of article 416-bis [mafia offence]. Among them, the most frequent are serious ‘common’ crimes, usually through violence, but mostly the infiltration in the economic, political and institutional spheres and the illegal acquisition of public contracts”. ⁹	“The activities of loan-sharking and extortion (...) are and remain a separate matter from the criminal activities against the public administration (...) It is not possible to sustain that the [second] association of Buzzi [involved in public administration corruption] knew and approved of the people and the methods of the primary organisation doing extortions and debt collection or even considered them available to them if needed”. ¹⁰
The mafia method	“The association manifests the indicators of ‘mafiosity’ (...): secrecy, hierarchy, respect of the hierarchy, the mafia method of intimidation used to control companies and entire economic and public contracts, the diffused sense of <i>omertà</i> deriving from all of this, a criminal plan as required by article 416-bis [...] thanks to efficient corruptive actions”. ¹¹	“It needs to be concluded that there are two associations, each of which lacking mafia characteristics, both autonomous or derivative [from other groups]. ¹²
Intimidation & Reputation	“The syndicate named Mafia Capitale has built its power of intimidation and its criminal reputation (so called accumulation of criminal capital) on one side through the realisation of violent crimes and threats, and, on the other side, thanks to the role that its boss [Carminati] and his partners historically played in the underworld of the city”. ¹³	“The events show the power of intimidation of Carminati, in single acts, aimed at his counterparts. It is, however, an occasional and direct pressure he exercises; it is not the kind of intimidation needed to qualify the mafia offence, for which intimidation has to determine an enduring state of grave fear, leading to the commission of the ordered actions. Events reveal the absence of a consolidated and diffused criminal reputation connected to a mafia-type association”. ¹⁴
Violence	“The ‘ <i>reserve of violence</i> ’ [that we have in this case] is a potential use of violence by a visible and concrete organisation, which through this potential use, exhibits the power of intimidation of a mafia-type association”. ¹⁵	“It is impossible to consider that here exists a ‘ <i>reserve of violence</i> ’, which is something on ‘derivative’ mafia groups can claim as they can benefit from the intimidation already generated by the structure of origin” ¹⁶
Omertà & Subjection	“It is particularly important that, notwithstanding the pressures to individuals to deliver what was asked of them, none of them decided to report it [the intimidation] to the authorities. Individuals that in single occasions were subjected to acts of intimidation, in fact, recognised that [the perpetrator] was evidently part of a syndicate with an invincible capacity to intimidate, which imposed the silence of the victims. The violent acts against the victims and their condition of subjection and omertà are clear indicators of the capacity to intimidate originating from the strength of the associative bond”. ¹⁷	“The acts of intimidation that pressured individual debtors to pay or accept disadvantageous terms for re-negotiation certainly led these victims to feel a grave state of concern and fear. These acts, however, were directed only to achieve the specific results wanted and could not determine, in the community, an enduring state of grave fear, so known and diffused that - following acts of intimidations - it could produce a generalised condition of subjection and omertà in the territorial context, neither in the whole urban territory nor in a neighbourhood”. ¹⁸
Control of territory	“In an interpretative perspective, (...) It has been excluded that the power/strength of intimidation should translate in the control of a determined territorial area. (...) The norm [mafia offence, article 416-bis] applies also to organisations which, even without controlling all those who live and work in a territory, nevertheless direct to a specific community their criminal activities, through the mafia method”. ¹⁹	“The control over certain territorial areas, even if it is not a constitutive element of the norm [mafia offence, article 416-bis], is nevertheless an implicit requirement, because on the territory we measure the criminal power of an organisation and its capacity to determine subjection and omertà”. ²⁰
Systemic Corruption	“The power of intimidation of the association was acquired through the creation of an organisational structure that thanks to political proximity, abuse of power and systemic corruption, can interfere in the allocation of bids, in the release of licenses, in the control of public sectors or public institutions at the point that competition is annulled and initiatives external to the syndicate are void”. ²¹	“The necessity to guarantee work for his social cooperatives led Buzzi to establish and maintain relationships with politicians and in particular with the council of Rome, main outsourcer of services to the cooperatives (...) The facts demonstrate that, beyond the commission of single crimes - an association had been created with the permanent purpose of realising an undetermined number of acts of corruption and bid rigging. (...) that, by obeying to a logic of systemic corruption, managed to guarantee profits”. ²²
Relationships with other criminal organisations	“[Mafia Capitale] represents the end point of other organisations born from the far-right militia, which have evolved, partially, in the phenomenon called ‘Banda della Magliana’ [between 1970s and 1990s] then mutating into Mafia Capitale”. ²³ - “The relationships with other criminal organisations cannot be considered exclusive contacts of Carminati alone, (...)”. ²⁴ “The support promised by Buzzi to the election of Alemanno [former mayor of Rome] was founded in his privileged relationship with members of the ‘ndrangheta with whom he demonstrated to interact as an equal (...)” ²⁵ directly by the clan Mancuso and it was a sign of a recognised reciprocity between ‘ndrangheta and Mafia Capitale” ²⁶	“It cannot be said that the group led by Carminati has its roots in the underworld of 1980s and in the Banda della Magliana (...): it appears obvious how they differ in terms of business and relationships with others (...) with politics and entrepreneurs (...) The connection between the two groups is only subjective, in the person of Carminati”. ²⁷ - “It appears uncertain a link - effective, current and significant - for the group in Rome (...) with the ‘ndrangheta clan Mancuso (...) for the involvement within the criminal plan of the cooperatives led by Buzzi”. ²⁸

4.2 The underworld

When it comes to the underworld, it is central to the prosecutors' thesis the idea that the strength of Mafia Capitale lies in the ability to accumulate and employ/exploit social capital in the underworld as well as establishing agreements with *institutional* capital - individuals in different roles in society, i.e. entrepreneurs, politicians, professionals, public officials (Vannucci, 2016). As Mazzeo (2015: 47) has noticed, in addition to the *“black charisma”* of Massimo Carminati Mafia Capitale pivots around the *“red dominus”*³⁷ Salvatore Buzzi. Buzzi is the alter ego of Carminati - whom he met in prison - in the underworld, a world he has access to because of his closeness to, and good reputation within, the political left wing of the region. The link between a right wing extremist as Carminati is considered and a left wing sympathiser as Salvatore Buzzi is peculiar to say the least. Nevertheless, their relationship is certainly successful as profit-oriented and not ideological in nature. According to the prosecutors, Buzzi and Carminati are business partners and Buzzi deals with the economic aspects of that partnership. He is also in charge of keeping, renewing and fostering the relationships with politicians and most of all administrators and public officials. In an intercepted conversation³⁸ while in a car with Giovanni Campenni - the entrepreneur charged of mafia association because considered an emissary of the Mancuso clan of the ‘ndrangheta - Buzzi says:

“You have to be good at it, as our *cooperative* lives through politics; the work I do a lot of people do, so why [choosing] me? I sponsor newspapers, advertisement, and events. I pay for secretaries, for dinners, for banners. On Monday I have a dinner worth 20,000 euros you know ... this is the period you invest the most because there are the local elections, then for five years you only pay depending on what *they* do for you. This is the moment I invest more ... with the council elections ... we spend a lot of money for the city council”.

As reminded in the Inquisitorial Commission by the prefect of Rome, the group gained power mainly after the election of the previous Mayor of Rome, Gianni Alemanno,³⁹ in 2008. Access to this administration, especially through Alemanno's Chief of Staff, allowed placing various individuals in prominent positions out of common interests, thus controlling and distorting the governance of the capital city (Prefetto di Roma, 2015). A very complex group of relationships between the companies participated by Salvatore Buzzi and other entrepreneurs close to the group, paired with a systematic distortion of public tenders, allows the influence and control over public administration of the capital city. When the political landscape changes, Carminati reminds Buzzi⁴⁰ that it is necessary to find a way in the new administration: *“you need to sell the product, my friend. We need to be like whores now (...) put on your miniskirt and go hang with them”*. According to the prosecutors, the poly-crime nature of Mafia Capitale and the ability to use corruption to access the political and entrepreneurial nodes of the capital city, shows that the group - strong because of a criminal reputation and intimidating because of that too - wants to acquire not just profits but also power and, as mafia groups do, *profits via power*. According to the Tribunal, instead, *“it is not proved that the organisation aiming at illegal acquisition of public contracts derives from the other organisation aimed at extortion and debt collection (...), which would have merged with the first one”*.⁴¹

4.3 The world-in-between

The core of the prosecutorial thesis is that what links the underworld and the underworld is precisely the existence of the unlikely partnership between Carminati and Buzzi, who have created a bridge, a world-in-between the street and politics. It is only by locating Carminati and Buzzi in the world-in-between that Mafia Capitale becomes one: the world-in-between connects the two otherwise separated criminal groups. It is the autonomy and the peculiar character of the world-in-between that the Tribunal has to dispute. As summarised by the Antimafia Commission (Commissione Parlamentare Antimafia, 2016: 97):

“The link between the two worlds - criminal and entrepreneurial - was in the transversal alliance between Massimo Carminati, from the extreme right wing and Salvatore Buzzi, head of an important group of companies with over 1300 stakeholders (...) The companies, the acquaintances, and the “clean face” of Buzzi together with the criminal prestige of Carminati and his historical links with the far right in Rome, whose members in the years gain access to public offices, allowed effects no-one else could have achieved but them”.

The opposite political views and the different personal history of the two individuals do not seem to be of any obstacle *“in their common purpose of seeking illicit profits through the systemic planning of the most diverse forms of influence of public administration's activities in the capital city in specific sectors of interest”*.⁴² Indeed, the most worrying result of the partnership between Carminati and Buzzi and the quick escalation of their criminal group is in their co-habitation of the “world-in-between” (Commissione Parlamentare Antimafia, 2016: 97):

“Buzzi, formally legitimised, for his activities, to interact with public officials and politicians, was the official channel through which the underworld - made of white collars, entrepreneurs and institutions - and the underworld with Carminati - made of robbers, drugs and arms traffickers - could meet in the middle and stay there”.

From the world in between, the group can use corruptive methods in the underworld, while the reputation of the consortium in the underworld acts as a guarantee for - and intimidates - everyone: should things not work out in the underworld, should someone not obey the group's wishes and pacts, the underworld's reserve of violence becomes a tool for intimidation. It is a full circle: the ability to corrupt more is based both on the success of previous successful attempts to corrupt and on the intimidation resulting from the *growing reputation of the group* and its reserve of violence. In-betweeners like Carminati and Buzzi facilitate flows between underworld and underworld. On the contrary, the Tribunal denies the importance of the world-in-between. As seen, the Tribunal does not consider Carminati's ‘theory’ of the ‘world in between’ as a manifesto for the whole organisation, but rather as recognition of Carminati's own position alone and, therefore, not a manifestation of the mafia method for the whole group. Indeed, says the Tribunal, the fact that Carminati and Brugia, his right-hand man, participated to the businesses in the underworld with Buzzi, symbolises their willingness to move towards new forms of crimes.

4.4 Mafia methods: intimidation and corruption

Because of the difficulties and discrepancies in considering the unity of the different ties that make Mafia Capitale a single organisational structure, the main divergences between the prosecutors' thesis and the Tribunal is precisely on the components and the manifestations of the mafia method within, but also beyond, the *modus operandi* of Mafia Capitale. The core of this debate on the mafia method can essentially be reduced to how intimidation of a mafia groups work in practice and whether systemic corruption can generate intimidation in addition to, or instead of, manifest violence.

The mafia method, as said, requires three main ingredients: the intimidation originated from the strength of the associative bond, the subjection and *omertà* generated by intimidation on externals to the group, and the pursuing of activities for financial gain. While the latter is not contested in this case, intimidation and, consequently, subjection/*omertà* are. Together with the express requirements of the mafia offence, ancillary concepts such as the control of the territory, reputation and the use of violence, are also relevant to discuss the presence of the mafia method. These are also issues to discuss both connections and differences between mafia crimes and white collar crime, as historically, Antimafia law has struggled to, but nevertheless attempted, to employ charges for the mafia method against the grey area - white collar criminals and professional facilitators of organised crime (Martone, 2016b; Sciarrone and Storti, 2016; Mete and Sciarrone, 2016; Sciarrone, 2016).

The generation of intimidation - evidence of the mafia method - directly linked to Mafia Capitale is a very problematic point of divergence between the prosecutors and the Tribunal.

As Massimo Carminati says while talking to Riccardo Brugia about some "friendly" entrepreneurs,⁴³ the main interest is to acquire a position in the upperworld, as the underworld is now under control:

"We need to go straight to the point ... they have to be our executioners, they have to work for us ... we can't do things like we used to ... arriving afterwards and collecting debts (...) We are not interested in that anymore (...) It has to be an equal partnership ... you have to tell him ... you can try and give me a million euros to take care of all of this, I am not interested (...) it's normal that from our friendship comes the possibility to do business together, that's it. (...) Thing is, you have to tell him - to whatshisname - in the streets we rule ... someone like you will never rule in the street ... in the street you will always need us".

According to the prosecutors, the reputation of Carminati in the underworld has various effects on the upperworld: it increases the prestige of the organisation; it allows this prestige to intimidate outsiders to the group; and it ensures the loyalty, and/or the secrecy, from both outsiders and insiders. Through a) the criminal reputation acquired in the underworld and b) the willingness to step up onto the upperworld, we have the 'new' organisation in the world in between that is Mafia Capitale. Mafia Capitale, according to the prosecutors, can generate intimidation precisely because it represents the union point of underworld and upperworld, the former guaranteeing a "reserve of violence" and the latter built on systemic corruption. Mafia Capitale, from the investigation, appears as a mafia-type organised system of corruption. As clarified by the main prosecutor in the case⁴⁴:

"The mafia offence - with all its interpretative problems and challenges but also rich in its symbolic drives and its revolutionary approach to associative crimes across different legal and illegal worlds - is the only offence "elastic" enough to describe what essentially is the mafia method through organised corruption (...) In this case we saw this group using the mafia method to maintain their systemic corruption".

This peculiar way to generate intimidation from the underworld to the upperworld, according to the prosecutors, but not to the Tribunal, qualifies the mafia method as it is similar to what other mafias do: generate intimidation through the potential use of violence, but aiming at both power and profits at higher levels via different forms of corruption. As noticed by the prosecutors⁴⁵:

"Because of its power of intimidation originating from the associative bonds and from its ability to cross physical, institutional, economic, and criminal territories, Mafia Capitale has the capacity to settle equilibrium and create illicit synergies between very different worlds".

Conversely, the Tribunal endorses a conservative view of how intimidation should manifest when a new mafia group is identified:

"For unlawful associations not originating from traditional mafias, it is necessary to verify the existence of acts of violence and/or threats and whether these acts (...) did develop an aura of fear around the group, so to determine subjection and *omertà* while allowing the organisation to reach its objectives precisely because of the pre-established reputation of violence".⁴⁶

As said above, the Tribunal further maintains that when violence is only residual - thus threatened but not manifest - the group is not a mafia group *unless* it can count on a pre-existing reputation of violence, like in the case of mafia groups migrating from traditional territories (where the reputation is built) to new ones (where reputation follows them). In the case of Mafia Capitale the Tribunal affirms that "*friendships and political affinity, not mafia-type intimidation, better describe this context*",⁴⁷ implying that corrupted entrepreneurs, politicians and administrators, did behave in obedience to the requests of the group (in particular the one led by Buzzi) not because of mafia-style intimidation and fear of violent retaliation, but for different types of alliance and proximity with members of the groups. In particular, the Tribunal - after already establishing that Mafia Capitale is not a single group for the purposes of the trial - establishes that acts of intimidation in this case, are single episodes rather than referring to a diffused aura of fear, as they are put in place by individuals, such as Carminati or his closest affiliates, whose individual - not collective - reputation is what intimidates, temporarily and not diffusely.

The issue surrounding intimidation is further complicated by the revolutionary interpretation of mafia-type intimidation in the prosecutorial thesis. The prosecutors, in fact, maintain that, the power of intimidation of Mafia Capitale “*does not have a privileged physical, institutional or social territory, but it is felt instantly by anyone who experiences it*”.⁴⁸ The prosecutors reject the view that intimidation must be connected to a control of the territory - when it comes to exist *because* and *through* systemic corruption - while the Tribunal considers instead that having control of a physical territory still remains an implicit element of the identification of a mafia association because it is on the territory that “*the power of the association and its capacity to create subjection and omertà can be best measured*”.⁴⁹

The Italian Supreme Court, in two instances in 2015 (while judging on the precautionary measures against the defendants) largely confirmed the reading of Mafia Capitale by the Antimafia Prosecutors, for the purpose of admissibility of the trial. The Supreme Court essentially approved an expansive reading of the concept of intimidation by abandoning a strict interpretation of both control of territory and use of violence. Said the Court⁵⁰:

“Notwithstanding the association's ability to resort to violence, the power of intimidation can be acquired with the creation of an organisational structure. Because of its proximity with political actors, through repeated usurpations and systemic activities of corruption, this organisational structure can influence the allocation of contracts and licensing, and can control entire portions of public works and public companies, so to determine a substantial nullification of competition and a frustration of any new initiative that does not obey to the rules of the association”.

According to the Supreme Court therefore, the power of intimidation can indeed originate also from a corruptive method and from the reputation of the leaders that is transferred to the organisation and can generate omertà and subjection as much as violence could⁵¹:

“The same systemic reiteration of activities of corruption, on one side, has contributed to increment the criminal “reputation” of the organisation. Especially among those entrepreneurs unwilling to comply with the “rules” of the illegal market, the organisation could rely upon an aura of invincibility originating from a wide and stable supporting group made of subjugated public officials. On the other side, the systemic use of corruption has been functional to foster relationships of *omertà*, consolidated through blackmail if necessary to ensure secrecy”.

The tension between a progressive and a conservative conceptualisation of the mafia method could not be more visible: the way in which intimidation is understood leaves space to opposite views on how mafias actually manifest their power, generate subjection and omertà and control economy and spaces. It is imperative, however, to remember that intimidation that counts on the reserve of violence (the availability and the possibility to use violence) is what makes mafia organisations distinct phenomena from corruptive groups, a distinction that the law has to maintain very clear (Pignatone, 2018).

5 Discussion and conclusion

Even though in the Appeal trial the prosecutorial thesis has been confirmed, the legal battle around Mafia Capitale is not over - as defence lawyers are bringing the case in front of the Supreme court. This is the struggle that a hard case - deviating from consolidated jurisprudence just enough to challenge it - poses to the requirements of the Italian mafia membership offence (article 416-bis of the Criminal Code). The analysis shows how, in Mafia Capitale (as a hard case), legal constructivism of the mafia concept operates through the negotiation of a prudent equilibrium that tends to avoid the expansion of the norm. This is necessary and justifiable, as noticed already, to avoid the confusion between different phenomena - mafia and corruption - that must remain clearly separated to avoid abuse of sanctions (Pignatone, 2018; Lupo, 2014).

The struggle for objectivity of the law, however, and the struggle for reaching the ‘one right answer’ that the system asks of the law (Dworkin, 1986), arguably makes all mafia trials hard cases, because of the complexity of shared conclusions in these matters even more complex than before. This can be considered a direct consequence of the fact that the mafia offence in Italy - which dates back to 1982 - derives from a mafia concept that sociologists and criminologists, in Italy and in the USA primarily, have constructed since at least 1950s (Dalla Chiesa, 2010; Sergi, 2017b); the mafia offence struggles to be identified without certain requirements - such as manifest violence and control of the territory for example - that are not mentioned in the actual norm, but are part of the interpretation, as the tribunal in Mafia Capitale has confirmed. As seen above and in an attempt to further summarise the legal battle, the main interpretative divergences in the Mafia Capitale case are a) the recognition of the group as a single organisation, i.e. a debate on the *structure* of mafia groups and b) the recognition of systemic corruption as viable method to diffusely and collectively intimidate, i.e. the *behaviours* of mafia groups. In both cases, sociological and criminological discourses on both mafias (Lupo, 2014; Sergi and Lavorgna, 2016) and corruption (Vannucci, 2016, 2017) appear to privilege the prosecutors' interpretation of the mafia concept. We can argue that if we accept that the concept of mafia, in Italy but arguably not only in Italy, cannot fully be detached from its sociological connotations, then we must accept that the evolution of sociological connotations - as explained below - should continue to influence its legal construction.

It is well accepted in academic research that criminal groups can be extremely fluid if needed, but this fluidity, or liquidity (Forgione, 2008), does not imply a lack of organisational compactness, as long as ties are strong and borders and relationships with others are flexible enough (Costa, 2017). Criminal groups, even when extremely fluid, are indeed social structures and as such can become *lighter* forms of organisation (Dalla Chiesa, 2015; Catino, 2019). With reference to mafia groups, contemporary studies have looked at the structure of the Calabrian ‘ndrangheta for example, reticular and cellular, especially when the clans move outside their territories and also abroad (Sciarrone, 2014; Sergi and Lavorgna, 2016; Calderoni, 2012). The presence of specialisation of labour, forms of direct and indirect participation of affiliates, as well as the different roles that individuals play in this mafia, do not

undermine its being an *organisation*, in the sense of having a corporate entity and even culture (Pignatone and Prestipino, 2013; Sergi, 2018). Mafia Capitale is also a group, a social structure of power with intricate relationships that becomes organisation.

As said, in organised crime studies, the successful links across politics, public administration, entrepreneurs and mafia members help differentiate between mafia groups and “other” criminal groups. The ability to create and foster a group of mildly or highly influential and useful contacts in both the underworld and the upperworld, through the effective exploitation of different types of social ties is indeed a prerogative of mafia groups (Dalla Chiesa, 2015; Sergi, 2016b; Lupo, 2011; Paoli, 2004; Sciarrone, 2011). The ability to link heterogeneous worlds and personalities, in the case of criminal groups, brings to the creation of new opportunities and criminal ventures as well as innovation in the possibilities and opportunities the territory offers. However, the debate on the nature of ties in the “grey areas” of contiguity between mafia and the legal worlds is far from being a settled one: independence of actors and activities from each other is often the rule and of the exception, making it difficult to understand the organisational setting (Sciarrone and Storti, 2016). In Mafia Capitale, the apparent independence between actors in the underworld and in the upperworld is key to the success of the group. Like other mafia groups (Von Lampe and Johansen, 2004; Lupo, 2002; Allum, 2016), Mafia Capitale enjoys *functional* forms of trust, not necessarily through everyone's homogeneous participation and blind adherence to a common criminal plan - but rather alternating common business interests to old-style gangsterism. The escalation of power of Mafia Capitale is the result of a set of behaviours, similar to other mafias, aimed at establishing, maintaining and growing the group's “*criminal reputations in the legal world as well as in criminal markets*” through a “*stable system of trafficking of favours*” (Sergi, 2017b: 301), but also a reserve of violence that can never be forgotten (Pignatone, 2018), beyond the reputation of its leaders.

The systematic and strategic use of corruption, the influence over the public and private sectors and politics and the exploitation of privileged channels - basically, the modus operandi of Mafia Capitale as described by the prosecutors - is also commonly observed in many Southern Italian municipalities, where public, political and mafia roles intertwine and overlap and are directly dependent on control over certain channels of underworld activities, mainly drugs and extortion (Schneider and Schneider, 2003; Sergi, 2015b; Mete, 2011a, 2011b, 2013). In essence, the difference between “traditional” mafia scenarios and Mafia Capitale lies in a) the lack, in Mafia Capitale, of family-blood and *cultural* ties typical of “traditional” mafia groups; and, b) the lack of manifest violence in the upperworld to generate intimidation and *omertà*, as in Mafia Capitale intimidation operates through systemic corruption and subsequent impairment of rules of fair competition.

Mafia Capitale's modus operandi, - through systemic corruption backed up by potential violence if the underworld is involved - generates intimidation and fear precisely because it reaches a monopolistic grip on several public sectors and markets in the city. In practice, the more Mafia Capitale corrupts successfully, the more pervasive the group's reputation becomes across different public sectors, the more those in the field will know of Mafia Capitale, the more they will fear consequences should they wish to escape involvement with Mafia Capitale, the more involved or even complacent they become, the less they will denounce or speak against it: this is intimidation that creates subjection and *omertà*, thus a protective aura around the group. Indeed, through exchange of benefits and favours at every level and in different worlds, Mafia Capitale can count on an increasingly large group of contacts. This cumulative approach is typical of mafia groups and their behaviours, whereby *proximity* to politics and public administration is symptomatic of the growing reputation of the group as well as being one of the ultimate goals to secure power and money (Sergi, 2017a; Sergi and Lavorgna, 2016; Allum, 2006; Acconcia et al., 2011). Even though this is a fair and logically sound interpretation of the case, it must be remembered that in the debate on Mafia Capitale there are many authoritative voices that see the case not as an ‘ideal-type’ but rather as a one-of-a-kind investigation whose traits would be difficult to replicate (Mete and Sciarrone, 2016; Pignatone, 2018). It is true, however, that the debate on the nature of the mafia concept remains in the hands of jurisprudence more than policy-makers, thus Mafia Capitale is unlikely to remain an isolate case (Ciccarello, 2016).

In conclusion, as the legal constructivism prevailing in the Appeal trial confirmed the prosecutorial thesis thus recognised Mafia Capitale as a mafia group. In this view mafia-type organised crime includes a new “symptomatology”, which is based on: 1) the existence of a criminal system with a reputation maintained through intimidation via corruption with a reserve of violence; 2) the trafficking of illicit favours and benefits which reinforces the reputation of the group and increases fear of repercussions for externals; 3) the reliability on in-betweeners, or brokers, people able to connect underworld an upperworld, from armed militia to entrepreneurs, from criminals to politicians; 4) the aims of pursuing both financial gains and political or social power. This revised conceptualisation of a mafia group would separate, without denying, the idea of mafias from the traditional mafia groups linked to the Southern territories of Italy and would advance the analysis of the characteristics of the mafia phenomenon as a dynamic and fluid criminal and social behaviour detached from particular cultures and ethnic groups and that, therefore, can exist everywhere and are not just an Italian peculiarity.

This case shows that while, on the one side, corruption could be considered a tool through which mafias establish connections and cooperation from the outside world, intimidation by a mafia group, on the other side, can and should be seen in tight connection with the possibility for the group to use violence as that remains a qualifying behaviour of mafias. Whether or not the Mafia Capitale would become a paradigmatic case we still cannot know. Certainly, this case already brought to an intriguing reflection on the divergences between mafias in the criminal code and in the academic world that will deeply influence further research in this field.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.ijlcrj.2019.04.002>.

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Footnotes

¹Sergi, A. "The Mafia Mega Trial that has Italy on Tenterhooks." Newsweek Europe 11 November 2015 (<http://europe.newsweek.com/mafia-mega-trial-that-has-italy-tenterhooks-336366?rx=eu>).

²See "Rome court convicts 41 in 'Mafia Capitale' corruption case", by James Politi and David Ghiglione, Financial Times 20th July 2017, <https://www.ft.com/content/4cf9b6de-6d5f-11e7-bfeb-33fe0c5b7ea>.

³See Italian court cuts sentences for ringleaders of Rome's 'Mafia Capitale' gang, 11 September 2018, <https://www.thelocal.it/20180911/italian-court-cuts-sentences-for-ringleaders-of-romes-mafia-capitale-gang>.

⁴Corte di Cassazione, sez. VI, no. 18459-22 January 2015.

⁵Article 416-bis (Italian) Criminal Code. Mafia-type unlawful association.1.Any person participating in a Mafia-type unlawful association including three or more persons shall be liable to imprisonment for 5-10 years.2.Those persons promoting, directing or organising the said association shall be liable, for this sole offence, to imprisonment for 7-12 years.3.Mafia-type unlawful association is said to exist when the participants take advantage of the intimidating power of the association and of the resulting conditions of submission and silence to commit criminal offences, to manage or in any way control, either directly or indirectly, economic activities, concessions, authorizations, public contracts and services, or to obtain unlawful profits or advantages for themselves or for any other persons, or with a view to prevent or limit the freedom to vote, or to get votes for themselves or for other persons on the occasion of an election. (...).8.The provisions of this article shall also apply to the Camorra, the 'ndrangheta and to any other association, whichever their local title, seeking to achieve objectives that correspond to those of mafia-type unlawful association by taking advantage of the intimidating power of the association.

⁶See "Rome court convicts 41 in 'Mafia Capitale' corruption case", by James Politi and David Ghiglione, Financial Times 20th July 2017, <https://www.ft.com/content/4cf9b6de-6d5f-11e7-bfeb-33fe0c5b7eaa>.

⁷Operazione Mondo di Mezzo - R.G.N.R. 30546/10 Procura della Repubblica presso il Tribunale di Roma - Ordinanza di Custodia Cautelare, p.34.

⁸Tribunale Penale di Roma, Sezione X, 20 July 2017 - deposited 16 October 2017 - N. Reg. Sent: 11730/2017, p. 3058.

⁹Operazione Mondo di Mezzo -, p.34.

¹⁰Tribunale Penale di Roma, p. 3058.

¹¹Giudice per l'Udienza Preliminare - No. 30546/10 R.G. GIP Tribunale di Roma, 3 November 2015, deposited 28 January 2016.

¹²Tribunale Penale di Roma - p. 3136.

¹³Procura della Repubblica presso il Tribunale di Roma, Atto d'Appello vs Sent: 11730/2017, p.18.

¹⁴Tribunale Penale di Roma, Sezione X, 20 July 2017 - deposited 16 October 2017 - N. Reg. Sent: 11730/2017, p. 3132.

¹⁵Procura della Repubblica presso il Tribunale di Roma - Atto d'Appello vs Sent: 11730/2017, p.9.

¹⁶Tribunale Penale di Roma - p. 3056.

¹⁷Operazione Mondo di Mezzo - p.49.

¹⁸Tribunale Penale di Roma, Sezione X, 20 July 2017 - deposited 16 October 2017 - N. Reg. Sent: 11730/2017, p. 3072.

¹⁹Procura della Repubblica presso il Tribunale di Roma, Atto d'Appello vs Sent: 11730/2017, p.17-18.

²⁰Tribunale Penale di Roma, Sezione X, 20 July 2017 - deposited 16 October 2017 - N. Reg. Sent: 11730/2017, p. 3055.

²¹Atto d'Appello vs Sent: 11730/2017, p.16.

²²Tribunale Penale di Roma - p. 3076.

²³Operazione Mondo di Mezzo - p.34.

²⁴Atto d'Appello vs Sent: 11730/2017, p.62.

²⁵Operazione Mondo di Mezzo 2 - R.G.N.R. 30546/10 Procura della Repubblica presso il Tribunale di Roma - Ordinanza di Custodia Cautelare, p.316.

²⁶Atto d'Appello vs Sent: 11730/2017, p.35.

²⁷Tribunale Penale di Roma - p. 3065-66.

²⁸Tribunale Penale di Roma - p. 3150.

²⁹Operazione Mondo di Mezzo - R.G.N.R. 30546/10 Tribunale di Roma - Ordinanza di Custodia Cautelare 13/12/2012 - Vds. pag. VI - Premessa all'informativa del ROS Reparto Anticrimine, p.37.

- 30** Silvio Berlusconi, Italian former Prime Minister; whether or not this was at the time just an example or reality is irrelevant; indeed associates of the criminal groups did attend events where the former prime minister could have been present.
- 31** Operazione Mondo di Mezzo - p.38.
- 32** Operazione Mondo di Mezzo - p.59.
- 33** Tribunale Penale di Roma - p. 3083.
- 34** Operazione Mondo di Mezzo - p.255.
- 35** Operazione Mondo di Mezzo - RIT 4819/14 p. n. 408 del 12.09.2014.
- 36** Tribunale Penale di Roma - p. 3065.
- 37** Black and red are, respectively, colours associated to right wing and left wing political orientations.
- 38** Salvatore Buzzi and Giovanni Campenni talking in Buzzi's car, RIT 3240-13 prog. no. 54 h. 17.00.00 of 20.04.2013 - Operazione Mondo di Mezzo - p.157.
- 39** Prosecutors have asked 5 years incarceration (in February 2019) for Gianni Alemanno, former mayor of Rome (2008-2013) for corruption and facilitation of the work of Mafia Capitale. The prosecutors consider him the politician of reference for the group headed by Carminati and Buzzi.
- 40** Massimo Carminati and Salvatore Buzzi, intercepted phone conversation no. 10 h 09:56:49 of 14.06.2013 RIT 4955/13 - Operazione Mondo di Mezzo - p.134.
- 41** Tribunale Penale di Roma - p. 3084.
- 42** Corte di Cassazione, sez. VI pen., 10.03.2015 [dep. 9.06.2015], no. 24535, p.20.
- 43** Massimo Carminati and Riccardo Brugia, conversation of 13.12.2012 - Operazione Mondo di Mezzo - p.58-59.
- 44** Interview with the Author, Procura di Roma, April 2017.
- 45** Translated from Italian - Operazione Mondo di Mezzo - p. 37.
- 46** Tribunale Penale di Roma - p. 3056.
- 47** Tribunale Penale di Roma - p. 3114.
- 48** Translated from Italian - Operazione Mondo di Mezzo - p. 36.
- 49** Tribunale Penale di Roma - p. 3055.
- 50** Corte di Cassazione, sez. VI pen., 10th March 2015 [motivations deposited on 9th June 2015], no. 24535, Pres. Agro, Rel. De Amicis, page 48.
- 51** Corte di Cassazione, sez. VI pen. - page 35.

Appendix A. Supplementary data

The following is the Supplementary data to this article:

[Multimedia Component 1](#)

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Queries and Answers

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