
Organized crime in Italy: the Puglia mafia

La criminalità organizzata in Italia: le associazioni mafiose in Puglia

Maria Antonella Pasculli

Ricercatrice di Diritto Penale e Professore Aggregato,
Dipartimento per lo Studio del Diritto Penale, Facoltà di
Giurisprudenza, Università degli Studi di Bari Aldo
Moro, Bari, Italia.

E-mail: m.pasculli@lex.uniba.it

Introduction

This research distances itself from the stereotype created by the Italian or the International doctrines. According to many authors, the main criminal associations are basically the Sicilian *Mafia*, the Calabrian *'Ndrangheta* or the Neapolitan *Camorra*¹. This article will focus the juridical attention on the development of organized crime in the South of Italy, particularly in the Puglia region of Italy. In this case my research refers not only to the Sacra Corona Unita as excellently examined by Massari's analysis², but also to the

ABSTRACT: This article will deal with the development of organized crime in the Puglia region of Southern Italy. The present study will trace the different criminal dynamics present in this territory and discuss the multiple typologies and structures of organized mafia-type associations. This study will also emphasize the presence of women in the criminal associations and analyze the evolution of women's roles from the end of the 1980's till the most recent judgments by the Italian Courts, in which the perpetrator or the co-perpetrator was for the first time found to be a woman. Throughout this mapping of organized crime groups within the local area, the author will examine the basic dimension of criminal associations reporting to the legal penal provisions: activities, rationale and scope.

Keywords: Mafia method; Gender; Local-Global Area.

¹ See K. von Lampe (2008) at 10; L. Paoli (2003); L. Paoli (2004); D. Gambetta (1993).

² See M. Massari (1998); Massari (2008).

explosion of criminal intents and Mafia-type structures present in the other five provinces of the Puglia region.

In the lack of specific literature about organized crime in this part of Southern Italy I will use recent and diverse D.I.A. reports by police forces and D.D.A. reports by public prosecutors from National and Local anti-Mafia Bureaus. This has been made possible due to a research project about organized crime in Apulia started in 2008 and financed by the mayor of the city of Bari (a former prosecutor of the D.D.A. Bureau), in which professors, lecturers, lawyers, and prosecutors participated. As a consequence a bilateral convention has been drawn up between the University of Bari (where my own department is located) and the city of Bari, (a political institution interested in the struggle against organized crime)³. During the analytical meetings the members of the interactive committee discussed the necessity of verifying the presence of *new mafia-type organizations* throughout the formal requirements of the Italian penal code and the special legislations, and the various cases of local jurisprudence. The research group has been working from a double perspective: the need to provide a rigorous evaluation of Mafia-type organizations in Puglia in relation to the inadequacies of doctrinal studies; and the need to analyze the growing exhibition of documents by Italian judges. We have studied the cities using the instrument of *crime mapping*. This is based on mapping the cities, visualizing the dangerous zones and analysing the committed crimes.

Crime mapping is a technique for the prevention and analysis of urban criminal problems widely used in America and the UK, which is becoming common in other European States in recent years. In Southern Italy, some instances of crime mapping have taken place recently, but the capacities of such tools are largely unexplored, as they require not only specific skills, powerful instruments

³ The name of the political institution is Agenzia per la lotta non repressiva alla criminalità organizzata -Comune di Bari.

and large datasets – from a technical point of view – but also analytical and criminological capacities to provide relevant results⁴.

This is an experimental study in which the academic positions and the jurisprudential practices converge in an *unbalanced balance*. The results of policing operations and the judicial decisions prevail against the doctrinal studies. Due to the innovative researching purpose and the difficulty in adapting the content to the scientific or sociological definitions of organized crime, it may be difficult to find a theoretical approach to the international doctrine concerning the issue of organized crime around the world. This research about mafia-type association in Puglia is supported by the relationships between academics and practitioners, and to the connection between *theory* and *reality*. The working material concerns the debate over the utility of policy makers for academic and scientific findings. Ultimately it is unclear whether research activity can orientate policing operations or produce “pure” knowledge. This study is based on the idea that academy and institutions need to cultivate a continued dialogue in the field of organized crime studies: practitioners would gain from a consolidated scientific knowledge and academics would find data and research incentives from the practical activity. The academic

⁴ As the Agenzia per la lotta non repressiva alla criminalità organizzata states: “Crime mapping is the direct application that comes from considering the inherent geography in crime. Crime mapping supports a number of processes that include: 1) Responding and directing police and community wardens, calls for service, and information collection. (Many police forces use detailed gazetteers of addresses and locations with computer mapping to help them identify where a response is needed and become consistent in address data capture. This also helps to solve any ambiguity over the exact location where an incident has happened. Community wardens are also using mobile computing with global positioning system (GPS) technologies to capture details of graffiti and vandalism incidents). 2) Supporting the briefing of operational police officers by identifying crimes that have recently occurred in the areas they have patrolled or are soon to patrol, and what may happen in the future. 3) Identifying crime hotspots for targeting, deploying and allocating suitable crime reduction responses. 4) Through pattern analysis with other local data, helping to effectively understand the crime distribution and explore the mechanisms, dynamics and generators to criminal activity. Crime maps can be used with data on housing, deprivation, demography and the location of local services to help in planning and designing other local strategies such as those for neighbourhood renewal and community cohesion. 5) Catching serial crime offenders; 6) Monitoring the impact of crime reduction initiatives. 7) Using maps as a media to communicate to the public crime statistics for their area and the responses that are being implemented to tackle crime problems”.

task is to search for a theoretical definition of organized crime; this would also increase the effectiveness of the policies governing the organized crime action. Here is a methodological plan for this research: I will present as a topic a new kind of mafia, never before identified. While the attempt can be made to compare the definitions of organized crime and Mafia for criminal associations such as the Sicilian *Mafia*, the Calabria *'Ndrangheta* or the Neapolitan *Camorra*, these indeterminate associations may prove unsuccessful. This is something I will try to understand and show to the academic community.

As a scholar of organized crime in Italy during my PhD research, and also as an assistant professor of criminal law on corporate liability, I believe the present study to be pertinent to map out the future borders of the Puglia Mafia-type associations.

This paper will focus exclusively on the most important decisions on the issues regarding the criminal proceedings related to Mafia-type organizations present in the region to suppose a hypothetical framework of organized crime in Puglia. Starting with these practical events, the purpose of this study is to explore Mafia-type organizations never previously described in Italy research.

A general background

The Puglia area, especially the city of Bari, is characterized by a diffused and rooted criminality. As a recent research (2006) explains about the development of crime in Bari, “In order to describe the development of criminal activity in Bari it is necessary to make a distinction between ordinary crime and organized crime. While ordinary crime is committing by people operating alone, organized crime is committed by members of specific organizations”⁵.

⁵ See L. van Den Berg, P.M.J. Pol, G. Mingardo, C. J. M. Speller (2006).

In the metropolitan area of Bari the organized crime is constantly growing. In this extended area the criminal associations, with their most bloody clans and their most violent offences, are an integral part of the social standards and an essential component of Apulian life. The ongoing phenomenon reflects the transformations of South-eastern Italy, in which it is deeply rooted and which it influences⁶. Organized crime in Puglia is not a hierarchical form of organization; it does not present a pyramidal structure, in which anyone could take supreme power (with few exceptions). The horizontal network of criminal groups makes it impossible to form strategic alliances and take complete control of the territory. On the other hand, the criminal associations are dynamic, ductile and terribly aggressive.

The first element of the analysis we can indicate with certainty is the simultaneous presence in the same delimited territory of two different criminal structures: the multiple criminal gangs and the organized criminal groups. This is a complex scheme in which we can try to individuate the criminal groups and the organized groups at the time and in the same place.

For the category of criminal group, according to Warr (1996),

The study of criminal group is complicated by two conceptual problems. The first concerns the meaning of the term *group*. When referring to group delinquency, criminologists have traditionally had in mind any delinquent event that involves two or more offenders, or co-offenders, in Reiss's (1986) terms (see Klein, 1969). That conception surely stipulates an essential element of groups – multiple actors – but many sociologists and social psychologists would insist on additional elements, including an established role structure, shared norms, a shared identity, and common goals (e.g., Theodorson and Theodorson, 1979).

The second issue involves the distinction between groups and gangs. Despite the rich literature on the topic, according to Warr, “there is general

⁶ See DIA report, Direzione Investigativa Antimafia, *La criminalità pugliese. Analisi sul fenomeno del crimine associato*, 2002, at 1-72.

agreement, supported by empirical evidence, that gangs constitute only a small fraction of delinquent groups and that a gang-like structure is not a prerequisite for delinquent behavior (see especially Morash, 1983; Stafford, 1984)⁷.

For this reason, in the Puglia region we can delineate the presence of twofold, diverse categories of criminals. This empirical observation contrasts also with the doctrinal study about the definition of organized criminal groups. For the category of organized groups the diversity of criminal actors and organizations has made consensus about the definition of “organized crime” difficult. It has been argued (Naylor, 1997) that organized crime groups differ from other crime groups in that they specialize in enterprise as opposed to predatory crimes, have a durable hierarchical structure, employ systemic violence and corruption, obtain abnormally high rates of return relative to other criminal organizations, and extend their activities into the legal economy⁸. According to this interpretation, criminal groups that do not meet these five conditions are not “organized crime”. Others (Reuter, 1983) have opted for a broader definition: “Organized crime consists of organizations that have durability, hierarchy and involvement in a multiplicity of criminal activities”⁹.

Albanese (2010) expands this discussion, writing

A definition of organized crime, based on the consensus of authors, reads ‘organized crime is a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand. Its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials’ (Albanese, 2007). The precise size of the enterprise or group is not important to the definition; two persons are the minimum required to engage in a criminal conspiracy, so any group of two or larger suffices. Organized crime can be described either by the activities it engages in or by the groups involved. Continuing conspiracies that constitute organized crime must connect suppliers of illicit products or services to transporters to move those

⁷ M. Warr (1996) at 13.

⁸ See R. T. Naylor (1997) at 6.

⁹ P. Reuter (1983) at 75.

products where needed, and finally to customers, while also protecting the enterprise from law enforcement and from illicit competitors who wish to disrupt their activities. Therefore, organized crime groups need to obtain the product (e.g., drugs, stolen property) and make it easily available to customers (e.g., movement from source to destination) while obtaining some 'insurance' so that when members are caught or convicted, corrupted public officials will protect the enterprise from disruption. All successful organized crime groups require these elements to survive and make a profit, their two reasons for existence¹⁰.

In this area we can observe the contemporary presence of organized criminal groups and disorganized criminal street gangs¹¹. In spite of the other criminal associations normally considered, the influenced occupation of the cities or of a part of them by these several clans does not produce a sanguinary contrast as immediate consequence, but a difficult, interesting cohabitation. The minority criminal groups, in fact, seek to emulate behaviors, conducts, and actions of the Apulian chief criminal organizations. However the emulation is not radical. The human elements of organized groups have not the fundamental rules, customs and symbolisms of Sicilian *Mafia* or Neapolitan *Camorra* associations; the components of the gangs do not respect the honour of family-clans, or the common system of *criminal values*¹². The practical effect of this lack is the growth of justice collaborationists¹³.

The second element, rooted in the Apulian region, of this survey estimates the *criminal socialization*. This specific kind of relationship refers to the criminal networks or pseudo-cultural clubs, sharpened through the participation and the selection of young boys, which the *Mafia* clans have created for the control and the management of private circles.

¹⁰ See J. S. Albanese (2010); Albanese (2007) at 4.

¹¹ On the topic with reference to a empirical study conducted in Quebec, Canada, see M. Bouchard and A. Spindler (2010); S. H. Decker, G.D. Curry (2002).

¹² On the other hand, the criminally organized association born in the area of Lecce, *Sacra Corona Unita*, SCU, makes tribal rituals, has secret codes, and plays a mystical, theatrical ceremony among members in order to enter into the criminal society. See on the topic, A. De Donno et al. (2002) 1-5.

¹³ See A. Regina et al. (2008).

According to many criminologists, this kind of affiliation represents a determinant element of criminal behavior. People living in these areas can't resist crime. The boys and girls, as we can see in the following paragraphs, which have learned criminal behaviors from their parents and then taken part in neighborhood gangs, are much more likely to become adult criminals than children who have positive self-image, learn moral values, and have the support of their parents. It is this criminal socialization which determines the tendency towards criminal behavior¹⁴. The social process approach, with its independent branches, helps to explain the criminal socialization in the Puglia region¹⁵. The evolution of the social process approach crosses three important theories: social learning theory, social control theory, and social reaction theory or labelling theory. The first branch depends on the criminal behavior learned through human interaction. As Sutherland's *Differential Association Theory* asserts, acquiring a behavior is a social learning process, not a political or legal process, which could affect any individual in any culture. "Skills and motives conducive to crime are learned as a result of contacts with procrime values, attitudes, and definitions and others patterns of criminal behaviors". A person becomes a criminal when he or she perceives more favorable consequences to violating the law. According to Sutherland's theory, individuals become law violators when (and why) they are (unfortunately always) in contact with people or groups that produce an excess of definitions towards criminality, and are isolated from legal counteracting forces¹⁶. Other attempts to describe this phenomenon have been made by a number of criminologists, such as the *Differential Reinforcement Theory* (Akers, Burgess, 1966) and the *Neutralization*

¹⁴ See H. J. Siegel (2009) at 202.

¹⁵ See Siegel, *Criminology*, at 202-220, with reference to prominent theorists on the topic, points out the Social Learning Theory, the Social Control Theory, the Social Reaction Theory, as methodological explications of criminal behaviors.

¹⁶ E.H. Sutherland, D. H. Cressey, D. F. Luckenbill (1992) at 86 and 90.

Theory (Matza, Sykes, 1964)¹⁷. However, the fact that criminal socialization is not necessarily the effect of human interaction has long complicated the definitional process. According to the *Social Control Theory*, human behaviour is controlled through close association with institutions and individuals. The adoption of concepts elaborated within social contexts, which presents many opportunities for illegal activities, has been produced (Reckless's *Containment Theory*, 1967; Hirschi's *Social Bond Theory*, 1969). Finally, using the *Labelling Theory* sociologists have focused on how criminal careers form based on destructive social interactions and encounters. People are given a variety of symbolic labels and ways to interact with others (Lemert's concepts of primary and secondary deviance, 1951, Agnew, 2006).

There are also two particular factors characterizing the *Puglia Mafia*: the young age of the bosses or commanders and the frequent armed engagements between local gangs. These conditions cause mutual murders or revenge killings. The juvenile delinquency, in fact, has been developing quickly. There are different reasons for the growth of youth crime. We can consider the practical needs of organized crime (if most of the members are in jail, as a consequence the criminal organizations will recruit new members from young people); the ease of earning quick money for young people (committing criminal activities, in fact, boys and girls could maintain a high standard of life: they can wear expensive clothes or purchase the latest model of mobile phone, for instance); the possibility of a lifestyle that only organized crime has to offer them (the presence of models of illegality prevail at different levels of society).

Under-aged persons commit grave crimes to improve their specific abilities and to demonstrate their courage and their criminal skills to the bosses or adult components. The juvenile groups can also gain a staggering amount of money or make large profits in the criminal business. The practical effect of that seepage is

¹⁷ R. Burgess, R. Akers (1966); T. Hirschi (1969); W. Reckless (1967); E.M. Lemert (1951); R. Agnew (2006).

the easiness to create and to spread criminal organizations throughout the whole territory¹⁸.

After some preliminary remarks, this study will examine the statistical items about the presence of organized criminal groups in Puglia. These data are provided by reports of the D.I.A. – a local anti-mafia bureau – following various policing operations¹⁹. The objectives of this research are the building of substantial data-base; a possible comparative study of the phenomena; and the creation of a new organized crime typology. I will present a *criminal map* regarding the presence of criminal organizations in the Apulian provinces and attempt to compare these organized criminal groups with the recognized structures of organized crime.

Data and methods, structure of Puglia criminal associations

Having set the background, it is necessary to specify the source of the information collected below. The analysis that follows is based on judicial documents, namely documents produced by courts on proven cases leading to guilty verdicts and consequent penal sentences; policing sources discussing proven cases or ongoing investigations and judicial activity; academic work discussing the above or analysing general issues around the causes and persistence of both criminal associations and organised crime present in the area.

It is not very easy to point out the structures of Puglia Mafia. In contrast to the common Mafia-type associations, the Puglia Mafia is neither a unitary typification, nor a federation of groups under a supreme supervisor, known as *Cupola*. The essential representation of the criminal associations is that of a

¹⁸ DIA report, Direzione Investigativa Antimafia, *La criminalità pugliese. Analisi sul fenomeno del crimine associato, above*, at 3-4. See also European Project “Mafia Minors: Intervention Procedures” Number: Jls/2006/Agis/215, *Study, Research and International Activities Juvenile Justice Department – Ministry of Justice, Italy*.

¹⁹ DIA report, Direzione Investigativa Antimafia, *La criminalità pugliese. Analisi sul fenomeno del crimine associato*, 2002, at 1-72.

fragmented phenomenon of crime; of a disjointed heap of perpetrators, fighting to obtain supremacy or to exercise overall control on the organization and on the illegal activities in the given territory.

This depends on the control that a single group traditionally extorts on the overall illegal activities in its territory, or on the other hand, in the towns. Generally the empirical studies have shown the equation: one criminal group one town; one criminal association one city or city section. How was the Puglia Mafia born? The so-called *Fourth Mafia* did not grow spontaneously; it was born by *cloning*. Cloning describes the processes used to create an exact genetic replica of another cell, tissue or organism. The copied material, which has the same genetic makeup as the original, is referred to as a clone. The same process took place in Apulia. In 1979, the infamous boss, Raffaele Cutolo, chief of the Neapolitan *Camorra* clan, and other Calabrian *'Ndrangheta* bosses met Apulian organized criminals in order to create a new Mafia-type association similar to the already existing clans. From the beginning, the criminal community introduced the same ancient rituals, the same initiatory rites, the same common organization of criminal affairs, and the overall control on the territory in order to perpetuate its harmful traditions in Puglia.

As primarily analyzed for *Cosa Nostra* (Paoli, 2002)

With the entrance into the mafia group, the novice is required to assume a new identity permanently and to subordinate all his previous allegiances to the mafia membership. It is a life-long pact. The kin-like relation is established through ritual. The entrance into all the associations considered, in fact, takes place with a ceremony of affiliation, which constitutes a true 'rite of passage'. The ritual marks the change of position of those who undergo them and their assumption of the new status of member of a brotherhood²⁰.

²⁰ Paoli (2002) at 76.

However, even if the purpose and the initial rituals of Mafia-type association in Puglia are similar to those found in other major Mafia-type organizations, the evolution passages are completely different. The absence of a code of (criminal honour) with respected values changes the dynamics of unity and closeness of criminal associations in Puglia. The sanguinary strategy to prevail in the (very small) territory and seize control of the illegal activities does not admit the constitution of strong, respected, unified criminal organization such as the Sicilian *Mafia* or the Calabrian *'Ndrangheta*.

The starting aim of criminal unity has completely transformed over the years. Important policing investigations have disclosed the absence of any deep affinity between the other *Mafia-type* organizations and the Puglia criminal system. The Puglia Mafia is not a territorial *Mafia*, rather a group of persons, intended as organized criminal clans, who establish illegal business relationships with the traditional mafias without joining in. In a variety of multiple clans it is possible to distinguish different groups of criminal families such as “*Sacra Corona Unita*”, “*Nuova Sacra Corona Unita*”²¹, “*Società foggiana*”, “*La Rosa dei Venti*”, “*Camorra Barese*”, “*Camorra Pugliese*”, and “*Nuova Famiglia Salentina Libera*”²². The Apulian Mafia, nevertheless, is a more complex reality than the others.

Collecting information and data on organized crime in Puglia has presented a series of significant methodological problems. The first is the difficulty of conducting a comparative criminology background, because of the issues of legal definitions and varying profiles of Italian criminal associations. The second is the difficulty of conducting research on organized crime, because of the multiple definitions and challenges of the concept in the areas of criminological studies. This study of trends in organized crime in Puglia may constitute a beginning challenge for research and analysis.

²¹ On the most important criminal organization in Apulia, see G. Ruotolo (1994); C. Motta (2008).

²² DIA report, Direzione Investigativa Antimafia, La criminalità pugliese. Analisi sul fenomeno del crimine associato, above, at 30.

In the following paragraphs, I will examine the organized criminal groups in the six provinces, underlining the basic structure of associations.

The most common response of governments to rising crime rates has been to strengthen their legal and judicial systems, increasing law enforcement expenditures and toughening penalties. However, the number of prosecuted and incarcerated offenders have made the costs of maintaining the criminal, justice and correctional systems rise to unprecedented levels. Policing and security may emphasize the deployment and coercion to fight criminal sources of insecurity. Although people may feel that something is being done when tough measures are taken against crime, the approaches do not deal with the long-term consequences for families or help prevent future delinquency. However, those measures have not reduced the number of offences committed, raising questions on alternative ways to spend resources on preventative social actions. Moreover, it is argued that preventive action can be up to ten times more cost effective than traditional control measures, such as incarceration. Crime prevention was largely seen as the responsibility of the police. Only recently these problems were conceived as intrinsically linked to the health of neighborhoods, their quality of life, as well as a wider concern about community safety and urban security. As a result, several police departments across Latin America have undertaken community policing programs instead of aiming to improve their rapport with the community. For instance, problem-oriented policing was introduced as a model of rapid-response approach to incidents usually caused by underlying community issues. Community policing has been reconsidered in recent times and supporters argue that this approach fosters the mobilization of resources in the community bringing along stability in the long term. This latest variation proposes that agents ought to be agents of community tradition and consensus, working with local and grass-roots organizations aiming to help residents take direct provisions for their own security. The community-policing model involves police engaged in a wider range

of security activities along with other institutions and in the solution and management of social problems. However, some critics of this model emphasize that the police may become a center for professional advising on security issues, creating an endless demand of security solutions only available from experts in that field. Nevertheless, alternative approaches have been undertaken in which partnerships between local governments, the police and organized communities are established to address crime. Other than the repressive approach to crime, the city creates security contracts where the state subsidizes a set of initiatives undertaken by the population at risk. Members of the community may also participate in “crime prevention councils” to discuss crime related problems and define or coordinate the corresponding programs. Special programs targeted at socially disadvantaged groups such as probationers, unemployed youth, single mothers, etc. have proved crucial for long-term prevention. However, this approach stresses the importance of key political figures taking responsibility for prioritizing crime prevention strategies as well as keeping them on the political agenda to recover and enhance the quality of life in the city.

Organized criminal groups in Bari and extended area (the Province of Bari).

The criminal history in Bari and province binds itself to policing local investigations. Throughout successful police outcomes and the following proceedings we can determine that the organized criminal groups are dynamic and fragmented²³. The criminal structure is similar to the *Camorra* associations. It presents a horizontal structure without commander’s vertices. This kind of structure is named *core criminal group*, ranging from a relatively loose to a cohesive group of core individuals who generally regard themselves as working for the

²³ DIA report, Direzione Investigativa Antimafia, La criminalità pugliese. Analisi sul fenomeno del crimine associato, above, at 46-47.

same organization. The members have no detailed criminal plans and put up continuous desperate fights against themselves (parts or components of clans). We can detect within the same closed area multiple Mafia-type associations named the *Capriati Clan*, *Biancoli Clan*, *Di Cosola Clan*, and *Laraspata Clan*. In almost all cases, criminal groups have a name by which it is known both to its members and outsiders. The size of such groups can range from relatively small to several hundred.

Contrary to these family clans, the *Parisi Clan* is similar to a holding society with specific criminal fields (especially drug traffic in the quarter *Japigia*) under a supreme chief, the boss Savino Parisi, called *Savinuccio*. The boss decides everything; he helps the arrested associated members in prison and their families outside of prison; he divides up the money and the property among the members equally; he acts as a go-between for the family clans. This kind of structure is named *rigid hierarchy*, with a single boss, organization or division into several cells reporting to the centre, and strong internal systems of discipline.

In the province there are also many clans with archaic and disorganized, horizontal structures. The members have mainly given up drug trafficking and tobacco trades under different criminal supervisors, such as *Mangione*, or *Loglisci*.

During the last ten years the police forces have arrested many bosses and members of family associations (the main commanders are Parisi and Capriati). In spite of these arrest warrants and their related trials, the criminal clans have been able to regenerate themselves. They have weathered critical periods by investing in young boys with new relevant tasks and competing with other clans. The horizontal or vertical hierarchy has consequently changed into a *hierarchical conglomerate*; as an association of organized crime groups with a single governing body, it is more flexible and has loose oversight arrangements.

Organized criminal groups in Foggia and extended area (the Province of Foggia)

Foggia and the area around the city represent the worst criminal zone in Puglia. Organized crime and ordinary crime take root within these common borders. The citizens breathe mafia-type culture: the culture of illegality is widespread throughout the city: from families to social and institutional organizations. The extraordinary number of murders committed is caused by the continuous and violent family feuds. The criminal associations have a fragmented, but pyramidal structure. This kind of structure is named *standard hierarchy*, with a single boss, organization or division into several cells reporting to the centre, and strong internal systems of discipline. The structure's parties are named *societies*; the societies are divided in sub-sections, called "*batterie*". The main illegal activities are usually extortion, theft, robberies with stolen goods received, and traffic in the drug, tobacco, or arms trade.

A specific crime of this area is named "*cavalli di ritorno*". The criminals steal a car (or a farm tractor) and after a little time ask the owners for some money. If the owners agree to pay the criminals, the clan's members will return the stolen goods. For the last ten years two main family clans have fought on equal grounds to obtain and preserve the territorial control (clan Sinesi against clan Pellegrino-Trisciuglio). The balance between the criminal associations has been unstable. Passing the maximum length of the term of preventive custody²⁴, precautionary measures ended and many families' clan members were released from prison. For this reason in 2002 an inauspicious Mafia-type war broke out. Murders and bloody

²⁴ In the criminal procedure code the preliminary judge has the task of adopting measures restricting personal freedom if this proves necessary during the investigation. He also decides whether it is necessary to extend these measures, following a request by the public prosecutor. In addition, at the request of the parties the preliminary judge decides whether to admit taking evidence during the pre-trial phase and presides over the proceedings. Greater emphasis was given to statements made during the pre-trial phase in order to deal with the emergency crime situation caused by the worsening of the mafia phenomenon and organized crime in the Province of Foggia.

engagements went up in the local area. There was an important criminal emergency to stop the violent criminal codes.

In the extended area the situation is similar to Foggia. In the beautiful Gargano-zone the tourist activities are weighted down by criminal associations. The hotel-keepers have to pay *pizzo* (protection money) if they want to work quietly and efficiently. Shopping managers, parking administrators, business premises owners often have to do the same.

Organized criminal groups in Brindisi and extended area (the Province of Brindisi).

The mafia-type environment in this province appears unstable and quite dynamic. During recent years, the policing task forces have weakened the criminal family clans. Many members were imprisoned and consequently the criminal organizations were routed. The police forces and the local investigations have not found any justice collaborationists. The sense of criminal honour is very high. Different from the mafia-type associations present in the province of Bari, in Brindisi the heavy losses of many bosses and components have slackened the illegal activities, changing the features of criminal structures at this time. The current kind of structure could be named an *organized criminal network*, defined by the activities of key individuals who engage in illicit activity together in often shifting alliances. They do not necessarily regard themselves as an organized criminal entity. Individuals are active in the network through the skills and capital that they may bring.

In the area there is evidence of a large retail market for contraband cigarettes, extortions, and traffic in drugs. The illegal activities are favoured by the geographic position of the territory. In fact, the area allows the shortest and easiest access to the eastern countries. Over the years important bosses or members from

Sicilian mafia-type associations have been sheltered as well as they could in the Province of Brindisi.

In the extended zone of Brindisi there are two relevant criminal clans, called *Mesagnesi*, who are strictly connected to other criminal clans from the provinces of Lecce or Taranto. The members of these clans have committed various murders during the mafia-type wars. Another specific factor is the real infiltration of mafia-type men into political affairs. Since 2002 a great number of threats and extortions have been denounced by some local politicians.

Organized criminal groups in Lecce and extended area (the Province of Lecce).

The mafia-type association present in the Province of Lecce is named *Sacra Corona Unita* (S.C.U. or 'United Holy Crown' as the most stringent legal translation). On the 1st of May, 1983 in the prison of Bari, the infamous boss Giuseppe Rogoli, from Mesagne, Province of Brindisi, created and built the criminal association.

The Calabrian *'Ndrangheta* instructed Rogoli how to do it. He was given full powers by the Calabrian bosses. The S.C.U. and the Calabrian *'Ndrangheta* organized structures are exactly alike, as are the criminal rituals²⁵.

The S.C.U. has a horizontal structure. It is a segmented criminal enterprise and the affiliates know next to nothing, or only vaguely, about the level above the one to which they belong. Where it rules, every clan has full control of the territory and a monopoly on every activity. The clan is founded largely on family lineage and is consolidated by marriages. Being interrelated, it is difficult to convince affiliates to cooperate with the authorities. It has been rare to find members willing

²⁵ See Report of District Attorney of Bari to the National Inquiry Commission on Mafia and other similar criminal associations, 01.06.1995, 5-6.

to “snitch” on their own. The scope of this criminal association is “protecting themselves from the family clans, defending Lecce and its province from the foreign criminal influence”²⁶.

The birth of the S.C.U., headquartered in the area of Lecce (and in the area of Brindisi, Mesagne), was justified by the necessity to fight the new *Camorra* associations created in the area of Bari. The Puglia region has been colonized by Calabrian mafia-type associations in Lecce and by Neapolitan mafia-type associations in Bari.

In 1987-88 local police task forces analyzed and compared the committed crimes (especially murders) in the area of Lecce. The statistical items and the decisions regarding the S.C.U. association presented criminal *shareholders* different from the standard beginning elements of mafia-type organization. Throughout intensive investigations, the experts and the chief of police discovered the real aim of organized S.C.U. associations: when they were in prison, the members of the criminal family clan received money by postal order from the S.C.U. The financial support to the imprisoned members pointed at the high level of organization and at the articulated structure of the criminal groups present in the territory.

The investigations also revealed how such criminal organizations operate: those in prison called his men by phone to know about the illegal activities going on. The S.C.U. merges the traditional concept of Mafia with the original elaboration of autochthonous criminal association. It is not a perfect synthesis of two different realities, in which the mafia-type agreement is only a means, not a scope.

According to Paoli, with references to Massari’s study,

²⁶ We found this definition in a criminal code written by S.C.U. commanders in the prison of Pianosa. See on the topic Motta (2008) at 55.

Contrary to the accounts of the media, the Sacra Corona Unita never controlled the whole of Apulian organised crime; despite its imitation of the 'Ndrangheta's structure and rituals, its cohesion and stability have always been much lower. Today, after the defection of some of its leaders and the arrest of most of its members, the Sacra Corona Unita no longer exists as a single viable organisation²⁷.

During the last ten years, many bosses, such as De Tommasi and De Toma, have been arrested. De Toma was a justice's collaborationist. Nevertheless, criminal organization has continued to exercise its power on the territory. Illegal business activities go on. Up to a few years ago tobacco smuggling was the main source of revenue for most Puglia criminal enterprises. Since the early 1990s these groups have diversified their investments, exploiting their strategic geographical position to smuggle drugs and migrants from the nearby Balkan countries. In the last few years, as the improved cooperation of Italian and Albanian police forces resulted in an intensified repression of tobacco smuggling, Puglia crime groups have also started to engage in extortion, usury, robberies and counterfeiting, to compensate for their loss of revenues.

Organized criminal groups in Taranto and extended area (the Province of Taranto).

In this area the criminal associations were particularly violent and criminogenetic. The bosses Modeo committed cruel acts of violence or damage in order to maintain the overall control on the zone. Since 2003 many trials have been enacted against these criminals and have ended in heavy penalties. Furthermore the mafia-type clans still wield power over the territory. The structure of association presents a horizontal structure without commander's vertices.

A justice collaborationist, the boss Massimo Cinieri, told prosecutors about the evolution of the clans: how to tie the Calabrian *'Ndrangheta* with three

²⁷ Paoli (2004) at 25.

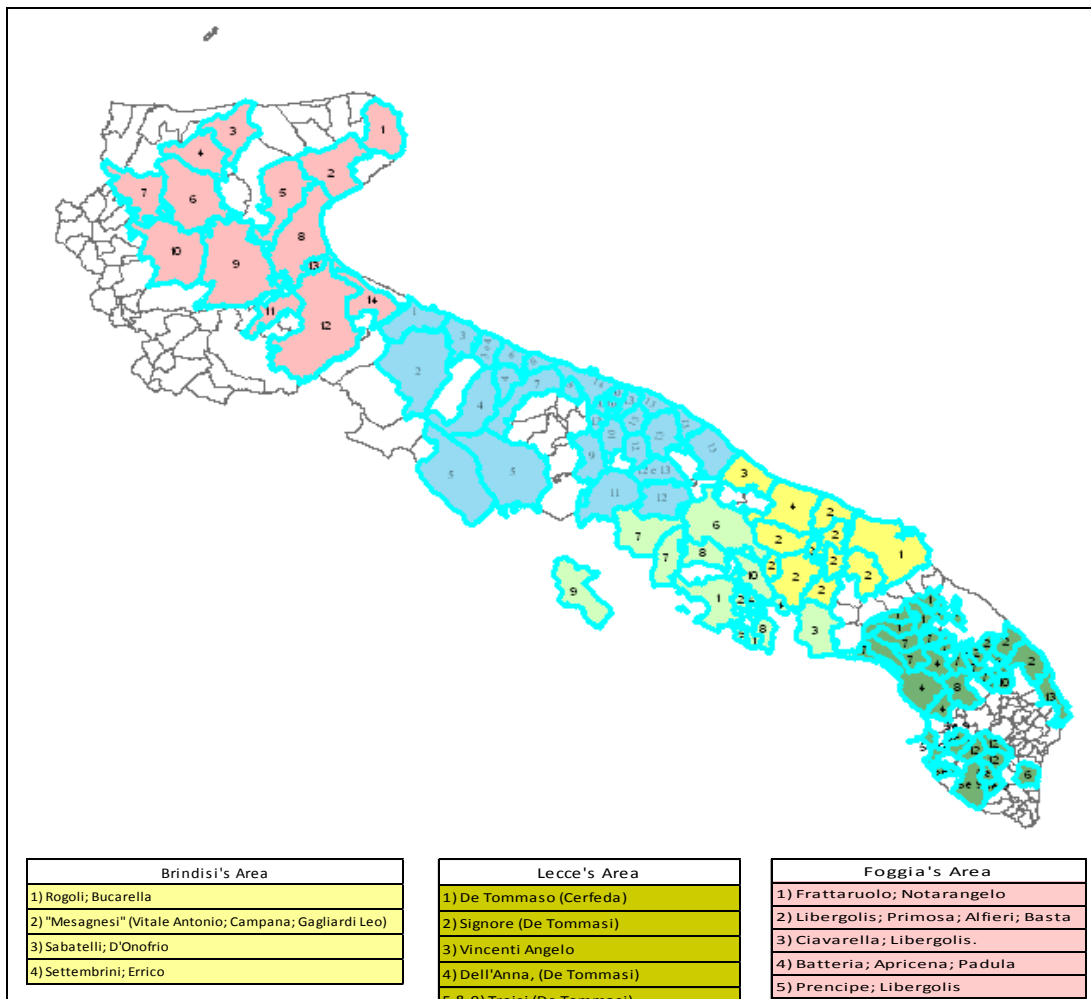
important mafia-type associations headquartered in the provinces of Taranto, Lecce, and Brindisi. The lack of bosses like Cinieri let the Calabrian '*Ndrangheta* members check the illegal activities and keep the criminal leadership.

Organized criminal groups in Andria-Barletta-Trani and extended area (the Province of BAT)

The Province of Andria-Barletta-Trani was grounded in 2004 and became effective in 2009. By then it was a part of the Province of Bari. The zone has had a singular mafia-type association headed by an important boss named Salvatore Annacondia. This kind of structure is named *standard hierarchy*. The standard hierarchy is the most common form of organized criminal group. It is characterized by a single leader and a relatively clearly defined hierarchy. It presents a strict system of internal discipline. There is a relatively clear allocation of tasks and often some form of internal code of conduct, although this may be implicit and not 'officially' recorded. In 1989 the boss from Trani became a member of *Cosa Nostra*, during a criminal ceremony in Trani with important mafia-type chiefs such as Rizzi Michele, Caponera Stefano, Scarabaggio Nunzio, and Tegano Domenico. These "famous" bosses recognized Annacondia as a mafia-type boss, with complete power over the territory. We know this criminal history because in 1992 Annacondia started to be a justice collaborationist. He told the prosecutors, the judges and especially the President of the Anti-Mafia Commission about his leading role in the criminal association in the Puglia region, about the rules of mafia-type organizations in Trani and extended area, the strict business relationships with the other traditional associations, like the Sicilian *Mafia* and Calabrian '*Ndrangheta* , and with local politicians or businessmen²⁸.

²⁸ *Report on organized crime and policing operations present in Apulia*, DIA, Relazione del Ministro dell'Interno al Parlamento sull'attività svolta e dai risultati conseguiti dalla Direzione Investigativa antimafia, 2008, 252-3.

The police forces have arrested many members and stopped the crime escalation during the last ten years. After the completion of relevant policing operations and proceedings, the criminal associations today are less strong and violent. Mafia-type organizations seem to be weaker. In the zone of Andria we have recognized two mafia-type criminal groups named Pesce/Pistillo and Pastore, who fight against each other for the control of the territory²⁹.



²⁹ Report on organized crime and policing operations present in Apulia, DIA, Relazione del Ministro dell'Interno al Parlamento sull'attività svolta e dai risultati conseguiti dalla Direzione Investigativa antimafia, 2008, 253-254.

Taranto's Area	
1) Mode; Cesarean; De Vitas Richard	
2) D'Amore; Ancora	
3) Caniglia	
4) Soloperto	
5) Di Maggio; Di Spirito	
6) Spezio	
7) Putignano; Capogrosso	
8) Mele; Locorotondo	
9) Bozza	
10) Cantoro	

Bari's Area	
1) Cannito Lattanzio	8) Montani, Loiacono, Rutigliano
2) Pistillo, Pastore	9) Armigero
3) Amoruso, Valente, Cuocci, Rano	10) Stramaglia
4) Dello Russo, Ficco / 3) Amoruso, Valente, Cuocci, Rano	11) Abbinante, Marmottelli
5) Loiudice, Mangione, Gigante, Stolfa, Matera, Loglisci	12) Pesce, Locorotondo / 13) Solpasso, Russo, Leoci, Tauro, Muolo
6) Giammaria, Maisto	13) Solpasso, Russo, Leoci, Tauro, Muolo
7) Semiraro, Cassano.	14) Parisi

Graph 1: Criminal Organizations in Puglia region

Illegal activities and transnational perspective

The Puglia Mafia works very efficiently at the local and sometimes the transnational level³⁰. At the local level the fragmented, multiple, dynamic criminal associations determine its role, its pervasiveness, and its social, economic, and territorial relations. The associations become stronger as a result of two factors: 1) the *omertà* intended as a particular silence of the victims of organized crime, who do not denounce the extortion or the crime for fear of reprisal or for fear of legal authority; 2) the deeper associated criminal ties on persons, incomes and real estates. The organized groups, active in the principal Apulian cities, run the principal illegal activities such as murders, drugs pushing, robberies, extortions, games of chance, cigarettes or tobacco smuggling in order to pursue control of the territory and to enforce criminal power.

At the transnational level, in relation with the nearby Balkan regions, the Apulian Mafia collaborates with foreign groups to extend the traffic in the drugs and arms trades, by smuggling counterfeit goods; collecting, transporting, and keeping cars; recycling all forms of waste; and money laundering of illegal profits,

³⁰ Report of District Attorney of Bari to the National Inquiry Commission on Mafia and other similar criminal associations, 01.06.1995, 2.

while the same associations maintain complete control of the territory at the local level and allow foreign mafia groups entrance into their territory³¹.

Another aspect of this kind of mafia is the direct penetration of criminal affairs into the local drugs traffic. The clan allows external subjects to push drugs or make contact with furnishers, and eventually participates with an investment and a cut of the illegal profits. These players, or external subjects, must ask the person who controls the territory in advance for regular permission. They have to know where the drugs can be distributed. As a price, these gate keepers can ask for a “quota” or they can participate in the drugs trafficking, if the potential profits are relevant. They can also impose the participation of their members. These illegal operations demonstrate the criminal skills and the personal loyalty to the local boss.

As Paoli (2002) asserts, the term organized crime

Inconsistently incorporates the following two notions: the provision of illegal goods and services; a criminal organization, understood as a large-scale collectivity primarily engaged in illegal activities with a well defined collective identity and subdivision of work among its members,

with an imposed twofold consequence:

1) The supply of illegal commodities mainly takes place in a “disorganized” way and, due to the constraints of product illegality, no immanent tendency towards the development of large-scale criminal enterprises within illegal markets exist. 2) Some lasting large-scale criminal organizations do exist, however, such as the Italian Cosa Nostra and ‘Ndrangheta, the American La Cosa Nostra, the Chinese Triads and the Japanese Yakuza. Although these groups are usually presented as the archetype of organized crime, they are neither exclusively involved in illegal market activities, nor is their development and internal configuration the result of illegal market dynamics.

³¹ See Motta (2008) at 63.

The commentator Paoli then argues that these two factors are “paradoxes of organized crime”³² that we can emphasize in analyzing the illegal affairs of organized crime in the Puglia region.

During the past few years, the Puglia-based criminal rings have been living in a significant moment of transition and reorganization. The numerous organized crime groups present in Apulia have focused their interests on the control of their territory rather than on the creation of a new central structure allowing the expansion of their supremacy to the other regions of the country. As a consequence, even the lucrative business of illicit drug trafficking has been affected. Recent investigations have revealed that these criminal groups were not able to plan and realize national or international drug trafficking on a large-scale, instead limiting their activities to drug dealing between provinces or to street pushing.

The narcotic drugs were supplied by well established criminal organizations, especially by the *'Ndrangheta* (for cocaine) and by the Albanian ethnic groups (heroin and marijuana). The Apulian based rings also gave their assistance during the unloading operations of illicit sea cargoes coming from Albania, and in some cases they accepted subordinate positions with respect to these foreign criminal syndicates. Mafia-type organizations in Apulia will certainly act on a transnational scale, in agreement or in contrast with other international criminal associations, differently named, which have also been operating in Italy for a long time.

The female role in organized Apulian criminal associations

A relevant aspect of Apulian mafia-type associations is the presence of women and their access to criminal power. Until recently, this was almost

³² Paoli (2002) at 52.

unthinkable. The first woman arrested for “criminal association” was just few years ago in 1999. Police have long known that women play a supporting role within the mafia: as mothers, wives, and daughters, they’ve carried out minor tasks. Occasionally, women have even stepped in to running things temporarily when their men were jailed or murdered. My precedent scientific article, however, demonstrated that women within the mafia have been rising through the ranks and becoming bosses in their own right recently in the Apulian area³³. Consequently, I think that the Italian judicial system should start paying closer attention to this new issue.

In most of the more contemporary proceedings against criminally organized groups in the Puglia region and relative decisions, many perpetrators indicted for mafia crime are women. Mele Rosalba, for instance, was the wife of a famous boss, Lombardi, and at the same time the cashier of a criminal group. During her arrest, police forces found notes in her home about the initial ritual for the affiliation into membership of a mafia-type organization involved in drug trafficking. In another judgment, Rosa Laraspata, mother and sister of a crime boss, gave a relevant contribution, which went beyond simple isolated participation in a single act of the association itself³⁴.

In 2008 with the conclusion of proceedings against the family Capriati, the judge Guida focused the great importance of female roles in Puglia mafia-type organizations: the women are the commanders of family clans.

During periods of detention of their husbands or in the presence of any other impediment the women, sisters, mothers, wives of organized crime perpetrators, actually hold the criminal organization. They keep contact with the outside world, prison environment, which bring out the directives of their leaders, managing the money derived from illicit activities that are performed in the interest of the association. Just this

³³ See Pasculli M. A. (2009).

³⁴ Sent. Corte d’assise, Bari, est. Lucafò, 16 dicembre 1999, Piperis C.+ 32, not published, at 225

irruption of the women within the clan has made it possible to maintain and the livelihoods of this clan³⁵.

In the same decision the judge demonstrated the existence of a criminal organized group completely constituted by women, that operated within the confines of the old town of Bari, while engaging in certain types of crime (in this case violence, usury, and extortion)³⁶. The surprising first hand account of mafia women in Bari, reveal women in power.

Researching legal frameworks: the analysis of Italian associate crime

The basic question - the main one - I'll try to answer regards the relationship between the legal provisions present in the Italian criminal code ex art. 416 bis and the rationale and scope of new normative interpretation of organized crime, defined as Puglia Mafia³⁷. In detail: are the Puglia organizations provided with a '*Mafia method*'? Can the perpetrators in this area be indicted for *mafia-type organized crime*? Until now there have been no specific academic reports or publications about Puglia Mafia, intended as the whole region and the six provinces, for the contemporary evolution of criminal acts and the unrolling of criminal proceedings and policing operations.

Generally we can enumerate five legal types of criminal organizations, identified as a result of the whole set of criminal rules (both substantive and procedural): the association for the purposes of committing offences (*simple organized crime* or *conspiracy*), article 416 of the Italian penal code; the association for the purpose of terrorism or subversion (*subversive organized crime*), article 270-bis of the penal code; the association for the purpose of illicit trafficking of narcotic

³⁵ Sent. Gup. Bari, dott. M.Guida, 1 aprile 2008, unpublished at 414.

³⁶ Sent. Gup. Bari, dott. M.Guida, 1 aprile 2008, unpublished, at 530.

³⁷ See, on the topic, in the majority Italian doctrine, G. Spagnolo (1997); G. Turone (1984); G. De Francesco (1987); A. Ingroia (1993); L. Picotti et al. (2004); S. Aleo (2009).

or psychotropic substances, article 74 of Presidential Decree n.309/1990; and finally mafia-type association (*mafia-type organized crime*), article 416-bis of the penal code, which has foreseen the mafia-type association involving illegal foreign nationals³⁸. The Government's decree No. 92 has in fact passed into law (n.125/2008) and is part of its now well known security package designed to "*combat criminality connected to illegal immigration and organized crime*"³⁹. In 2001 article 1 of Law 92 targeted association for the purpose of foreign tobacco smuggling, in order to avoid diversion into illegal markets (article 291, quater penal code).

Before enacting article 416-bis, article 416 of the Italian penal code defined simple organized crime on the basis of the presence of three elements: the associative bond, the organized structure, and the criminal program. This form of organized crime could be compared with the description range from "two or more persons conspiring together to commit crimes for profit on a continuing basis" to more detailed accounts of what these crimes are: the supplying of illegal goods and services, predatory crime, violent crime, and so on (Abadinsky, 1990)⁴⁰.

In contrast, article 416-bis, paragraph 3 c.p., enacted in 1982 describes mafia crime as criminal organization whose components use different forms of intimidation, creating subjection and silence between the citizens, in order to commit crimes, to acquire directly or indirectly the management or the control of businesses, concessions, authorizations, public contracts and public services, in

38 F. Roberti (2000).

³⁹ The so-called "*pacchetto sicurezza*" (security package) – definitely enacted in July 2009 – reinforced the regulatory framework to preserve legality. Measures aimed at "attacking" Mafia assets and returning goods to the community were made stricter and more efficient; harsher sentences and a more stringent prison regime were envisaged for individuals participating in mafia-type associations; measures to counteract mafia infiltration in public tenders and in local administrations were toughened; measures aimed at making entrepreneurs aware of their responsibilities in the fight against racketeering.

⁴⁰ H. Abadinsky, (1990).

order to obtain either unjust profits or advantages for themselves or others⁴¹. Regarding the aims of organized crime, rather than relating to simple conspiracy, these may be to obtain direct or indirect control of economic activities; authorisations, public contracts, and services; profits or other unjustified advantages for the organization or others; or to prevent or obstruct the free exercise of the right to vote or to procure votes for itself or others at elections.

By comparing the articles 416 and 416-bis of the penal code, it is clear that Italian doctrine grasps the differences between membership in a mafia-type organization and simple criminal conspiracy. According to authoritative doctrine about the article 416 penal code, simple conspiracy requires the element of a rudimental, but stable organization, created for the purposes of committing an indeterminate number of offences (Spagnolo, 1997, 2007). The membership in mafia-type organization, on the other hand, requires a supplementary element: a stable organization to have acquired a strong, influential capacity for intimidation in the territory (Spagnolo, 2007; Aleo, 2009). Intimidation has multivariate meanings and expressions: it is at such a level that it may be considered a system, an absolute rule of obedience and a law of silence that first of all demands the entire population to refuse to collaborate with law enforcement. The population lives an actual submission to the power of the mafia organizations. Besides the creation of this type of crime, the most important and original points of the new law against mafia criminal organizations are the measures taken to control the origins of patrimonies, that allow the confiscation of possessions of illegal origin, and the explicit authorization to subcontract public works.

⁴¹ For a legal translation of art. 416-bis, paragraph 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".

We call and consider this overall, silent, complex submission and its consequences the ‘Mafia method’. The mafia organized crime, legally defined in the article 416-bis, presents and includes specific characteristics: the associative bond has such an intimidating capacity to cause subjection and *omertà*. According to Turone (2006),

The first instrument of the mafia method is the force of intimidation proceeding from the association bond itself. The other instruments which complete the mafia method are consequences of this force of intimidation: 1) a condition of general subjection suffered by other people, due to the fear produced by the group; 2) a condition of more specific subjection, that produces a general attitude of silence and refusal – outside and inside the mafia group – to the possibility of being co-operative with investigating State authorities.

The Judge of the Supreme Court (2006) affirms

“a mafia group is an organized criminal group which has a long history of violence and intimidation behind it: this ‘history’ of violence and intimidation – for the reason of being well-known in the affected territory – has itself a strong threatening effect, so that the criminal group can easily acquire unlawful advantages through the simple unlawful use of other people’s fear, mostly even without need of explicit and specific new threats”⁴².

As we know, the Italian penal system has therefore emphasized the ‘Mafia method’ as an essential element to define organized crime. But is the ‘Mafia method’ present in Puglia organized criminal groups?

Jurisprudence has carefully studied the presence of basic elements relating to ‘Mafia method’ in the Puglia organizations⁴³. In accordance to the traditional

⁴² Turone (2006).

⁴³ See judgment 19.07.1995, Corte di Assise di Bari (n.9/95 Reg.Sent.) v. Anemolo Nicola + altri; judgment 5.12.1996, Corte di Assise di Bari (n.1/96 Reg.Sent.) v. Accettura Giuseppe + altri, called policing operation “Conte Ugolino”, relating to different criminal associations present in Bari, especially the clan Parisi; judgment 03.05.1997, Corte di Assise di Bari (n.3/96 Reg.Sent) v. De Giglio Michele + altri, relating to the criminal organization v. Piperis Carmine + altri, relating to the criminal organization present in quarter “Enzitetto”, now named “San Pio” in Bari); judgment

Mafia, the judges have pinpointed the 'Mafia method', evidencing a lot of symptomatic factors. These elements are the adoption of rituals, played in secret ceremonies to enter the criminal organizations; the promotion of associates for their criminal actions, carried out in the interest of "*societas sceleris*"; the evidenced loyalty to the leaders in the murders, in the punishment of rival clans or gangs in the armed struggle to pursue the control of the area concerned by unlawful activities; in the mutual aid assistance to the associates in jail; in all ordered criminal acts.

The most important decisions have demonstrated that the 'Mafia method' does exist in Apulian organizations. The judges have argued the evidence of the general structure of mafia-type association crimes, usually reached proving specific conditions of fear being exploited by the group, and proving the unlawful advantages proceeding there from. In the broad judgement we can point out that a Puglia mafia-type association is a criminal association acting through a wrongful use of other people's fear and subjection. By this method, it pursues its purposes, which are also listed by the legal provision; it pursues unlawful advantages through the 'Mafia method', by committing specific criminal offences by acquiring an unlawful control of legal economic activities. The criminal evidences at our disposal prove that the Puglia criminal organized crime is an association which pursues unlawful advantages through a pattern of wrongful use of fear.

20.07.2002, Corte di Assise di Bari v.Laraspata Donato + altri, called proceeding "Mayer", relating to the criminal organization Clan "Laraspata", present in quarter Old town of Bari; judgment 28.01.2004 - G.U.P. Tribunale di Bari (n.72/04 Reg.Sent.) v. Abbaticchio Alessandro + altri, called proceeding "Singer", relating to the criminal organization Clan "Diomede - Mercante", present in Bari, quarters Carassi and San Paolo; judgment 28.02.2004, Corte di Assise di Bari v. Baresi Carlo Alberto + altri, relating to the criminal organization, Clan "Strisciuglio", present in quarters Carbonara, Città Vecchia, San Girolamo in Bari; judgment 13.03.2004, Corte di Assise di Bari (n.4/04 Reg.Sent.) v. Capriati Antonio + altri, called proceeding "Borgo Antico", relating to the criminal organization clan "Capriati", present in the quarter Old town in Bari; judgment 13.12.2004, Tribunale di Bari - Prima Sezione Penale - (n.1548/05 Reg.Sent.)v.Abbrescia Michele + altri, called proceeding "Blue Moon", relating to the criminal organization, clan "Parisi", present in quarter Japigia in Bari. All decisions are unpublished for the overall length. On the topic, see L. Rinella (2003).

In the fragmented area of Puglia Mafia, where it is very difficult to achieve a unity of criminal associations because of the presence of many different criminal organized groups, the 'Mafia method' seems to be an adequate element of unity. The 'Mafia method' characterizes the multiple criminal associations present in the Puglia region.

Starting from this recognized factor I furthermore consider that this method can be applied to the debate about the concept of organized crime. In practice, it is not a simple task to incorporate the 'Mafia method' by harmonizing domestic definitions of organized crime. We may analyze the 'Mafia method' by comparing it with the territorial context, the global system and the social system we actually live in. The general perspective reflects the relevant transformation of organized crime in relation to the social control or judicial system and to the economic system. The study of the 'Mafia method' has to take in account at the same time the evolution of the offences and the relationship between the "global" and the "local", which expresses the real modern face of organized crime.

Discussion and conclusion

After the presentation of the data and the description of this form of criminality in Puglia regarding to the legal provision present in Italian penal code, my purpose is to verify whether the Puglia Mafia could be considered as a general form of organized crime or as a specific mafia-type association, regarding part of the international criminological debate about the concept of organized crime.

Many authors from multiple disciplines have been concerned with the different forms of organized crimes. The debate on these forms started on Italian cases.

For almost a century the Italian mafia has been regarded – in the United States and elsewhere – as the prototype of organised crime. In Italy itself,

however, the identification between mafia and organised crime was frequently questioned and even denied right up until the mid-1980s⁴⁴.

In a recent complex study titled *Organized Crime: Between the Informal and the Formal Economy*, Ruggiero (2010) focuses on the prominent definitions of organized crime, merits, criticism and evolution, starting from the interpretation of north American Agencies to the suggestions proposed by Cressey (1969), passing throughout the critics of Smith (1991), Calder (1992), Block (1991) and the Europol recommendation to contribute research and analysis on the basis of a pre-established legal definition of what organized crime is⁴⁵; from the basic concepts of 'collective clientele of organized crime' (Zincani, 1989) to the 'particular relationship between offenders and victims' (Martinoli, 1985, McIntosh 1975). All the presented definitions have common elements: the referents to Italian-American Mafia; the illegal activities provided for organized crime; the notion of professionalism⁴⁶.

As far as I am concerned, this is not a terminological question about the replacement of the term with 'serious crime'. Neither is it a quantitative problem about the number of individuals involved in criminal organizations, or about the scale of illegal activities or the temporal variables⁴⁷. Observing the Puglia Mafia with its structural characteristics, we could emphasize that organized crime operates by flexible and diversified groups with the common element of organization to illegally control parts of cities. I think the remarkable element, that indicates the specificity of proposed researched crime, is the meaning of organization present in the article 416-bis of the Italian criminal code referring to the 'Mafia method'.

⁴⁴ Paoli (2004) at 19.

⁴⁵ Statewatch (1994) at 12.

⁴⁶ Ruggiero, V. (2010).

⁴⁷ Ruggiero (2010) at 2-3 with reference to cited many authors.

In the analysis proposed by Turone (2006),

mafia-type organized crime is all this and something more, since it presents some further typical features, the main one being the mentioned code of silence and intimidation, capable of creating a diffuse halo of fear around the criminal group, even without any need of direct threats. Then, as a consequence of this peculiar force of intimidation, the mafia-type criminal organization easily controls markets and territories, somehow putting itself in competition with governmental institutions. Finally, as a further consequence of all this, it has a strong tendency to corrupt public officers, taint public institutions and even taint the political life of the affected area. Through the privileges deriving from all this, mafia-type organized crime is in a position to acquire a stronger economic power and a stronger international dimension, since its money-laundering activities move without frontiers taking advantage of the international financial system. And a strong code of silence and intimidation turns out to be very helpful also in this international dimension⁴⁸.

According to Judge Turone, mafia-type organized crime could be considered a “sophisticated form of transnational organized crime”, with reference to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, which was approved by the United Nations General Assembly on December 23rd, 1994, in view of the dangers connected to the international dimension of organized crime⁴⁹.

The local investigations and consequently the trials against the *Apulian* criminal organizations have been able to demonstrate the birth, the evolution and the essential features of organized crime in this area. The topic relating to the organized crime in Puglia has had great social and judicial impacts. Since 2002,

⁴⁸ Turone (2006) at 5.

⁴⁹ The Naples document also recommended a deep analysis of the experience of those states which have heavily confronted organized crime and mafia groups, as well as a careful consideration of the characteristics of organized transnational crime. The document pointed out these characteristics – including among them the code of silence and intimidation – in the following five points: hierarchical links or personal relationships which permit leaders to control the group; a code of silence and intimidation used to secure impunity and other unlawful advantages; a potential for expansion into new activities and beyond national borders in co-operation with other transnational criminal groups; violence, intimidation and corruption used to earn profits or control territories or markets; the laundering of illicit proceeds both in furtherance of criminal activity and to infiltrate the legitimate economy.

128.663 murders have been committed and 9.131 men have been arrested⁵⁰. The police forces have been very efficient and have dismantled various criminal associations, as we can see through the great numbers of policing operations and the relative proceedings. Since 2006 21 policing investigations have been developed. What do we infer from this? We can state that organized crime in Apulia: presents multiple criminal groups; has a flowing structure; is capable of adapting itself to circumstances; frequently changes bosses and members; leadership is often absent; and the group works in progress. The traditional clans, who commanded the Puglia cities in the past, show extraordinary managerial skills, even if in prison. They join with the new emergent criminal groups to maintain control on the primary territory. The bosses are men who make themselves respected by everyone. Consequently all members must observe the former criminal terms.

Analyzing the proposed data, we can trace out a fragmented model of organized crime, a multifariousness whole of detached unities, with the unified, symbolic, legalized element of 'Mafia method'⁵¹. This diversification compared to the traditional Mafias has drawn up a form of organized crime with an embryonic, localized *mafiosità*. We are talking about a constituted criminal group of men, able to establish illegal trade exchanges in relation with the well-known associations or with the new Albanian Mafia, without complying with any organizations. The Puglia Mafia is formed by closed social groups out of external civilian impacts. The associated men follow the criminal guidelines decided by bosses or superiors, with continuous, extraordinary violence. Recognising these phenomena also means

⁵⁰ See *Report on murders committed in Apulia by Mafia Organizations*, Direzione Centrale Polizia criminale, Servizio analisi criminale n.123/C1/130.A278, DIA nota H5 22596, 30.05.2003. See also *Omicidi in Puglia-2002-Direzione Investigativa Antimafia*, Centro operativo di Bari, nota n.125/Ba/1° sett./G3/119/nr.3781, 15.04.2003.

⁵¹ *Report on organized crime and policing operations present in Apulia*, DIA, Relazione del Ministro dell'Interno al Parlamento sull'attività svolta e dai risultati conseguiti dalla Direzione Investigativa antimafia, 2006, at 65.

fighting this type of criminality. Thus, the city of Bari and the judicial authorities are waging a strong battle against all aspects and forms of the illegality that is widespread in political and economic systems, and trying to demark the legal borders within organized crime in Puglia region.

La criminalità organizzata in Italia: le associazioni mafiose in Puglia

RIASSUNTO: L'articolo approfondisce l'evoluzione delle associazioni criminali, presenti in Puglia, regione del Sud Italia. Lo studio è rivolto alla rappresentazione delle dinamiche criminali legate alle multiformi > associazioni di tipo mafiose esistenti sul territorio pugliese, differenziandosi dalle altre associazioni presenti in Italia meridionale, come la Mafia Siciliana, la 'Ndrangheta Calabrese, la Camorra Napoletana. La Mafia in Puglia si caratterizza inoltre per la forte presenza tra gli associati di donne che, per la prima volta, acquistano un ruolo dominante come evidenziato dalle più recenti sentenze in tema. Attraverso la mappatura delle varie associazioni criminali localizzate in Puglia l'autore rapporta i dati materiali con l'esegesi dottrinale della fattispecie penale di associazione di tipo mafiosa di cui all'art. 416 bis del Codice penale italiano e con l'interpretazione del concetto di crimine organizzato, realizzata dalla dottrina a livello internazionale.

Parola Chiave: Criminalità Organizzata; Genere; Locale / Globale.

References

Abadinsky H., (1990) *Organized Crime*, Nelson-Hall, Chicago.

Agnew R., (2006) *Storylines as Neglected Cause of Crime*, *Journal of Research, Crime and Delinquency*, volume 43, 119-147.

Albanese J. S., (2010) *Assessing Risk, Harm, and Threat to Target Resources against Organized Crime: A Method to Identify the Nature and Severity of the*

Professional Activity of Organized Crime and its Impacts (Economic, Social, Political), Working Papers Series, number 12, Global Consortium on Security Transformation (GCST) Available at: http://www.securitytransformation.org/gc_publications.php.

Albanese, (2007) *Organized Crime in Our Times*, 5th edition, Newark, LexisNexis.

Aleo S., (2009) *Sistema penale e criminalità organizzata. Le figure delittuose associative*, Giuffrè, Milano, 2009.

Block A., (1991) *Perspectives on Organizing Crime. Essays in Opposition*, Kluwer, Dordrecht.

Bouchard M., Spindler A., (2010) *Groups, Gangs and Delinquency: Does Organization Matter?*, *Journal of Criminal Justice*, volume 38, number 5, 921-933.

Burgess R., Akers R., (1966) *A Differential Association. Reinforcement Theory of Criminal Behavior*, *Social Problems*, volume 14, number 2, 128-147.

Calder J., (1992) *Al Capone and the International Revenue Service: State-Sanctioned Criminology of Organized Crime?*, *Crime, Law and Social Change*, volume 17, number 1, 1-23.

Cressey D., (1969) *Theft of the Nation: The Structure and Operations of Organized Crime*, Harper & Row, N.Y

De Donno A. et al., (2002) *Manners of Killing and Rituals in Apulian Mafia Murders*, *Journal of Forensic Sciences*, 1.

De Francesco G., (1987) voce *Associazione per delinquere ed associazione di tipo mafioso*, in *Dig. Disc. pen.*, I, UTET, Torino at. 309.

Decker S.H., Curry G.D., (2002) *Gangs, Gang Homicides, Gang Loyalty: Organized Crimes or Disorganized Criminals*, *Journal of Criminal Justice*, volume 30, number 5, 343-352.

Gambetta D., (1993) *The Sicilian Mafia: the Business of Private Protection*, Harvard University Press, Cambridge M.A.

Hirschi T. (1969), *Causes of Delinquency*, University of California Press, Berkeley.

Ingroia A., (1993) *L'associazione di tipo mafioso*, Giuffrè, Milano.

Lemert E. M., (1951) *Social Pathology. A Systematic Approach to the Theory of Sociopathic Behavior*, Mc-Graw-Hill Company, N.Y.

Martinoli G., (1985) *Dimensioni economiche dell'illecito in Italia*, in *Centro Studi Investimenti Sociali, Dossier Illecito*, Censis, Roma.

Massari M., (1998) *Sacra Corona Unita. Potere e Segreto*, Laterza Editori, Bari.

Massari M., (2008) *Mafia, culture ed identità plurali: il caso della Sacra Corona Unita*, in *Questione Giustizia* n. 3, 36-51.

McIntosh M., (1975) *The Organisation of Crime*, Macmillan, London.

Motta C., (2008) *Sacra Corona Unita e rapporti con la criminalità dei paesi dell'Est*, in *Questione Giustizia*, n. 3, 52.

Naylor R.T., (1997) *Mafias, Myths and Markets: On the Theory and Practice of Enterprise Crime*, *Transnational Organized Crime*, volume 3, number 3, 1-45.

Paoli L., (2002) *The Paradoxes Of Organized Crime*, *Crime, Law & Social Change*, volume 37, number 1, 51-97.

Paoli L., (2003) *Mafia Brotherhoods: Organized crime, Italian Style*, Oxford University Press, N.Y.

Paoli L., (2004) *Italian Organized Crime: Mafia Associations and Criminal Enterprises, Global Crime*, volume 6, number 1, 19-31.

Pasculli M. A., (2009) *Il ruolo della donna nell'organizzazione criminale: «il caso barese»*, in *Rivista di criminologia, vittimologia e sicurezza*, 3, 80-97.

Picotti L. et al., (2004) *I reati associativi : paradigmi concettuali e materiale probatorio. Un contributo all'analisi e alla critica del diritto vivente* (eds. L. Picotti, G. Fornasari, F. Viganò, A. Melchionda), CEDAM, Padova

Reckless W., (1967) *The Crime Problem*, Appleton Century-Crofts, N.Y.

Regina A. et al., (2008) *Studi sulla criminalità organizzata in terra di Bari*, Levante editore, Bari, Italy.

Reuter P., (1983) *Disorganized Crime: Illegal Markets and the Mafia*, Cambridge, MIT Press.

Rinella L., (2003) *Dieci anni di mafia a Bari e dintorni. Dal "Conte Ugolino" al "Canto del cigno"*, Progredit, Bari.

Roberti F., (2000) *Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes*, available via www.unafei.or.jp/english/pdf/RS_No58/No58_14VE_Roberti.pdf

Ruggiero V., (2010) *Organized Crime: Between the Informal and the Formal Economy*, Working Papers Series, number 4, July, *Global Consortium on Security Transformation* available at: http://www.securitytransformation.org/gc_publications.php

Ruotolo G., (1994) *La Quarta Mafia. Storie di mafia in Puglia*, Pironti, Napoli, Italy.

Siegel H. J., (2009) *Criminology*, Thomson Wadsworth, 10th ed.

Spagnolo G., (1997) *L'associazione di tipo mafioso*, CEDAM, Padova, 3rd edition.

- Spagnolo G., (2007) *Reati associativi*, Enc. Giuridica Treccani, Roma.
- Sutherland E. H, Cressey D. H., Luckenbill D. F., (1992) *Principles of Criminology*, 11th edition, General Hall, Boston.
- Turone G., (1984) *Le associazioni di tipo mafioso*, Giuffr , Milano.
- Turone G., (2006) *Legal Frameworks And Investigative Tools For Combating Organized Transnational Crime in The Italian Experience*, available via www.unafei.or.jp/english/pdf/RS_No73/No73_10VE_Turone.pdf.
- Van Den Berg L., Pol P.M.J., Mingardo G., Speller C. J. M., (2006) *The Safe City. Safety and Urban Development in European Cities*, Ashgate Publishing Company, Aldershot.
- Von Lampe K., (2008) *Organized Crime in Europe: Conceptions and Realities, Policing*, volume 2, number 1, 7-17.
- Warr M., (1996) *Organization and Instigation in Delinquent Groups*, *Criminology*, volume, 34, number 1, 11-37.
- Zincani V., (1989) *La criminalit  organizzata. Strutture criminali e controllo sociale*, Clueb, Bologna

DOUBLE-BLIND PEER-REVIEWED

Nota do Editor:

Submetido em: 29 mai. 2011. Aprovado em: 11 out. 2011.

<http://periodicos.ufpb.br/ojs2/index.php/primafacie/index>