

The camouflage of the extortion activity and the different types of extra-legal authority in illegal and legal markets

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Abstract

In Italy, extortion and racketeering are still the pivotal activities of different mafia organizations, both in legal and illegal areas, thanks to the various functions they can guarantee. Hence, even though in different local contexts extortion and racketeering still keep their power syndicate feature, their enterprise syndicate feature, untied from extra-legal violence, is ever increasing. The persistence and the new twist of extortion and racketeering have turned them into a so-to-say *mother crime*, i.e. the ‘spring’ which enables further illegal mafia activities. In Northern Italy there are some areas where the mafia underworld is infiltrating the legal market, either by offering goods and/or services (for example, in the construction business, waste disposal, slot machines) or by blending in thanks to money laundering or the corruption of politicians, administrators and entrepreneurs. In this scenario, extortion follows the above-mentioned activities and becomes the mafia underworld’s second phase. This is the reason why it is strictly necessary to modify policies against crime, first of all by organizing and selecting them according to a specific hierarchy. It must be acknowledged that certain crimes, due to their specificity, can be more harmful than others and can initiate a sequence of other crimes.

Keywords: *extortion; corruption; illegal activities; victim; racketeering.*

Among the many illegal activities that criminal organizations exert in the world by influencing local economic and social systems, extortion activity is certainly among those that generate major negative effects, both direct and indirect (Hostetter and Beesley, 1929, Landesco, [1929] (1968); Cohen, 2003; Lavezzi, 2011; Transcrime, 2012, 2016; Pérez et al., 2014; Elsenbroich et al., 2016; Ornelas 2018). First of all, this happens directly, because it victimizes entrepreneurs, traders, professionals and those working in the underworld economy (Schelling, 1967; Norza and Peñalosa, 2016), and also indirectly, because it alters the local economy producing monopolistic conditions, eliminates competition, discourages investments, makes economic actors vulnerable in sectors in which it is easier to control the production and distribution chain (construction, wholesale and retail, disposal waste, agri-food, services, crafts) (Detotto and Otranto, 2010; Pinotti, 2011; Detotto and Pulina, 2012; Lisciandra, 2014). Furthermore, it has an effect of deteriorating a community's sense of security.

The attention of economists and sociologists in the phenomenon of racketeering and extortion in Italy does not benefit from documented in-depth victimological research or

extensive empirical evidence, despite the fact that the phenomenon has first signaled its appearance in the second half of the nineteenth century. The first reports and interpretations on the origin of the extortion activity are, in fact, due to Franchetti for the mafia (1876) and to Monnier for the Camorra (1862). However, between these first studies and the most recent analyzes there is a gap of almost a century. The topic will be addressed in the light of a qualitative research carried out between 2016 and 2017, based on targeted interviews with managers of the Mobile Teams of ten Italian cities, as well as the examination of some judicial materials. First, I will support this reconstruction, the analysis of some recent data received directly from the SDI / SSD and taken over by Istat, as well as by the National Anti-Mafia Directorate (DNA). Furthermore, I will motivate the reasons why the phenomenon must be addressed with a more effective policy of selective and hierarchical deterrence, modulating it on the side of investigation, prevention and contrast. The selective and hierarchical model constitutes a valid and appropriate strategy in the field of politics versus organized crime. Precisely the extortion activity lends itself to such modeling, because the effects of competitive domination distinguish a common criminal group from a mafia organization whose interest is to originate the activity, extend it to different economic sectors, transform its predatory character to entrepreneurial action, thus making opened to more profitable activities (drugs, waste disposal, corruption, illegal betting), but persevere - especially in newly established territories – as the implementation is highly functional, allowing the achievement of the different objectives and the continuity of action of the criminal organization.

In the introduction, it should be emphasized that the extortion activity has a silent character; is a typical serial crime and the victim often does not report, making it impossible to quantify the phenomenon in a precise way in the different territories and economic sectors, so much so that it is one of those crimes that contains a high "dark number" that varies according to the characteristics of territories and economic sectors. The low propensity to report, however, does not derive only from the fear of retaliation or territorial responsiveness related to different civic traditions, but also from the convenience that many economic actors find in the proposals made to them by the members of organized crime and from which they obtain competitive advantages, such as those on the environmental market or from protective custody (Mete, 2011: pp. 99, 305-338; Storti et al., 2014: pp. 133-174; Di Gennaro, 2015; 2016). It can be said that the structure of the extortion phenomenon intrinsically includes a configuration due to which the relationship between victim and perpetrator of the crime, can be described as a long lasting relationship, generating profit for each other, assuming the character of a "symbiotic relationship" (Transcrime, 2008) .

Executing extortion is a crime that involves a double act of violence: towards a good (heritage) and towards a person. It is basically an activity that allows a primary illegal accumulation of economic resources, infiltration into the legal market and into the cycle of the public contracts, and ensures control of the territory. Moreover, it is widely practiced in the context of all those activities that give rise to illegal and semi-legal markets (e.g. the underground economy), since traders act in an illegal condition (because they produce or distribute illegal goods and services), or their economic activity is carried out in forms that circumvent, evade or violate tax, labor, administrative law etc. It is, therefore, that set of economic activities that provide the infrastructure for the formation of the black markets and that according to Schelling [1967] (1984) offer transaction and business conditions in the underworld. The implementation dynamic is distinct due to the rooting and the type of criminal organization. It is no longer just the economic-financial and institutional

vulnerability that facilitates the origin and development of the extortion activity which inevitably further deteriorates the environmental context, but, in many cases, it is the type of relationship that is built between the victim and the mafia exponent or camorrista or a n'drina that evolves into a form of instrumental cooperation as a result of the complex of entrepreneurial and often electoral advantages, and the benefits that transform a victimization condition into a nefarious pact between parts of the economic world and organized crime.

For the different reasons indicated, therefore, quantifying the costs of this illegal action is difficult because the direct costs of the victims must be associated with the indirect, material and immaterial costs that the community suffers in this context.

1. Interpretative features of the extortion phenomenon

As anticipated, criminological research both in the past (Florian et al., 1943) and in the most recent studies (Balloni et al., 2013, Marotta, 2015), have not paid attention to crimes such as racketeering, extortion and the various predatory forms that mafia organizations generally have been developing since their origin, despite the attention given to the "spirit of the mafia" first by Gaetano Mosca (1900), and later, to international crime, by Riccardo Monaco (1943).

It was Marc Monnier [1862] (1965), Swiss writer and critic, who first described a predatory praxis that arose in a parasitic form in the urban prisons of the Kingdom of Naples between the 16th and 17th centuries, by criminals incarcerated several times upon everything that entered and was intended for other inmates, and it was extended from the mid '800s to both legal activities (the popular markets, the port, every small transaction) and illegal ones (smuggling, illegal lot, management of popular games), underlining that this practice of taxation had spread in a permanent way "on every type of business or passage of money", so much so that it defines the Camorra "organized extortion" (p.1). A few years later, Leopoldo Franchetti (1876), author of the famous "Inchiesta" on Sicily, along with Sidney Sonnino, interpreted the extortion activity as an offer of private protection practiced by the Mafiosi - experts in the use of violence - to protect weakly or not at all safeguarded by the state property rights. In light of this reflection and the subsequent intuitions of John Landesco (1929), what has been defined as "property-rights theory" will be developed and refined, centered on the idea that the different mafias in the world (Italian mafias, the American- Italian Mafia, the Triads of Hong Kong, the Russian Mafia and the Japanese Yakuza) are organizations specialized in offering extra-legal services, of which protection is their essence and for this reason they are agencies specialized in the regulation of the business order, of the legal and economic rights of ownership (Sabetti, 1984; Gambetta, 1988, 1992; Varese, 2011, 2014). They are capable of "eliminating competition, protecting from thieves, intimidating customers, workers, trade unions for the benefit of entrepreneurs, quelling disputes, obtaining credit" (Moro and Catino, 2016: p. 318).

Another line of interpretation more widely shared by different economists, regards the extortion activity as a rent-seeking key determined by what North (1990) has called the "institutional and social structure" (the rules of social coexistence): we are oriented towards rent-seeking activity due to the inefficiency of public administration, limited or defective control of state legality, local economies in which private investments are reduced, pension orientation is dominant, spending on social protection is reduced. The vicious circle makes economic activities vulnerable and consolidates the situations when

there are undeclared economic activities and the black market. In this context, the irregular work distorts and contrasts the development of the contracts in the field of business, by multiplying the *workings poors* within network of small functional businesses, leading to the development of a market parallel to the legal and official one (Tulloch, 1998, 2003; Pugno, 2000; Pinotti, 2012). This thesis contrasts with the already mentioned position of Schelling, more sensitive to the problem of the formation of illegal markets. He argues that the racket meanwhile asserts itself as long as violence is used as a resource for the production of business and the formation of criminal monopolies. The mafias do not provide real services precisely because extortion is a tribute given by victims to criminals in the face of a permit to operate on the legal markets, while having as a guarantee the abatement of competition [Schelling, 1984]. The victims of the black and submerged racket markets are none other than actors who operate in the underworld's business and are highly blackmailed. Therefore, if in the legal markets protection is an offer of services to entrepreneurs to protect them from competition and any form of autonomous crime, in illegal markets the illegal position of victims facilitates the parasitic behavior of mafias or free-riders groups without them having the need to offer protection.

This authoritarian character of extra-legal subjects was, in fact, already underlined by Max Horkheimer in a dense and short text *Die Rackets und der Geist*, written between 1939 and 1942, in which he exhibited what may be called the theory of racket interpreted as an expression of what is most widely inherent in the relations of domination and the link between domination and renunciation. He argues that "the fundamental form of domination is the racket" and identifies it with the function and exercise of protection. Each form of racket only observes the law of self-preservation, conflicts with any form of universalization of "mediations" (e.g. legal rules, art, language), with any tendency to formalize the rules. The racket is opposed to mediation which, in the opinion of the Francofortese thinker, and on the Hegelian trail, coincide with the "spirit", i.e. with all those manifestations that allow emancipation through the universalization of rights, the openness to differences, the acceptance of specificity. The racket is such a form of domination that sacrifices the most intimate bonds, the most expensive ones. It instills distrust of institutions, fruitful fear, insecurity, sense of illegality, renunciation of exercise of personal liberty, disfigures the productive system, the economy, private contracts initiative, and mortifies the principle of free competition, takes away hope for the future.

The interpretative construction formulated by Horkheimer again calls attention to the tasks of the State and the historical formation of legitimate domination, the historical theme of both sociology and political philosophy. What path to take to firmly anchor to a "morally legitimate and tolerable" source the social order, the reproduction of society, the regulation of conflict and violence: the subjection to the coercive authority of the State (Hobbes) or the network of exchanges (the market) and to its rigorous order of the independent agents that while cultivating the personal interest produce the collective well-being (Smith)?

This apparent opposition, in fact, as lastly shown by Pellicani (1997, 2018), finds its synthesis in a combined historically constructed model between modes of production and processes of use of goods (Galbraith, 1998) and different forms of domination, some of the which, as Weber has already indicated, are presented as "social arrangements" with claims of "legality" both because they are based on their own strength, and because they regulate conflicts and guarantee the respect of contracts and obligations, and because they are self-represented as producers of an autonomous normative legitimization. And what are the mafias if not examples of non-state or anti-state, associations of private status that using

the instrumental violence, or imposing the subscription fee to protection require the pizzo also by those who do not buy its policies of protection? Or even, are they producers of a new domain configuration whose effects alter the competition because they protect some by damaging others?

As seen, both Schelling and North emphasize, on the one hand, the interest that some (entrepreneurs, traders) may accrue in legitimizing a tribute in exchange for the knocking down of competition, and on the other hand, a sort of manifest of condition of intrinsic weakness to state action in ensuring legality. From this it follows that the monopolistic control of the "sources of life", as Pellicani would say, is constantly threatened by conflicts arising between members of the association and independent individuals, or belonging to other associations. Can a "minimum state", in the sense of Nozick (1981), offer guarantee on the basis of its exclusive legitimate "moral uniqueness" and of the voluntary and spontaneous adherence of the citizen to the tax obligation (which places him as a taxable person rights and protection), respect for the law, right sanctioning for transgressors, justice, freedom in exchange for a non-intrusive action of individuality?

For Nozick it is not part of the state's task to straighten out social distortions, but to enforce its rules against not only its members, but also on the nation. Hence the idea that the state is the civil evolution of a "dominant protective association" that guarantees the public good of the protection of rights. But the question cannot fail to be asked: are these conditions sufficient for the existence of a state when in the name of freedom there are those who orientate individually or in an organized group to affirm the abuse and oppression? Weber stated (1961) that in order to avoid recourse to revenge or retaliation, the resolution of the conflict and the governance of arbitrariness is the responsibility of the state. The state has a legitimate monopoly on the use of force and territorial control. And later Elias (1988) explained how the forms of regularity protracted overtime gave rise to the "civilization process" not only coinciding with the monopoly of legal violence by the state and the legitimate derivative of tax collection, but with a more intense social interconnection with the structures of the personality that internalizes the control of behavior, the forms of distance of the corporeity and of the immediate interaction.

It could be argued, then, that the racket persists precisely because this civil evolution has not yet been completed or that - regardless of a more or less intrusive vision - "minimum state" or social state - (regardless of the different welfare regimes) and its persistence is the derivative of an ineffective sanctioning. However, the minimalist vision of the state expressed by Nozick poses complications of which he is himself aware. The formation of the state has gone through an infinite history of conflicts of interests and values. The succession of modes of production cannot be disengaged from the historical forms of domination. The mafias are the "night watchmen". Now, the problem is not only that the state is still imperfect as it never has absolute control of legality, but that associations of private status (the mafia, the camorra, the 'ndrangheta) are able - not moving on the basis to the principle of substantial legality - both of offering protection to subjective rights, and to produce competitive dominance, or to impose protection on the victims who operate in illegal markets.

It is therefore not a question of a reduced or intrusive sphere of State intervention with respect to the spheres of action of individuals, but of authoritative legitimacy and monopolistic exercise of force and effective guarantee of the public good of the protection of inalienable individual rights (the right to life, to property, security, freedom of choice, self-determination). Although the dynamics of the voluntary exchange between citizens

and the state are considered as the purchase of "freely protected policies of protection and application of rights", it is only the observance of the law, the execution of contracts, the guarantee of protection services against arbitrary force, theft, fraud and so on that shelters the individual from any abuse and from the possibility of freely pursuing their own trajectories.

It is no coincidence that, in the economic sphere, some scholars concerned with the economic effects of the activities of the mafia groups emphasize more the different responses that entrepreneurs are staging in relation to the extortion requests, as well as the negative impact that the mafia protection produces on the fiscal system (Centorrino et al., 1999). For them, the mafia is an extra-legal authority with precise knowledge of the victim, strong intimidating power, of strategic capacity in the use of violence and replaces the state by presenting itself as a subject of parallel fiscal levies. Its efficiency discourages the economic operator by instilling a sense of insecurity that pushes him - faced with the inefficiency of the state and the need to minimize costs - to evade and evade taxes, preferring to pay the price and survive in the shadow of protection mafia.

The analytical framework referred to is therefore opposed to the supporters of the mafia as an extra-legal organization of market governance and those who attribute the ability to use violence as a resource to become a fiscal authority and specialize in the deletion of rivals. Or, among those who attribute to the mafia groups, without for this reason disregarding the capacity for law enforcement, an action directly concentrated - especially in the recently penetrated areas - on trading activities (as market players) connected to the ability to discourage competition; wage compression, immediate liquidity availability (Campana, 2011). Is this picture complete with respect to the empirical evidence gathered and the testimonies of the interviews? As we will see, there is actually a need for integrative interpretations and for a few different aspects.

2. Estimation of the direct costs of the extortion activity and quantitative analysis on extortion crimes

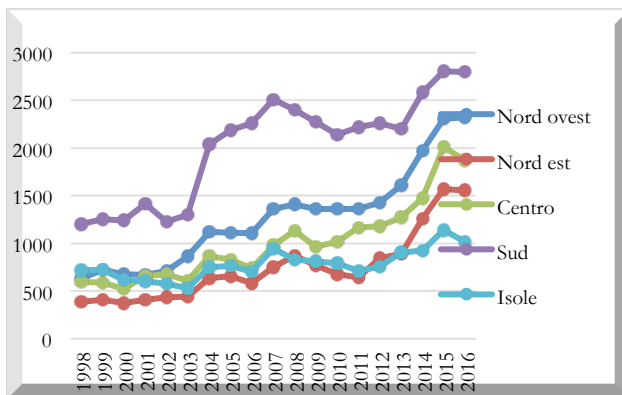
The analytical vacuum mentioned above, especially in Italy, is partly filled only between the end of the last century and the first decade of the new one (Calderoni, 2018), when both economists and sociologists have enriched the analysis of the economic and social effects of organized crime activities, especially those of a Mafia type. Among the first studies on extortion activity can be reported the research conducted by La Spina (2008) in Sicily for the Chinnici Foundation, and based on judicial materials, in which it is estimated for the first time, on more than 2,200 cases of extortion related to as many companies, a direct annual cost of extortions of about one billion euros, corresponding to 1.3% of the regional GDP. Replicated with many analytical and methodological adjustments two years later in Campania (Di Gennaro and La Spina, 2010), on the basis of an analysis of 1,124 judicial documents and 2,248 telephone and environmental interceptions, the average annual cost borne by the production system in different forms and calculated only for the provinces of Naples and Caserta, it is indicated in 950 million euros, whose value is equal to just under 2% of the GDP of the two provinces, but with a more differentiated type of taxation, enriched by other research a few years later (Di Gennaro, edited by, 2015) that showed the importance of the type of organization, the ability to control the territory, the intensity of the presence of companies, their processing, or the way information is collected. The fact that the extortion activity is not the exclusive prerogative of southern regions is a fact known for some time (Cross, 2015), but only recently, with the intensification of investigative activity and the multiplication of research

at the territorial level, emerges a widespread practice of crime in many provinces of the Center-North in which there is a more solid rooting of cells (so-called Local) belonging to the 'ndrangheta (DNA, 2016). Dalla Chiesa (with Panzarasa 2012; Dalla Chiesa, 2016) highlighted how the Mafia settlement in the North follows very precise territorial strategies, avoiding large cities and favoring small towns, the network of small towns and villages that act as a peri-urban belt to the medium-large areas (such as Brianza in Lombardy). The reasons that underlie in the convenience of such a penetrative strategy are: the network of personal that the mafia use is connected to the community of immigrants coming from their own territory; the lowest level of control of the territory by the Police; the easiest porosity and corruptibility of local institutions; a production system based more on construction, trade, services to the person that is the typical hunting ground for mafia activities. This confirms that the mafias need a rooting in the territories in order to carry out their activities and that they are not limited to particular territories. Indeed, as Becucci (2014) pointed out, the organized criminal world needs to weave relationships with the different segments and sectors of social life so much so that with that "gray" area (professionals, entrepreneurs, traders, administrative, local politicians) in order to build different types of relationships: complicity, collusive and true forms of interpenetration that go from the external competition to the formation of "business committees" (D'Alfonso et al., 2018).

If we refer, in summary, to some SDI data on the extortion crimes reported annually between 1998 and 2016, an average of 5,823 complaints emerged, following a strong increase in absolute values since 2004. Comparing our calculations with the average of absolute values and percentages, as well as rates per 100,000 inhabitants with the calculations reported for the period 1983-2012 in a previous study (Arcidiacono, 2015a), we record an increase in absolute values and averages in all the regions, some of which, as a result of increases in the last five years, even double or even triple. This trend could account for both an increase in extortion pressure and a greater willingness to report to victims. Certainly it is a sign of the extension to all the territories of the country of a practice that not only does not disappear but for the functions it guarantees (Di Gennaro, ed., 2015) tends, on the other hand, to increase and assume the character of *crime mother* (Di Gennaro, 2017).

The distribution for macro-partition seen in the southern regions attest to an average of complaints equal to 2,018, those of the Northwest to 1,270 and the Central regions to 1,009. Islands and the Northeast record lower average values: 780 and 746 respectively. From this we can see, as shown in the figure below, a higher spread of crime in the southern regions where the four most powerful mafia organizations originated, with peaks reaching the beginning of the economic crisis (2007), and then descending in the following three years, rise in the following years and substantially rise again in the last four years. If we look at the curve of the North-West values, we see a substantial rise since 2002 and for the Center since 2009, a sign of a greater intensification of the criminal action by organized crime, which in the first case indicates an extension of the phenomenon in various business sectors; the second coincides with an infiltration strategy related to public procurement for reconstruction following the earthquakes of 2009 in Abruzzo, of 2012 in the Po Valley of Emilia and of 2016 on the central Apennines, where the companies controlled by the Mafia tend to cartelize the contracts.

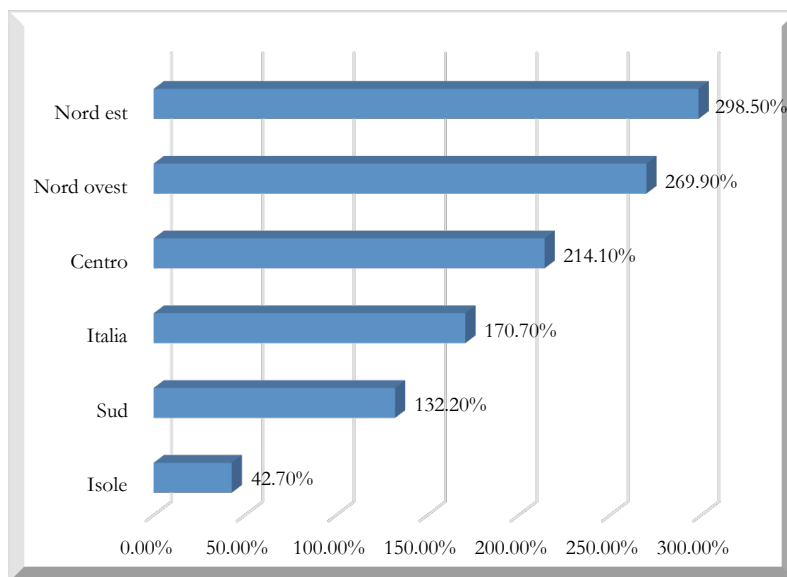
Figure no. 1. Evolution of the extortion crimes reported in the Italian macro-areas, absolute value. Years 1998-2016



Source: *Ns. elaborazione dati SDI/SSD.*

If, however, we consider the historical variation of the extortions reported over the same period, it results (graph 2) that the Northeast is the macro-regional distribution that records the greatest increase in complaints followed by the Northwest, confirming the extension of criminal networks and new markets that the mafia-type organizations have put in place in their strategies of action in the last decades. It is also known, and we will find confirmation in the narratives, that the phenomena of mafia infiltration cannot be traced back to a single path, but rather the result of the interaction between “the interests of organizations, their structural configurations and the peculiarities of the context” (Santoro, 2015: p. 309).

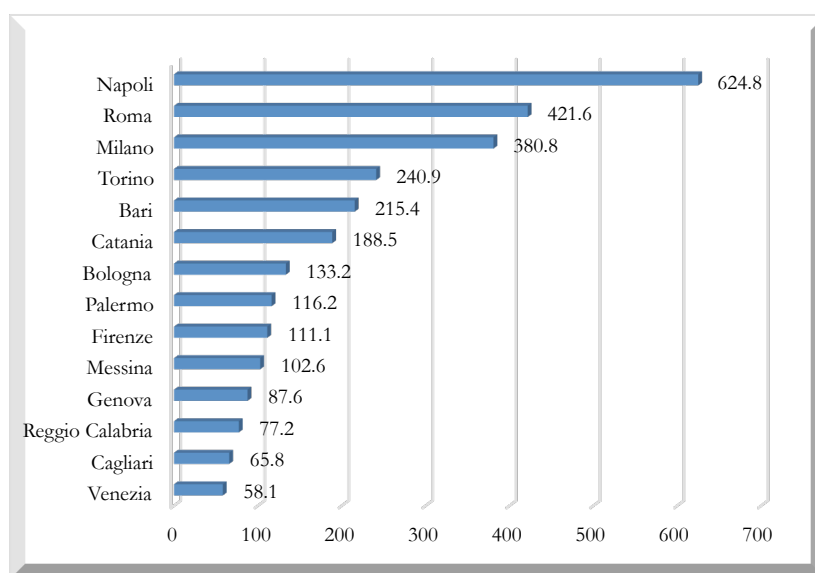
Figure no. 2. Historical percentage change in extortion crimes reported in macro-parts. Years 1998-2016



Source: *Ns. elaborazione dati SDI/SSD.*

A subsequent elaboration that takes into account, instead, the metropolitan areas for the period 2004-2016 presents some confirmations and offers at the same time some new indications. As can be seen from the graph below, the metropolitan area of Naples records the highest average values (624.8) followed by a certain distance by Rome (421.6) and Milan (380.8). The shift of the mafias towards new territories emerges again from the reading of the complaints reported in the graph: even if the traditional southern cities (Bari, Catania, Palermo) still appear, there are added new areas (Bologna, Florence, Genoa) whose values are more sustained since 2013: sign of that expansion that judicial investigations have corroborated for some time (Pignatone and Prestipino, 2012).

Figure no. 3. Extortion crimes reported in metropolitan cities, average value. Years 2004-2016



Source: *Ns. elaborazione dati SDI/SSD.*

If we consider the average rate of extortion complaints calculated on residents, it emerges that the average rate of metro area (13) for the period 2004-2013 exceeds by 15.6% its national counterpart (11). Specifically, there are five cities that exceed the average value of metro area and are all located in the southern territories: Naples (20), Catania (17), Bari (17), Messina (16) and Reggio Calabria (14). While the subsequent seven - except Cagliari (12) - coincide with metropolitan areas of the north: Milan and Bologna (12), Turin (11) and the center: Florence and Rome (10). Genoa and Palermo (9) and Venice (7) close. The marginal position of Palermo is indicative of the tension existing in the area between victims and mafia families whose intimidating power and at the same time the use of mafia protection to obtain improper competitive advantages on the market are ways that influence the availability of the complaint. However, if we analyze the historical change in the rate of extortion with respect to the same areas over the period under review (2004-2016), it emerges that the traditional southern provinces, with the exception of Catania and Bari, recorded negative changes of -31, respectively 2% and -

4.5%, while the recording increases Messina for (+ 5.7%), Naples (+ 26.9%), Cagliari (46.3%), are below the total value of metro area, followed by Venice (46.7%), Turin (47.8%). While on the other side we find Milan and Reggio Calabria with increases that are positioned below 75% and Rome, Florence, Palermo, Bologna and Genoa with higher percentage increases.

On the one hand, the data can be interpreted as indicators of a stabilization of the phenomenon, but no less a more effective contrast in the traditional southern areas; on the other hand, the expansions of the criminal organizations is realized by looking for new victims or (as shown by the Aemilia inquiry) of new economic cooperators. It is important to underline the rise of the Genoan figure: a city with a high rate of elderly people, a high average age and a presumably lower reactivity to extortion requests, if we accept the hypothesis of the obscure number.

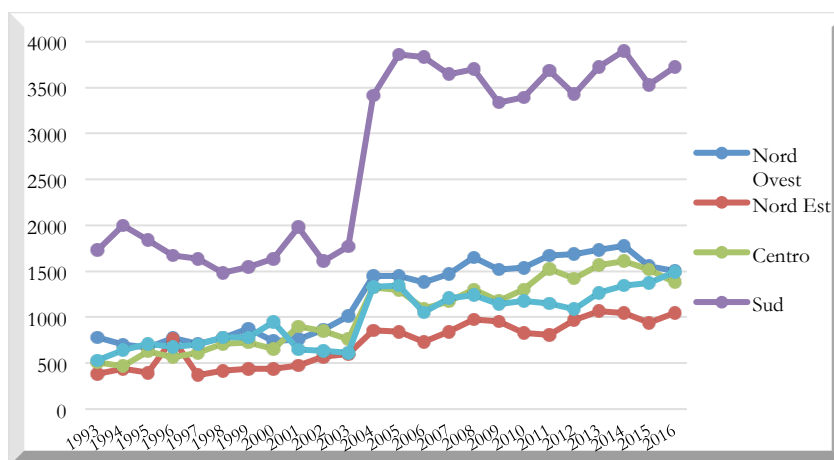
A datum not to be neglected regards the victims: calculated on the 2007-2016 period, the southern regions report an average value for the period of 2,351 victims of extortion, almost double than the Center (1,274) and more than the Northeast (960) and the Northwest (1610). The historical change over the period tells us that in the southern and insular regions, we almost recorded a stabilization of the values (+ 7.2% and + 4.7%). North-west and north-east, on the other hand, reported significantly higher increases (56.4% and 84.3%).

In recent years, the relationship between the mafia and the territories have been the focus of various reflections among both economists (Calderoni, 2011; Achilli, 2017), sociologists (Sciarrone, 2009; Transcrime, 2013; Sciarrone and Dagnes, 2014; 2015a) and research institutions (Istat, 2009, 2010), generating a mainstream strand of taxonomic analysis capable not only of explaining the characteristics of the most receptive territories, but also the negative effects that the mafia presence induces. Transcrime (2013) has developed an index of Mafia presence (IPM) that indicates the intensity of this presence in the areas of traditional rooting and those towards which there has been an expansion, noting that only in a few areas the presence of organized crime assumes values equal to zero. Similarly, Calderoni (2011) elaborates two distinct indices ("extended" and "restricted") of the presence of mafia associations in the country's provincial territories, considering four indicators on the basis of which he concludes that the occurrence rate of events is much more intense in the first eight provinces located in the southern territories (Reggio Calabria first and following Naples) followed at significant distance in intensity by some central provinces (Latina, Rome) and northern ones (Milan, Turin, Rimini, Prato).

The use of proxies for extending the extortion activity generally revolves around two indicators: the number of people reported for extortion and the number of damages followed by fire. The second generally reveals the initial unavailability of acceptance of extortion requests. From our elaboration, on a long series of SDI data, it emerges that with regard to the people reported and / or arrested, as the figure below shows, the regions of traditional rooting of the mafias are also those that register a more sustained contrast activity. In fact, since 2003 the investigative action has also been influenced by a greater participation of the victims and the results of the anti-racket associations' activity, especially since the economic crisis - even if the curve shows more closely linked values - outline a strengthening of the results of law enforcement. The values of the other areas show a trend in substantially rising segments, confirming both the expansion of the phenomenon and the more effective contrast activity, which, as we can see, right after the southern breakdown, indicates a greater activity in the area of the Northwest.

A value from which this is evident is given by the composition ratio calculated for the period 1993-2016, in relation to the persons arrested / reported. From the percentage ratio of the values relating to the macro-partitions on the national total, there is a reduction in the number of people reported in the North East and South: in fact, in the first case it goes from 19.8 in 1993 to 16.5 in 2016 and in the second from 43.9 to 40.7. Vice versa, North East, Center and Islands recorded increases from 9.8 to 11.4, from 12.9 to 15.1, and from 13.5 to 16.3 respectively. The considerable difference between the southern regional macro-division and all the others re-emerges even when we calculated the average rate over the same period of the people reported / arrested for the crime of extortion in the macro-regions: South and Islands recorded higher values (18.4 and 14.3) than the national average (10.9) compared to all other macro partitions whose values are below the Italian average with a maximum of the Center (8.7) and a minimum of the Northeast (6.2). Finally, an examination of the absolute and average values regarding the persons arrested / reported by region certifies that Campania with 1,289 reported authors dominates the range, followed by Sicily (883), Puglia (738) and Lombardy (667). However, the historical change over the period indicates that after Campania (with an increase of 200%) are Molise (196.4%), Emilia-Romagna (193.1), Marche (175.3), Veneto (168) Umbria (154.5) and Lombardy (150) report the highest increases. Over half (1,906) of the national average (3,250) of the perpetrators of this crime were reported between 2004 and 2016 in the metropolitan areas of the South.

Figure no. 4. Trend of reports concerning people reported / arrested for extortion crimes in Italian macro-areas, absolute value. Years 1993-2016

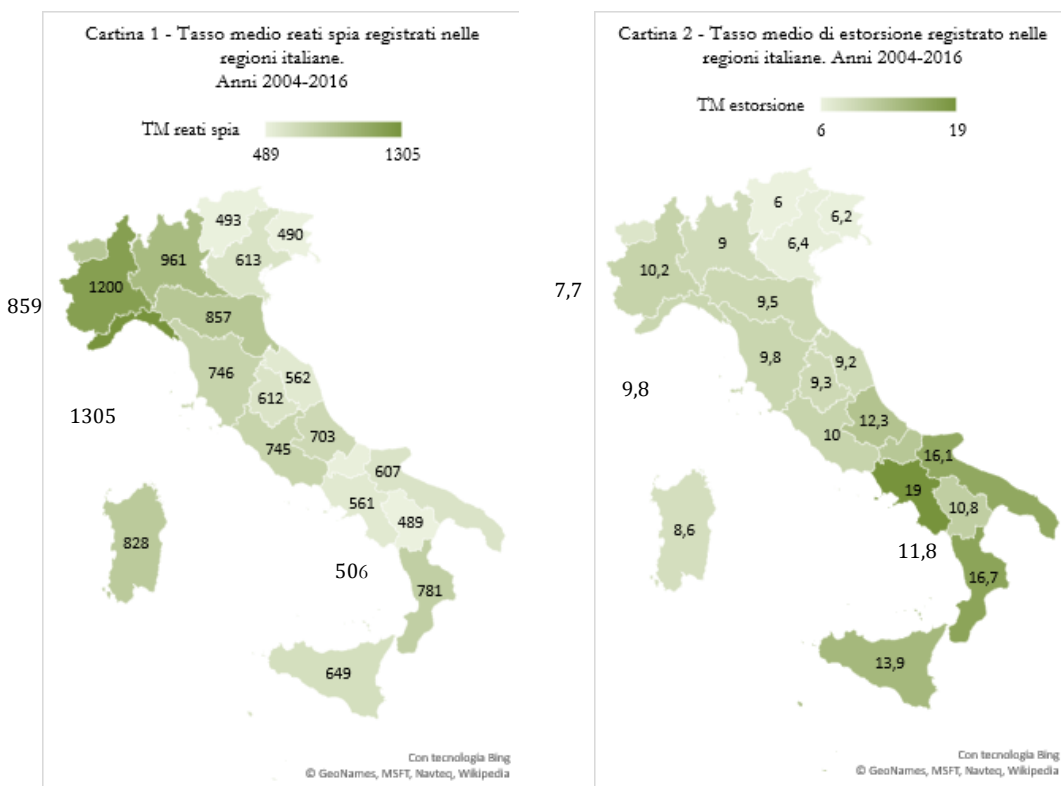


Source: Ns. elaborazione dati SDI/SSD.

An interesting glance at the end of the crime-related dynamics related to the extortion activity concerns "spy" crimes: those crimes attributable to mafia groups, generally preparatory and functional to the implementation of this activity. The indicator consists of a series of crimes (robberies, malicious injuries, attacks, damage, damage due to fire, fires) calculated for every 100,000 residents, for the period 2004-2016, whose rates and composition report provide information on the intensity of intimidation, especially

when compared to annual rates and the average regional extortion rate. The first interesting fact that can be grasped is that for the period indicated, the average annual national rate is 792 acts, but at regional level the rate of criminal offenses overturns on several occasions the image of a violent rooting present in the southern regions. As reported in the Map 1 below, Liguria with an annual average of 1,305 acts of intimidation is the first region, followed by Piedmont (1,200), Lombardy (961), Valle d'Aosta (859), Emilia-Romagna (857), Sardinia (828). All of these regions - mainly in the North-West and in the Center-record values higher than the national average by configuring the expansive character of the extortion activity in new territories repeatedly indicated. With values close to the country average we find both some regions of traditional Mafia rooting such as Calabria (781) and new areas such as Tuscany (746), Lazio (745), Abruzzi (703). Spaced from the national average values, the regional distribution includes areas of old settlement, Sicily (649), Puglia (607) and Campania (561) and newly expanding regions: Veneto (613), Umbria (612), Marche (562), Molise (506). Lower values, but in any case supported, are expressed by Trentino-Alto Adige (493), Friuli-Venezia Giulia (490), and Basilicata (489). If we look at Map 2 we notice that on average the extortion rate for the same period in the southern regions is more sustained.

Figure no. 5. Comparison on criminal activity



Source: Ns. elaborazione dati SDI/SSD and Istat.

Source: Ns. elaborazione dati SDI/SSD and Istat.

Two considerations can be made as a result of this elaboration: first of all, the law enforcement bond in the traditional presence of mafia-type criminal groups is such that there is no need to resort to violence and, at the same time, violence addiction is increasingly furthering victims from a conciliatory strategy based more on accepting the imposition on the sharing of a mafia act that masks the mutual transformation of the extortion activity in a more entrepreneurial direction, offering competitive prices to goods, products and services. It is more and more the intertwining of mutual interests and advantages that facilitate exchanges. This difference, as we shall see, is configured both with respect to the areas (of old rooting and new settlement) and to the types of criminal organization. The second consideration is that the increase in spy crimes in the new territories can account for a penetration that first passed through investments in the legal market (laundering of illegal funds), infiltration through corruption, acquisition of services and contracts. The next stage is outlined as a control of the territory and the racket lends itself to this function. This is a mother crime: opens a criminal mafia-type itinerary and closes, consolidating, the trajectory as it guarantees territorial control.

The scenario of the extortion crime outlined presents contours that offer further food for thought if we consider the elaborations related to crime. From the ISTAT survey on convicted persons for extortion with irrevocable sentence it emerges that on average in Italy in the period 2000-2016, 2,266 convicts were registered in the criminal records for which extortion is the most serious offense. Also in this case the analysis of the composition ratio elaborated confirms the expansion of the phenomenon in the northern areas. Specifically, in fact, if the figures for the South undergoes an evident contraction, going from 47% to 38%, on the other hand the North shows an increase from 37% to 46%, while the figures for the Center remain substantially stable. At the regional level there are Campania (496), Sicily (342), Lombardy (273) and Puglia (253) to show the highest absolute values, followed by Lazio (141), Piedmont (121), Calabria (113).

A last reference that we believe confirms the interpretative framework, concerns the procedures for extortion recorded in the DDA registers in the period between 2010 and 2018. Considering only the information referable to nine anti-mafia district departments representing some areas of the country, it emerges that in this period there were 2781 proceedings against known parties, 35.2% of which were concentrated in Naples, 17.6% in Catania, 16.1% in Palermo, 11.4% in Caltanissetta, 18.5% in Salerno and 5.1% in Messina. In this case, it is evident that the high concentration of proceedings in the southern cities affecting offenders known to the police or on whom the victims have provided information and precise elements functional to the investigation, or, in the final analysis, are information of the collaborators of justice was effective. These are procedures that substantially affect those who operate within the logic of a criminal career and use this activity to consolidate a personal criminal reputation. It is however interesting to note that the districts in which there is a higher proportion of proceedings against unknown suspects (total period 568), basically coincides with the Sicilian cities (in particular Palermo and Catania: 291 and 100 respectively). This specificity, compared to the remaining districts where there are no proceedings against unknown offenders or low values of such reports, is probably due to the actions of the victims strongly influenced by the results of any retaliation in areas where violence is easily used. Or, it is likely that the outcome of investigative activities (e.g. telephone or environmental interceptions) in several cases determine the crime but do not identify the suspect.

The aspect that arouses further interest is the relationship between the annual number of suspects and that of the procedures registered for known subjects, which gives us an estimate of the extent of the extortion activities. We have also worked out the relationship between the number of suspects and the size of the territory to estimate the extortion load per year (extortion / sq km) on the area coinciding with the district. However the result does not present reliable information. Naples with its 6103 investigated (41% of the total) is the area with the highest number of suspects in the entire period, although it shows slight decreases in recent years, it is also the area that has a group size equal, on average for the entire period, to 6.5 subjects, second only to Bologna, which recorded an average of 7.1. While the Sicilian districts have all recorded an average of just over 4 per group investigated in the entire period, those in the North (Milan and Brescia) have a slightly higher magnitude: 5.5 in the nine years. These two information are proxies of an increase in extortion activity in the new areas of the country, although the comparative values between the individual districts throughout the entire period refer to a permanent and extensive pressure in the southern provinces.

3. Empirical evidence deriving from judicial documents and interviews

The following reflections summarize some results of an interview trail submitted to eleven heads of the State Police Mobile Squads operating between 2016 and 2017 in eleven different units indicated, two further interviews must be added to an official and to the Head of the Central Anti-Crime Department of the State Police, Central Operations Service. Here we will summarize, in a synthetic way, only some of the interviews with the privileged witnesses, for the needs of editorial spaces.

The first interview concerns the Palermo area and we are told that in the entire province the extortion activity by the mafia families still takes two substantial characteristics: the predatory activity (very widespread even today in many Sicilian provinces) and the protection offer. "The first, states in conditions of high blackmail of the victim; high territorial control of the association; fragility or lack of legal protection of contracts by state institutions. The second, when the intermediation function of the mafias is promoted or asked as (governance) of the market. Regardless of these characters, in the original territories the mafias have used extortion to enter the illegal markets first and then the legal ones". "Pizzo", he relates, is "practiced as an act of territorial domination without the victim receiving anything, but in many other cases the relationship established between the extortionist and extorted is based on mutual convenience: in the case of entrepreneurs there is the guarantee of insured profits because the local mandate minimizes the risks of market competition".

In Catania, the official underlines, "the phenomenon of extortion has deep roots and is very complex. In addition, it is not practiced with predefined schemes. Generally it arises as a result of an intimidating and violent phase, but it is not uncommon for it to turn into a demanded protection relationship. Indeed, the widespread illegal culture makes complacent many entrepreneurs and traders who are willing to submit to the Mafia because the cost-benefit calculation has them to take advantage of the services that the mafia offers in terms of products offered, guaranteed market segments, regulation of contractual disputes. Widespread throughout the territory is the practice of "putting in place", no longer attributable only to the remains of the families of "Cosa Nostra", but also to other Sicilian criminal organizations. 2-3% of the contracted quota is usually required in a "one-off" form.

The agenda takes us to Naples, whose metropolitan area is dotted with an intense presence of Camorra clans heavily fragmented in the city and much more homogeneous and hierarchical in the province (Di Gennaro e Pizzuti, edited by, 2009; Di Gennaro, a care of, 2015). The extortion is practiced on every economic activity and the victim is in a state of vulnerability or blackmail (illegal job position, submerged economic profile, commercial activity settled in high-density criminal area, tax infidelity etc.) the greater the predatory character that is affirmed. Even the daily activity of a valet in Neapolitan streets and squares is subject to regulation and control by the clans. The person in charge of the Mobile Team confirms to us the different extortion typologies already mentioned, but adds that a new phenomenon is affirming: "the acquisitive extortion, based on the combination of extortion and usury as a long-term strategy to take possession of the commercial or company)". The ability to move between the illegal and the legal sphere of the economy is one of the traits that characterizes the mafia organization. This brings us back the results of the judicial inquiry "il caro estinto" conducted by the Carabinieri and the Naples Public Prosecutor's Office starting from 2009.

The investigation has reconstructed, by means of telephone intercepts, an intense activity of masked extortion in the face of a deep monopolistic management of funeral services practiced by a funeral agency owner operating in a vast area of the metropolis and high density areas of the Camorra. The investigation crosses further facts, still investigated, concerning the "disappearance" of corpses from the main cemetery of the city, the illegal construction of funerary chapels, and corruption of health workers in service to the morgues and the funeral traffic between funeral mourners. It came to light an activity of a family originally from Castellammare di Stabia that moved to another municipality (Marano) in the late 60s and dedicated to the management of funerals. The owner of a funeral home, and through various agreements with representatives of other companies, and to so-called collaborators of justice through the impositions and structuring of a network of complacent, acquires the direct management of funeral honors in many municipalities to the point of creating a cartel of companies all controlled, whose work is "endorsed" by a hegemonic clan in the area north of Naples. Through the imposition of his company, the clan operates in other municipalities imposing a tax that varies (between 2000/2500 and 1.600 / 1.800 euros) for each funeral subordinate to the territorial "competence" of the company, or the waiver of the service for the benefit of other company. The entrepreneur, through the extortion activity, (a percentage on the service provided by other companies) on the one hand, ensures control of the market segment and on the other hand, extends its presence in increasingly larger territories imposing limitations on economic action. The investigation returns us, in a context of weak legality and distortion of illegality on the real economy, an entrepreneurial activity characterized by strong power syndicate connotations being the interaction with the legal market segment conditioned by extortion and by the expulsion of competition through intimidation and interconnection with a Camorra clan. Beyond the judicial findings, it is evident that the ability to resist on local markets and expand derives from the strategic use of extortion and the investment of resources deriving from an economic action modality in which transactions take place within confining borders between legal and illegal. In the long run, this domination generates a passive mentality in the competitors whose freedom from fear remains the most difficult conquest to achieve.

A further investigation started in 2015, on the affiliates with the Mallardo clan, a historical criminal group operating in the Giugliano area, a municipality north of Naples,

but with different offshoots in the hinterland. It is a group that acts basing its strategy on camouflage processes and maintaining unchanged the capacity of affiliation of followers, the undisputed intimidating force and subjugation exerted on the territory, and the ability to manage large international traffic and consequent investments in other regions in Italy (Veneto, Emilia Romagna, Abruzzo, Lazio and Puglia) and abroad. The story reconstructs a wide range of extortions to entrepreneurs, traders, petrol station owners, following even a cleavage inside the clan that is rebuilt, due to affiliates that contravene the ban imposed by the hierarchy of the Mallardo clan to sell drugs in the Giugliano territory. The "fracture" within the Camorra association reveals both the evolution of the assets undergone by the group and the rise of an affiliate clan dissatisfied with the redistribution of the proceeds of extortion and more willing to shift to the drug market even in contravention of the historic prohibition to form "squares of sale" in the territory of Giugliano. In reality, the pact jumps because after years of guaranteed equilibrium, especially by the presence of the historical chiefs of the Mallardo clan - now detained - the lucrative investments made outside the territory are the exclusive prerogative of the top of the clan. In fact, the extortion activity has only the function of ensuring the control of the territory (and also the consent through protection), but the greatest profits derive from the investments and the entrepreneurial initiatives realized. The rise of the other family is not only the result of a violation of a command, but the need to open up new segments of the market to rise to positions of power.

Emblematic, in many aspects, is the case of Emilia Romagna. Land of more recent settlements with opportunities ranging from the loisir industry in the Romagna Riviera (Scalia, 2015) to the agro-food sector in the Modena and Parma areas, up to the classic sectors of construction, catering and the hospitality sector (Tizian, 2011). The official of the Bologna central office reports, "in the Emilia-Romagna region there are the Casalesi, the 'Calabrian Ndrangheta and the Neapolitan Camorra. The infiltration model is not unique and the same extortion activity in many cases is used to immediately instill fear and acquire economic resources, in others it is downstream of a camouflage process started with an entrepreneurial activity as a result of recycling. Much depends on the reactivity of the society and the increased synallagmatism of entrepreneurs emerging from the economic crisis in a condition that often has encouraged their criminal involvement. On the contrary, the tyrannical activity practiced by the Camorra clan with the introduction of capital into the economic circuit has entangled many entrepreneurs in a network of collusions only recently recognized in its deleterious effects". Moreover, he tells us that the case is very frequent, especially among exponents of the Ndrangheta, in which extortion is "practiced exclusively towards entrepreneurs of Calabrian origin or with local descendants and is carried out by imposing manpower or offering very competitive prices for the necessary materials. The advantage of such action lies in the superior blackmail of the subjects having these ties of kinship in the territories of origin. Such is the case of Vibo Valentia or other Calabrian cities whose high availability of liquidity makes the offer more competitive". Also in Tuscany, or in Versilia, Forte dei Marmi and Grosseto Riviera, "the extortion activity is not practiced by the 'ndrangheta as a protection service, but is limited to entrepreneurs who have Calabrian origins".

Among the various interviews, more attention is paid to constructing penetration and expansion routes in the central and northern areas focused on the implementation of enterprise syndicate activities that make local markets more vulnerable because the same extortion brings a competitive offer of products and goods or services, thus acquiring an entrepreneurial character, or in time, due to this strategy, especially with the expansion of

corruption and entry into local administrations by intercepting public tenders and services, necessarily follows for the purpose of territorial domination the implementation of the extortion activity conferring to the organization that syndicate power character that connotes in a dominant way the criminal associations in the southern lands. That's why extortion is a mother crime. It is at the origin of the formation of a mafia association and functionally allows primary and immediate illegal accumulation. Its development is upstream of illegal activities and allows to control the territory, giving rise to new and more lucrative illegal activities, as well as to investments in the legal market with laundering operations. The infiltration phase, in the new areas, is instead generally characterized by entrepreneurial initiatives in the legal markets. Corruption plays an important role in the acquisition of dominant positions in sectors such as construction, procurement, land movement, services and tourism. The extortion activity in these territories follows the previous activities. It is downstream of the Mafia movement in that it does not budge new initiatives, but serves to consolidate territorial positions and is part of the corollary of the illegal activities practiced by the mafias.

Piedmont is not, contrary to what is believed, a recently penetrated territory of mafia groups. Already from '80 -'90s decade it has been penetrated by the clan of the Catania and the Calabresi, dedicated to more common predatory activities. The jump happens with the drug dealing and the expansion is affirmed with the entrepreneurial initiatives. The extortion activity, tells us the head of the Turin Mobile Squad, not only has the character of "pizzo" but "we also intercepted cases of truck repairs and activities related to the handling of land with mafia-like influences". And he continues, " the extortion activity, even if still limited, is very often combined with the wear and tear that has the character of "emptying". That is, the commercial activity that needs money, is generously infiltrated by the criminal organization with the awareness that not only must the advantage of the usurious interest and therefore the sum be reached, but this interest must be supplanted with the sale of shares and with the acquisition of the same activity ". One aspect that draws our attention is the marginal investigation into ethnic groups and speaks to us of the "Brigada" survey of 2013 which revealed the presence of a strong Romanian criminal group to which the 416 bis has been challenged and very active in the sectors of prostitution, control of nightclubs, small extortion activities, gambling and other lucrative major activities such as arms trafficking and drugs. This recall confirms what has already been highlighted in the literature on Nigerian trafficking in Turin and Genoa (Cabras, 2015). "We know, he tells us, that Fiat has not suffered any more extortion requests, but many companies that operated on a small-scale have been subjected to extortion, labor charges, and so on. Turin today (2016) has changed a lot, is a city with a strong tertiary, widespread businesses, with a sustained tourism and I would not wonder if among so many businesses, financial offices and shops there was in the background the 'ndrangheta or Sicilian mafia families. "

The indications provided on the reality of Turin but also of other Piedmontese provinces, as on the other hand the investigation "Minotauro" started in 2011 had already revealed and the Supreme Court in 2016 confirmed with the convictions of 70 people, give account of infiltration of local cells of the 'ndrangheta in the region and offer reflective elements on the territorial requirements that influence the choice to settle in one area rather than another. This line of research is emerging to explain the reasons for the formation of networks that link affiliates to a territory and the understanding of the characteristics that favor the rooting of the mafia in an area. Just recently Achilli (2017), through a statistical clustering methodology, described the intensity of the mafia presence on the country's

territories and the conditions that favor it by aligning different results of the elaborations with the hypotheses already expressed by Dalla Chiesa (2016) on penetration strategies which favor the small provinces and the network of small and medium-sized cities of the district economy and widespread entrepreneurship.

4. The need for selective and hierarchical contrast policies

The incidence of the extortion activity has been established, as well as its diffusion in the various territories of the country. Because of what has emerged, it is clear that this crime alters economic development and unbalances local contexts. If the territories are not characterized by a high level of security, the lack of confidence in investments and the conditions for economic operations come out mortified. It is equally evident that as long as the excessive power of criminal organizations pushes many entrepreneurs, traders, professionals, politicians to use the illegal services offered by crime, rather than denouncing, the conditions for ensuring security are not realized. The question of why the relationship evolves from a predatory act to cooperation is legit. Scholars (Arlacchi 2007, Varese 2001, 2006, Gambetta 2009) have often concluded that those who operate in illegal markets for various reasons engage in trades and transactions based on a very low trust rate. Confidence is scarce and no one trusts completely the other (Pistone and Woodley 1997). This approach extended to the legal markets has interpreted the illegal action of clans or mafia families in terms of the offer or activation of a request for protection. In reality, this does not account for all the exchanges that take place between victim and criminal actor organized in the legal markets where, more and more often, a sort of conspiracy is established because both are interested in using better and more reliable mechanisms to promote cooperation. It is not just models of violence that have an impact on the formation of a link between the two actors, but it is the intertwining of mutual interests and benefits that facilitates exchanges. For both, in fact, resorting to a scenario of instrumental cooperation based on distributional utility is much more useful than, on the organizational side, increasing the oppressive process towards the victim to saturation and, on the victim's side, counteracting the link with the organization in a condition of uncertainty of the protective outcomes of the legal authority.

The process of differentiation of the extortion activity masks its violent character by offering immediate benefits to the victims and intercepts the victim's consent in the operational interstices. Criminal groups that operate under monopoly or oligopoly have a strong criminal reputation and have changed their strategy, both because the control of the territory allows them to develop other more profitable trades, and because they have the interest in deploying an aura of tranquility, order and redistribution of advantages suitable for legitimizing the status quo. And that's why fear is often an alibi that hides conditions considered "acceptable" by the victims and therefore do not favor complaints, or experienced as generators of real advantages (as in the case of the disposal of company waste and sometimes toxic waste made by the companies both in the North and in the Campania region).

The policies of contrast to the racket must therefore take into account these transformations, and consider the era that saw the affirmation of the laws 44 and 512 in 1999 as a preliminary to the search for new legal instruments capable of increasing the responsible participation of citizens to the implementation of a more effective security that if not in a new sense combines prevention - whose original act is the complaint intended as a participatory event responsible for the construction of security - and the contrast, through the associative tool, the establishment of a civil party in the processes, the removal and

confiscation of the accumulated assets of all the members who constitute and integrate the criminal network. Otherwise there is the real risk of nullifying every investigative effort and every action by the investigating magistrate. It is therefore necessary to reform the legislation towards greater reward for those who take on the meaning of civil participative citizenship in a more responsible sense and a harsher negative sanction for those who find in the forms of addiction and subjection a way to obtain advantages of any kind. Moreover, in terms of deterrence and contrast policies it is necessary to convince oneself that some crimes have greater effects and damages than others, especially if their nature is a gemstone of sequential and incremental evolution of other crimes. The extortion is a mother offense for the characteristics described and as such requires a priority effort if we want to deconstruct and eradicate criminal organizations from the territories. The policies to combat organized crime that indiscriminately pursue all crimes with the limits that the same criminal laws and the different procedural rights pose to the various countries in the face of transnational traffic have no hope of inflicting significant defeats.

The plurality of contiguity of the victim (from the "underlying" to the "compliant") to organized crime leaves room for situations of interrelation with the economic and social construction that make the already articulated doctrinal debate on the questionable admissibility of the external competition even more complicated. On the other hand, the variegated profile of the victim is to some extent mirrored to that of his executioner. So much so that it has become clear how much implementation of extortion, the type of relationship that is established between extortionist and extortionate, function and type of extortion are connected and depend on the configuration and organizational structure of criminal groups, the context of action and strong or weak ties within the networks of relationships that underlie the plot on which the implantation of the interests and operations of the Campania clans in general and citizens in particular is based.

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