



Intra-family mafia pedagogy: the role of juvenile justice and social work in Italy

Nicola Malizia^{a*}

^aUniversity of Enna “Kore”, Enna, Italy

Abstract

The sociological and legal literature on the subject of mafia acculturation within the family has repeatedly urged the intervention of the institutions to operate both in the social field, through adequate support networks, and in the judicial field, through measures against the so-called 'children of the mafia' who, from an early age, become the recipients of a mafia pedagogy, aimed, over time, at preparing them for anti-legal and anti-social conducts and which denies them, in fact, the achievement of an existential and working autonomy with the aim of freeing them from the criminal culture. This study, therefore, after investigating the mechanisms of such acculturation, the deviant perspectives, the role of the Social Services, the quality of the disvalues imparted and oriented towards the demolition of the culture of democracy, the breaking of laws, and the failure to respect social values and norms, has also attempted to verify the possibility of constructing a truly effective legal, organizational and social model that would address - from a systematic perspective - the phenomenon of the involvement of minors in criminal associations and the suggestion exerted by certain imposed intra-family mafia cultural models, as well as the tools to protect the fundamental right of the minor to receive a responsible upbringing, consistent with constitutional values and civil coexistence, which can only be achieved through a process of harmonization of the civil law regulations governing parental responsibility and parental authority proceedings.

Keywords: *primary socialization; mafia; justice; minors; education; social service.*

1. Introduction

The transmission of the Mafia cultural code within families, and in particular to children, is structured in a slow and gradual educational process of an anti-judicial and anti-social nature, which allows the proliferation and, at the same time, the preservation of a system of rules and methods of behaviour (Filippelli 2017). The maintenance and balance of this system is closely linked to the correct reproduction of mafia values, which can be defined as 'mafia pedagogy'. Unlike other family contexts, the mafia family fully provides in the primary socialisation phase for the transfer of key concepts such as

* Corresponding author: Nicola Malizia. E-mail address: nicola.malizia@unikore.it

'belonging', 'affiliation', 'respect', 'omertà' and 'denial of legality' onto their children from an early age. Panizza (2017) further outlines the most recurrent themes of mafia pedagogy, which can be traced back to the criminal cultural code and which translate into disvalues with respect to the democratic system: amoral familism, paternalistic male-centrism, absolute respect for omertà, maintenance and emphasisation of honour, depreciation of work, dogmatic visions, choice of violence as language, instrumental devaluation of beliefs, sacredness of female honour, attachment to the memory of fathers, absolute importance of profit, careerism, competitive egocentrism, impoverishment of weak social strata, caution and contrast towards the mechanisms of democratic participation. Again, Cavadi (2005) frames mafia pedagogy in the following forms: integral, territorial, contextual. The first form (integral) does not address the mind in an abstract manner but involves above all the subjective spheres of affectivity, the will, the unconscious. It divulges worldviews through intellectual contamination and wants to conquer the existential root of individuals, the seat of the structuring of ideas, the places of the mind where fundamental objections and lasting choices of an anti-legal and anti-social nature originate. The second form called "territorial" indicates, instead, the involvement of the totality of the inhabitants of a territory, or of a substantial part of it, and, together with the third character, that of contextuality, defined as the "capacity of mafia organisations to interact critically with the cultural contexts in which they are, geographically and historically, inserted, the author recalls the considerations on the internal dynamics of the so-called subsystem of latency. The concept of 'wholeness' refers to the construction and structuring of the individual's identity, while the socio-cultural context acts on the definition of the individual's identity. According to Adam and Marshall (1996), culture is an inseparable factor from subjective identity'. Cerulo (1997) emphasises that socialisation is "concretely what determines an individual's ability to understand his or her peers and to perceive the world as a social reality". Primary socialisation in mafia family contexts would be quite different from that in normal family contexts in which the child begins to learn about the world, confronts its own emotional states, learns the meanings that its parents attribute to events, imitates their legal behaviour, social interactions, which are the baggage of the transmission of sound knowledge and educational principles and sociality. Primary socialisation within a mob family follows completely opposite patterns and results in an automatic acceptance of the world as only 'existing and conceivable' in the child, according to Berger and Luckmann (1997). Marzullo (2019) argues that the family embedded in the general mafia organisation is closed, unique, annihilating of affective needs, strongly vertically structured and that its rigid structuring can give rise to the onset of psychic pathologies. The terms 'believe' and 'obey' totally permeate the family environment, and the upbringing of children tends to be authoritarian and aims to de-empower the individual. In such contexts, one therefore witnesses the systematic genesis of a defect in the individual's identity development, in which personal identity is annulled and replaced with paternal identity. According to Lo Verso (2012), in the mafia family and in the primary socialisation phase of children, an identity is purposely constructed as opposed to the 'social we' represented by the State, institutions and social rules, although this mafia is translated into reality with another 'we', the 'we' of family, friends and allies. Numerous studies have highlighted that the incongruence between primary socialisation in mafia family environments and secondary socialisation (school, constructive and healthy social relations) determines a failure and a failure of the latter insofar as there is both an absence of educational correspondence in the two phases (primary and secondary socialisation), and an inability of the actors of secondary socialisation to provide, today,

alternative models incompatible with the mafia style and culture. All this is an omen of the orientation and structuring of an individual (especially a child) towards respect for mafia traditions. Deviance sociologists and psychologists believe that individual mafia identity is weak, but with a strong foundation in collective identity. An interesting analysis by Siebert (1996) outlines the differences between young people who do not belong to mafia families and those who do: specifically, according to the author, in the face of social complexity and uncertainty, today's young people, on average, tend to reject strong ties, develop a marked ego culture, seek extreme experiences, depend on consumerism and develop a strong distance from the adult world, which they deny authority to, while they favour relationships between peers. young people brought up, on the other hand, in mafia contexts adhere to a strong culture, contrasting the culture of the ego with self-forgetfulness and the systematic inhibition of desire and the need for extreme experiences; the mafia organisation compresses these legitimate individual desires and responds effectively with its 'sacred' rituals, myths and symbols; the thirst for consumerism is satisfied by immaterial goods such as status, honour, strong identity, adventure. Unlike other young people, the Mafia youth does not reject authority; on the contrary, he experiences a strong submission to authority figures and a predominantly vertical socialisation. Cirrincione (2019) argues that society, today, transmits to the new generations an image of weakness and precariousness, which fuels the perception that the children of mafiosi have of the mafia society to which they belong and which they see as a strong, safe and fascinating world, capable of accompanying and giving meaning to the transition to adult roles and all this contributes to making the ties between adolescent and mafia family even stronger. Analysing the dimension of collective identity, it emerges, unfortunately, that modern democratic society does not have a strong collective identity reference, unlike the mafia, which instead stably maintains the collective identity of its followers.

2. Intra-familial processes of mafia acculturation: the 'alternative' primary socialisation

Intra-familial mafia-type primary socialisation is closely related to the 'environmental context' and can be described as 'alternative', as it contrasts the classical canons of primary socialisation of normal societal households (Paternostro 2017). According to Schermi (2010), intra-familial mafia pedagogy is based on the following factors: a) culture: the subject's lived experiences are often the consequence of belonging to a particular culture. Every culture has its own institutionalised patterns of behaviour that are learnt and usually involve rituals and beliefs. This means that most members of a specific culture share certain characteristics of the personological structure. These influences are potentially reflected in every aspect of existence, in the way one defines one's needs and the patterns chosen to satisfy them, in the forms in which one experiences different emotions and in which one expresses what one feels, in one's relationships with one's alter and with oneself; and also: in what is considered sad or amusing by the subject; in how one deals with life and death; b) social class: some behaviour patterns develop within the framework of belonging to a culture, others are, on the other hand, the result of belonging to a social class. The group of origin assumes particular importance. The set of factors that identify a social class serves to determine the status of individuals, the roles they play, the obligations they are bound to and the privileges they enjoy. This set influences the way in which people reflect themselves and how they distinguish themselves from members of other social classes, as well as how they earn and spend money. Social factors therefore influence the way people define situations and respond

subjectively; c) the family: this represents the set of environmental conditions, the similarities determined by belonging to the same culture or social class, the mechanisms of variations in the personality functioning of the members of a single culture or class. Parents, just as in non-mafia families, influence their children's behaviour by means of coping strategies for their behaviour and solicit the behaviour in the child; they act as negative role models; they reward behaviour in a severe manner; d) peers: the peer environment is of particular importance in the process of personality development: the children of mafiosi frequent environments, groups and peers belonging to the specific mafia culture and this is to prevent dangerous intermingling with legal cultures. The American sociologists Parsons and Bales (1974) identify the family as the engine of children's education and the formation of their personality, as well as the primary agency for the care and control of instinctual emotional behaviour and for the internalisation of the values of one's own culture. Children, according to modern psychology, come into the world with a baggage of instincts and innate needs, therefore, the actors of the first social interactions (the parents) provide socially approved forms of addressing the expression of instincts, the timing and the ways in which needs are satisfied. However, family socialisation (not of a mafia nature) and its repercussions on the child's personality does not only depend on coercion and impositions towards the individual entering life, but also derives from a form of learning based on the natural predisposition to imitate the social behaviour to which the individual is exposed, to observe, research and interpret the human reality that surrounds him: in the mafia family, all this is reversed through indoctrination that polarises the child and his personality towards a closed and omertous system. The mafia family background includes the history of each member that makes up the nucleus, which strongly affects the way of relating to the growing child, in turn conditioned by the type of upbringing received (Marzullo 2019). Mafia thinking must be inherited and transmitted trans-personally within the family, which becomes a strong cell with respect to the individual as an individual. Mafia-type organisations are rigidly formed and predominantly made up of men, by emphasising a code of values that are identified as typically male models: respect, courage, valour, coolness, strength, virility. Women play a decisive role in the formation and maintenance of mafia culture, a role that has been defined as one of 'submerged centrality', which is essentially expressed in being the guardian of the family's honour, in being solely responsible for the mafia's educational function of their children (Varese 2017). For a child growing up in a mafia context does not only mean assimilating the negativity of the value dimension upheld by his family, but also suffering the negation of the natural process of progressive detachment from the family unit of belonging and, without even realising it, the compression of his own individuality. This has the effect of the definitive loss or extreme limitation of one's autonomy and personality, which are annihilated within a system of pathological relationships, in which the interest of the family group always prevails and not of the individual members that compose it, even in their diversity and peculiarities (Musaio 2010).

3. The child and the mafia family: from education to the prospects of deviant behaviour

The theoretical contributions of the sociology of deviance (Tarde 1890; Bandura 1962; Sarbin and Allen 1962; Glaser 1956) can certainly be applied to the study and future effects of intra-family mafia pedagogy: the Chicago School with its exponents, in primis, deals with the theme of the development and changes in human behaviour induced by the

social and physical environment in which one lives, considering the community (in this case the mafia community) as the main element of influence on the behaviour of individuals. Sutherland (1947), author of the differential association theory, argues that criminal behaviour is learned within a certain social environment, like any other behaviour, and that 'the content of association patterns' varies between individuals. According to this assertion, criminal behaviour is learnt through association with people with whom one has intimate relationships, in a process of interactive communication. Within this communication, both the techniques necessary to carry out the crime and the motivational drives to engage in criminal behaviour are learned. If the mafia culture represents a subculture in antithesis with the dominant legal culture, it is important to recall the work and theories of Kobrin (1964), who investigates, in particular, the relations existing between the male generations within a lowerclass community (identifiable in the modern sense with the system of mafia organisations), arriving at the elaboration of the concept of an 'integrated community'. Criminal organisations are predominantly family-based; boys live in family units, where they breathe the air of violence and prevarication, and where mafia culture is passed on to ensure continuity in the 'family'. The 'internal family' affiliation process begins through an educational system of mafia indoctrination, often entrusted to women when the male component has been killed, is in prison or is a fugitive. A system of contrary or distorted values is transmitted to the minor, hinged on the affirmation of a diversity that is based on its own, illegal codes and rituals, the social recognition of which is supported by a culture based on force and oppression (Casabona 2016). The son of the mafioso, already at an early age, is also imposed on the future choice (marriage) of the daughter or granddaughter of another mafioso family and this responds to patrimonial needs or to seal important associations. Criminal deviance is covered up by mothers who are ready to justify the actions committed by their children, remaining silent in the best interests of the family (Surace 2022). Children are born and grow up in contexts where they have seen their family members or relatives killed. According to the Mafia code of honour, minors, as they become adults, have the task of avenging the family's honour and it is for this reason that they are trained in the use of weapons and force from an early age. The consequences generated by mafia murders are profound and their effects propagate in different ways within the same family, often for generations, changing the destinies and choices of children and all descendants.

4. Parental responsibility and mafia indoctrination: legal profiles

As is generally known, simply belonging as a child to a mafia family is not a sufficient condition for issuing ablative or limiting measures of parental responsibility, even if, legally, the upbringing of children is not left to the free will of the parents or the parent (Freire 2002). In Italy, numerous juvenile courts are questioning the parental suitability of those who conceive, as in mafia circles, the child as only one of the assets at their disposal, denying him or her the possibility of being other than the universe from which he or she comes. As a matter of fact, however, there are many children and young people who, although not necessarily affiliated to organisations, experience a dangerous contiguity with mafia circles, either because they maintain friendship relations with affiliated persons or because they are inclined to act according to mafia standards, often through dangerous imitation of adults. Parental responsibility, introduced by Legislative Decree 154/2013, which rewrote Articles 315 et seq. of the Italian Civil Code, replacing the concept of parental authority, is that system of rights and duties that are and must be generally exercised by both parents, in the best interests of the child. What seems to

emerge from the new legislation is the close connection between the child's rights - indicated in art. 315 bis of the Italian Civil Code (such as the right to be maintained, educated, instructed and morally assisted, to grow and maintain meaningful relationships with relatives, to be listened to in decisions that concern him/her) - and parental responsibility, in the sense that the latter appears functional to guarantee the rights of the child (Ferri 1988). In the new system, therefore, parental responsibility is attributed in the interest of the child, who needs to be guided in his or her personal life choices. Having said that, it seems appropriate to understand whether one can and should indicate an insuperable threshold of parental educational freedom/discretion or whether one simply wants to indicate a common system that should characterise the educational process of any child, regardless of the social and cultural context of origin. The doctrine, on the subject of parental duties, specifies certain limits of parental freedom in the fulfilment of the educational duty, including the fundamental principles of the Constitution and the Charter of Fundamental Rights of the European Union, the UN Convention on the Rights of the Child (New York, 20 November 1979, ratified by l. 176/1991), both because of the functionality of all the other rights of the person of minor age consecrated to his or her best interest, and because of the explicit content of Article 29 on education, which dictates its objective content, without prejudice to the freedom to educate but always within the framework of the best interest of the child (Lo Rubbio 2021). Therefore, the function of parents, with regard above all to the upbringing and education of children, cannot be divorced from the general values of the community and the social structures themselves, in which the family is embedded. According to Mariani (2021), the pedagogical action of parents must find correspondence in those fundamental values of the social conscience that the community considers at a certain historical moment as essential to civil living and, conversely, it must reflect the interest of the child to be educated and socially instructed to become a citizen equipped with the maturity necessary for those who must live in a democratic community. Bearing in mind that the Italian democratic system rejects - as a matter of principle - any State ideology that tends to standardise the moral and intellectual education of minors to principles and values imposed by law, this does not, however, detract from the constitutional design that wants the entire process of educating minors to be bound, pursuant to Article 2 (Italian Constitution), to the integral development of their personality in a framework that must be 'in solidarity' with the values that the Constitution indicates for the entire process of the moral and intellectual education of minors (Bucciero 2005). From this it follows that the broad autonomy assigned to parents in the educational phase by articles 29 and 30 (Italian Constitution) cannot be conceived as detached from the general values of the community and that there are limits to the same educational autonomy that parents cannot exceed without incurring an authentic abuse of those powers recognised by article 30 (Italian Constitution), which legitimises State intervention when parents are unable to perform the educational task. The Italian constitutional system recognises a special protection regime for minors to guarantee the harmonious and complete development of their personality, due to their condition of weakness, immaturity and need for care (Steiner 2007). As is well known, Italian constitutional provisions bind the State to protect the child from parental conduct prejudicial to him or her and to put in place a multiform aid and support activity to protect the interests of the protected person. Parents must therefore provide their children with an educational background so that they do not engage in behaviour that is harmful or dangerous to others and must correct those aspects of the child's character that denote levity and recklessness (Da Re 2019). In mafia families, these normal educational methods do not exist. It seems opportune to point out

that at the centre of the educational proposal and of the possible judicial interventions there must always be the child's interest, as solemnly sanctioned by art. 24 par. 1, of the Charter of Fundamental Rights of the European Union and by art. 3 of the Convention on the Rights of the Child stipulated in New York on 20 November 1989, ratified by Italy with Law no. 176 of 27 May 1991:" In all decisions relating to children, within the jurisdiction of the courts, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration " (art. 3)" (Magno 2001). That being said, it can be stated that the duty/right to educate, albeit within a broad parental discretion on the models to which the educational function should be inspired, must be inscribed in a framework of common principles and values of civil coexistence, sanctioned at constitutional and international level. All this is of central importance in the hypothesis of so-called 'mafia children', i.e. minors involved in organised crime activities or who are subjected to the dominant subculture within the family nucleus of origin, exposed to educational contents, which are manifested both through forms of indoctrination and through parental conducts susceptible to emulation, aimed at the transmission and internalisation of 'values', behavioural patterns and cognitive models that are in deep and radical antagonism with the values that are the foundations of a civilised society, in the sense of 'civilised'. Mafia children' are systematically educated to illegality, (thus violating the child's constitutional right to be educated in accordance with constitutional and legal principles) making them vulnerable to the subjugating force of mafia-type organised crime (Casarrubea 1996).

5. Mafia children' and the need for parental authority measures

Measures de potestate (parental authority measures), with which the re-educational measures provided for in Article 25 of Royal Decree Law No. 1404 of 20 July 1934 may be associated, are applicable both to prevent the continuation of harm and to avoid the occurrence of harm that appears highly probable. That being said, the adoption of measures of forfeiture or limitation of parental responsibility cannot take place according to a principle of automatism, but from time to time it is necessary to (a) take into account the concrete case, verifying, with adequate investigations, whether a de potestate (parental authority measures) measure actually guarantees the best psycho-physical development of the minor of age; (b) provide for the correspondences between law and social analysis, including that of family relations, also from an affective point of view, of the environment, of the systems and educational processes in place; (c) provide for an articulated project of gradual recovery of the minor of age and family relations, where possible and compatible with the subject's best interests (Gatto 2020). If it is assumed as a principle that the Mafia family's pedagogical model (concretely ascertained) is contrary to the child's best interests and violates his right to be educated in compliance with constitutional principles and the values of civil coexistence, and it is also recognised that this educational model is detrimental to the child's psychophysical health, then it will be necessary to assess the legal relevance of the Mafia family's educational unsuitability in other areas of family law (Priore and Lavanco 2007). In literature, doctrine and jurisprudence, the case of child custody during the separation of the spouses stands out: the general principle of bi-parenting and therefore of shared custody, in fact, is subject to exceptions in favour of exclusive custody where there are obstructive circumstances and, specifically, where shared custody is contrary to the child's interest because it is prejudicial to him/her (Macrillò 2015).

It appears evident, then, that entrusting the child even to that parent who indoctrinates or provides examples of life to the child that are entirely negative and against

the values of social and civil coexistence, which are already detrimental to the child's well-being, is contrary to the child's best interests pursuant to Article 337 quater of the Italian Civil Code (De Angelis 2019). Another case concerns the adoption of an Italian or foreign child, where an assessment of the adopting party's suitability is required pursuant to Law No. 184/1983. A judgement, that of the adopting party's suitability to perform parental duties, which must be made in concrete terms, and not abstractly and generically, and above all in the exclusive interest of the child (Gatto 2019). From the standpoint of the adoptive parent's lack of educational suitability, case law has already pronounced on the "re-evidence" of pending criminal proceedings for very serious offences, as well as of being subjected to preventive measures of special supervision pending criminal proceedings for criminal conspiracy, aggravated robbery, usury, extortion and fraudulent bankruptcy. It follows from this that the degree of involvement of the individual in the activities of a mafia-type criminal organisation can and should be assessed for the purposes of judging parental suitability (Di Maria 2005). Much more complex, appears the question of the adoptability of a minor brought up and raised in mafia families: the practice provides for the overall assessment of the minor's 'state of abandonment', the detection of indices regarding the general educational incapacity within an unstable, irregular, immoral life context, the possible prolonged absconding of the parents or the minor's constant involvement in criminal activities of the 'mafia family of origin'. To conclude, the educational unsuitability of a mafia parent could be relevant in separation proceedings, where the judge is called upon to verify, pursuant to Article 151 of the Italian Civil Code, the 'serious prejudice to the education of the offspring' as a cause for debit (Ballarani 2011). Therefore, the parent who involves his or her minor child in delinquent activities traceable to the association to which he or she belongs violates or abuses his or her educational duties and, at the same time, causes prejudice to the child's proper psycho-physical development.

6. The Italian Social Service and relations with Mafia families

The Italian State and Institutions have been trying, for some time, to put in place tools to counter mafia-infamiliar educational methods (Ferrario 1996). In this perspective, justice (juvenile justice in particular) and penal enforcement policies must take charge, together with local authorities, of identifying recovery paths that, as early as possible, can represent a valid alternative to the proposed aggregation of criminal groups and families (Balducci 2016). A particularly important aspect concerns the need to invest, not only on minors, but also on all members of mafia families (Rosati 2014). A targeted and structured intervention on a national scale is needed: since we are dealing with minors in complex educational situations, the Juvenile Judicial Authority's Social Service Offices for minors of the Administration of Justice (USSM) have been identified as the privileged referent of the Juvenile Judicial Authority, attributing to these State bodies the direction of criminal, civil and administrative interventions, to be carried out in cooperation with the social and health services of the territorial authorities and the resources of qualified volunteers (Mastropasqua and Branchi 2012). The national technical tables on this delicate issue have proposed to: 1) to assign to the Juvenile Justice Social Service Offices the leadership of the executive phase of civil (art. 330 et seq. Italian Civil Code) and administrative measures for the protection of the so-called "Mafia minors", in connection with the social-health services of the territory, with the resources of qualified volunteers and, where necessary, with the police; 2) strengthen the Juvenile Social Service Offices also with the presence of experts in pedagogy, psychology, sociology and criminology and to provide, on the basis

of the model outlined by art. 80 of the Italian Penitentiary Order, the contractual employment of such professionals as consultants to be included in the working teams of the Juvenile Social Service Offices; 3) modify or revise the operational approach of the Social Workers of the Juvenile Social Service Offices and of the external consultants, in the light of the new type of users and of the new communication modalities, with provision for semi-structured settings and use of technological communication tools, with flexible working hours, according to the times experienced by the juvenile population; 4) set up at a central level, at the Italian Presidency of the Council of Ministers, a permanent technical table for the protection of Mafia minors.

7. Legal analysis of the issue and operational proposals

According to Cerrai et al. (2019), in order to protect the fundamental right of a person under the age of 18 to receive a responsible upbringing, an integration of art. 315 bis of the Italian Civil Code could be useful to provide for the right of a minor child to receive an upbringing that develops his or her sense of moral and social responsibility, in compliance with the shared values of the Italian Republic, that is, those set forth in the Constitutional Charter and in the international conventions for the protection of childhood. In a related vein, the concept of parental responsibility set forth in art. 316 Italian Civil Code (in correlation with articles 147 and 315 bis Italian Civil Code), taking into account the specific tension of articles 2, 30, 31 paragraph 2, article 32 of the Italian Constitution with regard to the protection of the psychophysical integrity of the child involved and the related international conventions for the protection of childhood. To counter the phenomenon of mafia indoctrination, a normative integration of Articles 330 and 333 of the Italian Civil Code could be useful to conform them to the principles established by Article 8 of the CEDU (European Convention on Human Rights), with the provision that *de potestate* (parental authority measures) interventions can be adopted, in the child's pre-eminent interest, when they represent a necessary measure for national security, the defence of order and the prevention of crimes, the protection of health or morals, or the protection of the rights and freedoms of others (Veronesi 2020). On the subject, however, of parental competence, it might be useful to supplement Articles 330 and 333 of the Italian Civil Code in the terms already provided by Article 11 of Law no. 184 of 4 May 1983, i.e. by expressly attributing the possibility to the Juvenile Court, where necessary, to impart by reasoned decree to the parents or relatives prescriptions suitable to guarantee the moral assistance, maintenance, education and upbringing of the child, establishing at the same time periodical checks to be carried out directly or by using the tutelary judge or the Juvenile Social Service Offices and the local services, which may be entrusted with the task of operating for the purpose of better relations between the child and the family (Anceschi 2020). In this context, an integration of art. 332 of the Italian Civil Code could be envisaged that introduces a communication circuit between judicial offices and the possibility of reintegration in parental responsibility for parents, previously deprived by a measure, who positively undertake paths to recover parental competences. This also refers to those who, as parents of children under the age of eighteen, are admitted to a provisional protection plan or special protection measures (Fraccon 2003).

Tab. 1 (Articles of the Italian Civil Code that, if violated, may give rise to interventions on parental authority by the judge)

Art. 147 -
Italian Civil
Code:

Marriage imposes on both spouses the obligation to maintain, instruct, educate in accordance with constitutional principles and the law, and morally assist their children, with respect for their capacities, natural inclinations and aspirations.

Art. 315bis -
Italian Civil
Code:

The child has the right to be maintained, educated in accordance with constitutional principles and the law, instructed and morally assisted by his or her parents, respecting his or her abilities, natural inclinations and aspirations.

Art. 316 - Italian
Civil Code:

Both parents have parental responsibility, which is exercised by mutual agreement, and in accordance with constitutional and legal principles, taking into account the child's capacities, natural inclinations and aspirations. The parents by common agreement establish the child's habitual residence.

Art. 330 – Italian
Civil Code:

The judge may pronounce the forfeiture of parental responsibility when the parent violates or neglects the duties inherent in it or abuses its powers, with serious prejudice to the child. In such a case, for serious reasons and in the best interests of the child, the judge may order the removal of the child from the family residence or the removal of the parent or cohabitee who mistreats or abuses the child.

The judge may issue appropriate orders to ensure the child's moral care, maintenance, education and upbringing, at the same time establishing periodic checks to be carried out directly or by using the Juvenile Services of the Administration of Justice that, with the cooperation of the services set up by the local authorities, may operate for the purpose of better relations between the child and the family, proposing to the judge in the pending proceedings or to the Public Prosecutor at the judicial office responsible for the promotion of the relevant proceedings to amend, modify or supplement the measures in force. The judge adopts the measures referred to in the preceding paragraphs where they represent a measure necessary for national security, the defence of order and the prevention of offences, the protection of health or morals, or the protection of the rights and freedoms of others (Ruo 2022). Particularly important is Article 333 of the Italian Civil Code: if the conduct of one or both parents is not such as to give rise to the pronouncement of disqualification provided for in Article 330 of the Italian Civil Code, but nevertheless appears prejudicial to the child, the judge may, according to the circumstances and in the best interests of the child, take the appropriate measures and may order the removal of the parent or cohabitee who abuses or mistreats the child. The court shall take the measures referred to in the preceding paragraph where they are necessary for national security, the defence of order and the prevention of offences, the protection of health or morals, or the protection of the rights and freedoms of others. The judge may issue appropriate prescriptions to guarantee the moral assistance, maintenance, education and upbringing of the child, establishing at the same time periodic checks to be carried out directly or by using the juvenile services of the Administration of Justice, which, with the cooperation of the services set up by the local authorities, may operate for the purpose of better relations between the child and the family, proposing to the judge in the pending proceedings or to the public prosecutor at the judicial office responsible for the promotion of the relevant proceedings to amend, modify and supplement the measures in force. Such measures are revocable at any time (Cassano and Previti 2014). Further food for thought concerns the

accessory penalty provided for in Article 34 of the Italian Criminal Code: the measure of forfeiture of parental authority is an accessory penalty of great sanctioning impact with significant reflections in the general preventive and special preventive perspective of punishment. The Italian Criminal Code indicates the offences for which forfeiture of parental responsibility is used in addition to the general provision for the case of a sentence of life imprisonment (Conte 2017). Article 1, paragraph 3-bis, of Decree-Law No. 7 of 18 February 2015, converted, with amendments, by Law No. 43 of 17 April 2015, provided that in the event of conviction for one of the offences referred to in Articles 270-bis, 270-ter, 270-quater, 270-quater1, 270-quinquies of the Italian Criminal Code, the accessory penalty of the loss of parental responsibility applies, obligatorily. The choice of a parent who initiates his or her minor child into organised crime (mafia or other crimes), as well as into crimes where the minor's life is at risk, entails the violation of the child's fundamental rights and negatively influences the time of the minor's innocence (Rossano 2011). With Legislative Decree No. 7 of 2015, the Italian legislator extended the application of the accessory penalty to the hypothesis of conviction for the offences referred to in Articles 416 bis of the Italian Criminal Code and 74 of Presidential Decree No. 309/90. The forfeiture of parental authority (nowadays referred to as parental responsibility), on the other hand, reinforces the general preventive and special preventive function of the penalty, especially in mafia criminal contexts with a strong family connotation, where the involvement of minors, even unaccountable ones, in serious crimes is a way of life. Similarly, the involvement of a minor child in a mafia association offence could constitute a specific aggravating circumstance for the offences provided for in Article 416-bis of the Italian Criminal Code and Article 74 of Presidential Decree No. 309/90, as a clarification of the hypotheses already provided for in Article 112 of the Italian Criminal Code (aggravating circumstances concerning those who used others to commit the offence in their capacity as parents exercising parental responsibility).

7. Conclusions

The aim of the present work was first and foremost to analyse the Mafia family context and the acculturation processes towards the 'children of the Mafia' who always represent a category of 'victims', inasmuch as they are the recipients of a systematic violation of their rights to be educated to respect social norms and peaceful coexistence. Mafia pedagogy represents an upward lift that over time fortifies the victim's perception of living in a system with strong identity connotations and where the myth of belonging is a categorical imperative that is linked above all to wealth. The system, in its conception, is not doomed to failure because it can count on a support network. Mafia culture is made up of values such as honour, respect, individual dignity, a baggage of references that often draws inspiration precisely from popular culture; solidarity, the centrality of the family and religiosity, although they are only 'declared' values and not really lived, are used for the purpose of acquiring consensus and covering a violent and prevaricatory reality. A reality where nothing has a value shared with civil society, not even life, except individual affirmation and success, the personalisation of conflict and its compromising or violent resolution, prevarication towards outsiders, induction to passivity and omertà for its associates. Something, however, is changing in the mafia landscape. Women and mothers of the *ndrangheta* have turned to the juvenile justice system in the hope of building a different future for their children. The Juvenile Court of Reggio Calabria (Italy) has, for some time now, initiated a new conception of protection of minors in organised crime contexts, adopting measures to disqualify or limit parental responsibility and, in the most

serious cases, entrusting boys and girls to communities and families where they can live safer and free from mafia influences. Added to this is the exceptional circumstance of children of mafiosi who have decided to cooperate with the justice system or those who have played the role of witnesses, providing important information for the solution of some very serious crimes. These children and young people have seen their lives radically changed in a very short time because they have been uprooted from their environment and subjected to a specific protection programme. What is needed, however, is a decisive reinforcement of the resources allocated to juvenile justice and targeted training of all the actors involved: for this purpose, Italian universities as the seat of higher-level knowledge are in a position to actively lend their work. It is also necessary to build a network of competences able to accompany young people who want to move away from the mafia criminal circuit until they reach an existential and working autonomy. Moreover, it is necessary to strengthen the tools to intercept the new frontiers of child exploitation by organised crime, with careful study of the new emerging phenomena, also in Italian areas and territories not traditionally linked with it.

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