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Healing Voices: A Deep Dive into Doctor Perceptions on relation between Malpractice and Medical Legislation and Healthcare system in Romania.
The results of a qualitative sociological research

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Abstract

This article presents findings from a comprehensive survey titled "Dimensions of Malpractice in Romania" addressing the negative aspects of the current legislation on professional liability. The data reveals a notable gap in doctors' knowledge of the legislative framework specific to the medical profession, emphasizing a high demand for formal, institutional training. The prevalence of "I don't know" responses suggests a conceptual gap, possibly stemming from ultra-specialized training that lacks trans-disciplinary education, particularly in legal matters.

Medical malpractice emerges as a significant challenge for both the healthcare system and society at large. This survey delves into the complex social context of medical practice, exploring individual experiences and social influences. The large participant pool (8,121 participants, with 4,729 responses) enhances the research's scalability, allowing for the identification of prevalent themes and subsequent correlations through advanced statistical methods.

The study, conducted through a questionnaire administered within a month to over 8,000 participants, highlights the cost-effectiveness and efficiency of survey research compared to interview-based approaches. Despite its advantages, the qualitative nature of the study presents limitations, such as the potential subjectivity in data interpretation. Limitations include the potential lack of generalizability, leading to the organization of data based on frequency rather than broad applicability. The findings may be more relevant for specific contexts, requiring further evaluations and independent assessments.

This qualitative sociological research prioritizes an in-depth understanding of phenomena over quantitative aspects. The identified themes and sub-themes reflect negative conditions and vulnerabilities in medical practice, serving as a basis for potential amendments to legal texts. A legislative framework adapted to local social conditions is proposed to benefit both the healthcare system and broader society. The article concludes with a call for

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continued research, emphasizing the importance of refining the legislative framework to enhance the overall healthcare landscape in Romania.

Keywords: *Malpractice; Doctor perceptions; Medical legislation; Healthcare system.*

The present paper is part of a large survey, based on a questionnaire, carried out in Romania, commissioned by the Romanian College of Doctors, entitled "*Dimensions of Malpractice in Romania - Analysis and diagnosis of the prevalence of professional burnout among doctors and migration trends*".

Data collection for this study conducted nationwide between January 16 and February 20, 2023. The questionnaire asked open-ended questions along with structured and filtering questions based on respondents' personal malpractice history via an online form, sent by email.

The present study presents the main findings[1] resulting from the qualitative analysis of the answers to the question: "What are the main negative aspects that exist in the current legislation regarding professional liability?" The qualitative approach remains a pillar of the investigations carried out in the areas of interest of all social and human sciences; qualitative research is described as an effective model that allows the researcher to develop a high level of observational detail and an involvement similar to real experiences (Creswell, 2009). The use of data sets and their analysis in an interpretative way manage to make the world and situations in people's lives much more visible; it is possible to uncover more subtle aspects, some even hidden or difficult to accept for society or various social groups. It is a type of social science research that collects and works with non-numerical data, seeks to interpret meaning from this data, and ultimately helps us understand social life by studying precisely the target populations (Punch, 2014). Doctors' perceptions regarding intimate aspects of their professional activity are probably difficult to reveal and, in this way, we believe that the qualitative approach was beneficial. In this way we investigate local knowledge and understanding of a concrete situation, people's experiences, meanings, relationships and social processes with contextual factors that marginalize a group of people (Leedy & Ormrod, 2010). Although the result may be less structured in the description, opportunities for formulating and building new theories are opened.

A total of 4729 responses were recorded from a total of 8121 participants in the general study. The frequency of certain themes was calculated considering the number of responses, regardless of the amount of information provided.

Based on the data collected, we can assume, with a high degree of predictability, that we are in a situation where, a professional group, believes that it does not know the concrete data of the legislative framework specific to the medical profession, it has a high need to be trained in this sense in a formal, institutional framework and wants an adaptation to the concrete situation of medical practice. The multitude of "I don't know" responses can also be viewed from a conceptual perspective in an ultra-specialized profession: long-term professional training focused on the acquisition of specific notions

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[1] This article is a summary of the book "*Doctors on the Alert: Seeking Treatment for Change! Doctors' perceptions regarding medical legislation and the health system in Romania. The results of a qualitative sociological research*" / „Medici în alertă: căutăm tratament pentru schimbare! Percepțiile medicilor privind legislația medicală și sistemul sanitar din România. Rezultatele unei cercetări sociologice calitative", [authors: Radu-Mihai Dumitrescu, Adrian-Nicolae Dan, Corina Ilinca], published by Tritonic, December 2023.

leaves a gap in trans-disciplinary training that includes that of legal nature. In this way, the answer may suggest that doctors fail to establish what are the causal or contextual links between legal norms and direct practice, perhaps seeing them as belonging to another profession or within another specialized training. It is possible that there is a gap between the perspective that society has regarding the legal regulations that act in medicine and the integration of laws in the medical education process and even the awareness of the need for training regarding laws, within the professional group of doctors. In the course of time, a trend of evolution of the doctor-patient relationship could be observed, which produces a distance from the traditional paternalistic relationship. The conceptualization of the last decades pursues medical negligence in relation to an acceptable standard of care which must be that from which "no reasonable physician in a similar position" would not deviate in his practice (Kaba & Sooriakumaran, 2007), and the courts reserve the right to make this judgment. The literature abounds with works that attest to a continuous increase over time in the number of malpractice complaints in many healthcare systems; the American system, after overcoming a number of "crises of malpractice" knows a certain decrease in the prevalence of the phenomenon and a settlement of its components (the operation of insurances, the granting of compensation in courts). For example, it was observed : "A drop from a high of 17 claims per 100 physicians in 2000 to fewer than seven claims per 100 physicians today" and "On average, from 2007-2016, 70 percent of cases closed without payment" (Gottlieb & Doroshow, 2023). Romania is, most likely, in the first stages of a process of regulating the phenomenon at the level of society, a painful path for both doctors and patients. Knowing the laws and mastering some legal notions seems to be an imperative requirement for the professional medical body in Romania.

The issue of medical malpractice represents a challenge for the health system as well as for the whole society, and the current research represents the first survey of this kind, both by its complexity and by the large number of doctors who expressed their opinion.

Overall, it was possible to explore the social context in which medical practice takes place, the one in which the participants live, and to understand the social influences on individual experiences. By applying the questionnaire to such a large number of doctors, far exceeding the sampling criteria, an effective research tool with scalable results was obtained; the reporting of the identified themes was done in the order of the frequency observed in the population and the subsequent use of the data, through advanced statistical methods, can establish significant correlations with other determinants and even build some sociological models of local malpractice. The short time the research instrument (questionnaire) was administered provides superior data consistency.

In general, survey research can be less expensive than interview research because it does not require the physical presence of the researcher. In the present case it was possible to collect data from about 8000 participants in a time frame of about one month.

Through the qualitative approach, we encountered a series of limitations that will have to be corrected during further research. The possibility to generalize the information obtained is limited and, therefore, we limited ourselves to organizing the data according to the frequency of some themes. The results may be more relevant for specific contexts (specialty groups, geographic regions of practice, age categories) and therefore the frequency tables were kept for the categories proposed by the research team. Further evaluations, even independent ones, can be made from this information. Data interpretation in qualitative research is highly dependent on the subjectivity of the researcher; there is a

risk that individual perceptions and interpretations may influence the results. To limit this vulnerability there was a phasing of the data processing within the research team; initial coding on themes and sub-themes was done by team members who did not have direct professional contact with the health system. The axial coding stage was a later one and was structured by the member of the research team with direct experience within the health system; in this way it was possible to contextualize the presented situations. The final structuring of the information was done within the research team which decided to keep an important portion of the original texts to clearly highlight the division into themes and sub-themes. All three members of the research team have relevant qualifications and experience in sociological research.

Qualitative sociological research focuses more on in-depth understanding of phenomena, and this can lead to an under-representation of quantitative or statistical aspects. Traditionally, in the medical field, quantitative data can provide valuable information about the effectiveness of treatments or the prevalence of certain health conditions. The present research does not pursue such aspects but some that concern a medical socio-professional group. The relationship between researcher and participant can often influence the results of qualitative research. Participants may be influenced by the researcher's perception or willingness to respond in a certain way, which could affect the validity of the data. In our case there was a methodological distance between those who answered the questions and the research team.

The themes and sub-themes that resulted from the codification of the answers obtained by applying the questionnaire led to the identification of negative conditions for medical practice or to the observation of vulnerabilities felt by the members of the professional body; the final utility would consist in taking them into account when amending specific legal texts. Ensuring a legislative framework adapted to local social conditions could bring benefits in the health system but also in the general social one. These negative conditions have been discussed within each section; in the following we will list most of them and we will detail the main particular aspect identified (criminal incrimination). According to the qualitative research model, there was a coding and later a selection on predominant themes identified in the comments sent by the doctors through the administered form. Afterwards, there was an axial coding through which the establishment of logical connections between the identified themes was pursued. In order to achieve the objectives of the present work, I have chosen a limited number of fragments from the comments made by doctors.

- Deficiencies in the knowledge of legal provisions regarding malpractice among members of the professional body, educational programs specific to legal aspects poorly represented at the national level (both during basic training and after entering the profession);
- The penal incrimination and investigation of doctors within this field of law can lead to a public culpability of the entire professional body and global damage to the public images of the profession;

    "It is not normal for the doctor to be interrogated as a criminal along with common law criminals and shoplifters. A doctor should not end up in such situations. Yes, you die in medicine, but doctors are not criminals. They have nothing to look for at the prosecutor's office and prosecutor's office. Point. It is beneath their professional dignity."

- The penal investigation, repeatedly presented in the media, leads through a phenomenon of labeling to the association of medical mistakes with other forms of delinquency, associating the medical professional body with other social groups with a deviant character, by building a negative social image;

> *"Treating medical staff as potential criminals. Allowing the exposure of medical personnel in what we call a media circus before the certification of guilt by professional jurisdictional bodies and then by justice."*

Regarding the criminal incrimination, some important clarifications are necessary. This theme can be seen as the main negative condition reported by Romanian doctors, recording the highest frequency of the collected valid comments. A number of 444 comments regarding this aspect were sorted and represented 9.38% of the total comments. If we return to the main research report and observe the frequency of cases in front of various types of institutions, some particular aspects of the way malpractice cases are investigated in Romania are revealed. 616 doctors reported one to more than four procedures instrumented by Police, "Suspicious Deaths" Office or Homicide Office. In total, they reach a minimum number of 997 procedures. 232 doctors reported instrumented procedures through the Prosecutor's Office. In total, they reach a minimum number of 371 procedures. It is likely that some of these procedures overlap and have been implemented by both institutions in accordance with judicial practice; these procedures represent what is publicly understood by the notion of „criminal file" *(„dosar penal")*. In other words, it can be approximated that the number of such files reported by the population of responding doctors is around one thousand.

In this way, the main particular aspect for Romania is outlined, represented by the instrumentation in relation to the criminal law. If we look at the way in which the investigation procedures of malpractice cases are carried out in the American system, the legislative structure is in the sphere of civil law. The American system is recognized as having appreciable volumes of malpractice litigation and serial legislative reforms were necessary due to the emergence, in waves, of malpractice crises. The laws that define and intervene in cases of malpractice, as well as the legal reforms, have names that contain the particle „tort". Medical malpractice cases in the United States are a specific subset of tort law that deals with professional negligence. „Tort" is the Norman word for „wrong", and tort law is a body of law that creates and provides rewards for civil wrongs that are distinct from contractual duties or criminal offenses (White, 2003).

United States law applies the concept of *mens rea*, or criminal intent, in criminal cases. *Mens rea* is a Latin phrase meaning „guilty mind". It refers to the defendant's state of mind when he committed an alleged crime. Generally, there is no crime if there is no criminal intent. Suppose a doctor tries in good faith to cure a patient's illness. While he was performing his duties, the doctor made a mistake that made the patient's condition worse. This is an ordinary act of negligence without criminal intent. The doctor may be liable for medical malpractice, but likely will not be charged with a crime. However, some cases go beyond ordinary negligence. Indiana law (IC 35-41-2-2) specifies three levels of culpability (or responsibility) in criminal acts. These three levels can be used to describe criminal negligence. A person can commit an act:

Intentionally – with the „conscious aim" of doing so; Knowingly, that is, while „he was aware of the high probability" of doing so; Reckless – if the act is committed „in clear, conscious and unjustified disregard of the harm likely to result and involves a substantial departure from acceptable standards of conduct".

A retrospective look at the malpractice lawsuits in the United States of America gives us a series of figures: 49.2% of doctors 55 years and older were sued; 39.4% of male doctors were sued; 22.8% of female doctors were sent to court; approximately 15,000 to 18,000 lawsuits are filed each year for negligence or medical malpractice (Dimetman, 2022). Although the volume of these processes is very high, the criminal investigation is extremely limited. Describing the prosecution of healthcare providers in the United States as a trend is an overstatement when you compare the flurry of criminal cases to the blizzard of civil litigation providers face when accused of malpractice. However, medical record prosecution is on the rise. Between the first such criminal case in 1809, Commonwealth of Massachusetts v. Thompson, and 1981, appeals courts heard about 15 similar cases. Over the next twenty years, about two dozen cases found their way into the lower courts (Monico, Kulkarni, Calise, Calabro Citation, & Calabro, 2006). The same author concludes: criminal sanctions against medical personnel should be an extraordinarily rare event in medicine. Although cases are rare, the number of medical professionals facing criminal prosecution is increasing. Clearly, the time to solve this problem is now.

There are several theories used to explain the increase in criminal prosecutions. Some mention a growing acceptance of the idea that medical negligence is like a white-collar crime, having a hybrid nature (civil and criminal) (Bucy, 1989). Others cite the failure of state regulatory agencies to „police" the medical profession (Adler, 1991). Proponents of criminal prosecution rely on utilitarian and retributive theories of justice to rationalize their position. Utilitarians believe that criminal sanctions are appropriate when they punish careless behavior because prosecution encourages all individuals to behave more cautiously; utilitarian theory applied to health care supports the idea that the threat of criminal sanctions would force doctors to monitor their own practices (Dressler, 2015). Retributive justice, a theory centered on the idea that punishment is justified on the grounds that the offender has created an imbalance in the social order, also supports criminal sanctions for medical acts; involuntary risk-taking by a doctor can be seen as a „failure in social interaction" that should be punished by criminal sanctions (Fletcher, 2000). Opponents of criminalizing medical malpractice argue that a just criminal system should punish only those who have voluntarily committed a wrong. Based on this theory, it would be unfair to punish a physician for involuntarily taking risks or when the physician is unaware that his action creates a risk. Furthermore, a negligent physician who fails to identify his dangerous conduct would also fail to understand the potential threat of sanctions for such conduct (Dressler, 2015). Therefore, it would be unfair for such a defendant to lose his freedom and be stigmatized. Medical associations and doctors' specialty groups add that criminal prosecution for clinical errors would set a dangerous precedent. They argue that such a precedent will discourage doctors from taking on difficult cases or experimenting in new areas. Others argue that such a criminal procedure will encourage the practice of defensive medicine and may contribute to further increasing the cost of health care (Adler, 1991). The path that Romania will follow in the future legal regulations regarding medical malpractice is difficult to predict; only the need for a formal social control over medical activity does not seem sufficient to justify the

criminalization of medical error and negligence. If we look at the absolute figures of medical malpractice complaints in our country, related to the number of doctors and the volumes of activities, and add the way in which the news regarding problematic medical cases and the real functioning of the compensation system are circulated on media channels, the need for a legislative reform it seems as strict as possible.

- The way in which malpractice investigation procedures are initiated and carried out, as well as their presentation on communication channels, can shape the perception of doctors regarding the lack or limited application of the presumption of innocence. The idea of promoting a culture of guilt at the social level can be outlined, a possibility accentuated by a minimization of the context of professional practice and the specific pathological elements of each individual patient;

  "The doctor is criminalized without the presumption of innocence and without taking into account the ailments with which the patient presented (the patient did not come to the consultation healthy, and the doctor does not have supernatural powers)."
  "We are looking for the culprits and not the solutions to solve and prevent problems. We do not have the culture to learn from our own mistakes and from the mistakes of others. We do not promote education by analyzing medical errors in order to prevent them."
  "Doctors are "judged" in the press, in the media and are attacked as an image and professional guild with the aim of diverting the attention of patients from the real problems of underfunding and corruption at the top (from where the funding of the public and private health system comes from) . Exposure on social media should be prohibited by law, until the guilt of a doctor or nurse is proven beyond any doubt."

- The imprecise definition in the text of laws of some essential aspects in the management and treatment of cases (adverse reactions of medication or medical procedures, complications of diseases, the natural evolution of serious diseases) as well as the practical applicability of these judicial procedures, can lead to unwanted pressures. on doctors and even on changing the importance of professional practice (defensive medicine);

  "The fact that there could be, at a given moment, a prosecutor who implements a case of alleged malpractice, even if the evidence attests to the presence, rather, of a spectrum of adverse reactions causing damages. Neither the legislator/nor the courts do NOT understand/do NOT want to understand the difference between adverse reaction to the administration of a treatment (surgical or medicinal) and malpractice. Informed consent is, most of the time, devoid of substance and does not cover the actual medical act."

- The imprecise framing of responsibility in the event of the occurrence of infections and other unwanted events during medical activities, seems to be perceived as a decrease in institutional responsibility and an unfair increase in medical liability;

- The initiation of investigative procedures for a possible malpractice case appears to lack any form of control; the absence of a form of preliminary professional expertise is perceived negatively by the professional body;

  "Anyone can accuse a doctor and criminal prosecution can be started without the prior consent of the College of Physicians".
  "The non-existence of an "expert evaluator" of the medical act provided for which the doctor is accused, from among the practitioners in the medical specialty in which the accused doctor also practices, whose expertise would be useful in the "amicable resolution" or the trial of the case in the civil court."

- The non-existence of a group of evaluators and professional experts seems to be a vulnerability observed by doctors, along with an ambiguity regarding how to form this body of experts and the role that a series of other institutions should have (including the Romanian College of Physicians);
- Communication between the parties involved and between various institutions of the medical specialty aspects do not seem to be under any form of control or regulation. Petitioners or their representatives (including those belonging to the legal professions), practice medical documents without a form of transposition of the information into a common language, without prior contextual framing; the body of professional experts could facilitate these aspects;

  "The involvement of the police/judiciary in assessing the quality of the medical act, the lack of expert commissions that, based on clear diagnostic and treatment protocols, assess malpractice claims; the malpractice insurance provisions are totally ambiguous and interpretable."

- There is an overlap and an ambiguity of the various institutions and commissions that analyze potential cases of malpractice;
- Medico-legal expertise, in the way it is currently carried out, is questioned from many perspectives: the way of organization, the way in which experts are included and by the fact that they fail to include the real and complete framework of a medical situation;
- Liability and criminal investigation of malpractice cases are seen as negative determinants of medical practices, requiring a precise delimitation of the legal framework as well as objective criteria for which the doctor can be held criminally liable;
- Specific aspects of the legal order by being perceived as unclear in the current body of laws and objective framing in the field of law applicable in certain situations cannot be achieved. A differentiation of guilt is required according to severity (major - ordinary mistake), a delimitation between mistakes by omission and commission, as well as criminal liability in relation to the intention to commit a crime and not only according to the result or extent of the damage;
- The duration of malpractice investigation procedures is seen as unreasonably long, with a negative impact on both doctors and patients harmed during a medical treatment. In addition, the unpredictability of the proceedings, with multiple appeals, which can succeed over a number of years, is claimed;

- The lack of a distinct law for the resolution of malpractice cases appears to be a general idea within the professional group. There seems to be an urgent need for a special law to manage the situation of medical malpractice and to include clear aspects regarding the way in which the compensation awarded by the courts is calculated, their amount as well as the way in which legal proceedings are initiated. Preliminary research should establish in a professional framework the admissibility of the claims;
- There is an ambiguity regarding the inclusion of doctors in the body of civil servants;
- The way of collaboration between institutions that investigate cases of malpractice and medical institutions seems not to be clearly regulated and to be carried out according to a series of distinct, known procedures that provide predictability;
- Media coverage is perceived as biased, with the primary goal of obtaining ratings and without being guided by ethical principles. Returning to a news item after completion of investigations is not done in case of a favorable verdict in the case of the doctor.
- It does not seem to be known or to exist a distinct legal text that offers protection to the doctor in the case of defamation by means of media communication; an imbalance is claimed between a universal right to information of the population and the individual rights of a doctor;
- The public communication of cases of malpractice, through the media, is considered to go beyond the formal framework of the spectrum of information, building a campaign to denigrate doctors. The responsibility of media representatives does not seem to be able to be attracted and the role of public communication in the sphere of citizens' health education, the promotion and maintenance of behaviors that promote health seems to be only a formal one;

> *"At the moment, the media coverage of malpractice cases had a domino effect for patients; the consultations have become a kind of test of general medical culture for doctors, distrust in the medical body has grown unimaginably, which has increased the number of followers of conspiracy theories sometimes supported freely by colleagues looking for notoriety, political capital, etc."*

- The doctor's responsibility is perceived as disproportionate compared to that of medical institutions and, implicitly, of the state, which is a guarantor of health insurance at the public level, therefore, at the level of a social framework. It seems that an explicit involvement of the state and medical institutions is desired in terms of liability in a case of malpractice, being directly responsible for the way in which the operational framework of medical practice is built.

> *"In the event of a death, the doctor is accused of attempted murder, even if that death is medically justified as unforeseeable, sudden or the practice conditions are insufficient due to the fault of third parties: insufficient funds, old buildings, lack of equipment, lack of medical staff , the fatigue accumulated after 24 hours on duty followed by the continuation of the activity in the 8-hour shift, so in total 36 hours of sleeplessness and continuous work, unclear legislation with many changes in short periods of time that lead to difficulties in keeping up, difficulties in interpretation in daily practice, the legal department within medical institutions with too few employees, on unmotivating salaries, the lack of training of doctors from the point of view of legislation, etc."*

• The direct conditions of medical practice existing at the workplace of a doctor seem not to be taken into account when investigating a case of potential malpractice;

> *"Insufficient separation of the causes of medical errors/failures: those related to the doctor, from the causes falling under the responsibility of others. For example: insufficient staff in general, insufficient number of specialists, the impossibility of organizing guards and shifts, the hospital infrastructure lacking conditions for isolation and respect for circuits, lack of access to some important medicines, limited access to specialty consultations outside the hospital."*

• The working conditions seem to have a formal framework of existence, but their application within the health system seems to be limited and disproportionate longitudinally;
• Staffing and work load rationing are not taken into account in the investigation of a malpractice case and the liability arising from this is not assigned. The sole liability of the physician in the case of such deficiencies appears to be arbitrary or even abusive in the opinion of some physicians;

• The existence of a distinct and effective mediation system is questioned. There is ambiguity regarding the institutions that should mediate between the potentially harmed patients and the doctors who provided the challenged services. No data was found to attest that the current way of organizing the legal mediation process (through dedicated professionals) would intervene in cases of malpractice; hence the need for a separate regulation on mediation in malpractice cases.

> *"There is no conflict mediation. There is no understanding from the patient regarding the risks of his pathology. There is no primary health education of the population. Mass media amplifies conflict situations."*
> *"An extrajudicial alternative should be found for the settlement of malpractice complaints - the no-fault system, mediation, arbitration, amicable settlement, etc., in this way, there are also a number of advantages, both for the patient and for the doctor, lower costs, the disclosure of incidents occurring in medical practice is promoted; decreases the level of psychological stress to which the doctor and the patient are subjected. In many of the claims against doctors, patients are influenced by various outsiders: doctors, lawyers, media, friends/acquaintances. The mass media encourages the status of the patient as a victim of an act of malpractice, contributing significantly to the increase in the number of complaints from patients."*

• There is the perception of an imbalance in the doctor-patient relationship and the construction of an inequity regarding the two parties involved in the therapeutic process. It is considered that patients are not at all held responsible for compliance with medical recommendations and, moreover, in a problematic situation, the direction of responsibility shifts unjustifiably strictly towards the health system and its representatives. Patient compliance, as a determining process in the subsequent

evolution, does not seem to be taken into account when analyzing a potential malpractice;

> *"Very high responsibility of the medical body and lack of knowledge of the patient's obligations".*
> *"Responsibility of the doctor only for the patient's health - consultation, treatment, patient counseling - as if the patient had no responsibility and no obligation in maintaining or recovering his state of health."*
> *"In my opinion, the main negative aspect consists in the absence of "patient obligations" regarding the treatment they need."*
> *"All patients know that they only have rights and not obligations under the conditions in which therapeutic success is sought. At the same time, there is no measure that can be taken in the case of patients whose lack of compliance has been proven."*

• The professional liability insurance system is completely devoid of functionality and has a purely formal character, it represents a dominant idea within the professional group;
• The professional liability insurance system should be able to cover the occurrence of an insured risk through compensation;
• The medical service provider's insurance should cover the damage if it falls to the medical institution that provides the institutional framework for carrying out the medical intervention; Other distinct aspects regarding the operation of professional liability insurance seem to require precise regulations: the amount of compensation, the description of the insured professional activities (during normal working hours, during on-call hours, during independent practice) and maintaining the retroactivity of the insurance contract (from the point of view of practically, a patient can act at a distance from the actual moment of the medical act and the duration of the procedures is enormous in relation to the standard duration of one year for which such an insurance contract is signed);
• The dysfunctionality of this insurance system disadvantages precisely the patient who does not receive compensation for an injury that can be as real as possible;
• The amounts established by the courts as compensation are unpredictable (especially those for moral damages) and are disproportionate to the formal amounts within the insurance contracts; the existence of compensation ceilings or grids could be useful;
• The need for a specific law regarding insurance and compensation in the event of errors or negligence arising during the exercise of the medical profession is claimed; the fundamental role would be to create the framework for this system to become functional and leave today's formal area;

> *"The malpractice policy doesn't work, it doesn't cover the damage, it doesn't settle the lawyer. In all civilized countries the lawyer for the insurance company and the hospital talks to the patient and represents the doctor. Exceptionally, the doctor is called to a trial or confrontation. In our country, regardless of the insurer, the doctor pays his own lawyer, he has to appear himself and the damages offered in case of mistakes far exceed the amount insured by the policy. The current system favors insurers who are only making huge sums of money from legislation forcing*

staff to insure. I recommend that you see how a doctor is treated by the insurer in the event of a dispute in any Western European country and how it is in Romania. In short, insurers make fun of doctors, and those who should represent our interests have never taken any steps beside the legislator, to put pressure on the insurer and the doctor to be treated as he is everywhere."

- Bureaucracy is recognized in many of the doctors' statements as a negative factor in direct patient care. The existence of a coherent health legislation would eliminate the overlaps that arise through the actions of different institutions with a regulatory and control role;
- The doctor-health system liability balance is seen as profoundly inequitable and unjust. An institutional liability should arise in the case of insufficient coverage with personnel or specialized services, in the case of insufficient technological equipment, in the case of defective supply of medicines and sanitary materials or non-compliance with working conditions;
- The current legislation is regarded as outdated and not adapted to today's social realities;
- Medical practice protocols seem to not exist, to be inapplicable in practical situations or not to be uniformly applied. The existence of medical practice protocols would work as a frame of reference for analyzing malpractice situations;
- Procedures and practice protocols for specialties are required, at the national level and adapted to the practical conditions within the health system. Overcoming the current framework of treatment protocols, a predominantly restrictive one, with the role of managing funds and obtaining medical practice standards;
- The politicization of the health system is seen as a negative condition by a professional group that, through over-specialization, has a natural tendency to see itself centered on the professional dimension;
- The association of the collegial management forums, from the health institutions and those from the university management with the political factor identifies the health system with the entire social system under a certain spectrum of political actions;
- Political statements and actions are perceived as biased precisely by the fact that they exclude the real possibilities of the system to manage, without restrictive conditions, all care needs and do not reveal the realities within the system and the social ones as a whole;

  "The false impression left/created/exposed by the authorities, that everything is Ok, everything works perfectly and that we have everything at our disposal, when in fact, the truth is completely the opposite, we have many shortcomings, many dysfunctions and all, combined with a poor education of the entire population, but also the extremely negative impact of the daily news about alleged medical mistakes, which do nothing but drive another nail into the coffin of our healthcare system."

- There is a need for a coherent organization of the health system. The dysfunctionalities that should be corrected were identified at the level of each functional stage: from preventive medicine, family medicine, emergency management and up to the integration of the health system within the social assistance system. Overcrowding of emergency rooms and emergency services with social cases (patients without a home,

with mental disorders, chronic alcoholism, with low incomes) burdens the system and obviously reduces the accessibility and quality of care for real cases from a medical point of view;

- The implementation of prophylaxis and prevention programs that could have a transversal impact, over time, towards chronic pathologies identified early, better controlled and towards patients who are better educated to maintain a healthy lifestyle;
- The clear definition of the medical-surgical emergency would have a considerable impact not only in the management of potentially litigious situations but also in the functioning of the health system as a whole. Easy access to the emergency room and emergency departments is seen as a vulnerability. The treatment of non-emergencies or social cases seems to be of a mandatory nature as there is no legislation that allows them to be refused;
- It is required to regulate the operation of emergency departments in relation to the real possibilities of the health units (including coverage with specialties that could later take over the cases); Specific health regulations that are considered outdated, non-functional or even non-existent: the actual classification of health facilities based on principles of competence, the functional regulation of transfers between health facilities, transparently obtaining the situation of beds available for emergencies;
- Obliging doctors to a medical practice that involves exceeding their skills seems to be a reality all the more present the more the place of practice is located on the periphery of the health system;

> *"In a case of malpractice, the attending physician is solely responsible. Unfortunately, in small hospitals, due to the lack of doctors, I am forced to exceed my competence. For example, I, as a urologist, am on call for surgery and I don't have an emergency doctor in the "Emergency Reception Department" CPU and I have to coordinate a neurosurgical or pediatric surgery case."*

- The architecture of the health system does not seem to be based on the territorial distribution of the population and the needs of medical services. It is considered necessary to think about a reorganization based on a functional territorial distribution and based on the competences of the sanitary units, with the aim of ensuring some functional circuits and eliminating some sanitary units which, by way of organization, are only consuming resources but cannot be included efficient in care flows;
- Extremely different conditions can be identified regarding the quality of medical services at the territorial level, from the perspective of coverage with specific resources; this is not only a negative aspect for medical professionals but leads to discrepancies, even social inequities between citizens, social exclusion depending on their territorial affiliation;
- The initiation of treatment in case of emergencies is considered to be standardized and based on skills and real treatment possibilities;
- The existence of medical structures under another jurisdiction, such as the SMURD (Acronym for Mobile Emergency, Resuscitation and Extrication Service) case, involves a series of vulnerabilities identified by the respondents: the partial integration of these professionals into the health functional structure, the existence of a break in the chain of care, responsibility and subordination displaced from the level the hospital to other administrative structures and the defective cooperation between professionals;

- There is a need to clearly define the notions of attending physician and the minimum package of services, with important implications on the chain of professional responsibility;

  "The main problem is the definition of "attending doctor" - easy to identify a main culprit, even if the fault is systemic."
  "The lack of clear definition of the package of medical services and the lack of correlation between what is possible to offer and the promised package."

- Overwork of doctors, physical exhaustion or even the occurrence of burn out syndrome are realities of the professional group that require objectification and appropriate institutional measures;
- The performance of work as well as the extent of professional liability in conditions of physical exhaustion are considered to be relevant for the direct process of care and for the way in which a litigious situation is judged. Professional liability is not rejected in its conceptual framework, but a fair and concrete assessment is required, stemming from the practical aspects of the medical profession;
- It is considered important to regulate professional activities during the guard period. It is a period of professional activity that brings much greater professional responsibilities by providing medical services outside the normal schedule, inherently with a much-reduced number of specialists, encountering structural problems that the doctor must face alone or in a much smaller team;

  "Professionalism is required, but we, doctors, in practice, do not even have doctors on call every day, for interdisciplinary collaboration (for example cardiology, neurology), we do not have the necessary equipment for rapid diagnosis plus, not to mention, the possibility a diagnosis of certainty for patients with lung neoplasm (in Prahova county, there is no possibility of performing bronchoscopy)...so that the satisfaction of both the patient and the relatives is ok...not to mention how much it makes it difficult for us on us this burden of the medical act."

- Another high aspect, of a systemic nature, concerns the way doctors are remunerated. In the situation where there would be an objective evaluation of performances and achievements, it is possible to eliminate a series of negative conditions;
- Cooperation between the various specialties involved in the care of a patient is seen as dysfunctional, as a negative condition;

  "Team work is deficient, it is not concretely established, the inter-clinic consultation is not standardized/mandatory."
  "Difficult collaboration between specialties, without clear protocols, a lot of bureaucracy that steals from the time needed to be given to the medical act, discrepancies in the salary system that cause damage to officials in teams."

- The elements related to the administrative, bureaucratic side, it seems, are not included in the actual evaluation of the doctors' activity, although they occupy a significant period of time. The direct professional activity, centered on the patient, can become a

secondary one, distancing the doctor from his essential role in the absence of an objective observation of the administrative side of the profession;

> *"There is no accountability for bureaucracy that delays investigations and treatment of patients. There are many difficult and time-consuming procedures that delay investigations and treatment of patients."*

- The specialty "Family Medicine" seems to be the most affected by the bureaucratic element and is deeply dependent on the functioning of the state's electronic systems. The bureaucratic invoice elements are not only restrictive but can even become punitive;

> *"The medical intervention in Family Medicine is very restricted. Bureaucracy takes more than half the time of a consultation. For many investigations or medicines, in order to be able to recommend them, in a compensated regime, we need medical letters from fellow specialists, also every three months, otherwise we are charged at the checks from the National Insurance House."*

- Medical services seem to be evaluated and constructed starting from gross volumes of activity, regardless of the sub-sector of medical activity considered. Reporting to the institutions, financing and other aspects are based on the number of interventions and, too little, are related to the final result of the intervention and its quality. This approach raises another vulnerability and through a lower emphasis placed precisely on the prevention of malpractice;

> *"Not enough emphasis is placed on malpractice risk, at least in my experience. Rather, clinics focus on the financial aspect (to see as many patients as possible per unit of time). Obviously, in such situations and taking into account the fact that doctors sometimes have extended consultation hours, even in multiple clinics, medical mistakes can occur more frequently. Even the malpractice insurances taken out do not fully cover compensation for moral damages, because the insurance companies know that in court, those damages will be significant compared to the material ones."*

- The need for a unified and functional IT system is raised by professionals from all specialties. A functional computer system would act transversally at the system level reducing errors and facilitating a medical act less exposed to errors and negligence;

> *"For those who work under contract with the health insurance company, the main negative aspect is the cumbersome operation of the IT system, interruptions in its operation, the doctor's obligation to complete many documents both in written format on paper and in electronic format (prescriptions, medical letters, medical leaves, dispatch tickets, medical certificates, etc.). Often, completing these documents takes longer than the consultation itself. In general, the legislation in the field seems quite confusing to me."*

> *"Not all of a patient's admissions and doctor presentations are centralized on one platform. There is no platform that allows us to see when and where the patient is medically evaluated."*

- Specialization in medicine is evident, as is the emergence of new categories of professionals who work alongside doctors; the latter appear to bear the full responsibility for medical care. The exact definition of the limits of competence, the way and time of the intervention and the responsibility of each professional, stemming from these interventions, is a need;

- The biggest regulatory ambiguities for related professions seem to be in the spectrum of Laboratory Medicine and in that of Medical Rehabilitation;

> *"Physiotherapist Law 229/2016 allows average staff, with or without higher education, called physiotherapists (FKT), to make an assessment and treatment plan instead of MFR specialist doctors (physical medicine and rehabilitation), contrary to law 95 which establishes that only the doctor is able to diagnose and prescribe treatments."*

- The problem of underfunding the medical system is a general declarative condition among doctors.

> *"Because economic decisions matter the most in patient management, the main responsibility in malpractice should be the hospital's, the doctor being obliged to take, most of the time, a more or less inspired decision, depending on the poor endowments at his disposal."*

- The mode and level of funding influences the presence of resources of all kinds within the system and thus, constructs the physician's conditions of practice. Looking from this perspective, financing cannot be excluded from the analysis of litigious situations;

> *"Restrictions and limitations imposed by the contact/application rules of the Insurance House", "chronic lack of funds", "modest financial resources", "underfunding".*

- • In terms of financing, the way in which resources are distributed and the way in which costs are assessed is complained about. There are opinions regarding the incorrect or undervalued calculation of the costs for certain medical procedures, creating not only a distorted picture, but also a real rollover of financing gaps at the level of the system;

> *"Medical-surgical procedures are not calculated. For example, operations of EUR 20,000 are performed and they are accounted for 0. Patients leave a financial void in which the next patient comes...with multiple organic dysfunction...toxic-septic shock, etc."*

- The tendency to tilt the balance of responsibility for the majority medical act towards the doctor is considered a deep inequity;

"Negative aspects? The patient turned into our "master"!!!!! Only one category: The lack of rights of the medical staff in front of the patient, the medical staff having only OBLIGATIONS", "The fact that the patients want to get as much money as possible from the doctors and consider them to be their "servants", not the doctor who can help them."

- The management of litigious situations in the absence of explicit laws that protect the doctor from the various forms of abuse, but also the instrumentation within a local culture based on the principle of guilt promotes a whole series of deviant behaviors, both at the level of individuals and at the level of some administrative structures;

  " Only the rights of the patients are taken into account, but the medical personnel always feel unprotected, this can be seen by the lack of respect towards the medical personnel, especially in the ambulance, by several patients, even the television stations do not take into account that through the news that attack the health system, in fact, they create a lack of trust towards the medical staff and that leads to a lack of respect and trust on the part of the patients. There is no medical staff that makes mistakes on purpose, we are human, but we are not slaves to the patients either, I say this because, several times, especially in the ambulance, we are treated very badly, as if we are employees of the patient..."

- The legislative framework that should act in case of malpractice is seen and intensely influenced by the political factor, as a result of the non-involvement of the central decision-making factors and under the influence of the politicization of the political discourse regarding the problems in the health system;
- The ambiguity and lack of clarity contained in the legal texts that act in health has various representations in the perceptions of doctors. Specifically for the issue of malpractice, we want to clarify the concept of recognized medical standards, a reference element in the analysis of litigious cases;
- Another characteristic appreciated as an important one is the predictability over time of the laws and the results of their application. This negative aspect seems closely related to the practice of changing laws frequently;
- A situation that is not only specific to medical regulations, but also appears in the public space, in connection with numerous areas of legislation: the absence, delay or inconsistencies in the technical rules for the application of a law;
- The professional group raises the appearance of a group of own vulnerabilities that could be improved by educating doctors about legal issues, offering advice and support from the legal services of health institutions;
- Establishing precise limits of competence and responsibility by professional category appears as a need within the professional group of doctors;

  "According to Law no. 95/2006, in my opinion, the following aspects are not clearly defined (and which can be elaborated much more concisely): (i) it does not establish what facts represent professional error; (ii) does not clearly define what constitutes a medical or medico-pharmaceutical act, in general, or a potentially harmful medical or medico-pharmaceutical act, in particular; (iii) does not indicate exactly what should be meant by "patient harm" (ie, what type of harm is

meant to attract legal liability); (iv) does not clearly individualize the persons within the medical staff and the supplier of medical, sanitary and pharmaceutical products and services who should be held responsible, compared to the typical case of malpractice (leaving open the possibility that any and all of the persons who contributed to any medical-sanitary-pharmaceutical act to become legally liable); (v) does not precisely establish the order of liability or the degree of liability applicable to each of the staff members who took part in the performance of the medical act, relative to the typical case of malpractice."

- The existence of treatment guidelines is seen as a need that goes beyond the role of regulator of the complaint resolution procedures and is expected to have a much deeper role in the functioning of the health system, from the possibility of contributing to the elimination of the subjectivity of individual interventions of doctors to contribute to the training and professional training process;
- Hospital legal departments are seen as not involved in supporting doctors in court cases. The legal representation of doctors falls exclusively under their individual responsibility;
- The explicit definition of the patient's responsibility arising from the signing of the informed consent is required;
- The level of insurance premiums should be established according to a specific risk analysis for each specialty and level of practice;
- The compensation awarding process should be regulated to ensure the functional nature of insurance contracts;
- The risk insured by professional liability policies seems poorly defined;

Instead of conclusions ...

"Lacunarism, the lack of filters that determine the initiation of a civil or criminal process only when there are certain facts, not suspicions or hatred drives against the doctor who failed to cure a decompensated disease in a patient negligent with his health. It is necessary to introduce mandatory screening tests by age groups for the most frequent litigious pathologies and those who do not perform them should increase their medical insurance premium and not be able to initiate a lawsuit against a doctor. Also, the lack of compliance with the treatment should determine the exclusion of the possibility of triggering the "malpractice case complaint" procedure. And patients have major obligations. Bringing insurers directly into the process. Lack of compensation ceilings. Responsibility only of the staff. Lack of serious, assumed, employer involvement. The doctor is left alone, that has to go."

In this qualitative analysis of doctors' perceptions of the medical legislation and the health system in Romania, a multitude of complicated issues came to the surface, generating lights and shadows on the multiple challenges facing the medical profession. Our findings, based on the information provided by doctors, highlight not only the ambiguities of the legislative framework, but also the far-reaching implications for doctors, patients and the healthcare system as a whole.

An important theme centers on physicians' lack of knowledge regarding legal malpractice provisions. The absence of comprehensive programs, both during basic training and professional development, underscores the critical need for a robust legal education component within medical training. The study reveals a worrying association

between the criminalization of doctors and the potential damage to the public image of the entire profession. Media coverage, often biased and sensational, contributes to labeling medical malpractice alongside other forms of delinquency, creating a negative social image. The perceived lack or limited application of the presumption of innocence in malpractice investigations is a significant concern. Initiating and conducting investigative procedures without prior professional expertise contributes to a potential culture of guilt, negatively affecting the professional status of physicians.

The imprecise definition of essential aspects in case management and treatment, coupled with ambiguous legal texts, leads to unwanted pressures on doctors and may contribute to the practice of defensive medicine. The study underlines the urgent need for clear and specific laws to manage medical malpractice cases.

The unreasonably long duration of malpractice investigation procedures, coupled with the lack of a distinct law for resolving such cases, poses challenges for both physicians and patients. The unpredictability of procedures and the absence of clear regulations contribute to increasing the ambiguity of the legal landscape.

The dysfunctional professional indemnity insurance system is raising concerns among doctors. The study advocates for a specific law to regulate insurance and compensation in case of errors or negligence, addressing issues such as compensation amounts, compensation criteria and retroactivity of insurance contracts.

Bureaucracy, often recognized as a negative factor in direct patient care, blocks the work of doctors in many situations. Underfunding in the healthcare system affects the availability of resources, working conditions and ultimately the quality of care provided.

Ambiguities in legal texts and the lack of clear definitions for related professions, especially in laboratory medicine and medical rehabilitation, require regulatory clarity. The study also advocates the definition of competence limits for each professional category.

The need for a coherent organization of the health system, addressing dysfunctions at every stage, from preventive medicine to emergency management, emerges as a crucial recommendation. Territorial distribution and reevaluation of medical services based on functional needs are proposed for a more efficient and equitable system.

Concerns about overwork, burnout and physical exhaustion of doctors highlight the importance of addressing working conditions and remuneration. The study emphasizes the need for explicit regulations to regulate professional activities during on-call hours and remuneration based on objective assessments.

The need for a unified and functional IT system is emphasized to reduce errors, improve the quality of medical records and streamline administrative processes. Clear definitions of competence and responsibility for each professional category are identified as essential for effective collaboration.

In conclusion, this research provides a comprehensive examination of physicians' perceptions of medical law and the health care system. The problems identified require urgent attention and systematic reforms to create a legal and healthcare framework that supports both healthcare professionals and patients. The findings underscore the need for collaborative efforts among policymakers, healthcare institutions, legal bodies, and the medical community to create a more equitable, transparent, and patient-centered healthcare system.

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Functions, *governance* and *coupling* in the integrated system of interventions and social services in Italy: the intertwining of the State and a regional case

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Abstract
The paper proposes a reflection on social policies (which necessarily have an effect on the social work organisation), in particular on the construction and implementation of the integrated system of interventions and social services in Italy, promoted by the *Framework law for the implementation of the integrated system of interventions and social services* (Law no. 328 of 8 November 2000). The proposed reflection problematises this construction process in view of the fact that Constitutional Law 3/2001 reforming Title V of the Italian Constitution makes Law 328/2000 in force, but not binding on the Italian Regions. The paper aims to unravel the ill-defined and complex intertwining of the national and regional levels, choosing to analyse a regional case – Sicily, a Region with a special statute in the south of Italy – in order to analyse whether and how it refers to Law 328/2000. In this direction, it focuses on the inspiring principles of the regulatory framework of reference and on the *governance* structure that the regulatory framework and the planning acts outline through the division of tasks and functions among the public actors of the national, regional and local levels.

Furthermore, the paper proposes to trace the relationship (*coupling*) between the institutional actors involved in the process of construction and implementation of the integrated system of interventions and social services, on the basis of four ideal-typical *coupling* dimensions proposed in the literature – choosing to adapt them to the proposed analysis considering *exclusive legislative power* in the field of social policies as the dimension of institutional *distinctiveness* and *governance* structures (network decision-making process) as the dimension of *responsiveness* – and to outline the possible effects of these dimensions on the homogenisation and fragmentation of social policies on the national territory.

Keywords: Social policies; Social services; L. 328/2000; Institutional actors; Governance; Coupling; Sicily Region; Area Plan (Piano di Zona).

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1. Introduction

In this contribution we present a reflection on the construction and implementation of the social services system in Italy (which necessarily have an effect on the social work organisation), within the framework of an organic public welfare framework, focusing on the inspiring principles of the reference regulatory framework and on the planning and organisational structure that the regulatory framework outlines through the subdivision of tasks among the public actors of the national, regional and local levels.

This process of construction and implementation finds stimulus and peculiar configuration in two Italian legislative measures: *Law no. 328 of 8 November 2000. Framework law for the implementation of the integrated system of interventions and social services* and the *Constitutional Law 18 October 2001*, *no. 3 "Amendments to Title V of Part Two of the* [Italian] *Constitution".*

The *Framework law for the implementation of the integrated system of interventions and social services* (henceforth Law 328/2000) reforms assistance in Italy, more than a century after the "Crispi law" (Law no. 6972 of 1 July 1890), i.e. the first organic and national legislation on social services in Italy (Pieroni and Dal Pra Ponelli 2005) which established the *assistance and charity public institutions*, and after twenty-two years from the establishment of the National Health System in 1978, making the problematic connection between social and health activities and consequently the provision of integrated services (Maggian 2001).

Among the salient aspects of Law 328/2000, our attention goes to some general principles (Chapter I), to the institutional and organisational set-up of the integrated system, with reference to the definition of the functions of the public entities (Chapter II) and to the instruments to facilitate the reorganisation of the integrated system (Chapter IV).

Law 328/2000 among its general principles (Chapter I, Art. 1) states that "The [Italian] Republic ensures an integrated system of interventions and social services to individuals and families, promotes interventions to guarantee the quality of life, equal opportunities, non-discrimination and citizenship rights, and prevents, eliminates or reduces conditions of disability, need and individual and family hardship, resulting from inadequate income, social difficulties and conditions of non-autonomy" (paragraph 1). This law specifies that *social services are* to be understood as "all the activities relating to the provision and supply of services, free of charge and against payment, or of economic benefits intended to remove and overcome situations of need and difficulty that the human person encounters in the course of his or her life, excluding only those ensured by the social security and health systems, as well as those ensured in the administration of justice" (paragraph 2, which refers to Article 128, paragraph 2 of Legislative Decree no. 112 of 31 March 1998).

Law 328/2000 is the result of a legislative evolution that promoted *devolution*, first codified by Law 28 August 1997, no. 285 *Provisions for the promotion of rights and opportunities for children and adolescents* (Garofalo, Supino, Caprino 2002), which in fact anticipates the principle of *vertical subsidiarity* (according to which the State intervenes when inferior institutions fail to respond to needs) and *horizontal subsidiarity* (according to which the State creates the conditions, by supporting and coordinating, for citizens to play an active role in responding to needs): borrowing the authors' words, "this law proposes a model of operational integration of the intervention, it re-elaborates the competences among different institutional levels in a participative and cooperative

framework, and it creates conditions for take-off of a new welfare [....] [in which] Central State plays a crucial role of *strategic coordination* among the various agents (local autonomies, private citizens, social organisations)" (*ibid.*: p. 13). The law, in fact, assigns the responsibility for planning and organising the integrated system of interventions and social services "to the Local Authorities, to the Regions[1] and to the State [...], according to the principles of subsidiarity, cooperation, effectiveness, efficiency and cost-effectiveness, homogeneity, financial and asset coverage, responsibility and uniqueness of the administration, organisational and regulatory autonomy of the local authorities" (paragraph 3). Moreover, among the principles for the programming of interventions and resources (Art. 3), Law 328/2000 includes the coordination and integration with health and education interventions, as well as with active training, start-up and work reintegration policies (paragraph 2, letter a), and consultation and cooperation between the different institutional levels (paragraph 2, letter b).

In fact, at the time of its enactment, the relevance of the reform of assistance through Law 328/2000 lay in the fact that it also promoted "equality of treatment" on the national territory, i.e. the "overcoming of differences in the supply and quality of services between the various areas of the country" (Pieroni and Dal Pra Ponticelli 2005: p. 53). Through a definition of the system governance, Law 328/2000 assigns tasks to the various subjects that make up the Republic, including the State – considered as one of the subjects of public administration, not a subject with legislative and jurisdictional functions (Maggian 2001) – the Regions, the Provinces and the Municipalities.

Among the functions assigned to the State (Chapter II, Art. 9), Law 328/2000 provides for the determination of the principles and objectives of social policy through the *National Plan of Interventions and Social Services* (letter a), the identification of *essential and uniform levels of services* (letter b), the exercise of substitutive powers in the event of non-compliance by the Regions (letter e), the allocation of resources of the *National Fund for Social Policies* (letter f).

The same law assigns to the Regions the "functions of planning, coordination and direction of social interventions as well as verification of their implementation at the territorial level" and the regulation of the integration of these interventions, with particular reference to health and social-health activities with high health integration (Art. 8, paragraph 1), the determination [...] of the territorial ambits, of the modalities and instruments for the unitary management of the local system of networked social services (Art. 8, paragraph 3, letter a), the definition of integrated policies on social interventions, environment, health, educational institutions, start-up and reintegration into work, leisure services, transport and communications (Art. 8, paragraph 3, letter b).

Moreover, the law assigns to the Provinces (Art. 7) the task of contributing to the planning of the integrated system according to the modalities defined by the Regions, for example, through the collection of information on the needs and resources made available by the Municipalities, the analysis of the welfare offer, the participation in the definition and implementation of the *Area Plans* (in Italian language *Piano di Zona*)[2].

Finally, it assigns to the Municipalities (Art. 6), among others, the administrative functions concerning social interventions carried out at local level, the contribution to regional planning, the planning, design, implementation of the local social services network system.

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[1] From here on, we capitalise the first letter of the institutional actors listed.
[2] From here on we use the expression Area Plan (not area plan), even within literal quotations.

In addition to these tasks and functions, "the law fixes innovatively the timing of the game for the involved actors" (Garofalo, Supino, Caprino 2002: p. 14). Specifically, among the instruments to foster the reorganisation of the integrated system (Chapter IV), Law 328/2000 provides that:

i.   the Government prepares the *National Plan of Interventions and Social Services* every three years, indicating – among other aspects – characteristics and requirements of the social services included in the essential levels, priorities for intervention, and that the Regions adopt, in relation to the *National Plan,* a *Regional Plan of Interventions and Social Services* (Art. 18);

ii. the Municipalities, associated in territorial ambits, together with the local health units, provide, on the basis of the indications of the *Regional Plan*, for the definition of the *Area Plan*, which identifies strategic objectives, priorities and intervention tools, organisational methods of the services, financial, structural and professional resources, as well as quality requirements (Art. 19);

iii. the State allocates the *National Fund for Social Policies* for the promotion and achievement of social policy objectives (Art. 20).

As Pieroni and Dal Pra Ponticelli observe, after the enactment of Law 328/2000 and its innovative wave of assistance reform in Italy, following the amendment of Title V, Part II, of the Italian Constitution (Constitutional Law No. 3, 18 October 2001), "enthusiasm [...] soon gave way to bewilderment and a state of uncertainty regarding the nature and function of Law 328/2000" (2005: p. 53). The article 117 of the Constitutional Law assigns the State exclusive legislation only in the matter of "determining the essential levels of services [ELS; authors' note] concerning civil and social rights that must be guaranteed throughout the national territory" (paragraph 2, letter m) and assigns to the Regions "legislative power with reference to any matter not expressly reserved to State legislation" (paragraph 4), including precisely that of social policies. With the constitutional law, in fact, the subject of social assistance became an exclusive matter of the Regions, allowing each Region to decide "whether and to what extent to refer to Law 328/2000 for the construction of the integrated system of social services" (Pieroni and Dal Pra Ponticelli 2005: p. 53), autonomously choosing social policy guidelines and instruments to achieve objectives oriented by the regional policy direction.

Continuing with the authors' reflection, we point out that the amendment of Title V of the Constitution has in fact rendered the contents and innovative aspects of Law 328/2000 non-binding indications, even though Law 328/2000 remains in force "both for those Regions that have adopted laws in line with its provisions and for those that have not yet legislated on the subject" (*ivi*: p. 54).

However, two other articles of the Italian Constitution – Articles 119 and 120 – seem to want to safeguard against the risk of taking a leap backwards and running the risk of drifting into the drift of excessive differentiation of social policies on a regional basis, recalling that period prior to the enactment of Law 328/2000 in which "also due to the prolonged national regulatory vacuum, social welfare interventions have developed unevenly throughout Italy in terms of type, content, services and access methods, maintaining the gap between geographical areas and in particular between North and South" (Maggian 2001: p. 13) and contributing to generate that "indistinct magma" of social policies (Di Mauro 2005). In fact, the determination by the State of the ELS to be guaranteed throughout the national territory (confirming the application indications of the formal and substantial equality principle of citizens already provided by Law 328/2000), is accompanied by the possibility of allocating additional resources and carrying out special

interventions in favour of specific Municipalities, Provinces, Metropolitan Cities and Regions in order to promote social solidarity, remove economic and social imbalances, and favour the effective exercise of personal rights (Art. 119, paragraph 5), as well as the possibility for the Government to take the place of the bodies of the Regions, Metropolitan Cities, Provinces and Municipalities when the protection of the ELS concerning civil and social rights requires it, regardless of the territorial boundaries of local governments (Art. 120, paragraph 2).

As a matter of fact, after the constitutional law, "the national planning activity came to a halt and in the years that followed the *National Plan* [of interventions and social services; authors' note] was no longer adopted", disregarding the approval of the essential levels and causing a heterogeneity of the welfare systems in the Regions (Sicilian Region, *Foreword* to the *Programming Guidelines for the Area Plan 2022-2024*). Only in recent years has the State defined some essential levels in primary legislation or in the planning documents associated with the national allocations of funds (*ibid.*).

In view of the peculiar configuration of Law 328/2000 (in force, but not binding), the process of decentralisation of decision-making - from the national to the regional level - of the organisation of social assistance set forth by the 2001 constitutional reform, as well as the concern expressed in the literature about a return to the fragmentary structure of social policies across the country, it is important for us to contribute to understanding whether and how the different Italian Regions refer to Law 328/2000. In this regard, we note that part of the literature has taken this cognitive direction: for example, on how local actors and intermediate institutions in the Mezzogiorno perceive the principles and opportunities of the welfare reform promoted by L. 328/2000 (Garofalo, Supino, Caprino 2002); on the subject of the dynamics of participation in the Lombardy Region and the Campania Region (Bifulco and Centemeri 2007; 2008), in the Friuli Venezia Giulia Region (Zenarolla 2009) and in large Italian cities (Colombo and Gargiulo 2016); on the subject of local social planning in the Piedmont Region (Busso and Negri 2012); and again, on the subject of local welfare implemented through the Area Plans, analysed in terms of *governance* models in the Marche Region (2013) and the Lombardy Region (Salvati 2020). In this scenario we see the possibility of analysing other regional contexts, which spurs us to pursue this aim in this contribution.

Our reflection focuses on an Italian Region – Sicily, a Region with a special statute (with special forms and conditions of autonomy) in the South of Italy – through an analysis that aimed to investigate:

– whether the Sicily Region refers to Law 328/2000 in the construction of its integrated system of interventions and social services (*regulatory measures*);

– how the Sicily Region implements the integrated system of interventions and social services (*governance system* and *programmatic acts*).

Moreover, considering also that Law 328/2000 represented – and perhaps still represents – an opportunity both to innovate social policies and to promote a new organisational paradigm in the services public management (Di Mauro 2005), our reflection aims at tracing the organisational mechanism underlying the integrated system by assuming the concept of *coupling*, following Orton and Weick's (1990) conceptualisation and Trein's (2017) application proposal.

The analysis conducted took a qualitative research approach, using the *documents method*: the institutional documents analysed were regulatory measures and regional planning acts in force.

The contribution is developed in three parts. The first part presents the regulatory and organisational framework of the Sicily Region for the implementation of the integrated system of interventions and social services, focusing on the *regulatory provisions*, the *governance system* and the *programming acts*. The second part presents an analysis of the relationship (*coupling*) between the institutional actors of the integrated system of interventions and social services, analysed by considering four ideal-typical dimensions of *coupling*. The reflection ends with hypotheses of future research scenarios.

2. The regulatory and organisational framework of the integrated system of interventions and social services in Sicily

As Maggian (2001) points out, the operational model proposed by Law 328/2000 envisages that public entities – State, Regions and Local Authorities (Provinces and Municipalities) – adopt "the programming method" of interventions and resources. As the author summarises:

– the government has the task of preparing the *National Plan of Interventions and Social Services* every three years;
– in relation to this, the Regions are responsible for adopting *Regional Plans for social interventions and services* and for exercising the functions of planning, coordinating and guiding social interventions, as well as for monitoring implementation at territorial level;
– Provinces contribute to planning, according to regional indications;
– the Municipalities contribute to regional planning, also by formulating proposals based on the outcomes of the consultation of public and private subjects on the assessment of the quality and effectiveness of the services, and plan, design and implement the local social services network system by preparing, on the basis of regional indications, the *Area Plan*, an activity that involves the Municipalities and the local health units associated in territorial ambits, usually coinciding with the health district operating for health services.

In view of this operational model, in order to analyse whether and in which way the Sicilian Region refers to Law 328/2000 in the construction of its social services system and in which way it implements the integrated system of interventions and social services, our analysis examines the *regulatory measures* that have initiated the implementation and strengthening of the Sicilian welfare system, as well as the current *programmatic acts* (tab. no. 1).

Table no. 1. The integrated system of interventions and social services in Sicily: regulatory measures and programmatic acts of the Sicilian Region.

Document
Regional Law (R.L.) 9 May 1986, no. 22 - *Reorganisation of social welfare services and activities in Sicily*
(Regional) Presidential Decree of 4 November 2002. *Guidelines for the implementation of the socio-sanitary plan of the Sicilian Region*
The New Rationalised Index for the Drafting of Area Plans – "Regional Programme of Social and Socio-health Policies 2010-2012"
Programming Guidelines for the Area Plan 2021

2.1 Regulatory measures: institutional actors and functions

From a regulatory point of view, the Sicilian Region implements the provisions of Law 328/2000 with the Presidential Decree (DP) of 4 November 2002 "*Guidelines for the implementation of the socio-sanitary plan of the Sicilian Region*", endowing itself with "a three-year planning document that contains the guidelines and defines the social policies, regulating their impact at a local level but with a unitary perspective" (Fleres 2004).

The implementation of the provisions of Law 328/2000 is inserted in a regional framework already endowed with a regional law preceding Law 328/2000 – *Regional Law no. 22 of 9 May 1986, Reorganisation of social welfare services and activities in Sicily* (hereinafter R.L. 22/86) – which was "a cutting-edge law in terms of the issues and guidelines it dealt with" (Fleres 2004: p. 7) anticipating, as highlighted in the DP of 4 November 2002, innovative aspects of Law 328/2000, including the concept of a network of services, the definition of a three-year plan of services, the reference to a district level of coordination.

The R.L. 22/86, in fact, "promotes, within the framework of social security, the reorganisation of welfare activities through a system of social welfare services" and "participates in the financial support of the related burdens" (Title I, Art. 1).

Among the principles inspiring the regional law for the implementation of the system of social welfare services (Art. 2), we highlight those of a) preventing and removing the causes of individual and collective needs as well as those of social marginalisation; b) ensuring the maintenance or reintegration of individuals in their own family unit and in the environment they belong to; d) favouring the use of services through a network of services accessible to the recipients with adequate interventions, overcoming fragmentation and precariousness.

Among the Region's competences, R.L. 22/86 provides for planning, coordination, control, technical assistance and financial incentives, carrying out these activities also through the preparation of three-year plans of social-welfare services. Moreover, it provides for the coordination and integration of social-welfare interventions with the services of the local health unit at district level (Title III, Art. 17). Finally, it determines the structural and organisational standards of the social-welfare services (Title III, Art. 19).

As Fleres (2004) argues, recalling passages from the DP of 04 November 2002, the fertile ground for the implementation of Law 328/2000 in Sicily is not the need to re-found the Sicilian social system, but the possibility of adapting and transforming its connotation from "socio-welfare" to "socio-health", from a territorial welfare perspective that integrates attention to the health of citizens (health aspect) with attention to the needs of the excluded, marginalised and disadvantaged (socio-health aspect).

The implementation of this integration must involve a plurality of actors, sharing roles and responsibilities, requiring coordinated action by the various actors (public, private, citizens and families). This coordinated action changes the role of the Region: "from a solitary protagonist in the definition of its own system of policies in the social field, to a co-participant with the State, Municipalities and private associations, in the realisation of a model that places the person at the centre" (*ibid.*: p. 8).

As set out in the "principles and aims" of the 4 November 2002 DP (chapter 1), the Region "intends to regulate the subject of social and health interventions and services", using "the instruments of planning, coordination, concertation, cooperation, participation

as well as the integration of social services with health, education, training and labour interventions and policies". The document goes beyond the transposition of L. 328/2000, in order to put forward a "methodological proposal" aimed at launching a process of defining rules, guidelines, roles and competences for an integrated system of services to the person and the family, envisaging an institutional architecture oriented towards the implementation of a federalist model of solidarity on a regional scale, attentive to the participation of all the social partners, as well as the national and community solidarity networks, while taking into consideration the complexity and uniqueness of the regional dimension outlined by the social services and activities and the local needs expressed in the district Area Plans.

Considering that – as the 4 November 2002 DP specifies – one of the transformation axes of Law 328/2000 is the transition from centralist intervention to the "direction" of the Regions and local authorities, and that Constitutional Law 3/2001 entrusts the matter of social services to the exclusive competence of the Regions, our attention goes to chapters 4. *The development lines of government action: regional objectives*, 7. *Area Plans*, 9. *Spending policy* of the same regional presidential decree.

In line with the provisions of Law 328/2000, the governance of the integrated system of interventions and social services in Sicily sees the Region at the centre, but still in an intermediate position between the State and the socio-sanitary districts[3] (fig. no. 1).

The Region "through the definition of the *Regional Social Plan*, provides for the task of programming, coordinating and directing social interventions, as well as verifying the implementation of the integrated system in the territorial area of reference" (point 4.5.). This task involves the exercise by the Region of functions specified by Law 328/2000, including:

– the definition of the territorial ambits (in *chapter 7* these are defined in terms of the *socio-health district*, in which some Municipalities are associated, and 55 are identified);
– the planning, coordination and identification of *Guidelines* for *social and health interventions* and *Area Plans*;
– the provision of tools for the evaluation of effectiveness and efficiency and for the verification of results achieved in local authorities and health care companies;
– the preparation of the *allocation of state transfers* by district areas and the *Regional Fund for Social Policies*;
– the indication of priority choices based on the needs expressed by the community;
– the definition, in relation to its competence, of essential levels of services;
– subrogate the role of municipalities in the event of manifest non-compliance.

The *Regional Social Plan of interventions and services to the person and the family* lasts three years and at the end of the first three years of application (considered the "operational experimentation" phase) it will be called the Sicilian Region's social and health plan (point 4.4.) and the *Guidelines for social policies* will be an integral part of it (*memorandum*).

The adoption and definition of the *Regional Social Plan of interventions and services for the person and the family* follow the indications of the *National Social Plan*, which identifies priority objectives in terms of the social welfare of the population (for the

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[3] The analysis does not take into account the role of the Provinces.

period 2001-2003 concerning family responsibilities, the rights of minors, the fight against poverty, home services for non-self-sufficient persons, immigrants, drug prevention, adolescents), while providing for a discretionary power for the Region given the possibility of integrating the *Regional Social Plan* and the *Area Plans* with other needs and relative intervention requirements (point 4.3.). As specified in the *National Plan of Interventions and Social Services 2021-2023*, "Regional social planning constitutes a fundamental element where the ELSS [Essential Levels of Services in the Social Area] and the guidelines and priorities shared in the *National Social Plan* are integrated with those of regional and autonomous Provinces" (p. 26).

Lastly, the Municipalities, associated in the *socio-health districts,* "are the holders of all the functions and tasks relating to the planning, organisation and delivery of the socio-health services" (Chapter 4, point 4.6), including those defined by Article 6 of Law 328/2000: for example, administrative functions, indication of priorities and innovation sectors, delivery of services and economic benefits, welfare activities, authorisation, accreditation and supervision of social services and publicly managed residential and semi-residential facilities. In addition, the *socio-health district* defines the *Area Plan* - i.e. "the three-year planning tool of the integrated system of social-health interventions and services at the level of the individual district" provided for by Article 19 of Law 328/2000 (Chapter 4., *Memorandum)* – in consideration of the territorial priorities suggested by the demand for social needs and by the supply of services: the Municipalities have a pivotal role in the "process of identifying needs and requirements, as well as possible responses", also by entrusting a part "of the direct exercise of their functions to private entities operating in the local community" (Chapter 4, point 4.6).

Figure no. 1. Governance of the integrated system of interventions and social services in Sicily:
institutional actors and functions.
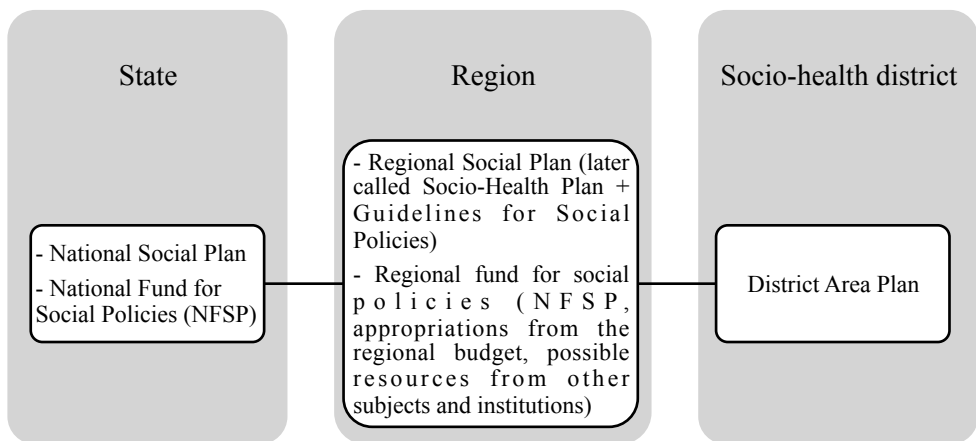
The drawing up of the *Area Plan* at district level follows the approval of the *regional plan of interventions and services to the person and the family* and "is implemented, within the framework of the available resources, through forms of agreement with the Municipalities concerned, with the active participation of the personal services agencies, the third sector entities that also participate with their own resources in the implementation

of the services, as well as with the collaboration of the entities referred to in Art. 1, paragraph 6, of Law 328/2000 [citizens, trade unions, social and user protection associations; authors' note]" and "also indicates the priority areas and actions for intervention, the criteria for verification and evaluation, in order to ensure the quality and feasibility of the defined objectives, as well as the constitution of an integrated network of social interventions" (Chapter 8, point 8.1.).

The directing role entrusted to the Region and its intermediate position between the State and the socio-sanitary districts are also expressed through the system of financing social policies. On the basis of Law 328/2000 and R.L. 22/86, the State and the Sicilian Region concur in supporting social spending.

The State allocates the resources of the *National Fund for Social Policies* (hereafter NFSP), on the basis of the lines contained in the *National Social Plan* and of some parameters (demographic structure, income levels, employment conditions of the population), financing the expenditure to be incurred by the Municipalities and Regions, also setting percentage spending constraints for some areas of intervention. In addition to the initial NFSP, the State set up other diversified Funds for social policies (Non-self-sufficiency Fund, Family Fund/Initiatives, Youth Policy Fund, Equal Opportunities and Anti-Violence Fund, Poverty Fund, After Us Fund) to which other funds under the competence of other Ministries and European funds were added.

The Sicilian Region, in the need to manage, plan and control funding from the state and to distribute regional resources, has established a *Regional Fund for Social Policies*, to which the NFSP, appropriations from the regional budget, and any resources from other entities and bodies flow.

2.2 Programmatic acts: *governance* and procedures

Since the enactment of the 4 November 2002 DP to date, the Sicilian Region has issued a series of regional planning acts, through which the Region gives operational indications – among others – on the *governance system* in charge of defining and implementing social policies and on the *drafting of the Area Plan.* Unlike what was initially envisaged by the 4 November 2002 DP, the programming acts have a different cadence over the years: three-yearly until 2015, biennial until 2020, annual in 2021 (due to the emergency pandemic context), three-yearly in the last programming act (2022-2024). In this paragraph, the reference is to the following current documents:

– *New Rationalised Index for the drafting of Area Plans (Regional Programme of Social and Socio-health Policies 2010-2012)*;
– *Programming Guidelines for the Area Plan 2021 (2021 Guidelines)*;
– *Programming Guidelines for the Area Plan 2022-2024 (2022-2024 Guidelines).*

Governance **system** - The *New Rationalised Index for the drafting of the Area Plans* – which recalls the innovations of the *Regional Programme of Social and Socio-health Policies 2010-2012* (DPRS no. 61 of 2 March 2009) – represents the evolution of the previous *Rationalised Index*, prepared in 2003, as well as a reference document still today, albeit in consideration of some changes envisaged by the *2021 Guidelines* and *2022-2024 Guidelines*.

The system of *governance* envisaged by the *New Rationalised Index* features "a series of governing bodies and structures, each with specific functional attributions": the *governance* set-up, therefore, originates from the intersection of the institutional bodies

involved, their relative competences and the territorial level of action (tab. no. 2), which are closely interrelated.

The *guidance institutional level* involves:

– the *Cabina di Regia* (regional control level body) which, as provided for in the 4 November 2002 DP, guarantees "operational guidance and constant monitoring of progress in order to make the most of all available resources" (chapter 8, point 8.5.);

– the *Mayors Conference* (provincial level), composed of the Mayors of the Municipalities belonging to the territorial ambit of the PHA (Provincial Health Authority), "has the task of issuing acts of policy, verification and evaluation on local social-health activities and competences";

– the *Mayors Committee* (district level), made up of the Mayors of the Municipalities in the district and the director of the health district or the Director General of the PHA, "has the task of forming a common orientation in social and social-health policies by playing a guiding and controlling role".

Table no. 2. *Governance* structure (bodies, competences, territorial levels) of the Area Plan.

	Guidance institutional level	Social and health integration level	Technical level of support
District level	Mayors Committee	Area Plan	Plan Group
Provincial level	Mayors Conference	Guarantee Committee	Technical Secretariat
Regional level	Cabina di Regia		Plan Office

The *social and health integration level* sees the action of the *Guarantee Committee* (provincial level), which "operates in close connection with the Mayors Conference and the Mayors Committee, and the *Area Plan*" (district level).

The *technical level of support* involves:

– the *Plan Office* (regional level), "a technical commission for accompaniment and assistance", which is used by the regional steering committee (4 November 2002 DP, chapter 8, point 8.6.);

– the *Technical Secretariat* (provincial level), "functional for carrying out the tasks assigned to the Mayors Conference and the Guarantee Committee";

– the *Plan Group* (district level), made up of officials and technical operators of the social and administrative-accounting areas of the Local Authorities, a representative of the Health District appointed by the General Director of the PHA, representatives of the Third Sector, representatives of the Third Bodies (Prefecture, School, University, Juvenile Courts, Juvenile Justice Centre, etc.). and in charge of implementing all the measures preparatory to the drafting and management of the Area Plan.

The governance structure has been modified in the course of the programming acts following the *New Rationalised Index*. By the way, the recent *2021 Guidelines* – which integrate the *2022-2024 Guidelines* in force – due to slowdowns recorded in the definition and implementation of social policies in some socio-health districts, often linked to the

univocal action of the lead Municipality of the socio-health district, partially modify the *governance* of the district, in order to "strengthen the organisation of the *governance* system and improve the cooperation between the Municipalities on the technical, administrative and management level of the current socio-health district". The *2021 Guidelines* include the following bodies:

– the *Mayors Committee* (political body) with the function of policy, programming and political-administrative control of territorial welfare management;
– the *Plan Office* (*district* level), which is made up of technical-social, administrative, accounting and IT staff and is configured as an "institutional inter-municipal coordination structure of a technical-administrative nature operating in conjunction with the proximity offices (Social Secretariat and Professional Social Service) of the individual district Municipalities, "which replaces the Plan Group and the Restricted Group, identified in the previous planning acts, in terms of composition and tasks";
– the *Territorial Network for Protection and Inclusion*, a permanent *governance* body for the definition of the Area Plans, a place for territorial concertation (public and private bodies) of the interventions supported under the *National Social Policy Fund*, which can be divided into three areas of intervention: a) family, minors and the elderly; b) disability and non-self-sufficiency; c) poverty and social exclusion[4]. The establishment of this network is promoted on the basis of the *Network of Social Protection and Inclusion* established at the national level by Article 21 of Legislative Decree 147/2017 at the Ministry of Labour and Social Policies, as the coordinating body of the system of interventions and social services under Law 328/2000. The *National Network* aims to foster greater territorial homogeneity in the provision of interventions/services and to define guidelines by drawing up a *National Social Plan*, a *Plan for social interventions and services to combat poverty*, and a *Plan for non-self-sufficiency*.

Drafting the Area Plan - The *New Rationalised Index* provides indications on the drafting of the Area Plan, envisaging that it be composed of the following parts: *Social Report*, *Actions*, *District Budget* (accounting tool) and its annexes. For each part, in order to standardise the presentation formats of the 55 social-health districts, facilitating consultation, comparison, monitoring and evaluation methods, as well as favouring the construction of a regional model for social policies, the *New Index* prepares a presentation form for each part that makes up the Area Plan (tab. no. 3).

Table no. 3. Sections of the annexes (*Social Report*, *Actions*, *District Budget*)
of the Area Plan in Sicily.

Sect	Social Report	Actions	District budget

[4] Recently (December 2023) the Service 7 – "Fragility and Poverty" of the Department of the Family and Social Policies (Regional Department of the Family and Social Policies and Labour - Sicilian Region), for the purpose of implementing the Regional Plan for Combating Poverty 2021-2023, proposed the establishment of the *Network for Social Protection and Inclusion*, whose main purposes are identified in favouring a greater territorial homogeneity in the provision of services and defining guidelines for interventions. The Network's main task is to contribute to the definition of the Guidelines for the Area Plan for the use of the NFSP, the three-year Regional Plan for the fight against poverty, and the three-year Regional Plan for non-self-sufficiency for the use of the NSSF (Non-self-sufficiency Fund). The proposal is in the process of being approved by the Regional Government Council.

ions				
I.	Demographic dynamics		Action number	"Input" (resources) and "Output" (interventions) - Municipal and PHA Financial Plans
II.	Poverty area		Action title	"Input" (resources) and "Output" (interventions) - National and regional funds
III.	Elderly area	– Social Demand Indicators – Social Supply Indicators – Reasoned analysis of social supply and demand	Activities description	
IV.	Addictions area		Organisational structure and resources definition	
V.	Disabled area		Professional figures	
VI.	Immigrant area		Financial Plan	
VII.	Family, children and youth area		Reasoned specification on management modes	
VIII.	System Actions	Activated and to be activated		
IX.	Overall assessment of the needs system	– Community profile – Priority services and interventions to be activated		

The *2021 Guidelines* and the *2022-2024 Guidelines* also define the Area Plan approval procedure, describing the activities and bodies involved in the preparation of the Area Plan (Mayors Committee, District Plan Office and Territorial Network for Protection and Inclusion) and in its approval, which involves both the territorial level (Mayors Conference) and the regional level (Regional Department for Family and Social Policies - Service 4 - Plan Office).

3. The *coupling* between State and Region for the integrated system of interventions and social services

The competences and functions of the State and of the Sicily Region, described on the basis of the analysis of the regulatory framework and of the *governance* system set out thus far, looking at both the national and the regional levels and highlighting the points and modalities of interaction between the two levels, make it possible to tackle the last step of the analysis: tracing the *coupling* between the State and the Region for the integrated system of interventions and social services.

To this end, we take Trein's approach (2017) to the analysis of "horizontal connections of policy sectors", which outlines possible conditions for policy integration (possible, likely, unlikely, very unlikely), and adapt it to our analysis.

Trein moves his steps from the concept of "coupling" coined by Weick[5] – which indicates "the relation of constituting parts of organisations" – and bases his proposal of the four possible conditions of policy integration on the four *ideal-typical dimensions of coupling* (*loosely coupled, de-coupled, non-coupled, tightly coupled*), which originate from the intersection of two conditions: *responsiveness* and *distinctiveness*. In Trein's approach, *responsiveness* "is collaboration between the actors", i.e. whether the "actors learn, communicate, support one another"; (institutional) *distinctiveness* indicates whether the "institutions [are] vertically and/or horizontally separated". In the words of Orton and Weick, moreover, Trein assumes that "If there is neither responsiveness nor distinctiveness, the system is not really a system, and it can be defined as a *non-coupled system*. If there is responsiveness without distinctiveness, the system is *tightly coupled*. If there is distinctiveness without responsiveness, the system is *decoupled*. If there is both distinctiveness and responsiveness, the system is *loosely coupled*" (1990: p. 205; authors' italics).

Applying these dimensions to the analysis of horizontal connections between policy areas, Trein comes to the conclusion that policy integration is (tab. 4, a.):
– possible in the presence of loosely coupled systems;
– likely in the presence of tightly coupled systems;
– unlikely in the presence of non-coupled systems;
– very unlikely in the presence of de-coupled systems.

Retracing Trein's proposal and adapting it to our analysis, aimed at tracing the relationship between the institutional actors of the integrated system of social interventions and services, we assume that
– (institutional) *distinctiveness* can be represented by *legislative power*, i.e. competence in the field of social policies; this can be *concurrent* (i.e. the competence of the State *and* the Regions) or *residual* (*exclusive*) (i.e. the competence of the State *or* the Regions);
– *responsiveness* can be represented by the *governance* structure (networked decision-making, i.e. a set-up in which decisions are co-decided by a network of actors), which conversely sees a *government* structure (i.e. a set-up in which decision-making is "centralised").

Assuming these dimensions, we decide to trace the *coupling* dimensions by recalling the social policy scenarios outlined by the evolution of the integrated system of interventions and social services in Italy: scenario before Law 328/2000; scenario conveyed by Law 328/2000; scenario conveyed by Constitutional Law 3/2001, current scenario. Furthermore, we link the *coupling* dimensions to the impact that can be registered on the fragmentation or homogenisation of social policies on the national territory.

Our analytical proposal allows us to highlight the following (tab. 4, b.).

Prior to Law 328/2000, the integrated system of social interventions and services did not exist and the institutional actors were *non-coupled* (*non-coupled system*): within the national framework, the Regions legislated autonomously on social policies and the State

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[5] Trein refers to the following contributions: Weick, K. E. (1976) Educational Organisations as Loosely Coupled Systems, *Administrative Science Quarterly*, pp. 1-19; Orton, J. D. and Weick, K. E. (1990) Loosely Coupled Systems: A Reconceptualisation, *Academy of Management Review,* 15 (2), pp. 203-23.

did not legislate (or not extensively) on social policies, leading to a fragmentation of social policies across the country.

The enactment of Law 328/2000 promotes the construction of an integrated system of interventions and social services on the national territory through new forms of local government (promotion and coordination of social policies at the regional level) that outline a network of interdependent actors (*tightly coupled system*), prefiguring the homogenisation of social policies on the national territory.

Following the constitutional reform Law 3/2001, due to the fact that the State has exclusive competence in the matter of "determining the essential levels of the services concerning civil and social rights that must be guaranteed throughout the national territory", that the Regions have exclusive competence in the matter of social policies and that Law 328/2000 remains in force, but is not binding, the logic of "network" *governance* (national and regional level) seems to be disappearing (*de-coupled system*); in this scenario, the integrated system of social interventions and services *formally* takes on an indeterminate configuration, prefiguring the return to a fragmentary framework of social policies on the national territory.

Recently, despite the fact that the State has exclusive competence in "determining the essential levels of services concerning civil and social rights that must be guaranteed throughout the national territory" – without prejudice to the Regions' exclusive competence in social policies – the national level has resumed its intervention in social policies through a number of instruments: definition of the National Social Plan, definition of the essential levels of services, allocation of the NFSP, establishment and disbursement of other national funds. It is precisely these instruments that, de facto (*substantially),* relate the two levels considered (national and regional) albeit, given the disjointed legislative power, in a flexible and discretionary manner (*loosely coupled system*). Moreover, they hint at the will to homogenise social policies on the national territory. The same *National Plan of Interventions and Social Services 2021-2023* points out that the "Social Plan is the result of a process of elaboration, listening and protagonism of the actors involved, the users, the operators, the stakeholders, aimed at defining a unitary vision of the system, overcoming the parcelling out and closure in sectorial and categorical spheres. The process of defining the Plan is the product of coordination with the other governmental authorities, national, regional and local, each of them having functions in the social field" (Ministry of Labour and Social Policies 2021: p. 26).

In this regard, the *Programming Guidelines for the Area Plan 2021* of the Sicilian Region point out that "With the establishment of the various Funds, the national government has abandoned the role of spectator that it had played since the reform of Title V of the Constitution (Law 3/2001), to take on the role of driving force and agent of change, even at the cost of eroding substantial spaces of the autonomy of the Regions".

Table no. 4. The four ideal-typical *coupling* dimensions applied to the integrated system of social interventions and services.

	a.			b.	
	Responsiveness	**No Responsiveness**		**Responsiveness** (*governance*)	**No Responsiveness** (*government*

	Loosely coupled	De-coupled		Loosely coupled	De-coupled
					)
Distinctiveness	Institutions vertically and/or horizontally separated Actors (interest groups, professions, administrators) learn, communicate, support one another Policy integration possible	Institutions vertically and/or horizontally separated Actors (interest groups, professions, administrators) do not learn, communicate, support one another Policy integration very unlikely	**Distinctiveness (exclusive legislative power)**	**the system is *substantially* promoted** (Constitutional Reform Law 3/2001) - Exclusive competence of the State to determine the essential levels of services concerning civil and social rights that must be guaranteed throughout the national territory - State intervention in social policies through certain instruments: ELS, NFSP, other national funds, NSP, etc. - Exclusive competence of the Regions for social policies Promoting	**the system *formally* has an indeterminate configuration** (Constitutional Reform Law 3/2001) - Exclusive competence of the State to determine the essential levels of services concerning civil and social rights that must be guaranteed throughout the national territory - Exclusive competence of the Regions in the field of social policies Return to fragmentation of social policies across the country

	Tightly coupled	Non-coupled		Tightly coupled	Non-coupled
					the homogenisation of social policies across the country
No Distinctiveness	Vertically and horizontally integrated institutions Actors (interest groups, professions, administrators) learn, communicate, support one another Policy integration likely	Vertically and horizontally integrated institutions Actors (interest groups, professions, administrators) do not learn, communicate, support one another Policy integration unlikely	**No Distinctiveness (concurrent legislative power)**	**the system is integrated** (Orientation of Law 328/2000) - The State legislates on social policies - New forms of local governance (promotion and coordination of social policies at regional level) Homogenisation of social policies across the country	**the system does not exist** (Before Law 328/2000) - Regions legislate autonomously on social policies - The State does not legislate on social policies Fragmentation of social policies across the country

In the same vein, the Ministry of Labour and Social Policies itself highlights the delay in assuming this role, stating that "it is necessary [...] to construct and define Essential Levels of Social Services (ELSS)" and observing that, despite Law 328/2000 having identified "a series of areas of intervention that it recognises as essential levels" and that the constitutional law had reserved for the central government the "definition of ELSS to be ensured throughout the national territory",

> "the practical definition of the ELSS has come up against a financial situation and a distribution of competences that *have long hindered the realisation of the necessary investment in the social sphere.* Even Law 42/2009, implementing fiscal federalism, and the related implementing decrees, while

assigning an important role to the essential levels of services, had to acknowledge that they were lacking in the social sphere, *falling back on the identification of service objectives that are only beginning to be implemented in 2021, with a view to the subsequent identification of some ELSS. [...]. The time seems ripe, therefore, to move further towards the definition of ELSS* and thus to give the social services system the reliability and structuring that has long since been achieved in other welfare sectors, such as health and pensions. In the context of current national social planning, an initial group of ELSS will thus be identified, either already identified in legislation or in view of their formal recognition. [...] In a still largely underfunded sector such as social services, the approach can only be gradual and start with the identification of an albeit partial set of services and benefits to be recognised throughout the country. This base will be gradually enriched with the subsequent national planning exercises, starting from the Plan for non-self-sufficiency, up to the definition of a set of minimum services that all persons can count on regardless of the Region and the Ambit in which they are located." (2021: pp. 8-9; authors' italics).

4. Conclusions

In this contribution we have proposed a reflection on the subject of social policies, in particular on the construction and implementation of the integrated system of interventions and social services in Italy promoted by the *Framework law for the implementation of the integrated system of interventions and social services* (Law no. 328 of 8 November 2000). The reflection developed, in consideration of the fact that Constitutional Law 3/2001 reforming Title V of the Italian Constitution makes Law 328/2000 in force but not binding for the Italian Regions, pursued the intention of unravelling the ill-defined and complex intertwining between the national and regional levels, choosing to analyse a regional case, that of the Sicily Region – a Region with a special statute in the South of Italy – in order to analyse whether and how it refers to Law 328/2000. Moreover, with the aim of tracing the relationship between the institutional actors in the process of constructing and implementation of the integrated system of interventions and social services, it assumed four ideal-typical forms of *coupling* (Orton and Weick 1990; Trein 2017) considering the legislative power in the hands of the State and the Regions in the field of social policies as a dimension of *distinctiveness* and the *governance* structures as a dimension of *responsiveness*.

The reflection showed that the regulatory framework, *governance* structure and planning acts of the Sicilian Region trace the operational model conveyed by Law 328/2000. Moreover, on the subject of institutional relations, it highlighted that from the enactment of Law 328/2000 to the present day it is possible to trace the four dimensions of *coupling*, coming to the conclusion that, although the integrated system *formally* takes on an undefined configuration, today it begins to be *substantially* promoted by both the national and regional levels.

We think that, in order to understand the overall configuration of social policies on the Italian national territory, the proposed reflections may provide interesting hints for future research scenarios on the way other Italian Regions implement the integrated system of interventions and social services. New reflections, together with ours and with others already proposed (*cf.* Introduction) could help to build an overall vision that would allow

us to ascertain the level of the "hoped-for" *homogeneity* or, on the contrary, the level of the "constant" or "rediscovered" *fragmentation* of social policies on the national territory.

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The 'forgotten' sociologist, Florence Kelley

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Abstract

Florence Kelley, whose theoretical and empirical activity played a central role in the development of social analysis, started promoting social research in the US in the early 1890s, with a critique of the capitalistic organisation of labour and the exploitation of children and women in the factories and sweatshops of Illinois. This research was also decisive in the contemporary development and use of qualitative and quantitative methods. Poverty, a central element in Kelley's observations, was to her mind, the fruit of the total subordination to work of workers, their families and their communities. Her theoretical knowledge, based on her American studies, her pragmatism and the Hull-House women's practice of democracy, was enriched by her history, economics and law studies in European universities and her relationship with the socialist tradition, with Marx and with Engels, whose *The Condition of the Working Class in England* she translated into English in 1887. The construction of an American sociological canon erased Kelley's activity and that of many other women, authors of important research, excluded by a slew of anti-women behaviours and critical silences about their lack of scientificity. But *History is blotted out by a highly focused present* as Anselm Strauss is said to have stated (1993, p.256), a contradictory present in which the idea of a vocation on the part of women to transform research is becoming ever more central: *I am seeking an end to androcentrism, not to systematic inquiry* (Harding, 1986, p.10). Reflection on Florence Kelley's personal journey re-opens debates and questions as to the reasons why in the last century, in the 1990s, there began a process of reappropriation of women's contribution to the history of sociological thought and social research, which necessarily leads to their founding presence in training curricula and sociological tradition thus restoring contents, dignity and memory.

Keywords: memory; history; pragmatism; poverty; mix methods.

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1. Introduction

My the realisation that in our relationship with sociological tradition we now have a renewed and more mature level of analysis that increasingly questions the monosexual past of this approach. This reality proposes a network of elaborations and analyses that is already extending to various European countries a renewal, present in the United States for some time already, of the traditional studies that have become marginal over time, scarcely considered in terms of their scientific value and the time devoted to their study. It is a tradition within which any research into the founding role played by women in the evolution of sociology and the contemporary nature, methods, and content of developments in social analysis has long been further marginalised. The little prominence often given to this area of discussion and to the concrete studies that might result from it ends up acting as a disincentive for the entire field of study relating to the sociological tradition in general, and even more so for reflection on the presence of women in the history of sociology. The question is: who studies the history of sociological thought today?

Barbara Finlay, many years ago, also recalled that many sociologists have written on women, gender and sexuality, but these texts, quite apart from their actual content, quickly became of secondary importance, eventually losing all relevance (Finlay, 2007): these are reflections that tend to confirm Anne Oakley's claim that sociology is a profession conditioned by its origins and predominantly male-dominated (Oakley, 1982), to which two British feminist sociologists added "areas and topics of interest to women are often overlooked and even considered unimportant" (Abbott, Wallace, 1990: p.5). Thus it was that the origins of sociology in the United States feminised the topic of *social reform*, far from any scientific relevance and provocatively almost synonymous with rights and autonomy.

2. A forgotten pioneer on the brink of modernity

In the collective symbolism, the pioneer woman was Calamity Jane (Martha Jane Canary-Burke), who in the second half of the 19th century, in the imagination of many, and also in some subsequent cinematographic representations, took on male behaviour and language, becoming the prototype of a female presence that, in order to be relevant and recognised, eliminated the characteristics of her attractiveness, that is, of reaching out to others, and conformed to the male universe, thus becoming one of its protagonists. This is not the time nor the place to open up references to a series of studies that have shown the true central role of women, only apparently weak, in the daily life of that universe that was the expansion phase of the frontier in the far west (Pascoe, 1990; Wagner, 2007), but *social pioneer* was the term used by Dorothy Blumemberg, Kelley's scholar and author of a biography of her, to indicate her avant-garde role on the cover of the text dedicated to her "Florence Kelley boldly challenged the conforming assumption, and laid bare the ugly industrial machinery that was griding out poverty and all its attendant social ills. No cause was too unpopular if she believed in it, no situation too distasteful if she felt it could be aided by her presence. She spent her recklessly, and so she had an infinite amount to give" (Blumemberg, 1966: p.XII). Of course, Kelley was always able, like the pioneers, to move the boundary of situations 'further': 'beyond' was her rule for all action. Following on from the presentation that preceded me, which recalled the residents of Hull-House, the

Addams, and that incredible multiplier of analytical and reforming energies that, under the propulsion of Addams and Kelley were the Hull-House settlement and the women who ran it, I would like to recall, at the beginning of my presentation on Kelley, the '*forgetfulness*' of which she was the object, first of all, but not only, by Chicago sociologists. It took more than thirty years for Robert Park, at the end of the 1920s, to recognise the 1895 research and the other manifold investigative activities promoted and carried out by the Hull House, even though he reduced their great cognitive and methodological value to an all too superficial definition "were in the nature of an exploration and recognizance, laying the ground for the more systematic and detailed studies which followed" (Park, 1929: p.4).

This was an obvious show of indifference and a citation that was urgently pressing in the face of the great and continuous active work of the Hull-House and the investigations carried out by Florence Kelley, which led to the Hull-House Maps and Papers in her essay on the system of exploitation (Kelley, 1895), and in her other work of analysis of the exploitation of minors, carried out together with Alzina Stevens (Kelley, Stevens, 1895). And further dismay is due to the failure to refer to the maps contained therein, memory and present, tradition and future, drawn actually by Agnes Holbrook (Holbrook, 1895), who died prematurely at the age of 26, a year after they were written. In fact, it is as if Park had not even read that text, a prisoner of both chauvinist indifference and journalistic superficiality. And an almost similar number of years was needed for William Burgess, after his critical and chaotic assessment of urban research formulated in 1926: "the happy hunting ground" (Burgess, 1926, p.VIII), to express a very different, certainly more pondered, judgment in 1964 together with his historical student, Donald Bogue, recognising "The Department of Sociology studies were not the first field studies in Chicago. If you go back as far as 1895 in the Hull-House Papers, you will find urban studies. It should be correct to say that systematic urban studies in Chicago began with these Hull-House studies" (Burgess, Bogue, 1964: p.4).

The evaluation expressed by Ernest Burgess, however, followed in the footsteps, theoretical and spiritual, of that Chicago Department that did so much to keep female researchers, and the female spirit of research, out of its reality and out of a monosexual, de facto self-referential 'science'.

What is even more astonishing, however, is that it took more than a century for a male sociologist, and a British one at that, in a journal on classical sociology edited mainly by a very qualified group of American historians of sociology, to open a positive reflection on Florence Kelley's contribution to the discipline, mainly making amends for the great silence that had surrounded the figure of this researcher: "Florence Kelley is a seminal, yet largely unrecognized figure in the history of Sociology. Though her contributions to social reform have been reasonably well documented in the field of history and social work, sociology has been considerably less inclined to recognize Kelly's work as formative … the majority of contemporary sociologists have failed to document extensively Kelley's contributions to the discipline*"* (Timming, 2004: pp. 289-290).

Only a few years later, in his complex history of sociology in America, did Craig Calhoun associate Jane Addams and, above all, Florence Kelley as the authors of a mapping method strategy that combined survey data with urban areas. And Calhoun pointed out that this method would *only later be* continued by the Chicago School (Calhoun, 2007: pp.10-11 and p. 11n27). The bias of this reference preserves all reservations with respect to the recognition of the role of women in the foundation and development of sociology. '*Forgetfulness'*, '*forgotten*', are terms that seem to indicate

absent-mindedness, behaviour due to chance, but in fact in its Latin root the meaning has an opposite component: *de-menticare* indicates 'to remove from the mind', a conscious action that subjectively removes one or more persons, things or circumstances. It is no coincidence that forgetting is part of the psychotherapeutic action of 'reconstructing presence' and of the activity of memory seeking remembrance.

Therefore, there was and is nothing accidental in the absence of women from the history of sociology, even if it may seem incredible and if the topic, when addressed in a discussion is more often than not taken seriously, linked to a playful, almost incredulous awareness, for that absence/marginalisation of women sociologists that the history of the discipline shows in an incontrovertible way and which is paradoxically confirmed by their presence, of some, in places of leadership. Thus, for example, even in one of the most recent documented contributions on the history of sociology in the respective nations, the article completely 'forgets', the female presence and absence in this history, except for a quotation from Ann Oakely's (2020) English work, (Collyer, Manning, 2021). A definition that may explain this 'forgetfulness' is offered by Joan Landes when she recalls that women's exclusion from the emerging public discourse associated with the Enlightenment and with the rise of capitalism as a general economic form of life, was essential to men's capacity to sustain the masquerade of universality (Landes, 1998).

3. Florence Kelley's thought

Her thinking was influenced by a fruitful relationship between Marxism and pragmatism, progressively deepened by the results of her investigations.

The theoretical tools inherited from classical pragmatism offered Kelley the potential to construct solid empirical work in sociology, particularly Dewey's theory of action, which also influenced other early Hull-House residents (Jane Addams, Ellen Starr, and Julia Lathrop). Kelley's interest was thus to strengthen the empirical basis of pragmatism as an alternative, non-teleological way of understanding social action, its purposes, and its effects.

Elements of feminist pragmatism guided much of Kelley's research, teaching, and social activism, as well as her reformist mindset: for her, pragmatism was to be understood as the cognitive process in which the relationship between thought and action is to be privileged in an activity that favours a response to reality and a solution to problems, not the mere description and representation of social dynamics. The knowledge acquired as time goes by, which allows the individual a continuous relationship with their surrounding context, is socially constructed and the meaning of ideas, expressed in the actions produced, arises from the interaction present in every mental process. This scientific knowledge, by its very nature, constitutes a theoretical advancement but is also limited, destined for further modification in its inevitable social transformation. Its reflection, linked to the evolutionist principle, generates hypotheses on reality and its representations structured by the individual always on the brink of uncertainty, at least evaluating them over time, which is significantly temporary as is proper for a process in which arrival and departure, which can be considered from two different points of view, are paradoxically at the same point. The specificity and usefulness of the pragmatist method are therefore concentrated in their guidance towards real knowledge of the world supported by the experience that the subject or subjects have.

This theoretical approach formed the basis of Some Ethical Gains Through Legislation, 1905, in which Kelley argued that if one desired certain social benefits, one

had to perform actions that possessed the appropriate 'social morality' and consider the 'moral experiences of the many'. The result was the ethics of 'making a difference' in so far as certain actions offered help to the less privileged through reforms and legislative innovations. In other words, Kelley's social experience and analysis at Hull House must be understood as a relational process. The relational approach is more than just a focus on process, it is a commitment to making relationships the primary units of social analysis.

Remember to think about "We see the experience as an interplay of forces, as the activity of relating leading through fresh relating to a new activity" (Parker Follett, 1924: p. 81).

The influence of "socialism" we said. In reflecting on the theoretical work and the activity of Florence Kelley, a firm point of reference is the socialist tradition, matured in Europe in her relationship with Karl Marx and Friedrich Engels, of whom she was a direct friend and for whom she translated into English in 1887 *The Condition of the Working Class in England*, a translation that remained unique in the United States for decades (Kish Sklar, 1995: p.100).

Kelley made constructive reference to the time she spent studying in Europe when she was introduced to the nature and the value of empirical research and fieldwork. Moreover, the volume was characterised by Kelley who immediately grasped its theoretical character and analytical value: "When the first book appeared in 1844, in Germany, in the German language, Engels was not yet twenty-four years old. Published almost half century before Charles Booth's monumental work *The Life and Labor of the People in London*, it is an amazing achievement, a museum specimen of painstaking, laborious, precise observation set forth in language so vivid that a Frenchman of high literary standing could hardly have excelled its clarity. It takes nothing from the value of his portrayal of facts as they then were, that a youth picturing in his first book conditions which he saw, that were incident to the Industrial Revolution in England and are now universally recognized as having been unbearable, ventured upon prophecies which have not been fulfilled in England" (Kelley, 1986: p.69).

To this, and to her family background of commitment to democracy and equality, was added the pragmatist lesson, in particular of Dewey and Mead of the Department of Philosophy at the University of Chicago, the experience of a relationship with other women engaged in social research as well as the reforms, other cultures, other democratic traditions, other strategies of change. Considering this element, apparent ideological homologation, one might overlook the specific role of Kelley, by no coincidence defined by Max Weber, during his stay in America, as by far the most interesting intellectual he had met. Weber learned much more about the radically negative aspects of that world from her, and Kelley prompted him to pursue reflections he had never thought of before (Weber, 1975, p. 302).

4. Poverty and exploitation in social analysis: the influence of European Socialism

Florence Kelley's place in the history of social research is also linked to the perception, at the end of the 19th century, of an overall need for knowledge, aware of the role that information and knowledge of reality could have in determining a different societal orientation and a social transformation that would reduce the dramatic conditions of subordination and exploitation present then. According to Kelley, the lesson of Engels's *The Condition of the Working Class* lay in being a text that could make up for the "lack of

a scientific literature in America " (Kelley, 1886: p.31), even though the press indicated it as "one of the most dangerous publications of recent years" (Kelley, 1887: p.34). The focus on investigation, carried out in Manchester, as well as the awareness of Charles Booth's research, were the premise for a relationship with the English tradition of perusing and analysing poverty, misery, sanitary conditions, and labour exploitation.

Hence the novelty of investigation and communication, starting with what Engels had called the 'housing question', was placed in an apparently distant context that ignored a reality of degradation and exploitation, as Jane Addams had pointed out: « There was at the time no statistical information on Chicago industrial conditions, and Mrs. Kelley, an early resident of Hull House, suggested to the Illinois State Bureau of Labor that they investigate the sweating system in Chicago with its attendant child labor » (Addams, 1910, p.150). So, in that cognitive context, Kelley represented a de facto link between the British and the American experience: she brought to the culture of America, to Hull-House, and to her general baggage of experience, not the background of the settlement, as Jane Addams had done, but the reality of urban contradictions and misery in development. In fact, for Kelley the 1880s period, that she considered to have begun in 1876 in Switzerland and then continued in the United States, represented a phase of elaboration and incubation, a period of ferment. Kelley relates this European event to a certain 'ferment of ideals and sorrows' also present in the United States, establishing a specific relationship between the two, with a series of American women protagonists of that ferment: for this, she refers to Addams and her reading of the Greek Testament in the Rockford seminary, to Lathrop in Vassar and the design of new ideas, but also to Carrie Chapman Catt, teacher, and activist for women's suffrage, future president from 1900 to 1904 and from 1915 to 1920 of the *National American Woman Suffrage Association,* and to Anna Howard Shaw, English immigrant, committed to the acquisition of women's suffrage, president of that NAWSA that inspired a series of conflicts for their own goals.

Those frequent ideals and sorrows mentioned by Kelley and encountered in her research, objectively refer to a very beautiful and contradictory passage by Agnes Holbrook in her presentation of the maps.

The Painful nature of minute investigation, and the personal impertinence of many of the questions asked, would be unendurable and unpardonable were it not for the conviction that the public conscience when roused must demand better surroundings for the most inert and long-suffering citizens of the Commonwealth.

, not as some might have thought because on this basis the poverty data would have been altered, but because the research would have ended up being steeped, and how could it have been otherwise, in the miseries of men and women, subtracting the reality of a part of society from ignorance and indifference, effectively rewriting daily life.

Emblematically, the chapter of her autobiography that begins with the description of her arrival at Hull-House is entitled '*I go to work*', a summary of how the two factors coincided, or at least were in remarkable harmony: "…on a snowy morning between Christmas 1891 and New Year is 1892, I arrived at hull House, Chicago, a little before breakfast time, and found their Herry Standing Bear, a Kickapoo Indian, waiting for the front the door to be opened. It was Miss Addams who opened it, holding on her left arm a singularly unattractive, fat, pudgy baby belonging to the cook, who was behindhand with breakfast. Miss Addams was a little hindered in her movements by a super–energetic kindergarten child, left by his mother while she went to a sweatshop for a bundle of cloaks to be finished» (Kelley, 1986: p.77).

Her first task was to see and grasp the living conditions and degradation in the area near Hull-House, finding three- and four-year-old children at work. This is how she recounts the beginning of that experience in a letter to Friedrich Engels: "We have a colony of efficient and intelligent women living in a workingmen's quarter, with the house used for all sorts of purposes by about a thousand person per week […] And the most open-minded workers seem to me to be the Russian Hebrew Immigrants. But my range of observation is limited. I am living in the colony mentioned above, conducting a bureau of women labor learning more in a week, of the actual conditions of proletarian life in America than any previous year" (Kelley, 1892a [2009]: pp.57-58).

That teaching was a cognitive experience that greatly contributed to reinforcing his choice in the direction of research into children's work (Davis, 1967, p.57): "her chief motivation in combating child labor was to defend the rights of children to leisure and education, not, as was the case with organized labor and state bureaus, to protect the jobs of adult men, she extended the definition of child labor to include workers under the age of sixteen, going beyond the usual limit of fourteen or less. Finally, since her views were anchored in children's rights rather than the welfare of the family economy, she noted how her goals were thwarted but not fundamentally compromised by the complicity of parents who evaded the law and sent their children to work. Therefore, unlike commissioners, she did not shrink from enforcement strategies that took such complicity into account" (Kish Sklar,1995: p. 160).

5. Reformist contribution and the use of mixed methods

One of the main points of my attention in Kelley's Reformist Contribution about natural use of Mixed Methods (Cersosimo, 2019). When in the spring of 1892, she was appointed Special Agent for the Sweat Trade in Chicago, and in July of the same year, Carroll D. Wright, the Commissioner of Labor, named her the Special Agent to participate in research on the slums of Chicago (Wright, Hugo, & Houghton, 1894), Kelley's activity contributed significantly to the approval of the Workshop and Factories Factory Act on July 1, 1893, which limited women's and minors' working hours. It also reduced inequality in wages and introduced controls on sweatshops that were central to the exploitation of labor. Photography, together with other methods as part of Kelley's approach, remembering the photographic work of Jacob Riis (1890), documenting the reality of immigration in New York. Kelley (1895) sought to communicate the real condition of the tenements and sweatshops: "To assure the abandonment of this obsolete position, however, public opinion, including the courts, must be effectively enlightened upon every aspect of tenement-house manufacture" (p. 245). In October of 1893, Kelley wrote to Henry D. Lloyd: "We are weighing and measuring factory children at a great rate and shall publish photographs of deformed children found in the cutlery trade where every boy yet found has shown the same deformity … . I think that medical chapter of this report will start a new line of activity for medical men and factory inspectors both." (Kelley, 1893/2009: p. 69). Her representation of children's poverty, just quoted, and misery through images avoids pietism, as could have been the case of descriptions of poverty only through statistical data. Because images cannot be silenced in the denunciation of poverty. That information was the basis for pushing for industrial reforms and to advocate the passage of specific laws to protect children and workers. Reforms included mandatory education and adequate funds for schools, an 8-hour work day, and protection from hazardous conditions in the workplace (Goldmark, 1912; Sklar, 1995; Waugh, 1982).

Often, Kelley would risk her life, such as during a smallpox epidemic, to document the dreaded conditions within tenement houses and to prevent infected materials—such as garments—from being distributed to the public (Sklar, 1995). Together, these data provided an overall and clear picture of the relationship between exploitation conditions and daily life. Hull House Maps and Papers was the first attempt to use mixed methods to capture the social reality of urban workers in the United States. Through the interpretation of urban reality, the work left no doubt as to the legacy of Friedrich Engels's analysis of the working class in Manchester. The research data provided daily to Hull House before being sent to the inspectorate, was also the basis for maps documenting the ethnic and economic reality of the 19th district of Chicago.

Most of the social research conducted by Kelley did not rely exclusively on the collection of data of a single type or by a single method. Her mixed methodology relied on both textual and numerical data, and she was convinced that there are also many situations when images can inform those two types of data. This is either because some information about the phenomena may only be obtained through a drawing, map, or photograph or because it is good practice to complete and visually check the information obtained in textual or numerical form. This is the case—today as it was then—in terms of how research is represented, especially those aimed at social impact.

The work was multifaceted, with respect to data and knowledge. And furthermore, there was another problem, namely the representation of that data, which was aimed at a 'scientific' publication and therefore had to be easily accessible to a public whose educational background was often very poor if not totally absent, and who also wondered what the meaning and result of the questions, interviews, analyses that those people asked, was. In this sense, maps and tables were obviously simpler languages. It has been said that in the past the survey used a heterogeneity of methods, both qualitative and quantitative in what was often not a choice but an attempt to gather, in the most varied manner, all the information available while establishing a link between that activity, the social area under investigation, and the researcher or researchers engaged in the analysis. In that work there was a social appeal that constituted an unprecedented strength, entrusting the researcher with a resoluteness of the kind expressed by Kelley, in the work cited, attested by her letter to Richard T. Ely, dated November 1894. In it she protests at the delay in printing the volume she had advertised as being in circulation in September of that year, showing "The disappointment over the delay is trivial in comparison with the dismay which I felt when you suggested cutting the maps. This I positively decline to permit. The charts are mine to the extent that I have not furnished the data for them but hold the sole permission U.S. Department of Labor to publish them. I have never contemplated and do not now contemplate, any form of publication except as two linen-backed maps of charts, folding in pockets in the cover of the book, similar to Mr Booth's charters. If Crowell and Co. does not contemplate this, it will be to stop work at once, as I can consent to no use of my charts in any other form" (Kelley, 1894c: pp.77-78).

Florence Kelley's research was alone without being alone: her highly qualified individuality, occasionally aided by Alzina Stevens, a radical worker, one of her companions in Hull-House, was part of something that was not the work of a mass of people but that did benefit from the presence and supportive activity of many female researchers, a sign of a transformation of women's social presence and initiative and of the future, which for many was rooted in the unprecedented vivacity and emotional depth of the relationships they developed in college. In many cases, sisterhood was not ideology but a living practice, present even but unspoken, a community of affection, dissociation from

power, an experience of social presence. In fact, statistics on female college attendance in the turn-of-the-century years, and the existential paths following school attendance, show that a large proportion of those graduates did not go on to be wives and mothers: those women often remained unmarried, or chose other paths [some even considered 'unlawful'] for their feelings, choosing an occupation outside the home (Cross, 1962: pp.30-45). With respect to those relationships, which saw passions previously seldom declared or disclosed between women and for a long time prudently concealed by the texts that dealt with them grow to an unforeseen extent, it may be useful to recall a passage in the reflections of a late Italian philosopher: "Love does not require one to bury one's talents, to proceed to a pure exchange of equivalents ... love wishes talents to multiply, the exchange to grow upon itself, possibly generating 'wealth' and mutual advantage" (Bodei, 1991, p.40). That women expressed their autonomy not only in civil society by way of their activities, but contributed in various ways to organizational changes in the public and urban sphere (Kish Sklar, 1995, p. 205). How just I mentioned, during this time investigation and reform were increasingly inseparable. Addams, Kelley, Lathrop, Gates, Breckenridge, Stevens, MacLean, and many others, all intrigued by the settlement idea and by a democratic aim, manifested the middle-class feminine approach - a new solution to individual, social, and industrial problems - at the same time conquering the public sphere and disclosing a new womanhood. A new tradition of investigation was born within their heterogeneous activities, yet all endorsed the promotion of social research as the premise of a deep urban knowledge and public transformation. All were deeply and consistently involved in urban and state affairs previously banned for women. This horizon, this work became part of their everyday life, especially after the constitution of *College Settlement Association* in the late 1880s, whilst their connection was promoted by Vida Scudder and other women of the settlement as an association: a network whose idea was a national coalition for debating national social reforms, with a corresponding power in national politics. Mainly young, their median age was twenty-five (Davis, 1967) but they worked hard to affirm settlement and personal ideals, especially in the new century when *The College Settlement Association* "offered free room and board as well as small stipend to college graduates interested in studying the city and living in a settlement" (Cooley, 1900, pp.1-2).

Kelley argued that wealthy corporations seek work continuously all over the world in the hope of increasing their wealth. While this industrial system has produced many victims, it has also brought many immigrants out of direct poverty and into relative prosperity. Furthermore, she said we produce poverty directly.

Among the various other themes that Kelley felt the need to turn into factors of knowledge there was undoubtedly what she called, *The invasion of family life by industry* (1909) with the family structure being subverted, which challenged all possible traditions linked to the primary group and favoured an existence that disrupted all existence. By altering the times and actions of each family member, it disrupted every hypothesis of conviviality and coexistence, eventually shattering even the ancient custom of the evening at home, due to night work. The thousands of tenements in Chicago functioned day and night according to the continuous multiplicity of urban jobs, with an impetus that could afford not to be limited in any way, so it ended up with its own problem of resources and machines alone. Florence Kelley does not self-celebrate her work but in passing she points out "I have been studying messenger boys for seventeen years", this being experience derived from research that therefore built a new common sense around exploitation. This will allow her to say: "After ten years of close contact with places where young girls are

employed I am convinced that the families who sent their sons to the Cuban war took no greater risk, though we know that many (lied, many were made invalids and many came home diseased and demoralized. Those who sent their young sons to that war took no graver risks of death, disease, and demoralization than families take who send their young girls into department stores, offices, and all the innumerable industries which are calling young girls, as they have never been called before in the history of the world, to work away from their own roof, away from the supervision of their mothers. It is a new process" (Kelley, 1989: p.94).

The memory of work that is being re-proposed has its own ethical wealth and intrinsic efficacy, which are 'inconsistent' with the various processes of employment. This approach is subversively emblematic because the premise of work, of every technological innovation and of the turnover of exploited and labor-worn workers is to erase all previous traces, whilst the work carried out by the researcher, in this specific case by Kelley, is exactly the opposite, to focus on the present with an unprecedented memory, subverting time seemingly destined to move forward only.

In keeping with these observations, years later, in *Modern Industry: in Relation to the Family, Health, Education, Morality* (1914) she continued her thread of uninterrupted analytical discourse by showing that the connection between degraded environments and production systems ended up reproducing situations of exploitation and poverty and that modern industry while promoting working conditions and wealth, also generated new social inequalities, new illnesses and conflicts between workers, consumers, and producers (Kelley, 1914: pp.41-43).

Kelley showed how industrial organisations, in order to maintain their status quo in terms of working hours and wages, could rely on the ambivalent relationship towards the legislative protection of women workers by men. On the one hand, men were aware that the legislative protection of women workers would also benefit them by preventing them from being replaced in their jobs by women, who would no longer constitute competition by supplying labor at lower wages. On the other hand, however, they feared that a law protecting women workers would harm them by causing them to lose their privileges due to reduced hours, adequate wages, and an increasing female presence in industry. This conflict between male and female workers, according to Kelley, contributed to increase situations of poverty and exploitation, as workers "were reduced to simple tasks within industry" (Kelley, 1914: p. 106), whereby modern industry governed only by the demands of competition also produced among its effects "a loss of moral responsibility in the relation of the owners of industry to the consuming public" (Kelley, cit.: p. 119).

All this highlighted reflection is obviously part of the thinking, the investigations, and the perspectives that denoted the work of the Consumer's League of which she was secretary in New York. The texts referred to allow us to grasp, regardless of the language used, the development of capitalism already at the end of the 19th century, quite in dissonance with the interpretations that identified its 'maturity' later in time. The commodification of childhood, was an unforgettable symbol of this, a Christian betrayal which materialised in the form of a path in which all sensitivity and compassion were subordinated to the need for mass participation, regardless of gender and age, in forms that allowed the greatest possible profit. This action disrupted individuals and families, overwhelmed feelings, and pedagogies, annulled all rights to childhood, took on the name of tenements and sweatshops, and became the target of a wider conflict that challenged certain cornerstones of 20th-century development. Capitalist development without any ideology thus showed its inhuman face, with respect to which the democratisation of

research was an unprecedented cognitive tool, and the reformist perspective made Kelley a protagonist and social pioneer. The long experience of Kelley confirmed a connection between socialism and liberalism, which, for example, found specific expression in her critique of consumer socialisation.

6. Conclusions

To conclude, I would say that Kelley's writings rightfully place her within the sociological tradition as a researcher who has made an invaluable contribution to the theory and the methods in the process of institutionalising sociology and to the presence of women in sociology. Her texts capture, with immediate sensitivity and timely critique, the aggressive and controlling implications of the capitalist organisation of labour that penetrated the lives of families and persons, conditioning and organising them, disrupting their traditions, indifferent to age, role, and power. The methodological heritage of his work, starting with the famous Maps and Papers, was a premise for the development and their reproduction in many other sociological works. The tools of social analysis in the Hull House text, including the maps that had run the risk of not being published because they were too expensive for the publisher, are now in fact part of the analytical heritage of the social sciences: they were to be used by other Hull House exponents such as Sophonisba Breckinridge (1866-1948) and Edith Abbot (1876-1957) in their work The delinquent child at the home of 1912, by another great black researcher, W.E.B. Du Bois (1868 - 1963), in his great survey of Philadelphia in 1899, and within the Pittsburgh Survey in 1907 edited by Paul Kellogg (1879- 1958). Their value was eventually recognised even by sociologists in the sociology department of the University of Chicago, as well as in the more recent uses of works that have contributed to the modernisation of the social sciences, insisting on the need to use complex computational tools in qualitative research.

Today as in the past, the use of qualitative-quantitative approaches is useful when presenting social research that can either become action research or be used to acquire knowledge of the social reality for policymakers who have to intervene to reform and improve people's living conditions in different spaces and times. Kelley left many traces of her legacy and influence not only in male and female social scientists immediately adjacent to her time. James Linn, the nephew of Jane Addams, recalls in a passage in his biography: "Florence Kelley, full of love as she was, still seems to the biographer the toughest customer in the reform riot, the finest rough and tumble fighter for the good life for others that hull house ever knew. Any weapon was a good weapon in her hand evidence, argument, irony or invective" (Linn, 1935: pp.138-9).

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Levels of prevention against anti-social and anti-juvenile behaviour in relation to early school leaving: summary of a study

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Abstract

The aim of this research work was to correlate school drop-out and anti-social and anti-juridical behaviour in the territory of the Region of Sicily (Italy), in order to identify suitable tools for prevention in the various family, school and social contexts in general. The data analysed were taken from a random sample of 337 young people aged between 14 and 22. Through the administration of an anonymous questionnaire, the degree of schooling achieved up to that moment, the year of interruption, if any, the motivations and the presence of any deviant behaviour were investigated. The questionnaires were administered between February and May 2023. The data were analysed from July to October 2023. The Matlab 2022 system was used. In the research conducted, and in keeping with previous work on the same subject, it emerged that males represent the subjects most affected by the problem of deviant behaviour as a result of dropping out of school. With regard to the age of those at risk, a higher percentage was noted in the 17-19 age range with 68% (62 units) present, followed by 21% (19 units) with 14-16 years, and finally 11% with an age of 20-22 years. This figure is worrying because the behaviour that is dangerous and in many cases highly deviant occurs in an age group that is very important for the development of tomorrow's adults (age 17-19). The data obtained call for serious reflection and work aimed both at prevention and at motivating and stimulating young people, assessing together with them the causes that lead them to choose as their 'best strategy' that of leaving school forever and never returning.

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1. Introduction

Juvenile crime and deviance represent one of the issues of greatest social concern in Italy. National data confirm a situation that is dangerously close to a real emergency. Italian juvenile delinquency is growing by leaps and bounds. If we add to the aggressive models provided by adults the widespread dissatisfaction of society and the trivialisation of emotional distress, it is easy to understand the reasons why the phenomenon has spread like wildfire in society. Juvenile delinquency is a phenomenon that develops around the concept of deviance, i.e. the set of behaviours that deviate from social norms, violating them, and expressing the need to transgress in order to assume an identity within society. The expressions through which juvenile crime manifests itself are innumerable: among the most frequent are theft, muggings, robberies, extortion, vandalism, violence against persons, drug dealing and use, and alcohol use. In the worst cases it even goes as far as murder. Numerous studies have analysed statistical data and crime dynamics over time to identify the causes that drive young people to commit criminal acts. They range from the intention to emulate crimes committed by adults to the desire to go against the rules. One of the most frequent causes driving young people to commit crime is linked to family economic difficulties, i.e. states of poverty that limit and sometimes isolate and marginalise them. Remaining on the subject of marginalisation, it can be said that those who live in disadvantaged peripheral areas or belong to ethnic minorities are more likely to become petty criminals, due to the difficulty of being accepted by society. The main reason for increasing generational distress, and consequently an increase in crime, can be found in problematic family situations, in which traumatic events such as divorce, separation, bereavement and abuse occur. Generally speaking, the family is the main incubator of future baby criminals; inattention by parents, distracted by a thousand daily commitments, suffocating and too tight control, excessive permissiveness, can provoke violent and rebellious reactions, inside or outside the home. Teenagers tend by natural and spontaneous inclination to get together with peers who share similar characteristics: age, school, recreational activities, interests, etc. Adolescence is notoriously a delicate time, which can become difficult in the presence of particular family and/or personal conditions. Hence the need for the presence of social services to be increasingly incisive. The first approaches to the problem of juvenile deviance in society start from afar and refer, first of all, to the social, environmental, legal, competitive and marginal context, and then move on to the universe of more internal individual factors, through the contribution of behavioural science. With a view to integrating the various sociological and cognitive-behavioural theories, the most recurrent paradigm consists in considering juvenile deviance in general as the set of (increasingly) anti-social and anti-legal behaviours, resulting from the reciprocal interaction between cognitive aspects, affective influences and social/environmental factors of a dysfunctional nature. For an adequate developmental path, in fact, it is necessary that the minor, in the dynamic process of personalisation and socialisation, is adequately supported by the family, the school and society, which are the places where the young person acquires the first moral rules and the awareness that life is rooted not only in rights, but also in duties.

2. Hardship, marginality and dropping out of school

The growing presence in Italy of degraded areas in which a criminal fabric takes root, the lack or inadequacy of institutional support for the juvenile condition aimed at

guiding or acting as a filter for social behaviour, and the lack of significant relationships in the parent-child relationship are the main causes of youth discomfort (Speltini 2016). As found through numerous studies on the relationship between 'urban decay and juvenile deviance' on neighbourhoods in metropolitan areas, the elements that contribute most to the marginalisation of young people are the inadequacy or lack of the family, which does not fulfil its role as an agency of affection and rationality, and the lack of the school environment as an educational agency. When, due to any factor, exogenous or endogenous to the child and/or to the school institution, a condition of non-episodic malaise develops, one can speak of scholastic malaise, from which often, as the main outcome, dispersion derives'. It is on this malaise that one should intervene, since there is still "room for manoeuvre and action" (Regoliosi 2010). School discomfort is unfortunately a condition that, at various levels of intensity, affects all educational and social components: 1) the student, who absorbs to a greater extent the negative effect of the condition; 2) the teacher, who in any case experiences first-hand the difficulties and problems within the system; 3) the family, which reflects in its balance the quality of school performance; 4) the environment, which refers the reading of its cultural level to the summation of the various social situations and problems, including the school; 5) the public administration, which still fails to substantially affect the quality of the school. The circuits within which dispersion is triggered "are an expression of the different responsibilities socially associated with the roles of pupil, parent, teacher and friend" (Coluccia 2006). Therefore, school discomfort expresses the synthesis of a chain that embraces the entire socio-political system of a country. There are, therefore, intimate connections between types of society and the content of education. As Durkheim (2021) pointed out, moral values and norms have no absolute foundation, but vary according to the characteristics of the societies to which they belong. In contemporary society, the school, as a social organism, is affected by the ideological and value crisis of our time. It is a school in the society of uncertainty. The scepticism our time feeds on has led to the collapse of traditional values (truth, virtue, honesty, solidarity). Society is experiencing a crisis in values that 'also generates a crisis in education'. The contemporary school, in fact, "appears to be an open building site full of contradictions", since there is "a disconnect between the symbolic apparatus existing inside the school and the plurality of messages that children receive outside of it" and school drop-out signals the "moment of crisis of the school system with a lack of osmosis between the school environment and the social environment (Giroux, 2014). Due to this lack of ethical-moral references, to which are added family problems and affective deficiencies or social marginalisation, adolescents, during the formation of their personality, feel "inadequate" and feel an intimate and intrinsic need for meaning. Today, it is important to broaden the focus to include ethnic minorities and the weaker classes, because in some respects the dynamics of approach and reflection around education have these groups in common, and often the definitions coincide. It is from this perspective that we can say that the integration processes do not only concern the members of the foreign communities who live and work in our territory, but also those who emigrate from the south to the north, those who move from the countryside or the mountains to the city, those who find it particularly difficult to integrate and start a regular learning process in the school environment due to the environmental characteristics in which they live. Among these are those who live in conditions of social malaise, but also those who, although in conditions of sufficient affluence, cannot afford the considerable expenses necessary to support their studies (Cervia, 2014). To these must be added those individuals who, from a psychological point of view, appear to be more deprived of social skills, since

they too are part of the group represented by the class and occupy a marginal area within it that often presages phenomena of exclusion and marginalisation, phenomena that, in many cases, become increasingly serious in relation to the social class and the sphere in which they have developed. Discomfort, in this case, as one can well understand, has the psychological field as its field of expression and manifests itself through expressions such as loneliness, shyness, non-assertiveness, aggressiveness or restlessness (Volpi and Recchia 2009). If one accepts a general framework of this kind, which at first sight already appears rather vast and varied, one can glimpse how the teacher's action cannot fail to take into account the diversities present in the class, and how he or she is called upon to an intense pedagogical and psychological action aimed at bringing together worlds that are very distant from each other: this is after all the great challenge that goes beyond the irreplaceable needs for education and culture of which all young people are greatly in need (Morin 2001). Brint (2008), on the subject of the role of schools in modern societies, argues that in most countries of the world, school achievement is the main prerogative for achieving a better or worse professional career and indirectly, but consciously, greater or lesser wealth and social relevance. Schooling everywhere represents the main instrument of social selection, since it is the primary instrument in job orientation processes throughout the industrialised world, which is why even if not all children study properly, they are all judged according to their school performance, and it is this that defines their social position in perspective. Therefore, 'schooling is important both for social mobility and for the reproduction of inequalities'. In fact, as is well known, a higher educational qualification responds to a higher individuated income, which increases as the worker gets older. The increasing value of culture in modern society has given rise to so-called 'credentialism'.

By this term, social scientists designate the monopoly of access to the most prestigious and highest-paid professions by those who hold a university degree. The 'credentialist' organisation of American society, for example, made a university degree necessary for the occupation of all the most prestigious and remunerative job roles, proving to be indispensable even for the commercial sphere; for the other spheres, for which it had not been required until then, the need for a bachelor's degree was established. Credentialism' was seen from the outset by those who approved of its principles as a lift into which everyone could enter on the same floor and could exit wherever scholastic merit would lead them. Numerous studies, today as in the past, argue that the intense intellectual competition does not favour young people from the working classes at all, on the contrary, it hinders them. The image that emerges is not that of a lift, but rather that of a conveyor belt that takes individuals not very far from where they started: thus, school is seen (perhaps inappropriately) as an efficient reproducer of the inequalities already present in society, as it reinforces the advantages and disadvantages that characterise young people from different social backgrounds. These two different visions of schooling have, in the past, given rise respectively to the 'meritocratic' model and the 'social reproduction theory'; the former aims at the formation of an elite of talented men and women from all social classes to govern the nation, the latter identifies in this operation a substantial injustice. Indeed, Bowles and Gintis (1976) argue that 'in order to reproduce the labour force, schooling is designed to legitimise inequality, to level personal development to forms compatible with submission to authority, and to contribute to the resignation of youth to their fate'. With regard to the problem of identifying the relationship between social unease and school drop-out and even more so, statistics indicate that a substantial proportion of

students in Italy acquire the minimum qualification necessary to gain access to the best-paid and most representative jobs in society, and this as a reflection of the conditions of the family of origin.

3. The risk of deviance in the student category

Every student can become 'at risk' if certain circumstances arise that disrupt the intrinsic fragility of growth and developmental processes. For the detection and diagnosis of the risk condition Frymier (1992) identified correlations between five risk areas and found that exposure to even one of these areas severely increases the risk in the others. The five areas identified are: personal suffering, school failure, family socio-economic situation, family instability, family tragedy. This classification further highlights the intrinsic fragility to which immigrant children are exposed, regardless of their individual resources. 1) 'area of personal discomfort', which considers deviant behaviour by both the student and his family as risk factors: isolation from the group; rejection of the responsibility to grow up; belonging to youth gangs; anorexia or suicide attempts; personal use of alcohol or drugs; apathy, asthenia, dysthymia; abuse of various kinds; 2) 'area of school failure', which concerns risk factors in the actual school context lack of integration with peers; low school grades; failure in courses; age above class average; excessive absences; low self-esteem; low scores in various subjects; 3) 'area of family socio-economic situation' which takes into account risk factors such as: occupational status; parents' level of education and their attitude towards education; father's occupation and education; mother's occupation and education; parents' attitude towards education; educational styles and family communication; 4) "area of family tragedies" which refers to: situations of illness or loss of a family member or friend, loss of employment by a parent or serious or lengthy illness of a parent; death of a parent or family member; death of a friend (illness, accident, etc); student illness (more or less disabling); loss of a parent's job; 5) "area of family instability" which includes risk factors such as: family mobility or situations of separation or divorce; family breakdown; frequent moves; frequent changes of school; parental divorce. When analysing these criteria for the definition of risk factors, it is necessary to dwell on two important elements: the concept of 'probability' and the concept of 'dynamism': the category of students at risk is almost always associated with a probabilistic assessment.

Since it is not always easy to foresee failure and dropping out of school, the characteristic of 'risk' assumes only the value of probability that it may occur in combination with certain events and conditions (Dryfoos 1990); the risk status of a young person in developmental age should be considered dynamically, it tends to evolve and vary over time, both negatively and positively. Given the extreme variability of the risk condition, the question arises as to whether it is possible to identify its 'causes', especially at an early stage, when there is even a well-founded presumption of a possible difficulty, and whether adequate methods and instruments exist. The danger is that of settling for a diagnostic approach, which limits itself to emphasising the student's discomfort, without contextually activating a series of recovery initiatives (Tomasi 2000). The obstacle can be overcome with a type of identification based not on simple classification, but on the dynamic detection of learning processes and needs, in view of a preventive intervention (O'Sullivan and Tennant 1993), i.e. not separating the diagnostic moment from the therapeutic one, because the mere detection of the problem, if not accompanied contextually by an adequate intervention, transforms the announced risk situation into an

actualised damage. Socio-environmental' factors play a significant role in students' risk status. Careful consideration of socio-environmental factors has pointed out that some of them cannot be changed (e.g. gender, family or racial background cannot be changed). This helped to overcome an approach in which the subject was seen as 'passive and deresponsible' in order to focus more on the real responsibilities for certain risk situations. This has resulted in less attention being paid to socio-environmental risk conditions and more consideration being given to the real responsibilities for risk status, both of the school and of society. Sociologists agree in including the following in the category of serious socio-environmental factors: a) 'poverty': Kovach (1991), observes that the literature dealing with the poverty status of students shows a profile of students characterised by dropout and low achievement, although this cannot be considered an absolute risk condition.

Otherwise it would not explain the fact that one can find successful students in all social classes and conversely rich students at risk of school failure and dropping out; b) 'family violence': as Craig (1992) himself observes, there is a connection between family violence and the school performance of children/young people. The parental style of violence, both physical and verbal, has an influence on the child's cognitive style. The insecurity, inconsistency and unpredictability of a violent parental style do not allow the child/young person to develop an adequate ability to encode information, so that the child/young person's learning style comes into conflict with that required by the school environment; c) 'deviant behaviour with regard to school-related factors that favour deviance between the ages of 10 and 17, Dryfoos (1990), identifies "low expectations of teaching, poor participation in school activities, poor performance in the early school years, weak verbal skills, school absences, ineffective classroom management by teachers and the related effects are: school problems, school suspensions, dropping out of school. All this for immigrant children, for example, increases the perception of instability, because it is poverty itself that becomes a vehicle for violence and deviant behaviour: think for example of children/boys of mothers forced to be prostitutes or children/boys of violent fathers, because they are included in groups marginalised by other ethnic minorities. To the consideration that there is no precise and exhaustive definition of a 'student at risk' and that there are multiple risk factors, corresponds, consequently, the fact that even intervention methods cannot be considered definitive, precisely because students at risk represent an evolving problem. In the multiplicity of interventions, however, a common goal cannot be disregarded, namely that of fostering in students a capacity for flexibility and adaptation in the acquisition and application of knowledge and skills.

4. Prevention profiles against deviance and crime related to the phenomenon of early school leaving

In order to establish the correlation between school drop-out, deviance and criminality, different theoretical models have been applied over time: A first model, places prevention activity according to the developmental stage of criminal behaviour. The clinical model of Caplan (1964), presents three types of prevention 'primary prevention', which performs its function with the aim of removing or diminishing those criminogenic factors present in the physical and social environment, through educational, social policy and urban planning interventions; 'secondary prevention', aimed at the early detection of potential delinquents, especially young people, for whom interventions capable of reducing

the risk of anti-social behaviour are promoted; 'tertiary prevention', which comes into play following the commission of a crime and for this reason is aimed at avoiding recidivism. Other types of prevention, on the other hand, take into account the areas of intervention and the population towards which the intervention is directed. Therefore, there will be: 'social prevention', which coincides with primary prevention interventions and refers to disciplines such as sociology (Villanova 2006), community psychology (Contessa 1997) and eco-analysis of places (Peled 1990); 'situational prevention', aimed at physically removing the commission of crimes, representing a form of 'mechanical prevention'; a series of 'individual prevention interventions', which can also be carried out by referring to predictive research. A second operational model of a psycho-educational nature (Larson 1995) does not envisage interventions aimed at preventing stable deviant or delinquent behaviour or conduct in general, but a complex of actions directed at young people to foster situations of well-being, increasing their skills (training skills) and competences to cope with risk (better known as coping). Furthermore, the peer group experience represents another area in which adolescent deviance prevention interventions are concentrated (Blechman et. al. 1994). Here, the perspective of communication in the group is fundamental and is offered by an external interlocutor, who must avoid imposing behavioural indications that are experienced as threatening by the subjects.

This figure must encourage an open dialogue that allows young people to identify some possible alternative strategies available to them. In modern society there is, in general, a very high segment of young people between 14 and 21 years who neither study nor look for work. This figure is matched by an attitude of the institutions in charge, which regularly consider that the early exit from the education and training system of pupils is only linked to the social context in which they live and mainly to the economic and cultural poverty of territories of origin and families; a fact, therefore, considered almost normal in many Italian regions, especially in the south. Probably we do not want to become aware of the fact that the early school leaving of young people (often endorsed by families) is linked to the "lack" of interventions aimed at school, specialised operators of support structures to provide a satisfactory response to their problems, with the real risk of feeding the black market through small jobs in which they are exploited, or become labourers themselves for criminal organizations. It is known, for example, that in the southern regions of Italy and in the most degraded districts of the cities, entire families live from the drug trade, a criminal segment for which boys are indispensable because they have a direct relationship with buyers. In periods of increased presence in the territory of law enforcement, the boys act as lookouts, reporting to their associates, and possible buyers, suspicious movements that discourage the activity of dealing while mothers or other relatives have the task of weighing in the slings and wrapping the doses in foil.

It can be said, therefore, that the economic survival of a part of the inhabitants of the most degraded neighborhoods is based, in large part, on this illicit activity, while we know that the same boys draw, instead, little benefit in economic terms. It's been found that many young people find in crime an opportunity for social redemption, a way to have a sense of identity, a tool to compensate for their social inferiority. Crime, simple and organized, as well as immediate gain exerts a great power of fascination and seduction on young people by wiping out, in certain realities, the school's good intentions about building a legal conscience. As many chronicles have represented, the "centers of aggregation", as places of implementation of the values transmitted by the school (legality above all), or parishes and related activities, they do not seem to be liked by the criminal organisations of the South, because of the Mafia's influence, which hinders the

achievement of these objectives; both because they "risk" alienating young people from criminal activities that the family itself encourages, Both because, finally, they could induce children to have confidence in the State, to which they rely, in which to find a point of reference. In the southern Italian regions, more than in the north, school dropout is strongly related to deviant and criminal activities given the ability to manipulate, recruit and indoctrinate that criminal organizations are able to exercise. The educational model imposed on children in the family environment has been imbued with criminal disvalues since childhood, or is strongly influenced by their influence.

5. The role of the school in the control of youth deviations

School, as is well known, has always played an essential role in the growth of children and young people for its educational function. At this historical moment in which we are witnessing a weakening of the pedagogical power of the family and other institutions, it is necessary to remember that education takes on the task of training the human being with the knowledge of responsibility and creativity. Today, the school must inform and train the boy to make him responsible in his choices but must also create an education capable of enhancing the creativity of young people. The task of the school, therefore, is to create, especially in the "risk socio-scholastic uneasiness", awareness, knowledge of existential problems, the critical capacity for responsible and prudent choices of life, or lay the foundations of their future, through the retraining of the training offer. The school must, therefore, become a privileged place in which the boy learns to live by understanding the prevalence "of being over having". All this involves a great change, the birth of a new culture, that is, the adoption of a bioethical knowledge (Maggi and Ricci 2022). It is understandable how the need for a new school arises from the observation of a youth reality increasingly in difficulty, unable to develop critical thinking and take responsibility for all types of conduct. In this context of the "school of law" we must place the precious task of teachers who have the function of transmitting a knowledge no longer only abstract. They are assigned the task of promoting lessons that allow a critical analysis of reality and a reflection on existential problems.

The teacher thus assumes an important role in the education of young people who must accompany or accompany the one carried out by families (capable or incapable). The teaching team of a "pupil who adopts a deviant behavior has the task of putting in place interventions to help the child". A first stage consists in creating moments of rest among the teachers of the class and/or of the school to make a shared analysis of the problem. It would be important for an expert (today, we speak of school educator) in the field of youth deviations to guide the observation and sharing of the case or cases under consideration. A second step concerns the relationship between the deviant teenager and the teachers group. In such situations, information and knowledge on youth issues such as drug and/or alcohol intake, bullying, early sexuality is essential, but it is also necessary to: the adoption by teachers of intervention techniques such as counselling and mediation (Coppola 2022). The first technique consists of a two-way communication that provides for active participation among all involved. Active listening and empathy represent two key counselling skills to deal with an emergency situation of a boy experiencing discomfort. The teacher therefore has the task of creating a welcoming situation in order to listen to the student and focus the problem together. It is important that the recognition of discomfort occurs in both subjects otherwise no aid intervention will ever be successful. In the event that the school recognizes a problem of "deviance" in a student who, however, does not recognize that he

is a carrier of discomfort, it is understandable and imaginable that the interventions adopted by it will be of "suspensive" type and reporting to the family. The punishment "of expulsion from school" was based, over time, on the concept of prison, that is, in the discovery of "violations of rules" and adoption of re-education measures through the removal of the student from the school structure (Coppola 2022). Fortunately, today, things are changing and the total expulsion is becoming "socially useful suspension", that is, alternative measures to the school suspension in order to support the boy and his family in a rehabilitation program. This example of civil rehabilitation presupposes the consent and will of the boy and his family but sometimes this collaboration does not occur. In such cases, therefore, there is no assumption that can guide the teaching team to an alternative action to the expulsion. It is precisely in this rift between the individual and the school institution that the apex of the problem must be sought since "secondary prevention" and re-education must start from self-awareness of discomfort and a relationship of trust between the agents involved. Another educational strategy is the "mediation of conflicts": "the mediator works first of all to break the perverse and dual dynamics that two configgenti put into play (Ferraro 2022).

When you come into conflict with another person it is easy to remain closed in your anger and feeling of humiliation right away. It is unbearable to listen to the other and consequently you are led to respond with the same attack or with a deep silence. The school is a terrain where conflicting relationships are generated between peers or between individuals belonging to different hierarchical roles. Mediation is a way to solve the friction that is generated between students or between them and teachers. Learning mediation means first of all understanding the importance of listening and knowing how to practice it authentically. While it is undeniable, on the one hand, that schools must be able to restore order to the violation of a rule, on the other, it seems important, in order to promote a good climate and ensure peaceful coexistence, have tools for comparison based on a cooperative and non-competitive approach. The "mediation" wants therefore to realize a dimension of dialogue between the parties involved in a conflict in order to implement the reparative paradigm and then mend a violated social bond. The teacher, therefore, must be able to adopt various intervention strategies in order to understand and help a child in a state of distress. In addition to the information and the implementation of the techniques of interview and mediation, it is essential that the teacher collaborates with families and with all the local services. The co-construction of an operating mode is therefore essential for the success of a rehabilitation intervention.

The school is a specialized and formalized educational agency in a more rigid way than the family. It tends to increase its awareness of training objectives and procedures as much as possible; it receives precise tasks from society; it is based on pedagogical policies and theories. The school is also important as a "background" in the overall formation of the individual, and therefore also of his personality. In schooling, the child is introduced to an extended sociality, within an extra-family institution, in which the rules of common life begin to assume impersonal connotations (Mariani 2021). This means that the child who will become young no longer receives only educational requests on the basis of rules dependent on a choice carried out within the immediate context of existence, but must rather recognize the dependence of rules on a system of relationships that go beyond individual intentions and people, to be based on abstract values. In fact, with much more insistence than the family, the school asks for a certain action "because it is right" even beyond the will of the educator. At the same time, this occurs in a system of relationships based on personal knowledge and repeated and daily interaction in a social space where the

personality of each can grow in recognition of the value of sociality and cooperation, without losing the character of one's own creative autonomy.

Another aspect of the school's contribution to the development of the student's personality consists in its belonging to a precise historical-social reality, connected to a specific territory, to specific operators and groups capable of making determined pedagogical choices. In contemporary society schools can no longer consider their own educational activity, both in the field of personality and in all other directions, as an isolated reality, or as if it were purely sequential with respect to the role of other agencies. Today children and young people grow up at the intersection, rather than in the sequence, of the influence of different agencies. The family is confirmed and remains, even in the era of the great and radical transformations, the main source of the definition of personal identity, however, with the growth of social and geographical mobility, urbanization, consumerism, social massification, the school has often had to carry out functions of primary orientation and socialization previously entrusted entirely to the family (Bruner 2015). Among the tasks that the school must perform, there are those of "directing school choices by taking care of individual diversity"; taking into account the "styles and times of learning"; discovering the "potential areas of interest"; developing the "motivation and image of the Self"; respond to the "needs of belonging of individuals" by strengthening group activities; pay attention to "relations with students"; promote "research projects" in which young people feel active protagonists and not passive receptors; encourage "commitment and participation" of students in order to avoid disinterest and waste; "stimulate" curiosity, thinking, through solutions of practical problems.

The detached position taken by the teacher is then worsened by the fact that, in this period, the boy thinks of "suffice to himself", counting on an autonomy of action but still escapes his control, therefore, in the long run, this estrangement "can provoke a sense of "frustration" such that children end up facing negatively (because of the many conditionings), school attendance and show poor learning motivation and major communicative and relational problems, becoming, therefore, subject to the risk of abandonment, repetition and dispersion with real possibilities to take the roads of deviance (or even worse of crime) (Gaspari 2015). The school, as an organization with an institutional dynamic and educational objectives, is a reality whose functioning can be adequate or inadequate and, therefore, really rewarding or frustrating; it also sometimes constitutes a very competitive situation, which places specific demands, both relational and intellectual, relating to learning, but in addition to being an organization with its own characteristics, The school context is configured as a place "emotionally significant" for the teenager, which stands as emancipatory but, at the same time, is based on a relationship of dependence. This context is a reality in which the presence of peers is the crucial element. This can sometimes be a push to differentiation, but others can pose a danger of checkmate, a test for one's own abilities, and therefore an object of narcissistic or persecutory reinforcement through which is put to the test the image that the student has of himself and that does not always correspond to reality. The adolescent learns mainly through imitation, it is therefore evident the importance of the figure and the role of teachers in which, often, adolescents identify themselves. Identification takes place not only to facilitate the learning of school notions, but also to move on foreign objects those identifying energies of a symbiotic nature with which the individual had previously invested parental figures (Broccoli 2017). Therefore, learning, building personal identity and development are accomplished through a mechanism of displacement. In order to

facilitate identification processes functional to change, it is necessary to maintain an optimal distance between the "subject and the model"; otherwise defensive identifications may occur, such as identification with the aggressor or projective identification, which make sense against change (Giuliani 2020). Attending school, as well as being a place where the experimentation of one's own abilities and the exposure of one's own person can lead to frustrations and difficulties in finding one's own position in it and to feel accepted, is permeated by a series of "expectations" that parents pour out on the son or daughter. Often, therefore, the attendance of the school and the intellectual conquest towards which it leads are not intentional of the subject, but the outcome of a projection of the desires and personal projects of the parents, which, if they differ from the expectations and desires of the adolescent, may induce a negative emotional load in the adolescent, responsible for a large part of school dropouts and for initiations towards antisocial deviant conduct and feelings of repulsion of legality (Sessa 2022).

School experience is, therefore, extremely difficult, especially during adolescence; in fact, school difficulty is one of the most frequent symptoms of this period of life; it is one of the elective modalities through which the adolescent manifests an discomfort, an underlying more or less serious malaise. It is, however, necessary to distinguish between "transitional school difficulties", that is, momentary failures that every teenager at one or more moments of his school career may experience, and "lasting difficulties"which are organized in a stable system in the form of disinvestment of schooling, until the actual abandonment (Constantine 2019). An important cause of this failure may be due to excessive investment in activities other than school education, but also serious affective disorders that can affect school performance.

The separation from the parental objects, the increase of the drives, the narcissistic reworking, the type of defenses most used, are all aspects that can more or less interfere on the possibility of carrying out school tasks and that, Therefore, they can be relevant in the formation of school difficulties. Other difficulties or impossibilities to deal with different problems, such as those related to the processing of a sudden and unexpected intra-family bereavement and the possible consequent depression, can also interfere with school participation. Learning, from these premises, can be experienced as something distressing and threatening and thus confronts the individual with feelings of loss and experiences of incompleteness. Another factor of comparison with which the adolescent must measure himself is the tests of evaluation of school performance. They represent a highly challenging event both on the cognitive and emotional side, and provide a measure of the adolescent's ability to react to situations of high stress (Tagliani 2017). The educational functions within the school, as well as those concerning the primary educational agencies and all the secondary educational agencies present in the territory, are fundamental in order to encourage the development of mature, strong, autonomous and self-critical personalities. However, the strong social conditionings on the one hand, and the lack of educational proposals on the other, risk producing personalities that are easily conditioned, deeply insecure, willing to assume any identity (even deviant). This would allow him not to face the difficulties of an evolutionary process that is too demanding and that triggers escape mechanisms to banish all guilt and responsibility. In these circumstances, therefore, the family, the school, the society, must all feel engaged in an educational function, as an integrated educational project, which makes them responsible for future generations (Cardinals and Migliorini 2013). Another type of education that such a function requires is that of the habit of "critical thinking", that is, the ability to reflect and evaluate the various proposals before accepting them and knowing how to control one's own thinking by

subjecting it to verification, without being seduced by suggestive solicitations (Gordon 2013). It is also essential "an education in freedom", so we must urge young people to understand that alongside their freedom there is also that of others, and also help them understand that freedom is a difficult issue, which imposes a profound process of liberation from internal and external conditioning, from suggestions and open or devious manipulations. It requires, again, an education to "know how to manage the conflict" and to "use it in a positive sense", as well as, finally, "an education to legality", since the young person must become aware that for a group to exist there must be shared norms, which are not an unjustified imposition, but are functional to the achievement of common goals and are the basis for an orderly development of life (Carigre and Klingborg 2021). Adult society must therefore take into deep consideration the problematicity and extreme delicacy of the adolescent period, and of the phases preceding the advent of puberty, as the foundations on which a correct evolutionary process is based, and must act efficiently for the adolescent, providing that support and the indispensable means to direct growth towards positive directions. The data on suicide and attempted suicide of adolescents, emerging in the most recent statistics, do nothing but confirm what was said about the importance of adolescence, as a pivotal moment for the development and definition of identity and for the consolidation of adult personality (Tatarelli 2009).


6. Methodology

In sociological research, questionnaires are usually given to collect regular or infrequent routine data and data. The data analysed in this research was obtained from a stratified random sample. The aim of the research was therefore to identify the levels of prevention against antisocial and antiguridic behaviour of children of age, in relation to early school leaving in the territory of the Region of Sicily (Italy). The response rate is a key parameter of the survey and promotes understanding of the validity of the survey and the sources of non-response error; in order to maximize the rates of return, the questionnaires were designed to be as simple and clear as possible (Sudman et. al. 2000), with usefully targeted sections and questions. Research participants were No. 337. Questionnaires were administered between February and May 2023. The data was analyzed from July to October 2023. The Matlab 2022 system was used. Prior to this, participants were provided with an informed consent document that they signed, in which it was expressly stated that participation was voluntary. Respondents completed a 6-page questionnaire. The questionnaires, administered to n. 337 young people aged 14 to 22 years, aimed to identify the level of schooling until that moment reached, the possible year of school interruption, the reasons and the relationship with deviant behavior. Specifically, the first section of the tool required information regarding daily habits, the degree of self-esteem, prosocial and antisocial behavior, networks of friendships, and certain behaviors at risk for one's own and others' safety; the second section of the questionnaire dealt with individual planning and extracurricular habits, including, for example, information on how young people spend their free time, on the expectations for the future and on the perception of stress; the third section, was dedicated to the behaviors that the subjects, in a totally anonymous way, could list and that ranged from the use of substances (alcohol, psychoactive substances), driving vehicles under the influence of such substances, acts of school and extracurricular hooliganism, and crimes against property and person (assault, theft, vandalism etc.). In addition, the questionnaire used closed-ended questions, which

give the possibility to interpret the respondents' answers, on the basis of which comparative analysis can be made.

7. Results

The sample consists of No. 337 subjects of which 136 (40%) females and 201 (60%) males; the average age is 17.8 years with a standard deviation of about + - 2.8. The subjects still attending a school are 217 (61%) with a (almost) fair distribution between high schools with 78 units, vocational and technical schools with 63 units and art institutes with 66 units. 39% of the sample (130 units) stopped or finished their studies (diploma of maturity= 31 subjects) thus allowing to attest on 99 units (29%) the children already victims of school dropout (Fig. 1).

Fig. 1 Selected school address. N. 337 students
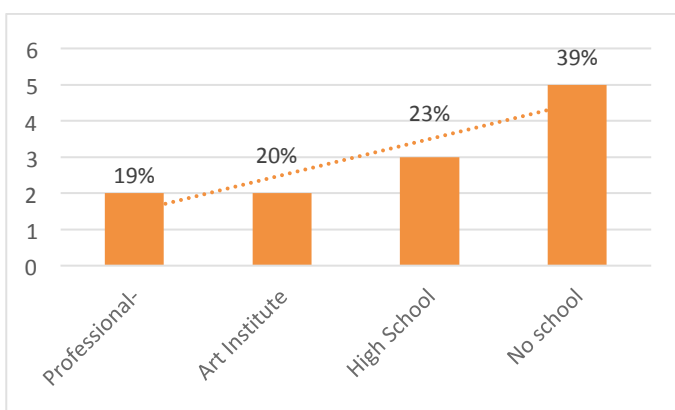
197 (58%) subjects were detected, some deviant behaviors ranging from drug use to theft. In Figure No. 2 these behaviours are shown in their entirety, not taking into account the sporadic or limited character of these behaviours, but only noting their existence or not during the course of the youth week.

Fig. 2 Deviant behaviors (Number of students 197)
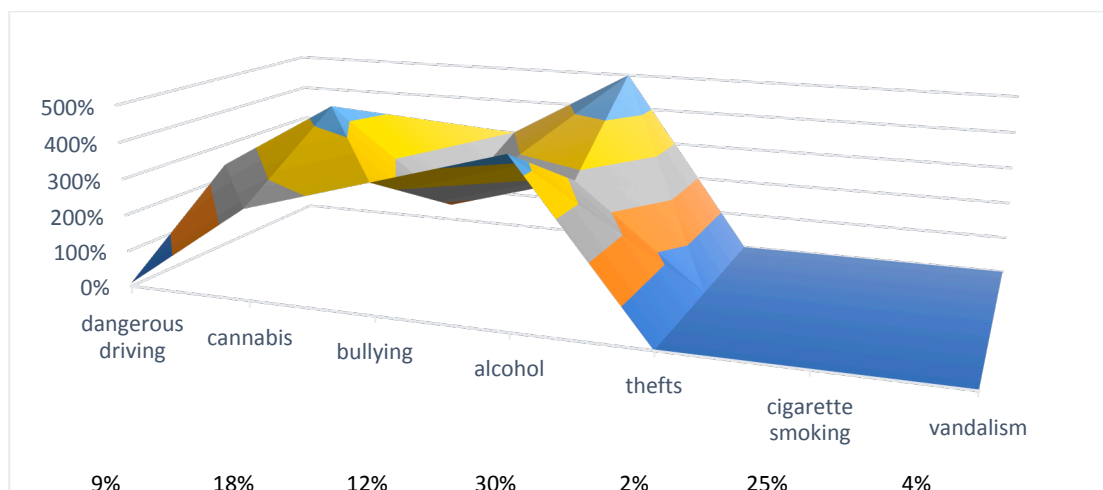
For the purposes of a more objective assessment of the 197 students, they were further reclassified into two subgroups to define behaviors at risk of deviance. Thus No. 106 questionnaires were excluded from the group of 197, because of the episodic and occasional nature of these behaviours (Fig. 3).

Fig. 3 Behaviors at risk of deviance
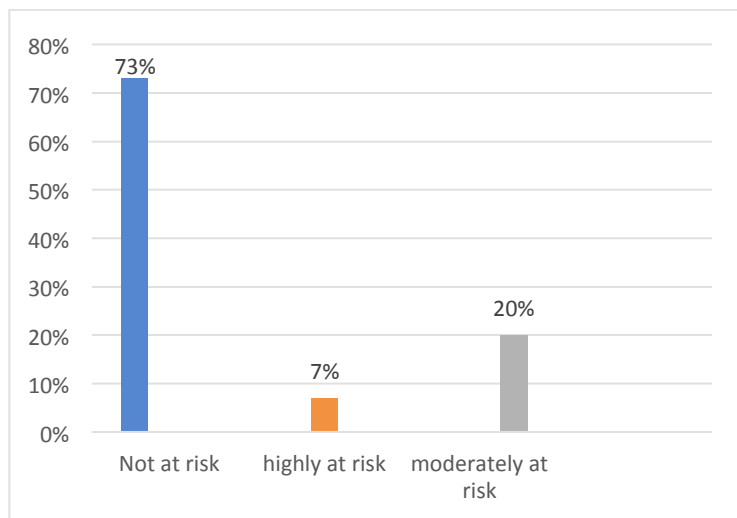
Of the 91(27%) questionnaires in which young people indicated behaviours that could be classified as risky (substance use, dangerous driving, verbally and physically violent bullying, etc.), 75% were moderately at risk while 25% were strongly at risk. The factors influencing this further diversification included the recurrence of such behaviours15 and the combination of more than two behaviours considered to be at risk (use of alcohol or substances and dangerous driving, or use of alcohol or substances and school hooliganism, etc). The sub-group of subjects at risk showed a much higher participation of males than females in dangerous actions. 34% (31 subjects) are represented by the female sex, while 66% (60 subjects) show how, as far as the sample taken into consideration, males are more involved in behaviors classifiable as risky (Fig. 4).

Fig. 4 Risk behaviours
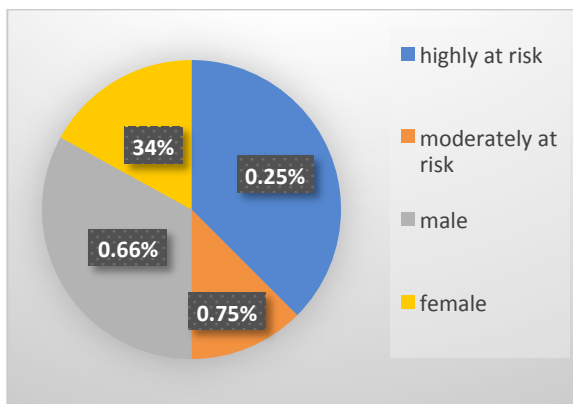
As for the age of the subjects at risk, there is a higher percentage in the range 17-19 years with a 68% (62 units) of presence, followed by a 21% (19 units) with 14-16 years, and finally an 11% with an age from 20 to 22 years. This figure is worrying because the behaviours that are dangerous, and in many cases strongly deviant, happen in a very important age group for the development of tomorrow's adults (age 17-19) (Fig. 5).

Fig. 5 Age of 337 students in research and risk of deviance
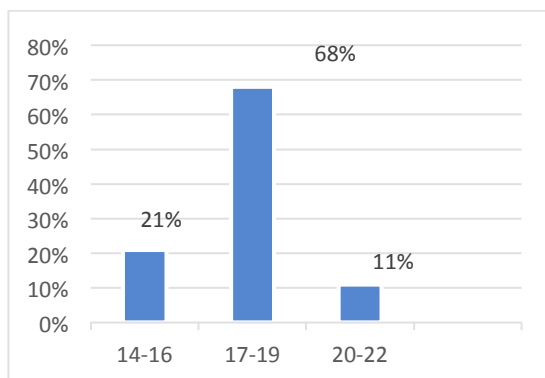
It was also asked if they had already dropped out of school and the answer, in the sample of subjects classified at risk, produced a result of n. 62 units (68%) already out of the school system. This allows us to look with concern at school dropout, also because, when compared with that of the total sample (337 units of which 29% outside the school system) means that two thirds of the "missing" in the school, is part of the subgroup at risk or deviant (Fig. 6). More in detail, of the 99 missing 63%, (over two thirds) is part of the group with dangerous behaviors for themselves and others.

Fig. 6 Percentage of students who interrupted their studies
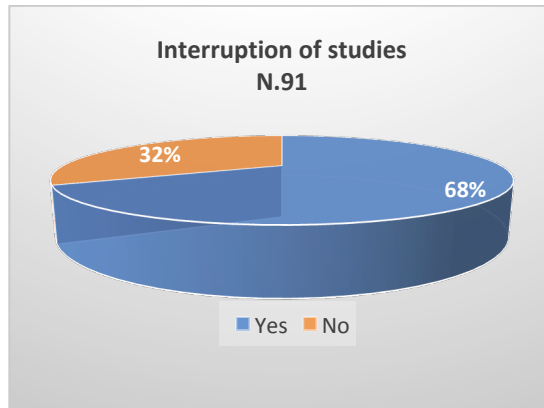
From the results of the sample, it emerges that the transition years (the first and the third) are the most at risk, with 47% of rejections or interruptions in the first year and 22% in the third year. In professional, technical and artistic schools, the third year usually coincides with a change of address to specialize in their initial choice (Fig. 7).

Fig. 7 Interruptions or failures during high school years
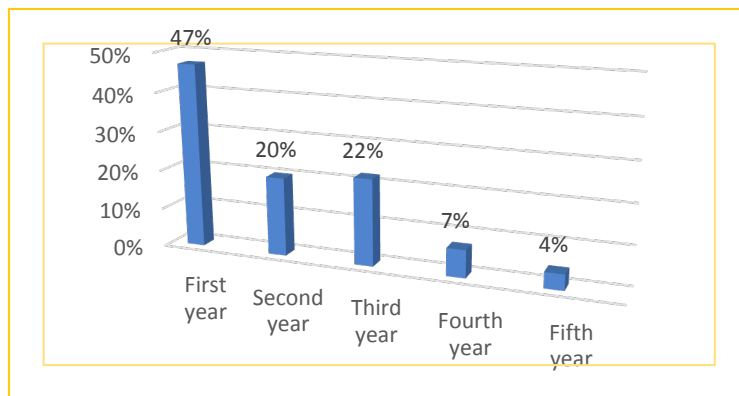
8. Conclusions

In the research conducted, and in accordance with previous work, males represent the subjects most involved in the problem of deviant behavior. So it is vital to motivate and stimulate young people, evaluating together with them the causes that push them to choose as a "better strategy" to leave school forever and never return. The research, in summary, has pointed out that in n. 197 subjects there are some behaviors classifiable as risky (use of substances, dangerous driving, acts of violent bullying verbally and physically, problems with law enforcement, and so on)75% are moderately at risk while 25% are strongly at risk. The factors influencing this further diversification included the recurrence of such behaviours and the co-existence of more than two behaviours considered at risk (eg use of

alcohol or substances and dangerous driving, or use of alcohol or substances and school hooliganism, etc). As for the age of the subjects at risk, a higher percentage was noted in the range 17-19 years with a 68% (62 units) of presence, followed by a 21% (19 units) with 14-16 years, and finally an 11% with an age from 20 to 22 years. This figure is worrying because the behaviors that are dangerous and in many cases strongly deviant, occur in a very important age group for the development of tomorrow's adults (age 17-19). It also emerged that the practice of early school leaving was implemented by No. 62 units. This result allows us to look with concern at school dropout, also because, when compared with the total sample (337 units of which 29% outside the school system) means that two thirds of the "missing" in the school, is part of the subgroup at risk or deviant. In more detail, of the 99 missing, 63%, more than two-thirds, are part of the group with behaviors dangerous for themselves and others. From the results of the sample, it emerged that the transition years (the first and the third) are the most at risk, with 47% of rejections or interruptions in the first year and 22% in the third year. In professional, technical and artistic schools, the third year usually coincides with a change of address to specialize in their initial choice. In the southern Italian regions, more than in the north, school dropout is strongly related to deviant and criminal activities given the ability to manipulate, recruit and indoctrinate that criminal organizations are able to exercise. The educational model imposed on children in the family environment has been imbued with criminal disvalues since childhood, or is strongly influenced by their influence. For this reason the so-called "criminal familism" constitutes a cultural model of difficult eradication, whose aftermath are capable of inducing violent behavior, to murder, even against members of families who decide to get out of the conditioning imposed by criminal organizations. The task of society in general (but especially of the family and school) is to support the boy in this difficult and troubled period of life because adolescence always needs help from families and institutions, supporting the young man in moments of fall, before it can turn into a free descent with no way back and uncontrolled towards deviance.

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The migration process: crisis adaptation or conscious choice?

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Abstract

Thinking of migrants brings to mind in the imagination people who leave their land, for an indefinite time, in search of conditions absent in their country of origin. It often becomes difficult to define them, as some are immigrants, some are migrants, and some are nomads or travellers. Migration brings to mind a movement of people between countries of departure and those of arrival, that is, a journey, mostly, into the unknown, the detachment of which also produces a feeling of nostalgia.

The present work seeks to highlight the condition of the migrant who becomes one by choice, in some cases, and at other times is one by compulsion. Migration becomes an evolving phenomenon, prompting insiders to question themselves in order to observe, with a critical lens, the social reality of the host country, which changes rapidly in the interchange with migrants.

It's interesting to read the migration numbers provided by ISMU, UNICEF and UNHCR to understand how this phenomenon has evolved, including by virtue of the Covid-19 pandemic, the Afghan issue and, recently, the Russia-Ukraine war, in light of the economic crisis that characterizes Europe and whose repercussions have resulted in fluctuating migration inflows and outflows, with medium- to long-term consequences.

In the history of migration, there are often stories of abandonment, family tragedies or other painful events from which migrants flee, hoping to find a better condition, creating a kind of "watershed" that separates the "before" from the "after" and especially from the "here" to the "there".

Keywords: migration; journey; choice; constraint; identity.

1. Between necessity and will: the journey

«Life is a journey» (Pellai and Tamborini 2019: p. 40): for many scholars, the theme of the journey, associated with the metaphor of man's existence, has been the subject of reflection, that has been framed by literary works and philosophical research. The journey is displacement, going towards a known or unknown destination. It presents a thousand vicissitudes to face and a thousand events to savour. Among the earliest literary works, a well-known one is the "Odyssey", attributed to Homer, which highlights the aspects listed above, concluding that the journey isn't only an opportunity to get to know new places, countries and landscapes, to come into contact with new people and cultures, but above all represents «an agent and model of transformation, an experience of continuous change common to all» (Barsotti 2017: p. 72).

In an idyllic setting, travelling is an object of human desire, a break from the frenetic rhythms of everyday life that can sometimes be a source of stress. In this sense, travel seems to be a gentle pause in paradise, a source of health and well-being (Barsotti 2017: p. 74), where health does not simply refer to the absence of disease or infirmity, but to a state of global well-being encompassing body, mind, soul, society and environment. The World Health Organisation (WHO) defines health as a «state of complete physical, social and mental well-being» (Glossario O.M.S. della Promozione della Salute 2012: p. 1) and «well-being is seen as *Quality of life, Life Satisfaction, Happiness or Wellness*» (Bustreo and Micheletto 2021: p. 86). In this sense, the journey is a pause: the planning of a destination includes a start date and an end date. Thus, a return is planned and «the reason for the return is most often motivated by the feeling of love» (Lucibello 2021: p. 34) towards one's affections.

There are journeys where planning is improvised, details are barely known and very often no return date is foreseen. This happens with migrations, considered as a social phenomenon, which «are closely linked to globalisation processes, of which they are protagonists; they are a central element in development processes; they are a factor of social change; they influence demographic balances» (Livi Bacci 2020: p. 55).

The act of migration, like travel, is displacement, but according to Turco (2018) this comparison is improper, because the processes that occur with human mobility are different from those of a well-organised and planned journey. The uncertainty of whether or not to return has a certain weight that inevitably makes this comparison disproportionate: «migration in only a very improper way can be likened to travel; rather, it possesses the characteristics of a nomadic way of inhabiting the earth» (Turco 2018: p. 119).

Since time immemorial, the globe has been home to all species of living beings. With the exception of others, man, driven by curiosity and survival instinct, has never been identified with a predefined *habitat*, because he has always moved around. In fact, it is cultures that define him. Retracing the course of history, in Europe, migratory flows were accentuated with the discovery of the Americas, which took place between the 16th and 17th centuries. Subsequently, towards the end of the 19th century, as result of technological development, reduced transport costs and improved sanitary conditions, there was a real mass migration, where America was the preferred destination (Bettin 2014: p. 6). Migration flows never came to a halt, not even during the two World Wars, which is why, according to scholars Castles and Miller (2005), we are in an era defined as the "Age of Migration".

In this regard, the studies of sociology are fundamental for understanding the migrations that affect our century (Zanfrini 2016), as they carry different languages and customs from those prevailing in the host territory (Ambrosini 2017). In particular, since the 1970s, the analysis of the migration phenomenon, as well as the process that follows it, have also been the object of study of the Migrantes Foundation. In fact, in 1990, the director of Caritas in Rome, Luigi di Liegro, and the secretary of Migrantes, Lucrezio Monticelli, decided to draw up a first Dossier to collect all the most significant data on immigration. Over time, this Dossier has become one of the most important tools for understanding the immigration situation in Italy.

At the beginning, the Dossier collected only data and statistics (quantitative material); later it was decided to expand the contents through qualitative analyses, focusing on more aspects, including the factors that favour mobility. Subsequently, they sought the cooperation of university academics and research centres. The aim is maximum dissemination and knowledge so that institutions can become more aware (Caritas and Migrantes 2021).

It's important to analyse the factors that drive people to mobilise. Defined as push and pull factors, they are divided into socio-political factors, demographic and economic factors and environmental factors. The former refer to dynamics of persecution, war or the threat of conflict. These conditions make the individual vulnerable and consequently a victim, as his or her human rights are violated. The choice of the preferred destination, by those who migrate, is influenced by the conditions the country offers. It may depend on the greater sensitivity to the reception of asylum seekers; on advantageous conditions that lead to an improvement in one's existence, due to the greater possibility of work that results in a higher salary and improved living conditions; on the desire to develop one's knowledge and skills, thus for study. The latter factors are also related to demographic and economic factors, while natural disasters, triggered by weather or the movement of the earth's crust, refer to environmental factors. Migrants are forced to move and move away from their homes as these situations threaten their living conditions (Parlamento europeo 2020).

The question arises whether migratory flows have a positive or negative impact on the host society. The new should arouse curiosity, the different should be identified as a unique element and not as a risk factor. Unfortunately, «when it comes to migration, the media "bull's eye" always shines on the peak of the crisis. The light is shone on landings, arrivals, reception. The tip of the iceberg in short. Not a day passes without media reports focusing on the negative aspects of migration» (Forti and Albanese 2020: p. 9).

Migration is a phenomenon that affects the whole of society: it involves and disrupts communities, highlighting all the contradictory aspects present, especially with regard to the political aspects that it brings to the attention, of the institutions, the plan of security and therefore of prevention from possible public disorder in terms of deviance and crime.

In this regard, Sayad (2002), a leading scholar of migration phenomena, argues that migration is an act that takes shape through the physical displacement of the subject, from one place to another. Bringing migration policies to attention and preventing the management of a hardship, are not the aspects that research in the humanities and social sciences should be concerned with. The displacement of a person from a context that is a source of discomfort and malaise involves, once the journey is supposedly over, a relationship with the other, i.e. an encounter and confrontation of objective differences, which distinguish the individual, such as biographical history, religion, education, social structures, traditions and cultures, political and mental structures (Sayad 2002).

Since ties favour the insertion of a subject within a context, it is obvious, for Perego (2013: p. 135) that «interpreting the migration phenomenon and understanding how it is creating opportunities for encounters and relationships and, at the same time, creating new integration needs, is certainly a fundamental task today».

The moment the migrant arrives in the host country, he or she will come into contact with new communities, thus with new social groups as well as with individuals. This aspect is by no means to be underestimated: it is necessary to bring the dynamic back into ethical reflection. It is not pure utopia to think that the encounter with the other is an opportunity for knowledge and confrontation. Bauman (2016), in one of his latest works on migration, argues that the subject must become aware of the fact that humanity is one and that it lives on a single planet.

At this point, it seems interesting to investigate whether travelling is a choice, the result of a voluntary or forced decision, dictated by desire or necessity, and therefore a careful analysis and evaluation of the push and pull factors.

Wishing to travel to treat oneself to a break, leads one to think that the desire is also accompanied by a necessity, which will benefit the person in terms of well-being, as it will benefit the traveller's body and mind. However, in the case of migration, the relationship between need and desire presents itself in a different way: the individual is driven by a need to escape from his condition of malaise. This drives him to desire a transformation, on several levels, of his existential condition. Hence, a better future. «Migration, in general terms, whether voluntary or forced, from a psychological point of view implies a strong personal crisis for both those who leave and those who remain. It involves great changes both internal and external in the person who migrates [...] His or her feeling of identity undergoes painful and constant variations in relation to his or her essence and the continuity of his or her life and being in the world» (Ferrero 2017: pp. 58-59).

In recent years, migration flows have seen an increased mobility of families and, in the XXVII edition of the Annual Report, of Initiatives and Studies on Multiethnicity (ISMU), Cesareo (2022: pp. 9-13) highlights the migrations that have taken place in 2021, with reference to the dramatic Afghan issue and the Coronavirus pandemic, whereby many people move and will continue to do so in search of better living conditions and economic opportunities. In this regard, the role of the family deserves attention and «placing it at the centre of the analysis does not, however, mean considering the migration choices of individuals exclusively as the product of a common decision formulated within the nucleus» (Lagomarsino 2005: p. 218).

2. The journey between pull and push factors

Travelling usually requires organisation and planning, which is why it has taken on a central role for the individual (Maeran and Fontana 2009: p. 191). A different scenario arises when one sets out without knowing the destination, hoping to benefit from it. It is precisely the hope that there will be better opportunities that drives the individual to undertake long journeys and, in migration processes, this aspect is most evident. However, the unknown with which the migrant is confronted causes him/her to experience a crisis, resulting in a process of disorientation, which will affect personal, social and cultural identity. Migration is an "all-encompassing social fact", which involves all dimensions of life, individual and social, and in which a series of variables emerge: «there are those who choose to migrate and those who suffer migration; those who consider it an opportunity, those who experience the drama of uprooting, of moving away from what is customary and

familiar, those who accept the risks consciously and enthusiastically and those who, instead, suffer the experience as a drama» (Perego, 2014: p. 206- 211).

Fulantelli and Pipitone (2017: pp. 14-15) argue that migration flows will not diminish and will continue to increase in the near future, both due to conflicts, with political and administrative consequences, and due to climate and environmental changes; consequently, over the next generations, we will witness a natural transformation of European society. This transformation may prove to be a great opportunity for growth and development for the entire EU, and for this to be the case, rapid social integration processes are desirable, affecting the labour market and the education system.

In the choice of migration, the factors of attraction and impetus play a fundamental role, but also the condition of coercion, imprisonment, physical and sexual violence and economic hardship or poverty, in which case the possibility of deciding and choosing is removed. In the latter case, it is forced migration and the difference is remarkable: for voluntary migrants, defined as economic migrants, it is a real investment, with an assessment of costs and benefits, which does not cause an irreversible break with the country of origin (Fulantelli and Pipitone 2017: p. 7); for forced migrants, on the other hand, the choice may be economic in the case of poverty, but also dictated by the need to physically protect oneself from war or extreme violence. In this case, it is a real escape from the country of origin, with which any kind of relationship is severed (Fulantelli and Pipitone 2017: p. 7; Ambrosini 2021: p. 18).

Self-protection constitutes a basic survival instinct that does not require meditation and reflection. The goal is to protect oneself and, where one succeeds, to protect one's closest affections. Being catapulted into a new reality in a short space of time is vital, even if it will not always result in a state of well-being. The migrant has a desire for change and this is only likely to happen if there is integration and inclusion, not only by the migrant himself, but also by the host country (Stirone, Spoto and Trinchieri 2021: pp. 104-105). Indeed, for Stirone, Spoto and Trinchieri (2021: pp. 104-105), those who migrate are forced to come to terms with a new culture, characterised by ways of conceiving and expressing any aspect of life that will be different, and therefore new. Most of the time, this happens in solitude, without the usual parameters and criteria of reference and without the support of one's social network.

In the migration process, cultural difference is the first aspect the migrant comes up against. According to the British anthropologist Tylor (1871), culture refers to the subject's ability, which translates into social behaviour, to critically and consciously render the elements and dynamics that are identified as historical data. Thus, the individual becomes what the author calls "survivors of culture", referring to the «processes, customs, opinions and so on, which have been carried on by force of habit in a new state of society other than that in which they had their original home, and thus remain as evidence and examples of an older condition of culture from which a newer one has evolved» (Tylor 1871: pp. 14-15).

Language also plays a fundamental role, as it gives the subject a narrative of their own culture and identification with a social group. The migrant, when moving and relocating, comes into contact with and is confronted with a new historical-geographical context. This inevitably creates a situation of transformation that requires adaptation in order for change to be consolidated. In this complex dynamic, migrants, in order to achieve this, should have not only protection, but also support: the country of arrival, which hosts or will become their definitive home, should facilitate integration by creating situations in which to act as a container for the imminent process of disorientation, which will call into

question the identity of the person who has mobilised (Karp 2014: p. 171). Thus, the language factor may constitute the first obstacle, as «knowledge of their mother tongue is not enough to move spontaneously in the [new] world around them» (Karp 2014: p. 170).

The person who migrates is subject to change and therefore undergoes a process of alteration and profound change, such as to induce him/her to reconstruct and renegotiate his/her characteristics, through the interconnection of the elements present in the arrival context and those in force in the country of origin (Lagomarsino 2005: p. 221).

Protecting, enhancing and promoting cultural diversity are tasks that fall to the host state with the aim of preserving the identity of the individual as unique. In this sense, there is also an urgent need to rethink a pedagogy that is able to develop intercultural competences, with the aim of elaborating educational practices to be implemented in the contexts that will see the migrant as a protagonist, such as the world of work, school and society in general (Portera 2020: pp. IX-X).

For Salvini and Romaioli (2016: p. 13), the aim is to preserve the subject's personal identity, which comprises a «set of processes that converge in the organisation of a cognitive structure with which the individual is able to regulate himself, connecting culture and nature, personal and social». In this way, man is able to modify himself and develop capacities that will enable him to deploy resources functional to his well-being. Inserting oneself in a new context requires the implementation of a process of assimilation and accommodation: adaptation. Indeed, through personal identity, men and women not only acquire a cognitive and emotional experience of themselves in relation to others, but also learn to process information about themselves in a coherent manner (Salvini, Romaioli 2016: p. 13).

Personal identity, writes Re (2012: p. 80), encompasses social identity and cultural identity. The first two, personal and social, are subject to change and depend on the various developmental stages that the individual goes through during his or her life, whereby, according to his or her age, he or she assumes a social role and identifies himself or herself in a group, so that there is inter-subjective recognition. In contrast, the description of a foreign country and its inhabitants highlights an individual's view of his or her own culture and how he or she fits into it, i.e. his or her cultural identity. Thus, each image is constituted through a continuous confrontation from Identity to Otherness, as the narration of others always reveals something of oneself.

For Santoro (2011: p. 2), cultural identity rarely undergoes changes, unless there is a displacement such as occurs with migration flows. The encounter with the other inevitably generates a side effect, which brings diversity into confrontation. Instead of valuing it as a resource and an opportunity for knowledge and enrichment, diversity is perceived as a threat to one's self and sense of belonging. The individual, in order to cope with new situations, tends to come into contact with diversity through a cynical and sceptical attitude, which leads him to rely on things he already knows as the only certainties.

Stereotypes and prejudices are cognitive tools that guide our behaviour towards others, providing us with an initial idea of how to relate to unknown individuals (Santoro, 2011: p. 2) and, in the case of migrants, stereotype and prejudice can hinder the migrant's insertion into the host community, as the link between the sense of community and one's own ethnic identity becomes decisive in determining one's own well-being. When the migrant individual feels a strong sense of belonging, then he/she perceives him/herself as welcome and useful, so that the sense he/she attaches to his/her ethnic identity takes on a positive and constructive value, so much so as to lay the foundations for a new stability.

The opposite occurs when the context disseminates criticism and condemnation (Dainese 2013: p. 105).

It is evident that the migrant will face a process of disorientation of the self, but despite this he prefers to take the risk. Escape from the critical conditions of the home country may become a necessity for his survival. During the journey he/she will be accompanied by a feeling of hope, i.e. to be welcomed, recognised and valued. This hope will still be present during the stay, as returning to the country of origin also means finally reconciling with one's self, which will be kept alive by nostalgia through memories. In this sense, the journey seems to be a real necessity for the person (Stirone, Spoto and Trinchieri 2021: p. 107).

3. The journey: a changing constant

The migrant is the protagonist of the journey and the use of the noun, as the present participle of the verb migrate, is intended to indicate the action in fieri, i.e. not yet concluded, as it better describes the process of migration, which should be considered as a process that never ends (Derosas 2007: p. 381).

For years, social studies have been investigating and analysing the phenomenon of globalisation from various perspectives. Biggeri (2008: p. 7), an Italian economist and statistician, president of ISTAT from 2001 to 2009, states that human movements have contributed to the development and establishment of nations and cultures. The displacement of one or more people is a defining element in the evolution of civilisation; indeed, it is not possible to think about the history of civilisation and its evolution without taking into account the contribution of migration.

Migratory flows focus attention on being with others, highlighting some very interesting aspects, which sociology and other disciplines are called upon to make a fundamental contribution to; in fact, «migrations represent a privileged observatory from which to scrutinise many aspects of contemporary society, from the functioning of social networks to the attribution of citizenship rights, from the social integration of young people to the birth of new entrepreneurship» (Ambrosini 2020: p. 2).

Analysing the ISTAT data (2022: pp. 1-2), it emerges that in 2020 emigrations amounted to just under 160,000 (-10.9% compared to 2019), immigrations to about 248,000 (-25.6% compared to 2019), while internal mobility involved 1,334,000 transfers (-10.2% compared to 2019). The data on new entry flows decreased sharply and the reason for this trend is attributable to the restrictions and protection programmes that each state put in place following the Covid-19 pandemic.

In 2020, ISTAT (2021: pp. 1-4) reports that Italy issued a very low number of residence permits compared to the last 10 years: about 106,500 were issued (almost -40% less than those issued in 2019), just as the new permits issued for study (-58.1% compared to 2019) and asylum permits (-51% compared to 2019) are in sharp decline.

The number of non-EU citizens legally present also fell by 7%, i.e. from 3,615,826 to 3,373,876 (considering the period from 1 January 2020 to 1 January 2021), as a result of the increasing number of people acquiring Italian citizenship. In addition, according to ISTAT (2021: p. 1), more than 1,250,000 people born with citizenship of a non-EU country and who then acquired Italian citizenship were residing in Italy on 1 January 2020.

The processes that are triggered in post-modern society, as a result of international migration, require in-depth study and research: that is, a transactional perspective. According to Olwig (2003: p. 787), this flexible and dynamic approach is functional for

understanding these phenomena, as it sees the creation of a new social space, formed by the union of the place of departure with the place of destination. The novelty does not so much concern the phenomenon as the interpretation attributed to everything that revolves around it: «migrants define their own interests, make decisions, create relationships and networks and act in an inter-spatial dimension, feeding circuits through which information, ideas, objects and capital flow» (Bartolomei 2009: p. 123).

According to the Twenty-seventh Migration Report 2021, compiled by the ISMU foundation in 2022, «it is undeniable that for a couple of years foreign citizens have been going through a phase of moderate regression in terms of absolute numbers of presence, [and] it is equally undeniable that they have not, however, stopped consolidating their relative position» (Blangiardo and Ortensi 2022: p.68). In fact, in Italy, at the beginning of 2003, foreign citizens represented only 2.6% of the native population. Since then, the growth in density has advanced: after ten years, since 2003, it has reached 7.6 per cent until 2021 with a percentage of 8.5 per cent.

Italy hosts the largest number of migrants and refugees, compared to other EU countries. According to Unicef (2022: p. 4), at the end of 2021 there were 78,421, of which 12,284 are children and unaccompanied minors. Furthermore, according to the statistics, by the end of February, 4,590 refugees and migrants had arrived in Italy since the beginning of the year 2022, of whom 600 are minors. Analysing the data in percentages, 81% are men, 6% women and 16% are minors, of which only 6% are minors followed by their families and 10% are unaccompanied foreign minors.

According to Castiglioni, Agostinetto and Bobbo (2020: p. 2), unaccompanied minors constitute a phenomenon in their own right, of equal importance, since it is a «perilous journey, full of pitfalls, obstacles, events and situations that are properly traumatic», for which the adults who take charge are not support or accompanying figures. Unaccompanied minors do not voluntarily and autonomously choose to move to another country, but undergo the experience of migration, unlike those who move with their entire family or for reunification.

These data are worrying and call for an activation with regard to the development of programmes aimed at safeguarding and protecting minors. In Italy, Law 47/2017, which makes the reception of unaccompanied minors compulsory, has been in force since 2017: a minor has the right to live in a family, understood as a place of normality and affectivity, in order to be able to build his or her own identity (Valtolina and Pavesi 2022: p. 291), although to date only 3% have been able to benefit from family fostering. Emphasising «the link between these young people and migration processes means bringing to light a reality that would otherwise risk being even more marginalised, neglected, or taken into consideration only as a problem and a threat» (Ambrosini 2010: p. 23).

Data on migration flows from Ukraine following the ongoing war with Russia are also worrying: the UNHCR (2022), on 10 June, published new data recorded since the beginning of the war, according to which there have been about 7.3 million border crossings from Ukraine to Italy and another 2.3 million returns to their country. This is a situation that needs to be carefully monitored, as it is constantly changing.

According to Ambrosini (2020: p. 1) the complexity of migratory flows necessarily requires sociological reflection as a whole: «from the sociology of economic processes to the sociology of deviance, from political sociology to the sociology of education, of the family, of religion», and adds that in the analysis of contemporary societies «cultural diversities count, and as we have seen they can be taken as resources, but also the position

in the family migration cycle, participation in non-domestic work, the age of children, the presence and occupation of husbands, play important roles» (Ambrosini 2012: p. 38).

4. Conclusions

Ulysses, the traveller par excellence, goes through a thousand vicissitudes with his companions, even though he alone is the protagonist of the journey (Barsotti 2017: p. 73). Migratory flows, which according to Turco (2018: p. 126) have connotations other than travel, require the migrant to implement the capacity for agency, and a number of factors are taken into account when planning the journey.

As migration is a political concern, Europe has been engaged in identifying the causes that drive a person to move. Between socio-political, push and pull, environmental and economic factors, it is possible to get a somewhat clearer picture of the motivations that lead migrants to leave their homeland (Parlamento europeo 2020).

For some time now, migratory flows have been part of our reality and present themselves in a global manner, offering social studies the opportunity for an interesting analysis of the processes of transformation and change, from a geographical, but also an ethnic, linguistic and religious point of view, of a society that is «becoming increasingly post-national, pluralistic, culturally intertwined and complex» (Ambrosini 2020: p. 2). Migrations contribute to the reflection of the history of civilisation and its evolutions (Biggeri 2008: p.7).

Two dynamics emerge in the analysis of the migration phenomenon: voluntary migration and forced migration. The person who decides of his own free will to undertake migration is aware of the resources and risks involved in such an experience, so he will think of different ways to deal with it. This is not the case for the person who experiences forced migration, as he or she «has no choice [and] usually has not previously carried out such an operation of elaboration and preparation» (Ferrero 2017: p. 58) that can meet his or her expectations.

By force of things, such as extreme poverty and scarce economic resources, the dynamics of war and the extreme violence suffered, the migrant feels the need to protect his or her own person by depriving himself or herself of any kind of connection with his or her homeland (Fulantelli and Pipitone 2017: p. 7; Ambrosini 2021: p. 18).

Migrants, or "cultural survivors" as Tylor (1871) would define them, undergo a process of variation in their identity and, specifically, in their cultural identity: coming into contact with the other, confronting diversity leads to attitudes of cynicism and scepticism, which are harbingers of stereotypes and prejudices (Santoro 2011: p. 2). These attitudes provoke malaise in the host subject, as he or she does not feel welcomed and, consequently, struggles to integrate (Dainese, 2013: p. 105).

In spite of all these considerations, the data published by ISTAT (2021, 2022), Fondazione ISMU (2022), Unicef (2022) and UNHCR (2022) reveal a decrease in migration flows, especially in Italy, certainly due to the Covid-19 health emergency. Subsequently, particularly in the European context, the war events in Ukraine led to a critical exponential increase in the number of refugees from that area.

Despite being aware that the journey will involve a process of disorientation, for the migrant such a journey presents itself as a real necessity functional to his survival. Therefore, for his psycho-physical well-being, he escapes from his homeland, even though, during his stay, he will be accompanied by a feeling of hope, linked to the possibility of reconciling with his affections (Stirone, Spoto and Trinchieri 2021: p. 107).

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Medicine and Health in the European Dream

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Abstract

The primary purpose of this publication is to show some fundamental links between health, medicine, democracy, and the new Europe rebuilt after 1945. The European health system is connected to the Enlightenment and its universalistic ideas. A universalistic health system includes all individuals, regardless of wealth, culture, race, gender, religion, nationality, sexual orientation, or other distinguishing features.

My final point is to support the EU's universalism, which has frequently been controversial; it can be maximized by the digital revolution rather than minimized due to the high and growing costs of medical care.

These pages were born from a project aimed to assess the public health changes from the perspective of the upheavals caused by COVID-19. The research project involved the collection of documentation, with interviews and fieldwork, to highlight the response capabilities to the pandemic, particularly in the Italian healthcare system, the first to be affected in the West. The interviews were conducted in various countries, and all the documentation was considered from a comparative perspective. These pages constitute an intermediate research report with a view to final publication.

In my presentation, I will also delve deeper into a previous project ("EU and Turkey: Connecting Identities, Bridging Cultures") that was launched in 2008 with the support of the European Union and started together with the German universities of Heidelberg and Ludwigsburg and various universities in Turkey. At the various stages of my inquiry, I have published many books and articles on different themes (Gammone, 2021, 2018, 2015; Gammone and Sidoti, 2012).

Keywords: Culture, Sociology, Health, Democracy, Europe.

1. Public Health and the European Dream

The theme of health is one of the central elements for defining the European Dream, distinct from the American Dream (Beck and Grande, 2005). The availability of a universal health system, without charge for all and without exclusion caused by reasons of age, race, or wealth, is a significant and precise component of the European model, which

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therefore constitutes a specific type, compared to other models, starting with the American one. All the European healthcare systems are structurally, historically, and institutionally differentiated, but they all fall within a unitary ideal model linked to European history. Class conflicts, religious ideals, prodigious scientific development, a solid bureaucratic state, an enlightened ruling power, and various other factors have constituted a specific whole and formed a dream, hope, and model for Europeans and many others outside Europe (Moore 2023).

The United States has far more completely stocked hospitals relative to its inhabitants and much lower bed occupancy than European countries have. The roles of doctors, hospitals, health programs, and government agendas have evolved dramatically over the last centuries. In America, in the nineteenth century, the medical profession was financially insecure but gradually became the most prosperous in the twentieth century. In the meantime, professional sovereignty has declined, and the corporate system has risen. Money has become a central issue; more than 500 billion dollars have been depleted on cancer research over the past 50 years, and a for-profit industry is suspected to care more about making money than saving lives (Sloan 2018). In detail, Angus Deaton describes the ravages of the US's uniquely disastrous healthcare system.

Big pharma has been frequently condemned on trials. The American healthcare system is admired but perceived as expensive, fraught, and biased. From many points of view, it is a radically different system compared to the original European one. American healthcare was a uniquely revealing issue for Michael Moore, whose 2007 documentary *Sicko* explored medical distress and inequity in the US. Many American people dream of a safer and more sustainable health system. Before COVID-19, in 2018, a Reuters/Ipsos poll showed 85% of Democrats and 52% of Republicans supported *Medicare for All*, which was an enormously popular slogan. Its widespread appeal has encouraged American democrats, who saw it as the beginning of a more extensive economic system transformation (Starr 2019).

A third of Americans are enrolled in Medicare and Medicaid, which cover people 65 or older, some under 65 with specific disabilities or conditions, and services like nursing home care. *Medicare for All*, championed by Senator Bernie Sanders, Elizabeth Warren, Kamala Harris, and others, means abolishing private health insurance and restarting with a single government-run system that would cover everyone. Benny Sanders ran on that proposal in his 2016 campaign. It was thought to improve Obamacare.

"There is a reason why the United States is the only major country on earth that allows private insurance companies to profit off of health care", Sanders argued. "The function of private health insurance is not to provide quality care to all; it is to make as much money as possible for the private insurance companies, working with the drug companies" (about this quotation, see Gammone, 2022a: pp. 70-91).

The entire healthcare system makes up a fifth of the United States economy. Corporate institutions took over the medical system. The New York Times asserted: "The private health insurance business employs at least a half a million people, covers about 250 million Americans, and generates roughly a trillion dollars in revenues. Its companies' stocks are a staple of the mutual funds that make up millions of Americans' retirement savings"(about this quotation, see Gammone, 2022a: pp. 70-91). Many U. S. citizens have health insurance stocks in their retirement portfolios. An eventual takeover of the health insurance complex in the United States would mean a massive hit to the companies' stocks.

About 70 percent of Americans who receive health insurance through employers say they are happy with their coverage. Market believers say that consumer choice and

competition among private health proposals develop the quality of care (Deaton 2023). This vision is justified by the opinions that individualism is optimal, market products are best, and public intervention only makes things worse — opinions widely invoked against universal health insurance and antipoverty programs. These are some of the many reasons explaining the widespread belief that a universal public medical service is impossible in the United States (Brooks 2019). For Americans, Medicare for all was an indulgent fantasy, an impossible dream to live in real life, while European countries had realized that Dream. Michael Moore praised two European countries (France and Italy) as a "healthcare paradise" in the 2007 documentary film *Sicko*.

In this unitary European model, the British healthcare system is the most representative for many reasons; for example, it was born in 1948. In fact, being freely accessible to all and paid only by taxation, the National Health Service, NHS, was the first in a long European list. The beginning was the proposals made by Lord William Beveridge in 1942. In the middle of World War II, he proposed to address "five giants on the road of reconstruction: Want, Disease, Ignorance, Squalor and Idleness". He promised rewards for everyone's sacrifices. He proposed a dream and a covenant between citizens and the ruling class. Because of that Dream, English people voted for the Labor party, preferring to support universalistic Welfare care provisions. Winston Churchill was the lion of the war, but in 1945, he was defeated by the electorate. In 1945, the new Labor government tasked Aneurin Bevan with creating the universal health system promised during the election campaign. Bevan's proposals were implemented on 5 July 1948, when the NHS was officially born.

The inspiration for NHS was given by an example that arose locally at the end of the 19th century in Tredegar, Wales: the Workmen's Medical Aid Society, a self-help community of miners and workers who decided to give a small part of their wages to collective medical services. Gradually, this Welsh self-organization allowed fixed salaries to be paid to one surgeon, one dentist, some nurses, and a growing range of medical treatments. In 1925, this cooperative movement bought the local Palace cinema building, which was transformed into a small clinic. Philanthropists and the local Coal Company paid relevant costs. In the 20th century, many British initiatives evolved thanks to the intervention of an Enlightened ruling class and a vast network of mutual aid societies. Workmen's Medical Aid Society was, in a certain sense, copied by Aneurin Bevan, who in 1947 was Minister of Health in the Labor government.

The NHS has a particular symbolic value, so much so that it was brilliantly defined by Nickel Lawson, Chancellor of the Exchequer during Margaret Thatcher's government. He asserted that "the NHS is the closest thing the English people have to a religion". In fact, in 1951, when Winston Churchill returned to power, the NHS was not reduced or eliminated by the new conservative government. Churchill's administration emphasized welfare even more, for instance, house building. Each following its national path, all Western European countries gradually adopted the same British health model.

Western European countries have significantly increased life expectancy and well-being since World War II (Aron 1977). In contrast, during the Communist years, most Eastern European countries experienced decreased life expectancy. Both sides of Europe have had universal healthcare and national service, but the outcomes were very different. The Socialist health system was chronically underfunded, resulting in low salaries for health workers and a frequent deficiency of equipment and medications (Danishevski 2008). Universal healthcare was a pride feature of Eastern European socialism;

nevertheless, parallel structures were mainly in place, and the Socialist model (where primary care was universal but confined to a narrow range of conditions) was quickly abandoned after the fall of Soviet Communism. The "Semashko model" originated in the Soviet Union and expanded to Central and Eastern Europe. The initial success ended in crisis, even though its legacies still haunt policies and people. Eastern Europeans forfeited their alternative medical model by embracing US-inspired privatization (Mark and Betts, 2022; Heinrich 2022). Only some Western European countries have universal and public healthcare as a distinctive and proud mark of their social model.

In the preamble to the Charter of the United Nations, we found the principles set out regarding health: the constituents were determined "to promote social progress and better standards of life in larger freedom". The United Nations gives a famous definition: "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition". This definition maintains elements of universalism and, simultaneously, elements that can be interpreted differently, particularly concerning *complete* mental and social well-being.

The association between health and economic, political, and psychosocial variables reveals that health appraisal depends on multiple factors. There is extensive literature concerning health. Still, there needs to be more evidence about the correct perception of health and its associated ingredients, increasing the knowledge of individuals' strengths and resources for facing daily life limitations.

Health has been defined in the European Union as respecting a historically and politically determined model. This definition maintains elements of universalism and, simultaneously, elements that can be interpreted differently, particularly concerning complete physical, mental, and social well-being.

European Healthcare has not offered complete well-being; it triumphed on specific illness experiences that are challenging for others to hear (O'Rourke 2023). European Healthcare offered light into those isolated cocoons of darkness that may trouble all at once or another. Poor people are alone in these circumstances. In Europe, poor and middle-class patients found their best advocates in public medicine, finding well-minded leaders, institutions, and societies. High-cost treatment, unruly necessities, chronic illness, familiar sufferance, resignation, and living with disability won defiance against those who would rather not know. In Europe, the invisible life of patients for whom fortune has failed had a new chance. To refuse pain invisibility took a great act of institutional courage: the offer of universal treatment was the core of the old European healthcare system.

European Healthcare was the institutional culmination of a long humanitarian journey. The conception of what humanity means owes much to reflection in the medical field. From the Fundamental Principles of the Red Cross to Doctors without Borders, the universal characteristics of humanitarianism have been defined and refined in the medical area.

Healthcare systems vary by country. Universal health care is government-guaranteed for all, and it has been realized in different ways in different states. Universal health care has been implemented through national rules and laws; they indicate which care must be provided, to whom, and at what national costs. Access and minimum standards can vary a lot. Many rightly observe that in most European countries, universal healthcare also implies a government-regulated network of private healthcare and insurance companies. Many European states use mixed public-private systems to provide medical assistance for

all. The European Union has no centralized administrative responsibility in the field of healthcare. Diversity is the rule.

2. The European model: peace, science, health, inclusion

The concepts of health, Europe, humanism, and dream were first connected in 1945, thanks to William Beveridge, Aneurin Bevan, and many others. However, the reasons for this radical innovation are many and different, partly recent and partly distant. In particular, the construction of that state bureaucratic model, which constituted the backbone of every national health service, dates to a remote period.

The term *Europa* first began to be used culturally in the Carolingian period. Charlemagne is considered as *Pater Europae*, Father of Europe. He established an empire that represented the most expansive European unification since the fall of the Western Roman Empire and brought about a rebirth that formed a pan-European identity. The birth of the European model, in addition to having historical and remote roots, also had reasons connected to Europe's more recent past.

In Europe, the concept of public health had its roots in a centuries-old history of administrative structures. This theoretical framework should be filled with many historical references and thick descriptions. We can only provide the big picture.

The modern bureaucratic administration developed in Europe during a very long process, which is expressed in figures like Henry VIII and Friedrich Wilhelm I of Prussia (father of Friedrich "the Great"), which then gradually converges into a unitary model (Barker 1944; Bendix 1969). In the European *Ancien Régime*, dynastic absolutism turned into bureaucratic absolutism, functional to an autocratic and militarized model, brought to an extreme level of perfectionism by the Hohenzollerns. Public service was typical of a *Garrison State*, with characteristics eminently connected to territorial expansion: national interest was the supreme interest.

Modern states are born with the great European monarchies of the seventeenth century. However, the signification of the state, in the most potent and meaningful gradation of the term, as a feeling of inner obligation and, as we appreciated it in Europe, arises with the Protestant Reformation, understood as a reform of people, literacy, and nationalization. Everyone saw the result, from Sadowa to Sedan, regardless of the initial religious reasons. Furthermore, everyone tried to swipe that model, adapting it to national characteristics. In theory, the British were the most refractory to a unitary model, but they were the first to see the German model as a practical example. For instance, following the German standard, they eliminated clientelism in public institutions, starting with the seminal 1854 Northcote-Trevelyan Report, which recommended that the entry into the permanent British Civil Service be solely on value, integrity, and merit, forming the foundation for an impartial bureaucracy as the backbone of the state. These principles of honesty, loyalty, excellence, decency, objectivity, reliability, discretion, evenhandedness, and fair play have been the same core values for the healthcare systems of European states after 1945. Law-abiding physicians and nurses have been the angels of the European Dream; they were credited with transferring integrity and expertise from one legitimate government to the next. The medieval representation of the public sphere was linked to a ruler (Habermas 2023). In contrast, a democratic public sphere emerged thanks to many factors, including public health regulated according to a general and egalitarian re-evaluation of principles such as competence, assistance, gratuitousness, and humanity.

On the other hand, in organizing a modern administrative state, the English ruling class adopted many measures, laws, and ideas that had been gradually taken in Germany during the 19th century and seemed to constitute the main reason for German efficiency. For their part, the Germans had always distinguished themselves from the English – as, firmly and clearly, Hegel had done in 1831, in his fundamental *Über die englische Reformbill*. However, during the 19th century, the Germans felt they were improving the English experience, which dominated more than half the world with its colonies and empire.

Finally, the English and Germans jointly engaged in intense emulation to gain the consent of the popular classes and avoid the revolutions that anarchists, socialists, and communists advocated. Governmental health intervention was seen as one of the main ways to prevent class clashes, which were potentially very dangerous for public order in England and Germany. Health and order were conceptually and politically linked. The other principal European countries followed the same institutional path. The loans between the various national routes were reciprocal; in the end, they arrived at a unitary model: in this sense, the European state systems are variants of a prototype that, in its theoretical essence, exists only in an ideal typology.

The European political model existing before the Second World War was overwhelmed by the war, and another model was born after 1945. However, on the ruins of the war, the best of the interventions on the social level were preserved and improved over time. The old European legacy of public service and social intervention was revisited, integrated, and strengthened from a democratic point of view.

Military obedience to the state has often been criticized and caricatured precisely because obedience is not always a virtue, as was evident in the Nuremberg trials. The idea of public behavior based on principles of "discipline and honor" (as stated in article 54 of the Italian Constitution and as similarly stated in all the European constitutional papers) marks the link with the sense of the nineteenth-century state. The idea of statehood as a common good continued to dominate over several centuries.

Contemporary Europe was born after the Second World War, when the ruling classes of various countries unanimously adopted the slogan: "Never again, *nie wieder, nunca mas, plus jamais, mai più*."

Contemporary Europe is very different from Europe, which produced the killing of over 60 million people in World War II. Current Europe is characterized by the convergence of peace, science, and the rule of law more than by external conquest and internal wars (Gammone 2017, 2022b).

The connections between public health and a culture of peace have a long history. The first European identity was defined and strengthened by pacifist ideas. Erasmus of Rotterdam traveled widely across Europe and pioneered the European identity. He was one of the first intellectuals to use a path-breaking technology, namely the movable type, as a vehicle for the diffusion of his ideas. Erasmus was one of the most outspoken pacifists of the Western culture, arguing strongly against warfare in his essays *The Praise of Folly* in 1509 and *The Complaint of Peace* in 1517.

Pope Paul VI declared Saint Benedict the "Patron Saint of all Europe" in 1964. Following a golden rule, *Ora et Labora* – Pray and Work, the inventor of Western monasticism placed peace at the heart of Europe. He was remembered as a solemn "herald of peace", *Pacis nuntius*. The Pope, explaining the reasons for the choice of Saint Benedict as the patron saint of Europe, reminded: "he cemented that spiritual unity in Europe by which peoples divided linguistically, ethnically, and culturally felt that they constituted the

one people of God". For centuries, pacifism was considered an ideological and utopian stance; in 1945, it was considered necessary.

The European Union was born to avoid a reiteration of terrible massacres that had cost the lives of millions of human beings. Two world wars left an apocalyptic toll of millions of dead, maimed, wounded, widows and orphans, and tons and tons of rubble, genocide, and nuclear bombs. Robert Schuman, Alcide De Gasperi, Konrad Adenauer, Jean Monnet had humility and a sense of shame. From many points of view, the Founding Fathers of the EU were at the fringes of old Europe. In the post-World War II years, they reached the peak levels of European power, but previously, they were peripheral, marginal, and borderline. They had nothing to do with the old European history, characterized by militarism, fascism, colonialism, and racism. The Founding Fathers of the EU were linked to another European heritage: peace. They were immigrants in the New World of a *European* dream. After everything they went through, it was a dream come true and extraordinary.

Western medicine is also the story of the rise of ordinary people to health and welfare, inspiring them to have a go. According to observers like McCloskey and Carden, the core of medical outcomes was innovation advancements after 1800 and a rise of real personal income by an astounding 3,000 percent. This "Great Enrichment" permitted the outbreak of the health revolution that raised the wretched ones of the earth. The triumph of medicine is based on the European miracle (Jones 1981) and on the best European heritage. Science, hygiene, and technological innovation have made Europeans healthier humans and richer ones.

3. A crisis, the digital revolution, and the Dream

There are many responsibilities for global health difficulties. The Covid 19 pandemic was a dire test (Gammone 2021b). Europe is still far from utopia, and its universalistic model is far from eradicating pandemics, racism, inequality, colonialism, war, human rights abuse, prejudices, and other old problems (Kundnani 2023). In 21st-century Europe, a new cultural divide is suggested to have arisen, challenging the old primary political cleavage over economic conflicts and confronting all countries. The European health model has evolved over the years as it strove to meet the needs of a growing population with ever-changing needs. Now – in the aftermath of global wars, a global pandemic, and economic and workforce crises – the problems arguably are more significant. Since the 2000s, before the international financial crisis, widespread support for more government spending for the retired has dropped in many European countries. Many have expressed rising concerns about intergenerational fairness as younger generations have lost out economically compared to the old.

The UK has shallow levels of critical clinical staff, including doctors and nurses, and relies heavily on foreign-trained teams. Public health issues are so relevant in the United Kingdom that they also played an essential role in Brexit. Many voted to Leave just "to send home that damned Health Minister", Jeremy Hunt (Curli, 2023: p. 131). All countries, including Germany, that score highly on health performance measures, face the challenge of demand from rising expectations, an aging population, a lack of all the needed professionalized personnel, and the requirement to advance previous outcomes. Problems emerge critically when Europeans look at their dreams in the mirror of other countries, such as Nigeria: "When African people dream of Europe or North America, Europe and North America usually do everything they can to stop them from realizing that Dream.

Nevertheless, there is a small group for whom this is different: professionals, especially in the healthcare sector. If nurses, geriatric caregivers, or doctors in Africa Dream of Europe or North America, then some states in Europe or North America have been doing everything possible to lure them to their land for a long time. Furthermore, others, like Germany, are just starting to do so. The old, affluent societies of the *Global North* have a massive need for medical personnel. And they are increasingly competing for these personnel in the young, poor societies of the South. The World Health Organization (WHO) warned in the spring that the international recruitment of medical personnel had accelerated significantly due to the coronavirus pandemic. Moreover, hardly anywhere is the pull as noticeable as here, in the most populous country on the continent with more than 200 million inhabitants. 75,000 nursing staff have left since 2018, and 7,000 to Great Britain between 2021 and 2022 alone. 2,800 junior doctors have also emigrated in the last two years" (Munziger 2023).

Instead of discouraging pessimism, there is a possible scenario in which renewable energy, health, science, and working life will allow a better human future. Artificial Intelligence, AI, will take over tedious and hard work, while remote service will have a significant room (Rifkin 1995; Susskind 2020). Old jobs are increasingly at risk, but new opportunities are coming. Human desires and expectations are far beyond the capability of computers. Thanks to the digital revolution, humankind will have new chances to diagnose illnesses, draft legal controversies, write academic reports, and even compose recreational music. The threat of technological unemployment is not confirmed as an ineluctable destiny. AI will make many gold standards of care more widely available. AI shares actionable insights to chart a direction for a longer, healthier, and happier life (Hood, Price, 2023). The prospect of GPT-4 in healthcare "is awe-inspiring – its vast, data-driven knowledge base could outshine any board-certified physician", they say (Lee et al. 2023).

In the interviews, people assert that alternative models, such as generic drug platforms and ambulatory cash-paying primary care, bypass traditional health models. The rise of new organizations has enabled patients to fulfill their expectations at lower costs and outside old health circuits. These innovative models are bringing even more price competition and benefiting patients. Every healthcare national system in Europe has "something to teach and something to learn."

Technological progress could bring unprecedented prosperity, ensuring everyone has something to work on and enough to live on. The challenges will be distributing these new possibilities fairly and providing a different meaning to a work that will be, in new ways, the center of human lives (Lehdonvirta 2024).

Medical breakthroughs are a great reason for optimism. Technology boosted life trajectory, which implies living "longer lives with less drudgery" than the lives of the ancient people. Technology means cardiac surgery, microchips, smartphones, and satellites in the medical field. Technological progress touched daily life in all aspects and was incremental; toothbrush mass production started after 1885 in the United States and became routine after World War II. As recently as the 19th century, people suffered gruesome surgeries without anesthesia, and antiseptic procedures in operating rooms were unknown.

Digital medicine is ready for collecting and crunching even the most minor facts about our health. It could go a long way toward beneficially shaping our current data-driven —and data-haunted— world.

Many observers favor government regulatory intervention, which will be crucial to mitigating the dangers of increasingly powerful models. AI needs appropriate guardrails, but AI medical companies should try to self-regulate.

Repeatedly, the European collapse has been announced, but it continues to be postponed to a later date. Until now, the fears of a conclusive financial, economic, and political smash have not become a reality; until now, the collapse has not materialized. On the contrary, defeatism and doomism hide the epochal positive shifts underway. Many factors pushed immigrants to come to Europe. Indeed, the quality of public healthcare is among the most critical factors (Curli, 2023: p. 139).

Health can be intended in many ways: the universalistic outlook was born in a specific historical period. Europe now has progressive, egalitarian, pluralist, democratic, open, and liberal intents that respect the rights and freedoms of all people, regardless of biological, racial, ideological, religious, or political factors.

The European Dream and its universalism are in question, but the Dream goes on. In various places of the world, however, many people still admire Europe's liberty, pluralism, welfare, and tolerance of gender, race, and politics. Outside Europe, many women and many minorities understand the relevance of liberty. Many people still believe in the Dream. Europe has had terrific policies and powerful institutions. What continue to exist are the reasons for the EU's existence. Global public health requires innovation and leaders capable of making dreams come true, at least partially.

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Challenges of the probation counselors in supervising criminally convicted persons working abroad

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Abstract

This article analyzes the challenges faced by the probation service in Romania in the context in which many people under the supervision of the probation service leave the country, mostly for the purpose of working, and thus a series of problems arise in the implementation of the measures and the obligations imposed by the courts on convicted persons. The article analyzes from a theoretical point of view the issue of Romanian migration but also mentions some aspects regarding the process of supervision of criminally convicted persons and the research part analyzes the results of a sociological survey based on a questionnaire carried out among probation counselors and aims to establish the main problems and the identification of solutions intended to support probation counselors in the process of supervising and assisting people who move for profit outside the country.

Keywords: probation system; Romania; migration; convicted persons; supervision.

1. Introduction

The problem of people who are under the supervision of the probation services and leave the country for the purpose of working, is topical, the phenomenon of migration being one of proportions in Romania. In the current context, when it is estimated that approximately six million Romanians have emigrated, drastically affecting the socio-demographic structure and having devastating repercussions on the social and economic level, we also encounter on the Romanian probation system a large number of supervised persons leaving the country, mostly for employment, and thus, implicitly, the probation service faces a series of challenges in implementing the measures and obligations imposed by the courts on convicted persons.

In Romania, a person who ends up under the supervision of the probation services was sentenced either to "a prison sentence and the court decided to postpone the application of the prison sentence under the supervision of the probation services for a

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period of two years", or "the court decided to suspend the prison sentence under the supervision of the probation service for a period of two to four years", or the court decided the supervision for a period of at least two years for persons released from prisons", or "it was decided the supervision of minors sentenced for non-custodial educational punishments" or released from detention centers. In the previously mentioned supervision cases, criminally convicted persons must comply with the measures and obligations ordered by the court in their charge, such as: "To report to the probation service on the fixed dates; to receive the visits of the counselor assigned with the supervision; to announce the change of residence and any trip longer than 5 days; to announce the change of job; to present information and documents likely to allow the control of his means of existence; to perform unpaid work for the benefit of the community; to attend one or more social reintegration programs; to attent a course of school training or professional qualification; to submit to treatment, control and medical care measures; not to leave the territory of Romania; not to drive certain types of vehicles, etc." (art. 85, art. 93, art. 101, Criminal Code).

Through this approach, I wanted to highlight certain aspects encountered in the process of supervising and assisting people who leave the country with the aim of employment. The problem comes from the difficulty of supervising the measures and obligations disposed by the court for these persons, during the supervision period. We start from the hypothesis that "work" is an important factor in the process of social reintegration and it would not be recommended to limit the supervised person's access to a job, on the contrary, this access should be facilitated, but on the other hand, moving outside the country can be an obstacle to the exact compliance of the measures and obligations disposed by the criminal sentence. Under these conditions, how should the probation counselor proceed in such a way as to support the supervised person in the process of integration into the labor market, while respecting the provisions of the criminal sentence?

Although there is a legal possibility that allows the transfer of supervision to another state, according to Title VI[I] of Law 302/2004 on judicial cooperation in criminal matters, still in judicial practice we find very few cases in this sense, the action being avoided because the process is long and the transfer procedure is difficult (Law 302/2004).

2. About the migration phenomenon from Romania

Migration represents one of the most debated topics recently, because it has a major impact on the socio-demographic structure of the population, on the economy and labor market, on social relations and culture in the destination and departure areas. "Since the phenomenon is constantly evolving and has a spectacular growth, there is a permanent need to study the trends, at the global, national and local level, so that the policies, programs and actions of the institutions are periodically correlated with the actual situation" (Ilie Goga 2019, Niță 2014, Ilie Goga 2020).

The phenomenon of migration includes a series of indicators and factors, such as "workplace, residence, social and family relations, cultural and commercial areas, etc". (Miftode 1978, Porumbescu 2018).

The "new era of migrations", as the current migration phenomenon has been called in specialized literature, is characterized by "several specific elements" (Anghel, Horváth 2009): "1. The increase in the number of migrants and the regions involved in this process. Thus, worldwide the number of migrants increased from 75 million in 1965,

to 128 million in 1990 and up to 281 million in 2020" (McAuliffe, Triandafyllidou 2022) (representing 3.6% of the global population), and "the advance of technology facilitates movement and communication, so that the distances covered by migrants have become even greater"; 2." The social categories involved in migration are increasingly varied"; 3. "The increase in dependence on migration is correlated with the increase in the problems that migration implies"; 4. "Globalization has a direct effect on migration" (Anghel, Horváth 2009, Motoi Ilie 2014; Sorescu 2014).

For Romania, labor migration represents one of the most significant problems. We ended up in this situation due to the fact that for a long time, "Romania, did not appreciate the size of the disaster that was to come and did not formulate anti-emigration policies, even considering the emigration of Romanians as a beneficial thing, which led to the increase in GDP through remittances entering the country" (Presidential Commission for the Analysis of Social and Demographic Risks 2009).

However, the constant and massive emigration of Romanians for "more than 30 years has produced a series of serious problems for our country", such as: "-demographic decline through; - the accentuation of community and regional disparities on the territory of Romania; - the increase in divorce rates; -the decrease in the volume of remittances; - the loss of money invested in the education of people who emigrate" (Ilie Goga, Ilieva 2018); - the increase in school dropout; the increase in juvenile criminality, etc. (Pricină, Motoi Ilie 2014, Şerban 2022; Ilie 2014 (a)). Regarding the direct effects that emigration has on the labor market in Romania, we can identify: "-the labor force deficit; -the decrease in the number of tax payers to the state budget; -areas seriously affected by massive labor migration" (Ilie 2014 (b)); - strong pressure on the national pension system (Ilie Goga, Ilieva 2018).

It has become "increasingly difficult to estimate the number of Romanians who have gone abroad, due to the circulatory nature of this phenomenon and due to the large number of people who emigrate to the territory of another member state" of the European Union.

In a top 20 of the countries from which people emigrate the most, made by the International Organization for Migration in 2022, "Romania ranks 17th in the world and 9th in Europe" (McAuliffe, Triandafyllidou 2022).

3. The analysis of the empirical research
Argument for choosing the research topic

The present research is carried out as a result of a need to study this process, in the context in which the phenomenon of migration is more and more common in our country and implicitly more and more people who come under the supervision of the probation services leave the country for employment, bringing a series of challenges for probation counselors, who have to adapt and flex their working methods. The empirical research aims to identify the difficulties experienced by probation counselors when supervising migrants, all this in order to be able to formulate recommendations aimed at facilitating the process of supervision and assistance.

The conceptual framework of the research

In the conceptual framework of the paper, I highlighted theoretical aspects related to the international migration of Romanians and the supervision conditions within the probation services found in Romanian legislation.

The hypotheses used in the research

The first hypothesis formulated is that probation counselors encounter more problems in the process of supervising people who move abroad for employment, compared to the process of supervising people who remain in the country during the term of supervision.

Thus, the objective is to identify the level of problems faced by probation counselors in the process of supervising people who move abroad for employment.

The second hypothesis is that the counselors encounter the most problems in the process of supervising people who move abroad, to the extent of presenting to the probation service on the fixed dates.

The objective is to identify the main problems encountered in the supervision process, so that we can offer alternatives to assist the counselor in working with convicted persons who move out of the country for employment.

The third hypothesis formulated is that in working with people who move abroad for profit, most counselors have a more indulgent attitude.

The objective is to identify the type of attitude that counselors have in relation to people who move outside of Romania for employment and to identify what types of actions the tolerant attitude refers to, identifying potential patterns in the supervision and assistance of this category of people.

Establishing research methods and techniques

The empirical research aimed to collect the opinion of probation counselors from the Dolj Probation Service regarding the difficulties they encounter in working with supervised persons who migrate outside of Romania for employment. The sociological survey based on a questionnaire was used. A representative sample of 22 respondents out of the 29 who were employed at the Dolj Probation Service in April 2022 was used,

Data collection

Data collection through the analysis of probation files and the sociological survey was carried out between on April 2022.

Analysis of research results

In this section we will present the results of the sociological survey carried out at Dolj Probation Service, using the questionnaire technique. The sample is a representative one, of 22 counselors.

The applied questionnaire includes 6 content questions and two identification questions. Two questions are of the matrix type, one of these questions assessing 10 aspects and the second 5 aspects, using the same scale (from zero to five).

Question no. 1. Do you consider that you encounter more problems in the process of supervising people who move abroad for employment compared to the process of supervising people who remain in the country during the period of supervision?

Answer option	
I encounter more problems in the files of people who move abroad for employment	
I encounter more problems in the files of people who remain in the country during the supervision period	
The level of problems encountered is the same both for persons under supervision who move outside the country for gainful purposes, and for persons who remain in Romania for the entire period of supervision	
I can't appreciate	
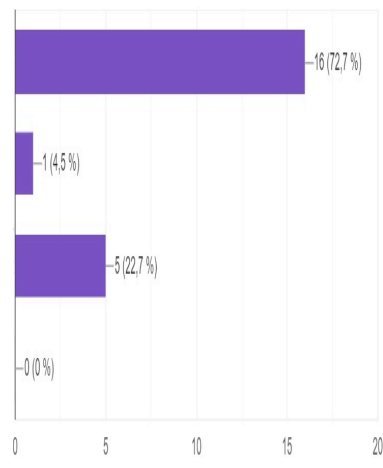
A percentage of 72.7% of the probation counselors considered that they encounter more problems in the files of people who move abroad for gainful purposes.

Question no. 2. From your experience, please rate the level of difficulty you encountered in the process of supervising people who move abroad for employment. Give a score from 0 (zero) to 5 (five), where zero means "no difficulty", 1 means "very little difficulty", 2 means "little difficulty", 3 means "moderate difficulty", 4 means "a lot difficulties" and 5 means "a lot of difficulties".
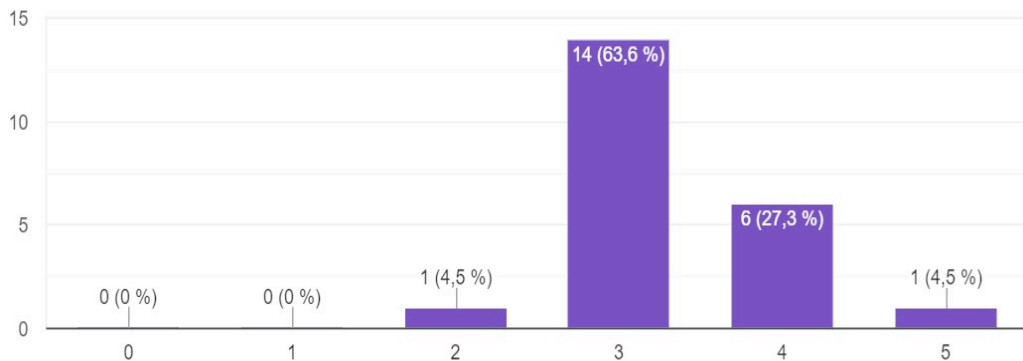
A percentage of 63.6 of the counselors considered the fact that they encountered medium-level difficulties in working with migrant migrants. The average grade awarded is 3.32, so we consider the average level of difficulty in managing files.

Question no. 3. From your experience, please assess the level of difficulty you have encountered in the procedures for the enforcement of criminal sentences and the supervision of persons moving abroad. Give a grade from 0 (zero) to 5 (five), for each of the measures and obligations ordered by the court for criminally convicted persons, where zero means "no difficulty", 1 means "very few difficulties", 2 means "few difficulties" ", 3 means "medium level difficulties", 4 means "many difficulties" and 5 means "very many difficulties".

Answer options / First meeting/ Measure/Obligation	0	1	2	3	4	5	I can't appreciate	Average
Making the first meeting with the criminally sanctioned person	-	1	5	12	4	-		2.86
To present himself at the probation service, on the dates set by it	-	1	2	9	8	1	-	3.14
To receive visits from the assigned probation counselor with his supervision	1	2	3	3	4	5	4	3.22
To announce, in advance, the change of residence and any travel that exceeds 5 days (as well as the return)	1	5	5	7	3	1	-	2.41
To communicate the change of job	1	6	2	9	3	1	-	2.45
To communicate information and documents of a nature to allow the control of his means of existence	1	2	4	11	1	3	-	2.82
To attend a school training or professional qualification course	-	1	3	5	5	6	2	3.85
To perform unpaid work for the benefit of the community	-	1	5	7	4	2	3	3.05
Attend one or more social reintegration programs	-	-	4	9	4	3	2	3.3
To undergo control, treatment or medical care measures	1	1	3	6	5	3	3	3.16
								Total average = 3.07

Counselors gave various ratings for the difficulty of implementing and supervising the various measures and obligations, and the most difficult task identified is

that of implementing the obligation to attend a school and professional training course, followed by the obligation to attend one or more social reintegration programs. The total average of the grades awarded is 3.07, equivalent to an average level of difficulty.

Question no. 4. Do you consider yourself more indulgent in the process of supervising people who move abroad compared to the process of supervising people who stay in the country during the period of supervision?
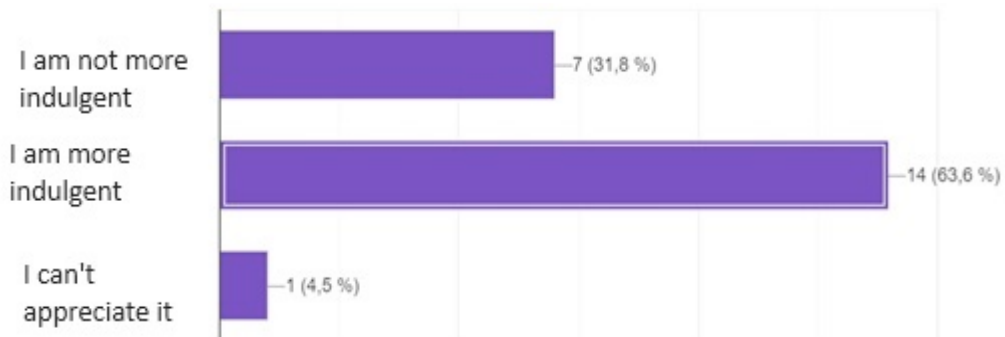
A percentage of 63.6% considered that they are more lenient in the process of supervision of people who move abroad for employment compared to the process of supervision of people who remain in the country during the supervision period.

Question nr. 5. If you consider that you are more lenient in the process of supervising people who travel abroad for employment, please specify in what sense (Multiple answers can be selected). If you noticed that "You are not more lenient", tick the option "Not the case".

Answer option	
When establishing the terms of attendance at the probation service	16 (72,7 %)
Related to the declaration and documents that must be submitted to certify the change of residence	4 (18,2 %)
Referred to the declaration and the documents that must be submitted to attest to any movement exceeding 5 days	4 (18,2 %)
Referred to the declaration and documents that must be submitted to certify the change of job	5 (22,7 %)
Related to the documents that must be submitted to allow control of the means of existence	6 (27,3 %)
Related to the enforcement of the obligation to perform unpaid work for the benefit of the community	10 (45,5 %)
Related to the enforcement of the obligation to follow a school training or professional qualification course	9 (40,9 %)
Related to the enforcement of the obligation to attend one or more social reintegration programs	8 (36,4 %)
Related to the enforcement of the obligation to submit to control measures, treatment or medical care	3 (13,6 %)
It's not necessary	7 (31,8 %)

Question no. 6. In your experience, what do you think are the biggest problems faced by supervised persons moving abroad for gainful purposes at the level of the destination country. Give a score from 0 (zero) to 5 (five), where zero means "no difficulty", 1 means "very little difficulty", 2 means "little difficulty", 3 means "moderate difficulty", 4 means "a lot difficulties" and 5 means "a lot of difficulties".

Answer option / First meeting/ Measure/Obligation	0	1	2	3	4	5	I can't appreciate	Average
Difficulty in finding a job with legal forms	-	3	1	4	12	1	1	3.33
Difficulties in maintaining a job with legal forms	-	2	1	7	11	1	-	3.36
Difficulties in solving legal problems (Ex: legal assistance, registration and transcription of civil status documents, loss of documents, registration of residence and workplace, etc.)	-	-	5	5	4	1	7	3.07
Difficulty finding housing	2	2	5	6	6	-	1	2.45
Difficulties in dealing with the citizens of the host country	1	1	5	6	4	2	3	2.90
Something else (what?)_____	-	-	-	-	-	-	-	-

The counselors identified that supervisees who go abroad encounter the greatest difficulties "maintaining a job", followed by "difficulties in finding a job with legal forms"

Research conclusions

All hypotheses assumed in the present research were confirmed.

Following the theoretical and empirical analysis of the phenomenon of migration for employment of people supervised by the Dolj Probation Service, we can conclude that this situation is very common among people who enter the records of the probation services and with it brings a series of challenges in the process of supervision and assistance. Practically, one in five cases brings with it such a challenge.

4. Conclusions and recommendations

Based on the results obtained on the empirical research carried out, we can formulate recommendations intended to support the activity of the probation counselor in the supervision and assistance of persons in this category, but also to help the supervised persons to comply with the measures and obligations of the criminal sentence, to work with legal forms in the country or abroad, to qualify, to avoid problems while leaving the country for employment..

Based on the results obtained as a result of the empirical research carried out, we can formulate recommendations intended to support the activity of the probation counselors in the supervision and assistance of persons in this category, but also to help the supervised persons to comply with the measures and obligations of the criminal sentence, to engage with legal forms in the country or abroad, to qualify, to avoid problems while leaving the country for gainful purposes.

Thus we can recommend:

1. Drafting of a guide for the supervised person who migrates abroad for employment (for countries where Romanians emigrate in large numbers)

2. Drafting a guide for the supervised person looking for a job

3. In working with supervised persons who go abroad for employment, we recommend probation counselors approach a flexible, prosocial attitude, which involves a reduced rigidity and a modeling of actions according to the specific situation

We recommend taking into account, beyond the risk of recidivism, the measures and obligations from the sentence, especially the personal, economic and professional situation of the supervised person (Moroşanu, Uzlău, 2017), which involves a journey over long distances, with high costs and with the risk of affecting the job activity. It is preferable to use a prosocial attitude based on the use of rewards, to the detriment of an attitude based on the use of sanctions (Mowen, Wodahl, Brent, Garland 2018). Rewards can be provided by the counselor in the form of reducing the frequency of appointments for pro-social activities, in the form of using praise, giving time to the client, participating in court with the client, helping the client find a job or accommodation (Trotter 2009).

3.1. In this regard, we recommend the flexibility of the terms of presence depending on the given situation (the risk of recidivism, the employment situation abroad, obligations that must be fulfilled). We also recommend the use of remote communication means for the constant monitoring, between the terms of physical presence, of the person's activity supervised, such as audio and video communication via Zoom, Google classroom, Whatsapp, phone calls. Specifically, between the terms of physical presence at the probation services, telephone and online meetings can be held with the supervised persons, on dates set by the probation counselor .

3.2. We recommend flexibility regarding when the community service decision is issued and the date set for the obligation to begin and constant monitoring of community service performance by uploading community service forms to a drive where the community institution to be able to complete the information in real time.

3.3. We recommend accepting travel declarations and declarations regarding change of workplace or domicile and supporting documents in electronic format until the time of the supervised person's return to the country

4. Introducing the possibility of implementing individual and group reintegration programs, through means of remote communication, for supervised emigrants.

The sessions of the programs can be organized through video conferences (Zoom, Google classroom), and the documents that need to be completed can be sent by email to the supervised persons, so that they can list them, complete them and present them to the probation counselor on the set dates.

In this sense, an example of good practice is the implementation of the OTO (One to One) program - the Resolution Module, the online application method, but we also propose the organization of other group programs, such as DAS (Development of social skills) for adults or Drink & Drive.

In order to manage the difficulty of implementing the obligation to follow a social reintegration program, we also recommend calling on the services of community institutions that organize social reintegration programs in a private system.

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Crime Prevention through Social Finance and Social Impact Bonds

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Abstract

The rate of adoption of the Social Impact Bonds (SIBs) remains substantially low despite the perceived public attention. Even considering widespread interest in the SIBs model, the low adoption mode suggests that the program is still in its early diffusion phase. In a bid to reduce or control crime rates, the SIBs model represents one of the strategies geared toward social reforms. It was initially piloted in 2010 at Peterborough prison with private financing for crucial social programs. The government could only pay returns to successful programs as an underlying condition. Besides its adoption in the United Kingdom, several states in the United States borrowed similar SIBs programs. This paper examined various aspects of measures of converting cases of recidivism into valuable financial assets and the shortcomings of such programs within the domain of the criminal justice department.

Keywords: *social impact bond; social finance; crime prevention;* criminal justice system; social needs.

1. Introduction

Crime prevention strategies play a significant role in degenerating social dynamics in the current society. In 2016, the detailed report released by Public Safety Canada on "Tyler's Troubled Life: The Story of One Young Man's Path towards a Life of Crime" revealed predisposing social factors to criminal activities. The paper presents some of the interventions that, if borrowed, could lessen crime emergence and save the country close to $1.4 million. Ideally, it is essential to invest in crisis mitigation measures following the emergence of a particular crisis. Otherwise, crime control might experience issues with management (Williams & Treffers, 2021). Specifically, some evidence-based interventions could help divert the proliferation of criminal careers amongst youths, enhancing social integration in the community. As such, criminal justice systems and crime prevention tools usually are quite expensive. Despite the related cost of implementation, crime prevention mechanisms guarantee future returns or economic values. According to Albertson et al. (2020), the SIBs program intends to promote contracts with private service providers on the market-based solution that target the field of the criminal justice system in the United Kingdom and other neighboring zones.

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The SIB model represents one of the innovative approaches to funding various social programs that could benefit private-public partnerships (Jackson, 2013). Initially piloted in the United Kingdom in 2010, the SIB program employed private funding of social programs in agreement with the government paying some tokens based on the project's success. In the last decades, some of the macro-trends driving the adoption of this instrument include the financial crisis of 2008. Such financial constraints led to a rising cost of living, the decline in family income, loss of employment, and the need to downsize public spending while gearing to lower public debt (Harisalo & McInerney, 2008; Karanikolos et al., 2013). The investment through the SIB model foresaw the need to realign the purchase or delivery of social services to the public and incorporate policymakers within the reorganization of private sector firms as potential outsourcers (Allen, 2009; Millar, 2012). In particular, the financial supply sector has predominantly shown interest in investing in social values that could impact people's lives. Empirical data indicate that social investment generates strong financial returns (Bugg-Levine & Emmerson, 2011). Primarily, the monetary investment embedded in these social impact investments sought to address critical social services and needs with a guaranteed return to financiers by the government (Kingston & Bolton, 2004; Mulgan et al., 2010; Loder et al., 2011). In addition, it is essential to note that reoffending cases can be reverted into valuable assets. Such financial assets can be seen as an investment in the present that safeguards future financial returns (Daganova & Muniesa, 2015; Birch & Muniesa, 2020).

2. Crime Prevention through Social Impact Bonds

Conventionally, SIB does not connote the usual monetary bonds (Warner, 2013). These bonds depict a hybridized instrument characterized by inherent elements of debt and equity (Liebman, 2011; Bolton & Savell, 2010). This financing mechanism fund preventive interventions that could lessen the crime rate in any region. In 2010, the United Kingdom adopted SIB as one of the funding arrangements for social programs for short-term lawbreakers freed from Peterborough prison. Some of the distinguishing features of SIBs include adopting a private-public stakeholder's network, focusing on deterrent mediations, and implementing a payment by result contract. From the onset, 17 investors jointly contributed £5 million to fund the entire social program. For the government, the program acted as a new source of capital vital in driving different social programs, and thus, lowering public spending on basic social needs. At the time of the rollout, the conservative government essentially embraced the SIBs model alongside the UK politics. However, for the providers, such as voluntary organizations and charities, the SIBs offer a more flexible and long-term source of capital that addresses the soaring cases of fiscal retrenchment. From a different perspective, investors saw SIBs as a monetary and societal return that could restore order following the financial crisis (Barman, 2016).

It is important to note that a lack of certain social services could harbor or degenerate into gang activities. Seemingly, SIBs investors cheap in to cover a financial injection on a particular social service with an expectation of earning interest from the government following the financial risks they undertook. However, the government only pays out the economic and social contract on the condition that the agreed results are ascertained (Warner, 2013; Liebman & Sellman, 2013; Fox & Albertson, 2011; Pellini & Chauvenet, 2011). According to Disley et al. (2011), the government would reimburse a return on top of the invested principal concerning the cost savings in corrections, courts, and even policing. However, if the investors miss their target, they risk losing their entire principal amount and the related return from the investment. As anticipated, the intervention should

reduce the rate of recidivism by 10% from the sample size of 1000 offenders in any released cohort.

The SIBs and crime prevention framework stipulated essential measures that could oversee children's services, workforce training, and dangers related to homelessness. Its policy context within the sphere of criminal justice and reforms is seen as a viable option to decline the high cost of incarceration to generate savings following the reduced cases of reoffending (Cullen, 2013; Aylott & Shelupanow, 2011). As the SIBs program gained traction in the United Kingdom, several neighboring countries adopted reoffending programs. For instance, the project received great enthusiasm in the United States. Reports indicate that judicial rulings in California State advocated for the reduction of the massive prison population to save on public spending (Aviram, 2015). Subsequently, close to 9 projects were rolled out between 2012 and 2017 in the United States, emphasizing reducing readmissions amongst convicted youths (Hawkins et al., 2017). In New York State, an employment program was established to absorb parolees to further the gains of the SIBs network.

Whereas these projects exhibited an exemplary use of the SIB model, Fraser et al. (2016) pointed out that the model attracted wider attention from the literature experts. Little discussion has been directed towards the SIBs context within the domain of criminal circles. However, few researchers have challenged the usability of its logistics and pointed out that the adopted programs may intensify and expand neo-liberal linkages in conjunction with crime control (Fox & Albertson, 2011; Myers & Goddard, 2016). Extensively, some experts have detailed the underlying policy environment within the SIBs programs. For instance, initiatives aimed at transforming rehabilitation facilities and an account of the escalating financial cost of imprisonment (Cate & HoSang, 2018; Aviram, 2015). Including mixed market in re-entry services and trials as a transforming rehabilitation approach lowers reoffending caseloads and management costs (Burke & Collett, 2016; Mythen et al., 2012, Maguire, 2012; Corcoran et al., 2019). Coincidentally, the SIBs drive echoes the efforts to outsource and privatization of imprisoned population within the context of parole, probation, correction, and policing (Liebling & Crewe, 2012; Whites, 2015). This model faced numerous problems, such as market intensification, fears of the possibility of scraping the social welfare regions, and financing logistics. It was anticipated that the program would coalesce public and social services to offer a new opportunity to accumulate new assets or capital (Luke, 2016; Dowling, 2016).

Similarly, the question of the value of the SIBs enterprise cannot be ignored. From the structural perspective, the financing analytics subjected to the SIBs model discounted the work fabrics often involved in building such programs (Dowling, 2016). The SIBs marketing fraternity consisted of investors, the government, SIBs practitioners, and social service providers. Amongst the few analytics on SIBs design, some focused on the logistic that was used to assign value to such programs and the function of accounting devices and financial tools during the transformation of charitable programs into financial assets (Cooper et al., 2016; Chiapello, 2015; Neyland, 2018). Precisely, an economic value of a given project is usually obtained through calculation from commercial models rather than the intrinsic assumption value of practices or projects (Muniesa, 2014; Callon & Muniesa, 2014; Doganova & Muniesa, 2015). Assets connote values that can be controlled or owned, capitalized, and traded for the benefit of the entire society. One of the concerns of such a process is the conversion of the underlying situation into assets and the depth to which such investments can be measured with financial tools, such as models (Birch &

Muniesa, 2020; Mennicken & Muniesa, 2017). Further, the SIB enterprise was predominantly seen as an asset creation program that could provide cost savings to the government and financial returns to investors in the future.

3. The Economic Value of Reoffending Programs

A reduction in reoffending cases can be converted into financial gains. Although the impact is primarily inclined to social benefits, one can generate a cash flow, and hence, create returns to the interested investors (Pinakiewicz, 2014). At the center of the SIBs model, the social impact produced by the key players of the non-profit sector can be monetized, quantified, and turned into valuable financial assets. Reduced cases of recidivism promote a conducive environment for educational, business, and even spiritual growth, thus benefiting the entire society. Further, decreasing criminal activity instances lowers the governmental cost of enforcing rules and the burden on criminal justice systems. Traditionally, the government rewarded investors based on the number of offenders who completed corrective programs. On the contrary, the SIBs model allows the steering team to reward providers and investors based on the weight of the positive impacted change or outcome of reduced cases of recidivism. Whereas outputs are backdated and transactional, the outcomes assume a transformational shift and are oriented into future gains. Incidentally, the future value or the outcomes from reoffending programs allows monetization of social change to benefit both the government and different investors.

While constructing the target people, it is essential to select early intervention programs that could save the government from spending significant amount of funds. There is a need to emphasize those groups that constrain government budgets, such as youths. The life of a crime usually attracts escalated costs and often burdens the function of the government. In the recent past, the uncertainty and longer timelines of criminal interventions deter investors and even the government interest. However, according to Myers and Goddard (2016), several investors only focus on the population under parole and probation in that they still have substantial incarceration charges in the future. Typically, one of the critical focuses rests on selecting high-risk groups that could offend or commit offenses that could attract severe prison terms. Thus, it is essential to choose the target population as it will translate to the scope of savings and returns (Bryan & Rafferty, 2014). Besides choosing the target group, selecting workable interventions that have shown positive returns in the past is significant. Failure to select the proper intervention may escalate the cost of managing criminal activities within the justice landscape. The preferred program must be practical and proven in tackling illegal activities.

According to Segal et al. (2016), different SIBs practitioners can use performance benchmarks, such as quasi-experimental assessments or result-based experiments, to select programs that work best for the desired outcomes. With the help of such standards, precise cost estimation of savings can reveal how much savings can be earned and the success of the projects. Accurate quantification and projections from monetized savings usually reduce the complexities of recidivism programs in that they yield or exhibit linear effects of such interventions (Callon & Muniesa, 2005). Importantly, cost-benefit analysis plays a crucial role in outlining the actual fabrics supporting crime prevention programs, and hence, offers a sense of assurance to prospective investors. According to Rudd et al. (2016), lack of solid evidence usually deters investors, and thus, there is a need to critically choose the suitable approach measures for potential investors. Nonetheless, establishing the financial model is one of the requisite steps in reenergizing projects and building

connections between operational parameters, such as savings and returns, admissions and accomplishment, referrals, and outputs, which are crucial to the initiative's financial value. Ideally, economic models allow investors to test the outcomes under varying conditions, for instance, how referral rates may affect returns and results. Tentatively, this approach informs investors on the sensitivity of the development or simply testing the model and examining the outcome. In nature, valuations from suitable business models are promissory and formative as it relates to how current investment may generate future returns and savings (Doganova & Muiesa, 2015; Callon & Muniesa, 2005). Ideally, such a connection offers a calculative space where the adopted model can be refined, evaluated, and recalibrated.

Additionally, while configuring the financial model, it is essential to consider the outcomes upon which financiers are paid and how returns are calculated. Initially, the reward system considered some binary consequences on whether a person reoffends or not. On the contrary, some investors and social service providers decried such a definition since it failed to reimburse incremental influence, and therefore, was disastrous in terms of returns. Alternatively, such proponents advocated for a long-term measure of outcome that guaranteed returns even if offenders are re-incarcerated. Similarly, during the calculations of net returns on a given social investment, Cohen (2005) asserts that the net present value and the time value of money should be crosschecked to avoid discounting the returns of the investors' capital. Due to the impact of opportunity cost and inflation, a dollar's worth in the future is less than the current value, indicating that a discounted rate of about 5% should be applied to protect investors from losses (Doganova, 2018).

Performance management significantly determines the success of any project. In the case of the SIBs model, project management represents the last phase of the entire project implementation. The detailed inclusion of performance indicators, such as enrolments, referrals, completions, and instantaneous monitoring by the SIBs practitioners, play a crucial role in realigning the project towards an expected outcome. Regular amendment on the project path assures practitioners of a positive result as they fine-tune the model parameters to mitigate the social investment risk. Fraser et al. (2018) allude that it is possible to adjust if performance is off track based on the captured data. Birch and Muniesa (2020) suggested that valuation work requires vibrant governance to ascertain the conversion of reoffending caseloads into valuable assets.

4. Social Impact Bonds: Risks and Opportunities

Reoffending can be harnessed, liquidated, and redistributed, lowering future criminal cases. Through the model design and management, different practitioners have demonstrated that reoffending programs can be converted into cash flow or valuable assets. The income stream benefits investors regarding returns and cost savings to the government. However, despite such successes, this innovative program has had numerous shortcomings. As initially expected, the SIBs market failed to gain enough traction across different regions (Giacomantonio, 2017; Arena et al., 2016). The SIB market's slow growth could be attributed to the infusion of philanthropic capital in the United States and public money in the United Kingdom (Floyd, 2017). Statistics indicate that not until 2020 has only a single project been launched since the commissioning of the Peterborough project in the United Kingdom (Floyd, 2017). Some counteractive measures that have negated positive progress include logistical, technical, financial, and political barriers. However, procurement rules imposed by the various governments limit the operational

logistics of the selected business model. Further, the lack of liquidity and investment autonomy among the private investors in social programs has degenerated the growth of the SIBs market.

Within public agencies, the actualization of cashable savings can be attributed to multiple factors and may not be directly linked to a single funding agency (Nicholls & Tomkinson, 2013; Fox & Albertson, 2011). In addition, the complexity of the public-private partnership is based on the fact that the governmental cost of capital does not exceed that of private investors. In connection, Mulgan et al. (2010) assert that compromised benefits due to personal involvement may force public administration in some regions to fund social programs solely. On the same note, some of the opponents of the SIBs models argue the measurability of the results from the model (Pauly & Swanson, 2013; McHugh et al., 2013; Joy & Shields, 2013). Specifically, the delivering organization may only focus on those elements of the programs that determine payment margins (Disley & Rubin, 2014). Further, coining a causal link between the outcome and targeted intervention is usually challenging and calls for the provision of incentives to reconfigure outcome measures (Liebman, 2011; Jackson, 2013). Another possible shortcoming of the entire scheme is the dominance or offering of prior consideration to the established social providers at the expense of local and growing organizations (Dominey, 2012). Although large organization with a proven track record may hardly miss out on some need of the social minority groups in some regions, the government has more confidence in them concerning specified social returns and securing of risks of private investors (Fox & Albertson, 2011).

From the beginning, the SIBs model outlined that savings were cashable. The promise of the investment logic attracted both the government and investors in the sense that one could quickly obtain good returns. However, as time went by, many investors realized that all the projects in the criminal justice system had limitations in terms of public capital liquidity (Fraser et al., 2018; Fox & Albertson, 2011). Significantly, the fixed costs attached to the construction of buildings and staffing and part of the savings from the SIBs programs were offered through offenders' health insurance, meals, and uniforms. These savings bore a minimal impact on the fixed cost due to their insufficient scale. McKay (2013) asserts that achieving sufficient capacity of such savings as reduction of bed days proved almost impossible to compensate for the fixed cost of the entire project. Closing of the prison wing attracted political and economic costs, and in a bid to address the shortcoming, project managers had to terminate the employment of statutory workers. As such, firing many workers attracted other legal charges as employees' unions tried to fight back for their rights.

Lastly, the SIBs model lacked clarity on who owns the project's risks. Earlier, proponents of such a model pointed out that the government would fully transfer project risks to investors. However, this scenario appeared not to be the case. Unlike a physical asset, the SIBs program is challenging to value and holding it as collateral since they are immaterial. Further, the government could at any point revise its rules and change the determinants of jail terms. Hence, cases of imprisonment can hardly be projected (Government Accountability Office, 2015). Partly, some additional risks may emanate from the referral, execution, and enrolment process that partially will adversely affect the project. Perhaps, the enrolment programs may fail to enroll adequate counts of participants from the target population. Another challenge that surrounded the viability of the SIBs entails results evaluation that consequently guided the margin of returns to the investors. Primarily, proponents envisage experimental design to evaluate the outcomes or measure

the program's value (Mulgan et al., 2011). However, program specialists indicated that using quasi-experiment to evaluate effects had hidden or unanticipated risks that eventually impacted the observed results. The structure and the process of the adopted evaluation in the chosen quasi-experiment inherently had issues.

From the observed limits of the SIBs framework, many advisory firms in the United States have adopted evolutionary changes to the various models targeting crime prevention. Instead of focusing on standalone projects in which private investors essentially took part, the current SIBs model advocate for the use of public capital in order to assure the best outcome. Incidentally, the actual problem facing implementing SIBs network is resource allocation and not financing. The world beyond the initial model sought to customize services for the selected high-risk groups and adopt financial modeling to evaluate initiatives, estimate savings, and monitor individual providers in real-time. Many project investors, such as Arnold Ventures, and evaluators, such as Urban Institute, have adopted innovative reforms alongside their SIBs projects. Some of these organizations now apply advisory measures to their non-SIB work, including strategies to reform criminal justice and selective investment in the most effective recidivism plans that lower prison populations. One of the best estimators of risk and savings on various gang prevention projects is the "Benefit-cost Investment Model" (Fox et al., 2013). This approach has been used to isolate viable investment portfolios within the justice docket.

As anticipated in the financing critique, one of the significant aspect of the SIBs functional domain rest on the financed valuation rather than the reallocation of the capital into the societal segment (Chiapello, 2015). Tentatively, such an approach will lower public spending by incredible margins. It is important to note that the SIB experiment should portray a different perception concerning the role of charitable work as a non-profit entity. Seemingly, investment informed by SIBs experiments should not be considered as the creation of assets by private firms. Government officials should promote funded conventions, such as net present value, on different social programs with a changed mindset of creating value that is far beyond the usual connotation of return of public money or economic logic of public spending (Mennicken & Muniesa, 2017). Compared to the flow of capital from the private sector via SIBs, the employed financial tools and logic within the arena of public contracting may bore more results to crime prevention programs. However, the lack of private participation in such programs limits detailed examination of the valuation of SIBs challenges and lacks surety of the government to realize adequate savings from the considered model. Similarly, the liquidity of the public capital remains obscured without the involvement of the private sector.

5. Conclusion

The diffusion of crime prevention models remains low in contrast to the general hype concerning such instruments across the globe. First, the low penetration could be attributed to the fact that SIBs programs are still at the early stages of their adoption. Secondly, the presence of political, financial, and operational constraints has a limited implementation of this program by the public administrators. Further, the lack of political goodwill and lack of vibrant policies that could have steered the program has negated the project's progress. Payment-by-returns and SIBs models lack coherence. Though payment-by-return initially showed promising returns, changes in government policies and overlooked process risks played down the feasibility margin of the SIBs investment programs. Some limiting factors to the success of SIBs included an unending debate on the

value of recidivism, the views of risk, liquidity, and impact. The conversion of reoffending cases into assets is now being shifted from private to public contracting with the government playing a critical role in spearheading the SIBs projects. Essentially, various governments from different countries have strategies to reduce risks while maximizing returns and rebranding non-profit work into a financial flow of value. However, as the SIBs undercurrents continue to roll out, some experts have expressed worries about the government's way of thinking or acting more as investors.

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Psychological violence and intra-family moral abuse: dynamic profiles of deviance. An Italian retrospective

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Abstract

The work deals with the delicate problem of psychological intra-family violence and the consequent moral and psychological abuse that is reflected on the vulnerable victims of ill-treatment, who turn out to be mainly women and children. Therefore, particular attention was paid to the causes that explain the phenomenology of ill-treatment in the family and the effects that manifest themselves on the victims and their family and social relationships. The phenomenon of physical and sexual violence is frequently discussed, although, on the contrary, less attention is paid to psychological violence, which is an emerging crime in today's society and very widespread, especially among women, the protagonists of the victimisation process. It should be remembered that violence is generally not just about beatings; psychological violence is invisible, difficult to perceive because it has no obvious signs, but the effects it produces are destructive. Psychological violence is part of "gender-based violence", an expression that indicates the set of violence of various kinds perpetrated by men against women as women.

Keywords: Violence; Society; Crimes; Family; Moral abuse; Deviance.

1. Introduction

Violence against women is a long-standing social problem that attracted the attention of scholars especially towards the end of the 1960s. Until then, violence against women was treated as a private matter between the members of the violent dynamic and the men perpetrators of violence were considered mentally unstable, thus justifying their actions (Bourdieu 2009); moreover, it was represented that the cause of violence was the response to a provocative act of women who were considered "different" than those who did not suffer violence and were therefore considered "normal". Gender-based violence is rooted in sexist and patriarchal culture (Boca et. al. 2017). Sexism is the tendency to evaluate people on the basis of their gender: in the case of misogyny, men are seen as being superior to women, so society was presented as being hierarchically ordered, as if

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there were first-class human beings (men) and second-class human beings (women). The social system in which patriarchy prevailed was typical of the mediaeval era and was based on paternal law, i.e. the coercive control exercised by the father over the woman (marital potestà) by depriving her of her parental responsibility over her children, and control over the children (patria potestà) who were often exploited in the agricultural fields without having any rights (Benjamin 1996; Grignoli, Braba and D'Ambrosio 2022).

Any act done against our will is violence and today, thanks to social, cultural, legislative and political progress, International Organisations and European and National jurisdictions are working to define instruments to prevent and combat gender-based violence (Malizia 2018). The United Nations Organisation defines the concept of "violence as any act that causes, or is likely to cause, physical, sexual or psychological harm, including threats of violence, coercion and arbitrary deprivation of liberty, whether in public or private life" (UN 2023). The World Health Organisation defines violence as "the intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, which results in, or has a high likelihood of resulting in, injury, death, psychological harm, poor development or deprivation" (WHO 2023). Violence is a multifaceted phenomenon, there is not just one form of violence but it varies according to the type of offence perpetrated (Acquadro 2012). New terms have been introduced in the Anglo-Saxon context to emphasise who the violence is directed towards, such as 'wife abuse', 'wife battering' and 'women abuse'.

With the aim of defining male violence against women, we consider it useful to refer to the notion of 'gender-based violence' which, while offering a very broad spectrum since it indicates not only violence perpetrated by men against women but all forms of ill-treatment based on gender hatred and sexist discrimination (e.g., those perpetrated against LGBT communities), has the advantage and the merit of subtending the cultural motivations and relational dynamics specific to the most widespread forms of male violence against women (Danna 2007; US Department of State 2022).

The inclusion of the concept of gender in the context of violence against women is the outcome of a long historical process whose culminating expression resides in the "Convention on the Prevention and Combating of Violence against Women and Domestic Violence", better known as the Istanbul Convention, a document adopted by the Council of Europe on 7 April 2011 that sets international standards for preventing and combating violence against women, defining in Art. 3 violence against women as "a violation of human rights and a form of discrimination against women, including all acts of gender-based violence that cause or are likely to cause harm or suffering of a physical, sexual, psychological or economic nature, including threats to commit such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (Iacona 2012; US Department of State 2022).

The expression 'intimate partner violence' derives from the Anglo-Saxon term 'Intimate Partner Violence' (IPV), which is intended to highlight the violence suffered in intimate relationships by the partner or ex-partner and which does not only victimise the woman but also the man (the perpetrator can also be the woman against the male partner or same-sex partner).

2. The definition of 'gender' and subsequent studies

Gender' studies are concerned with analysing the various socio-cultural elements that affect the construct of gender identity and the different social statuses held by men and

women in various contexts. It was necessary to scientifically define the meaning of 'gender' and 'sex', terms that have different meanings but are erroneously used in everyday language as if they were synonyms. The term 'sex' indicates a biological datum that characterises an individual from birth, thus distinguishing man from woman. The term 'gender' or 'gender identity' refers to 'what we feel we are' and is not bound by one's sex, so they do not have to correspond (Volpat 2011). Gender identity has faced harsh social stigmatisation for many years, generating mental schemata in humans to distinguish what is right to do if one is a woman or if one is a man. The process of stigmatisation has made it possible for social prejudices and labels in society to guide human thinking, creating classifications of gender roles that lack scientificity (Bran 2009).

Because of this process, our attitudes, behaviours and interests are guided by real social constructs that distinguish what is feminine from what is masculine, triggering expectations about the behaviour that women and men should adopt; moreover, if they are not met, the risk of incurring social sanctions such as exclusion from the peer group is high. Gender models are presented as if they were 'prisons' for those who are not reflected in them, conditioning individual paths, e.g. stereotypes of women in the workplace do not allow them to hold entrepreneurial positions because by nature they are not as 'authoritative' as a man; they are docile and must be, depowering their subjective capacities. Among the feminist theories that support the idea of gender as a social construct is the theory of Butler (1990), an American philosopher of the post-structuralism current. In her essay entitled "Gender Trouble: Feminism and the Subversion of Identity", the author discusses her feminist theory of gender perfomativity, arguing that 'gender' is not related to biological diversity, but is 'performable' through repeated actions over time, fostering misogynistic culture. Gender is a performance that we cannot transgress because we are forced to perform it.

Even De Beauvoir (1979), in one of her most famous quotations "women are not born, but become", makes it clear that she fully shares the theory of gender identity as a social construct by highlighting the difference between 'being a woman' and 'being female'. The term 'gender studies' is recent and emerges to replace the term 'Women's Studies', i.e. 'women's studies about women'. Their aim is to try to understand the causes that foster a male chauvinist culture over time and to identify elements that can be used to understand male violence towards women. The first approach to emerge was a biological one: it is argued that gender inequalities in society find their reason for existence in the biological differences between men and women (Anceschi 2009).

According to proponents of the biological approach, the brains and bodies of human beings are 'programmed' to perform functions and roles according to their sex. The most widespread idea in this regard is that women are born to perform caring and nurturing tasks because they are more empathetic, whereas men are more capable of performing work tasks that require great physical and psychological commitment. Hormones also play a decisive role, testosterone for men, for example, gives them greater determination in work tasks; oxytocin enables women to devote themselves more to the family because it makes them more empathetic and docile. The biological theory overlooks the importance of social relations of socialisation and the culture that prevails in a specific context (Cattaneo 2007). A second theory with a sociological matrix is the sociocultural theory that supports the idea of gender identity as a social construct. From birth, human beings face the process of socialisation in the various contexts of the social structure in which they circulate, and the first context an individual faces is the family context, which is precisely called the 'primary context'.

Socialisation is a complex and natural process that enables the transmission of cultural elements, values, thoughts, traditions, customs and traditions. In this way, values are assimilated that shape and mould the subject's mental patterns (Deriu and Sgritta 2007). The socio-cultural approach repudiates the biological approach, stating that sex certainly has a relevant function in defining the differences between men and women, but it is not the cause of gender identity stereotypes and prejudices because it is culture that is the cause, according to the socio-cultural approach (Cortese and Argentero 2018). If there is a misogynistic culture consisting of sexist and masculinist values in a context, these will also be transmitted through socialisation to future generations born in the same context and so on. Due to social mobility as a result of globalisation, the movement of people across territories in turn leads to the dissemination of their beliefs.

Prejudices and stereotypes are thus acquired by society through a process of cultural transmission to which one is subjected from childhood. Bandura (1984), through his studies on social learning (studies motivated by his interest in the phenomenon of social aggression) explains how the learning process occurs through transmission. For Bandura (1986) learning is based on imitation made possible by positive reinforcement, thus a child assimilates the values of his family through the learning process, adapting and feeling recognised by his family group. With reference to the transmission of sexist beliefs, children will develop the idea that there are behaviours suitable for women and behaviours suitable for men. From the social learning theory, the scholar evinces the concept of 'self-efficacy' as well as the belief that each of us has about our own abilities to perform a task and pursue the goal, thus an individual with high levels of self-efficacy has a very good chance of achieving success, on the contrary, an individual with low levels of self-efficacy will tend to avoid performing tasks for fear of failure.

Studies on perceived efficacy have contributed to analysing the human mind's capacity for self-reflection and self-regulation that are activated in the learning process. Proponents of the sociocultural approach propose useful tools to regenerate new beliefs, different from those imparted by the social and cultural context. The capacity for self-reflection enables the individual to reflect on his or her own experiences and beliefs, and if these are re-evaluated, it will be possible to generate new capacities for thought and action that are far removed from sexist prejudices. The capacity for 'self-regulation', on the other hand, allows one to govern one's behaviour according to internal models, avoiding conditioning by external factors. In addition, it is possible to remedy the effects produced by a certain socialisation process experienced by an individual through the process of 're-socialisation', which is typical of totalitarian institutions such as monasteries or military districts and consists of the despoliation of the self. Different is the classical psychoanalytic approach according to which the development of sexual identity begins during the Oedipal phase, conditioning individual thinking about gender and gender roles (Bergmann 2010).

Scholars of the psychoanalytic approach maintain that women, unlike men, in the absence of a penis, do not fully develop their personality, remaining in a condition of moral weakness and envy towards men, who, having a penis, will feel more self-confident. This condition would lead to the generation of gender models firmly anchored in the prejudice that women are weaker than men who, on the contrary, have dealt positively with the Oedipal complex. The only solution for women to put up with their inferiority condition is to devote themselves to the care and protection of their offspring, accepting the compromise of only filling certain roles reserved for them. In recent years, a new

'gender theory' belonging to the current of post-structuralism has been elaborated under the name 'Queer theory' and has profoundly reformed the way the concept of gender is understood. Among the most famous proponents is Judith Butler with her theory on the performativity of gender (Butler 1990).

3. Stereotypes and prejudices about the phenomenon of gender-based violence and women victims of violence

Stereotypes and prejudices about women have their origins in patriarchal and macho systems. Before defining the concept of prejudice, which is necessary for understanding gender studies and mistreatment, it is useful to go back to the social structure of the past. The term 'patriarchy' literally means 'the law of the father' and is related to the typical family context of medieval and feudal times in which the man, also called the 'father-master', assumed a position of authority, power and control over both his children and his partner. In the past, family roles were hierarchically ordered, the man ordered his children and wife not to disregard his directives, otherwise they would incur physical and verbal punishment (Ilie 2015). The power of the father-master was referred to as 'patria potestà' and it was only with the enactment of Law No. 151/1975 that the Italian Civil Code no longer discussed patria potestà but rather the notion of 'parental authority', which presupposes the recognition of parental authority over children to both parents.

Even the term 'potestà' meaning 'power' would later be re-evaluated and replaced with the term 'responsibility', with the aim of stating that no one can be anyone's master, not even their own children. This change led to the need to introduce new laws that could regulate the relationship between spouses by emancipating women in family relationships. In this regard, Article 29 of the Constitution recognises in its second paragraph, in accordance with Article 3 of the Italian Constitution (principle of equality), the moral and legal equality of spouses. In our society, the use of the term 'patriarchy' has become excessive, but as socio-cultural theory explains, values are handed down from generation to generation and macho thoughts still resonate in the minds of the present. The term prejudice is used in psychology to refer to an attitude, generally negative, directed at a group or social category, or anyone belonging to it, imagined as a generic exponent of that group and, as such, the object of an evaluation that disregards their individual characteristics.

Prejudice is defined as an evaluation expressed before having all the necessary elements available to make a considered and reliable judgement. Prejudices create stereotypes as well as patterns that guide the way we see reality and trigger expectations. The most commonly shared examples of stereotypes about the phenomenon of gender-based violence are based on the belief that violence concerns disadvantaged social classes with backward cultural traditions, or that the phenomenon of gender-based violence is a public safety problem that can be overcome if only women were more cautious when walking the streets alone; or that gender-based violence is an issue concerning conflict in relationships that can be resolved by resorting to family mediation (US Department of State 2022). These stereotypes have been disproved thanks to data collected by Istat researchers (Istat 2021), according to which Italian women suffer violence from Italian men and no more than 10% of rapes are attributable to foreigners.

Most abuse takes place within the home at any time of the day and, in the case of conflict, family mediation professionals suggest avoiding mediation in the case of gender-based violence, both because the mediation pathway provides for the absence of court litigation (risking preventing the woman from filing a complaint), and because the ethics of

mediation require both partners to take responsibility for the causes of the conflict that have arisen and in the case of gender-based violence the abuser alone is responsible. The most widely shared stereotypes of women victims of violence are based on the belief that women are fragile and prone to emotional dependency, that they are provocative and desire dominant men (UN 2021). Again, the data show that among women victims of violence, apart from being accomplished in their studies and work, there is no clinical model of a woman vulnerable to violence. Other stereotypes target male perpetrators of violence based on the belief that most abusers are alcoholics or drug addicts (certainly risk factors for victimisation for women who enter into a relationship with them) or that they have been in the grip of a rapture.

The sad Italian experience sees as perpetrators of gender-based violence mainly men who are perfectly integrated in social contexts and, moreover, raptus is not contemplated in gender-based violence because violence extends along a continuum of violent acts perpetrated over time, while the reiteration of the crime presupposes voluntariness and awareness in the perpetrator.

4. The cycle of abuse in the couple

It is crucial to distinguish 'conflict' from 'violence', terms sometimes used as if they were synonymous. Conflict is a struggle involving the clash of different interests; it is certainly not a positive sign for the couple and can be so heated as to hurt one or both of them morally. In conflict, the partners remain on an equal footing, allowing through communication and couple mediation to find a balance in the relationship and a solution to the conflict that can be healthy and common to all couples. Conflict can be remedied and presupposes the responsibility of both in triggering it. Violence is a crime and the perpetrator is only the abuser, therefore the victim is not responsible for the violence suffered and since it is not a conflict it cannot be defined as 'healthy' or questionable violence in couple mediation. In violence communication is not an expression of constructive debate but is used for the purpose of prevaricating the other and confrontation cannot be assumed.

Being a victim of violence does not imply continuity and persistence of abuse, because even a single event of ill-treatment implies being a victim of violence. In couple relationships violence is often cyclic, i.e. it has several distinct phases in its development that aim at weakening the victim until he/she becomes totally vulnerable and finds no way out of the relationship in which the abuse has become chronic. In 1979, the scholar Walker proposed a descriptive model of the cycle of violence explaining the victim's difficulty in realising that he or she is in danger. The cycle of violence is gradual and intermittent, i.e. it alternates between phases of full affection and phases of emotional and/or physical abuse, e.g., the first slap can be considered an exception to normality that is justified by the victim by periods of stress experienced by the abuser.

In the model presented by Walker (1979) the first phase of violence is the 'honeymoon', a phase of love-bombing, attention, gifts and appreciation. Through this love bombing, the violent partner manages to win the trust of his partner. The second phase is called the 'tension phase' in which the violence is not blatant, but the partner starts to behave in a hostile and unusual way. The victim is confused at this point and will continue to justify his partner by thinking of his stress caused by his workload and worries. Once this second phase has passed, the 'moment of attack' begins, when the violence is more tangible, the violent partner starts to shout, to denigrate the partner who, if she tries to

defend herself or assert her opinion, will be attacked more than before because her partner will feel threatened by the loss of control over her partner.

This leads to the 'repentance phase' in which the man realises the probable consequence of permanently losing the partner he so badly needs to satisfy his perverse interests and desires, returning once again to bombard her with love and attention, trying to regain her trust in order to obtain forgiveness. Once forgiveness is obtained, the violence is repeated like a vicious circle that ensnares the woman in a perverse relationship from which she cannot escape. Given the incidence of gender-based violence, with the aim of preventing all forms of violence, 'victimisation risk indicators' have been identified by professionals. A partner who complains of symptoms of psychic impatience such as hallucinations, anxiety or depression may have violent reactions towards those around him. Another alarm bell is the use of drugs and/or alcohol, which increase the risk of victimisation, since the partner experiences a condition of psycho-physical alteration and detachment from the surrounding reality when taking the substance.

Criminal records for offences against the person and the violation of court orders, such as a prohibition to approach, are other risk factors. The victim is vulnerable when she is in a state of social isolation and does not know to whom she should confess the violence she has suffered, if she does not express her intention to turn to the competent authorities, or for the foreign victim who has recently lived in a different cultural context, it is difficult for her to know the social welfare services in the area. It is likely that the woman is so terrified of the abuser that she feels powerless and unable to ask for help, other women, on the other hand, feel the need to justify their partner or feel responsible for a possible family break-up, especially if there are dependent children. Economic independence is also a 'vulnerability factor'. Some men take advantage of the disadvantaged economic situation experienced by their partner by threatening her with eviction from their home, putting the woman and her children at risk.

5. Physical and psychological violence

According to Malizia (2015) "Physical violence is that form of violence aimed at causing physical harm to the victim. It includes beatings, punches, slaps, throwing of objects, grabbing, murder or attempted murder. This form of violence is not only manifested through direct physical contact causing injuries on the woman's body, but also includes implicit actions such as sleep deprivation or deprivation of medically necessary care for the victim. Physical violence can be perpetrated continuously or intermittently, although even a single episode makes the woman a victim of gender-based violence, since regardless of the frequency of beatings, all acts of physical violence presuppose domination over the other through an exercise of power. Psychological violence' affects the victim's identity by humiliating and denigrating her through the use of words, threats, attitudes and behaviour aimed at manipulating and assuming omnipotent control, all actions and attitudes that undermine the victim's self-esteem, freedom and self-determination". Among the various forms of psychological violence is also 'spiritual violence', which consists of denigrating the woman's religious beliefs, forcing her to perform spiritual practices against her will:

(a) sexual violence and rape

"Sexual violence" is defined as "any attempt to obtain a sexual act or other act directed against a person's sexuality, using coercion, by any person irrespective of the existing relationship with the victim, in any context. It includes rape (which is

characterised by the use of physical force), defined as the forcible penetration, or otherwise the result of coercion, of the vulva or anus by means of the penis, another body part, or an object" (Who 2023). Rape is, therefore, a complete non-consensual sexual act. Attempted rape has almost the same impact on the victim who suffers it. Sexual abuse includes denial of the use of contraceptive methods, provocation of pain on the victim during a sexual act, obscene calls, sexual jokes, intentional unwelcome contact with bodies, and so on. On 15 February 1996, Law No. 66 came into force in Italy, enshrining the 'norms against sexual violence' and repealing the articles contained in the Rocco Code, according to which rape was understood as a 'crime against morality and decency'. Today, the crime of sexual violence is considered an "offence against the person", which is regulated in Article 609 bis of the Criminal Code.

b) Economic violence

"Economic violence presents itself as a form of direct and indirect control of someone else's money, which aims to hinder the economic independence of the victim. This form of violence also manifests itself within the workplace due to prejudices and stereotypes about women, who are commonly regarded as weak subjects devoted to childcare and more competent in the helping professions, not allowing women to reach high levels of responsibility in the professional sphere and forcing them into a form of occupational segregation that sees them engaged in low-profile professions. This condition is referred to as vertical discrimination. Women are often asked during job interviews if they have a desire for motherhood, which is seen as an obstacle for the business economy since working women on maternity leave are entitled to paid working leave. In this regard, one issue that concerns and aims to recognise more autonomy and economic independence for women is the Gender Pay Gap". Since women have not had the opportunity to occupy high-level professional positions, their income will never be equal to men's income. Due to the change from the wage system to the contributory system, today's elderly female population is particularly affected, getting the minimum pension during retirement age (EIGE 2023).

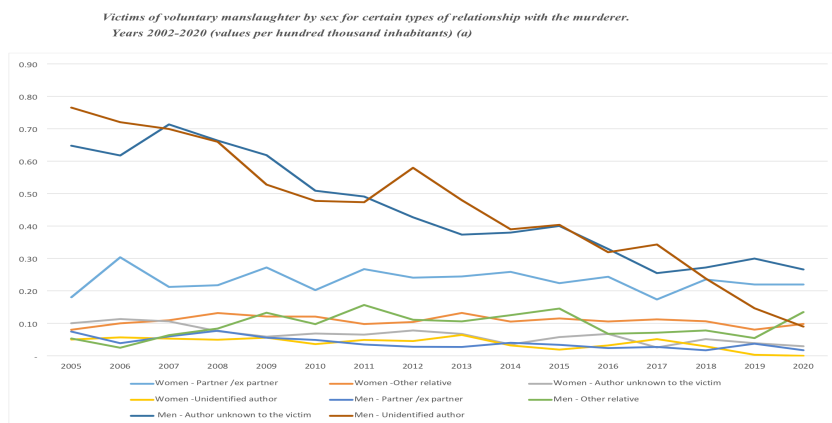### c) Domestic and witnessing violence

In gender-based violence, 'domestic violence' is a declination of it, indicating all acts of physical, sexual, psychological or economic violence that occur within the family or between current and former partners, regardless of whether the perpetrator shares or has shared the same residence with the victim. Gender-based violence can be perpetrated by a stranger or an acquaintance, but, according to research on the subject, the most frequent perpetrator is the one who has an intimate relationship with the victim. Essential is the definition of the concept of 'witnessing violence', a useful expression to indicate that form of violence in which the protagonists are children who witness acts of physical, verbal, psychological, sexual or economic abuse on their mother or other affectively important family members. Children may experience witnessing violence directly, when the violence occurs in their perceptual field (in front of the children or in a place in the home where screams and noises are heard) or indirectly by perceiving the effects and the negative surrounding atmosphere, or by seeing the wounds on the mother's body or her state of fear and awe towards the father after a violent act. Children of abused women are more likely than their peers to be victims of witnessing violence. An abusive partner is also an abusive parent as perpetrator of emotional abuse towards his children; even some abusers go so far

as to involve their children through manipulative behaviour or emotional blackmail. In some families the father exploits his children by asking them to mediate between him and their mother, or in a more tacit way manipulates them in order to trigger rancour in the relationship with the mother. The symptoms of witnessing violence are manifold and the most recurrent problems are delays and difficulties in the development of language or motor skills, sleep disorders, night terrors, somatisation, learning difficulties, hyperactivity and eating disorders (Edleson 1999).

d) Stalking and feminicide

"Stalking" (a term deriving from the English 'to stalk', which means to lurk, to follow, to stalk) is a form of aggression enacted by a persecutor who breaks into the private life of another individual in a repetitive, unwanted and destructive manner, causing the latter serious physical or psychological consequences. "Art. 612-bis of the Italian Criminal Code (persecutory acts) states: 'unless the act constitutes a more serious offence, anyone who, with repeated conduct, threatens or harasses someone in such a way as to cause a persistent and serious state of anxiety or fear or to create a well-founded fear for their safety or that of a close relative or person linked to them by a relationship of affection, or to force them to alter their lifestyle, shall be punished by imprisonment of between six months and four years". In the most fatal cases, the violence ends with 'feminicide', a term coined by the sociologist Diana Russell, meaning "killing of the woman as a woman", which is useful to distinguish any murder from the murder of a woman that finds its reasons in gender discrimination and mistreatment (Russell and Harmes 2001).

Fig. 1. - **Victims of voluntary manslaughter by sex for certain types of relationship with the murderer (between 2002-2020 in Italy)[1]**

Victims of voluntary manslaughter by sex for certain types of relationship with the murderer.
Years 2002-2020 (values per hundred thousand inhabitants) (a)

Source: ISTAT: https://www.istat.it/it/violenza-sulle-donne/il-percorso-giudiziario/denunce

6. The characteristics of psychological violence

Psychological violence is an emerging phenomenon that is among the various forms of ill-treatment that a woman in general victim of gender-based violence can suffer

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[1]   Source   ISTAT: https://www.istat.it/it/violenza-sulle-donne/il-percorso-giudiziario/denunce, accesed 11th May 2023.

from a partner or/and ex-partner. This form of violence has been neglected by professionals and society for a long time because compared to physical or sexual violence it does not leave obvious marks on the victim's body, but strongly affects the psychological and social well-being of the battered woman. For this reason psychological violence is also known as 'invisible violence'. There are different expressions to address psychological violence such as 'moral abuse', 'psychological ill-treatment' or 'indirect aggression' (EIGE 2023).

Article 3 of the Istanbul Convention ratified in 2011 mentions psychological violence and states: "Domestic violence refers to all acts of physical, sexual, psychological or economic violence occurring within the family or household or between current or former spouses or partners, regardless of whether the perpetrator shares or has shared the same residence with the victim". Psychological ill-treatment can be perpetrated in various forms, both overt and covert, which have in common, however, the aim of manipulating the victim. The effects on the victim are devastating, which is why it is necessary to make psychological violence a phenomenon that is better known to society and to identify tools for treatment and prevention. In order to understand the roots of the phenomenon of psychological abuse, its dynamics and effects on the victim, it is necessary to analyse the profile of the abuser to explain the nature of his violent actions. In the case of psychological abuse, the perverse trait affects the continuum in proximity to the narcissistic disorder: since patients with narcissistic personality disorder have difficulty regulating self-esteem, they need praise and affiliation with special people or institutions; they also tend to devalue other people so that they can maintain a sense of superiority (EIGE 2023).

The narcissist is a megalomaniac subject who has an infallible idea of his or her own self and in addition to continually seeking personal success, in order to maintain a high level of self-esteem, needs to feel fulfilled and idolised by others and otherwise is very sensitive to others' prejudice. What is most interesting about the same personality profile with regard to psychological maltreatment is the behaviour that the heterosexual narcissist adopts towards the female partner whom he considers 'special' in his life compared to other women. In contrast to situations in healthy romantic relationships in which the possibility of 'using' the partner for one's own interests is excluded, the narcissist feels a strong need to use the other, belittling him or her in order to feel 'superior' through the use of threats, insults, denigration and omnipotent control in order to keep the victim bound in the relationship (Bushman and Baumeister 1998). It is often taken for granted that the term 'perversion' only has to do with the sexual sphere. The term 'sexual perversion' has been replaced by some intellectuals with the term 'neo-sexuality' coined by the scholar McDougall (1985), or with the term 'paraphilias' or 'sexual dysfunctions'. The concept of perversion today takes on connotations and moralistic value references that come close to the study of 'moral perversion' of a non-sexual kind. Recamier recalls the concept of "perversion that is not sexual, but moral, not erotic, but narcissistic" elaborated by De Masi (2007); in fact, a typical characteristic of narcissistic personality disorder is that of indifference towards the object relationship to the point of not recognising the existence of the other so that the perpetrator can maintain the illusion of being able to do without any object, satisfying his perverse needs. The object relationship turns into a power relationship that corrupts the relationship between the partners, so the pervert gains control over both the relationship and the victim who is destroyed and frightened. In sexual perversion, the value of pleasure is shared by the members of the couple who obtain

pleasure from their mode of relationship, and they may also decide to reverse roles. In the case of relational perversion there can be no role reversal because the pervert always prevails over the other because what he wants is to satisfy only his perverse desires. Filippini (2022) states that the perpetrator's attitude has another purpose as well as to avoid inner conflict. By devaluing and making the victim suffer, the perpetrator manages to save mental efforts to ensure her psychic well-being by making others pay for her suffering and the causes that produce it. In the power relationship that is triggered between victim and perpetrator, the former does not realise that she is an instrument for satisfying the perverse impulses and desires of the latter actor. The narcissistic abuser can be an 'overt' subject, i.e. with high levels of self-esteem, or a 'covert' subject, i.e. with low levels of self-esteem (Bushman and Baumeister 1998). With reference to the previous difference between the narcissistic profiles, the perverse relationship sees its development in the couple differently. The first encounter between victim and persecutor is always a pleasant one, but in the case of the encounter with the overt narcissist, the latter succeeds in shining his light on his partner. In the case of the covert narcissist, who is incapable of exposing himself and who possesses a very hostile view of his own self, the relationship is much more involving because the pervert for the first time in his life receives appreciation from a woman feeling fulfilled, thus deciding to show the best part of himself, hiding his true nature, until he convinces the victim that he is the right man. The pervert moves on to the idealisation phase, making the woman feel that she is the best being of all. With the passage of time, she begins to notice that her partner engages in ambiguous behaviour that will eventually wear down their relationship, but, come this time, it will be even more difficult to break off the relationship, especially for the pervert who can only feel good by being in contact with the victim to whom he is dependent in an emotional sense. The pervert comes fully into action at this stage starting to show his violent nature that he has kept hidden, devaluing his partner to the point of making her confused and disoriented, and this, despite the fact that she continues to believe that he will change, or that perhaps, she is mistaken. In the case of the overt narcissist, his goal is to satisfy his needs through his woman, who will be exploited more and more or even replaced with other women, although she is unique to the pervert because she alone possesses what he needs to feel good, so he will never be willing to leave her (Bushman and Baumeister 1998). The woman becomes trapped in a perverse relationship because of her partner's 'good side' that does not really exist. According to contemporary feminists, this attitude is a 'coping' strategy that women resort to in order to resist psychological abuse.

7. Bandura and the moral disengagement theory

With the expression 'moral disengagement', Bandura (1990), known for his studies on cognitive learning, refers to those psychological mechanisms that are used when one feels the need to 'disengage from moral self-sanctions' and from the sense of guilt triggered by offending someone.

Tab. 1 (Moral disengagement - Bandura)

Mechanisms	Disengagement
Moral justification of conduct	Reinterpretation of the negative or wrongful action according to moral content that is meaningful to the perpetrator but not to the external observer.

Advantageous comparison	Reducing the seriousness of the act in relation to more serious conduct by highlighting the advantage it has produced.
Displacement of reality	When actions are carried out in a group and it is easier to attribute responsibility to the leader for the harmful conduct, so that the rest of the group perceives themselves as mere executors of a command.
Attribution of blame to the victim	The responsibility for the offence lies with the offender as a provocative or submissive victim.
Dehumanisation of the victim	The victim is different from others, not human, and therefore not deserving of respect and compassion.
Euphemistic labelling	Dehumanising the victim by using language to make what is not acceptable, changing and manipulating the perception of facts from the victim's own eyes.

According to Wertham, a German-born American psychiatrist, the mechanism of 'de-humanisation' allows the aggressor to deny the human identity of the victim by justifying his non-violent action because the victim is seen as an object that does not suffer pain.

8. Moral abuses and their effects on victims

In Italian law, 'abuse' is defined as various crimes or offences that have as a common element the illegitimate use of a thing or the illegitimate exercise of a power. Moral abuse, according to Malizia (2015) is the most recurrent form of violence of narcissistic personalities. Manipulation and destruction of self-esteem will be the most frequently used forms of aggression here. Moral abuse falls under the branch of psychological violence.

a) Gaslighting and crazy-making

Gaslighting' is a form of cognitive manipulation and consists of the intention to manipulate the victim by insinuating on the truthfulness of one's perceptions and the lucidity of one's reasoning, to the point of inducing in the victim the belief that he or she has a mental disorder. The term originates from a play entitled 'Gas Light' in Italian 'Luci a Gas'. In the film 'L'Angoscia', cinematographer A. Hitckcock shows how this form of moral abuse manifests itself in romantic relationships. The protagonist is an abusive male partner who convinces his wife that he is hallucinating events that actually happened, or alleged actions that are not only true, but are also caused by him manipulating the environment by dimming the lights in the house in order to make her believe she is insane (Filippini 2005). Gaslighting takes place when the partner deliberately decides to distort reality through lies and trivial wrongs in order to trigger anxious and negative moods in the victim who ends up becoming a truth-seeking detective. Even when the truth comes out and the woman tries to communicate with her partner he will deny it to the point of convincing her that she is crazy and paranoid, punishing her with silence and humiliation. Crazy-making' is a manipulation mechanism that refers to the use of psychological tricks to destabilise the victim by making them confused and disoriented, to the point of no longer believing even themselves (Sweet 2019).

b) Sexual manipulation and triangulation

The narcissistic partner is a predator who wants to dominate his partner sexually, emotionally and physically. Sex can be a tool the abusive partner uses to manipulate the victim. The abuser is well versed in the art of seduction and wants to study any aspect of the victim in order to understand her most intimate vulnerabilities which, once discovered, will be used as a target, trying to idealise the intimate and sexual sphere that is created between the two until passion skyrockets. In reality, he does not share the same emotional and spiritual pleasure with his partner, he simply kept an eye on her even in the most intimate sphere (Clifton 2022). The moment the woman realises that the passion is not shared, a crisis is triggered in her to the extent that she does not feel enough for her partner, yet she will still seek contact with him who will reject her and tease her about her erotic fantasies that seemed to be shared. Triangulation' is a mechanism that consists of bringing a third party into the intimate relationship with the aim of destabilising one's partner who will no longer feel enough for her man, but above all, the narcissist resorts to triangulation because for individuals with this personality trait, feeling and being surrounded by several women means that his thirst for attention can be quenched. Triangulation begins when the man boasts to his woman that he is surrounded by beautiful female admirers. After the love-bombing and idealisation phase, the abuser decides it is time to manipulate other victims so that he can possess more women who can satisfy his desires, raising his self-esteem levels. Sometimes he uses triangulation to make his partner jealous as seeing her in competition with other women fighting to conquer him makes him feel the best, he uses people and not only women, but he can also manipulate his own friends, family, friends of his partner or ex-partner, he also often alludes to the possibility of dating other people so that no victim is ever quiet (Buehler and Welsh 2009).

c) spiritual violence, insults, silence

"Spiritual violence is moral abuse that manifests itself through the denigration of a woman's religious beliefs to the point of preventing her from attending places of worship and religious groups, convincing her to perform other spiritual practices against her will" (Bent-Goodley and Fowler 2006). Denying the possibility of professing a religious faith is an expression of denial of identity and freedom. Talking too much can be a sign of unhealthy communication, talking too little is a sign of empty communication. Insulting, despising in public and in private, threatening, unpleasant sarcasm, expressing negative judgements on one's partner's lifestyle, ridiculing her physical appearance and her thoughts or mannerisms, controlling the woman as if she were property to be moulded and controlled, demanding constant explanations and updates on what she is doing and who she is with, compulsive phone calls, isolation from friends, hindering her meetings and personal outings, are behaviours that affect the woman's self-esteem and her social and private life, which is completely obliterated and perpetually obstructed and controlled. Silence is a lethal weapon but also an instrument of identity erosion. It can be seen as punishment without appearing overtly manipulative, and when a sensitive and empathic person is denied communication and confrontation, the result is self-destruction because she will begin to compulsively reflect on her possibly non-existent mistakes (Bent-Goodley and Fowler 2006).

9. The effects of violence on women

For the World Health Organisation, gender-based violence is a public health problem of epidemic proportions and the leading cause of death or permanent disability for

women worldwide. Violence does not only affect health in the short term, on the contrary it can produce psychosomatic symptoms and chronic disorders that cause an increase in stress hormones that compromise the immune system. Two scientific disciplines, neuroscience and psychotraumatology, which have contributed to research on gender studies, must be acknowledged as important contributors. The causes of violence for women's physical health are typically traumatic injuries such as ruptured eardrums, wounds in different parts of the body, burns, lacerations and fractures. But also dermatological disorders, injuries to the uro-genital system and chronic fatigue. In the event that the woman is pregnant, it is possible that a miscarriage may occur due to the injuries sustained; this violent act is an offence called 'involuntary termination of pregnancy' (Dubini and Curiel 2004). On the contrary, a typical action of perverse men is to have sex without precautions with their woman in order to have a child without the two of them ever having spoken about it because they convince themselves that thanks to the presence of a child they can trap their partner in the relationship. The social consequences are isolation from friendly groups or work colleagues, frequent absences from work due to illness, and a progressive reduction in maternal authority. In terms of mental health a woman victim of violence runs a high risk of depression about 5/6 times higher than a woman who has not suffered violence. Depression is a typical disorder of women victims of gender-based violence who have to cope with a strong sense of shame and loss of self-esteem.

Post-traumatic stress disorder' (PTSD) consists of recurring memories, compulsive thoughts and flashbacks about the traumatic event experienced, which the woman experiences as if she were reliving the violence. The most common risks are hyper-vigilance, strong reactivity and dulling of emotions (US Department of State 2022). The symptoms of post-traumatic stress disorder have been defined by the DSM (American Psychiatric Association, Italian Edition DSM-5-TR) for traumatic events circumscribed in time (war combatants, victims of natural disasters). Herman (1992) proposed a diagnostic category for women victims of gender-based violence or for those who have experienced long-lasting trauma, the disorder is called 'complex post-traumatic stress disorder syndrome' and its general symptoms are depression, panic attacks, somatisation, hypochondria self-harm, chronic suicidal worry, persistent dysphoria, explosive rage, compulsive or extremely inhibited sexuality, disturbances in intimate relationships, repeated search for a saviour, persistent distrust, amnesia or hypermnesia for traumatic events, shame, guilt and self-denigration (Bandini 2003). The 'Stockholm syndrome', on the other hand, expresses a psychological state of paradoxical dependency and affects those victims who begin to harbour positive feelings towards their aggressor, experiencing guilt should they be arrested. According to some scholars, it is a coping technique used to react to trauma (Namnyak, M., Tufton, N., Szekely, R., Toal, M., Worboys, S. & Sampson, E. 2008). This syndrome provides an explanation for the stereotype about women victims of violence that it is women themselves who are attracted to violent men. To explain what factors make it difficult to leave the abuser, Walker (1979) called the 'battered woman syndrome', which she elaborates to explain how the woman goes from being the 'victim' to being the 'perpetrator' of her tormentor, extending the concept of self-defence. Its use within the criminal justice system is still widely discussed (Ilie Goga 2015). In cases of intra-family abuse where the couple has dependent children, it is likely that they will end up as victims of witnessing violence (Apollonio et. al 2013). A syndrome that can occur when being a victim of witnessing violence is 'Parental Alienation Syndrome' (PAS),

which consists of a child's psychological rejection of one or both parental figures. Psychiatrist Gardner (2001) notes that PAS is the result of 'brainwashing' by an alienating parent. It is not unusual in cases of male violence towards women for the aggressor to manipulate the son into taking his side, with the aim of perpetrating even more violence on the mother, who will feel denigrated in her role as mother and woman.

10. Conclusions

The issues of gender-based violence are complex and have always existed; today they are mainly discussed thanks to the political-social changes promoted in Italy and in other nations, thus emphasising the importance of preventing and combating gender-based violence as it produces harmful effects on the health of family members and the protagonists of the victimisation process. The Welfare-State is the form that characterises Italy and which places the well-being of mankind in a global sense at the centre of its interests and hopes to achieve equality and parity among citizens, regardless of their differences. Theories on gender issues, aimed at investigating the nature of the phenomenon, have established that gender-based violence is rooted in a male chauvinist and patriarchal culture that has spread, (as explained by the socio-cultural theory), and this would explain, despite the social progress being made, why misogyny and gender-based violence are still phenomena. Psychological violence has been underestimated for a long time because of its hidden signs that make it difficult to perceive both by the professional eye and for the victim herself, but the psycho-social and somatic damages that are inflicted on her are highly detrimental to her health and her sociality. This is why the Social Service, as the helping profession par excellence, cannot refrain in its necessary interventions to ensure that women can escape from the circuit of violence in collaboration with other professionals and by resorting to networking, so that she can re-establish her condition of autonomy and empowerment of her resources. In addition, efforts are made to eliminate prejudices about the profession so that women are more confident in using social welfare services, especially without fearing not only of social prejudices, but also that their parental responsibility may be questioned if there are no grounds to contest it. Even today, studies dedicated to the design of instruments to prevent violence have not been completed and listening and anti-violence centres are widespread throughout the territory, in order to guarantee essential aid services both for the battered woman and for their possible children, trying to adapt to change, to the needs and requirements of women who are victims of physical, psychological, economic and social abuse.

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Mafia Minors and Prison: An Unavoidable Future? Socio-Cultural Determinism, Freedom of Choice and Jurisprudential Measures to Protect Young People[1]

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Abstract

This paper analyses the opposition between individual choice and social determinism in relation to mafia minors' future. In the wake of a juvenile jurisprudence that has established itself in Italy in recent decades, we investigate the role played by individual autonomous choice and the context in which mafia minors are socialized and grow up.

Keywords: *mafia minors; individual choice; social determinism; socialization; provisions de potestate.*

1. Introduction

A central methodological problem of social research is that relating to the choice of the 'starting point', that is, whether to privilege a perspective centered on the individual or a perspective centered on the social context and structure. While in the first case an 'active' individual is assumed, who reasons and who is the main cause of his actions or choices, whether they are right or wrong; in the second case the individual and his behavior are considered above all, if not exclusively, in terms of the outcomes of processes of social influence or external socio-cultural pressures from which an individual can hardly 'escape' and from which he is often determined at a behavioral level. Reflecting on the social determinants of individual choice is particularly important in some fields such as, for example, those of deviance and crime. In this context, a very interesting case study is the one concerning the Italian scenario of mafia minors, that is, those young people who are born and grow up within a deviant and criminal context of a mafia nature. It is well known how mafia-type criminal organizations recruit minors and use them for carrying out illegal activities. The goal is to educate young people in the values of honor, family, respect,

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power, so that they undertake an 'apprenticeship' in view of the activity they will have to carry out once adults. A careful analysis of the context in which mafia minors are born and grow up highlights that socio-family ties 'determine' the future of young people who are induced to undertake a criminal path like that of their parents and which will very often lead them inevitably to prison. In fact, criminal behavior is repeated from one generation to the next, as if the fate of minors growing up in these contexts is already 'decided'.

The greater the number of risk factors that a child or adolescent experiences, the greater the possibility that they may engage in criminal behavior, although many children and adolescents who are also exposed to numerous risks grow up and become adults without being involved in criminal behavior. So, even though risk factors can help identify which children are most in need of preventative interventions, they cannot identify which of them will become dangerous or chronic criminals. However, there are cases in which some risk factors contribute very significantly to increasing the chances of children and adolescents developing deviant and criminal behavior. This is the case with risk factors attributable to the family.

2. Socialization.

How socializing institutions influence crime and what is the role of primary 'socialization' that occurs within the family where the child or young person learns how to behave at home and outside the home is a central point of interest for many socio-criminological theories. Family determines the economic conditions within which the minors live and at the same time it is fundamental in defining their values, personality, behavior. It also plays an important role in the production or prevention of criminal behavior (Gove e Crutchfield 1982). There are numerous theories that highlight how a dysfunctional family context (degraded housing, poor or inadequate parental control, child abuse) can cause a series of problems for minors and influence their behavior in terms of deviance and criminality. In particular, very relevant are family relationships (quantity and quality of interactions and relationships between family members) that develop through the process of socialization, i.e., the ways in which a child is taught cultural roles, norms and adult responsibilities. The interactions that take place within family relationships transmit important messages to the minor and it may happen that he or she does not receive adequate support, education, and supervision to ensure a positive psycho-physical and moral development. These fundamental family interactions during childhood and adolescence can have lasting effects: sometimes often positive for minors, other times not leading to healthy human development, but, on the contrary, translating into forms of conflict, violence, lack support and parental control, socialization to crime in the case of delinquent parents. For example, the children of parents who are involved in criminal behavior or activities are more likely to engage in delinquent activities than young people whose parents are not involved in crime. The arrest of close relatives (brothers, sisters, parents, uncles, grandparents) are all predictors of crime especially in the case of male minors and the arrest of the father is a predictor of the crime of the child regardless of all the other relatives arrested (Farrington et al. 1975; Farrington et al. 2001; Craig, Malvaso, Farrington 2021).

In mafia contexts the bond between fathers and sons is particularly relevant for the purposes of what we are saying. The young sons of bosses are given a sort of 'son of ...' status which implies that relationships and behaviors are established between them and the community in which they live based on this status, also because the boss's son is socially recognized as the 'rightful' heir of his father and a specific role in the context of the mafia is given to his family. The role of the father in Mafia families is very authoritarian

especially towards male children who are in fact emotionally invested with expectations and identified as his successors in the management of criminal activity (which in fact is also kept under control by the authorities).

In addition to this close relationship between father and male child, family environment also influences minors' behavior by providing models and opportunities in terms of criminal behavior and examples of attitudes and values transmitted in a massive way since childhood that modify the perception of what can be considered a right or a wrong behavior: families in which criminal activities are common induce minors to consider criminal behavior normal which is also positively reinforced by respect, honor, loyalty, money, courage, silence, placing it in contrast with the culture of dominant legality.

The socio-criminological theories that advance this type of explanation centered on the social dimension therefore focus on the socio-cultural context, on the processes of influence, on the deterministic mechanisms, rather than on the motivations and choices of those who belong to it. In this regard, it is possible to underline how the concept of 'differential association' can have an explanatory relevance with respect to the behavior of the subject in developmental age who is building its own normative dimension with regard to the actions to be taken (De Leo 1981). It is known that this concept is the basis of a theory that rests on nine main elements (Sutherland 1939). Criminal behavior is learned. Criminal behavior is learned in interaction with other individuals as part of a communication process (verbal and non-verbal) through interactions with primary groups (family or friends). The main part of learning criminal behavior occurs in the context of small personalized groups. Learning criminal behavior includes both learning the techniques for committing crime, which are sometimes very complicated and sometimes very simple, and learning the motives, rationalizations, and attitudes. The individual evaluates the pros and cons of following the law or violating it and who is in favor and who is not. An individual becomes a delinquent where the reasons for breaking the law are more beneficial than those for complying with it. Differential associations for or against the law may vary in frequency, duration, priority, and intensity. The learning process of criminal behavior implies all the mechanisms that are involved in any other learning. Criminal behavior is not explained by general needs and values, as non-criminal behavior is an expression of the same needs and values. The basic hypothesis of the theory of 'differential association' is that the individual is a passive actor who receives various forms of stimuli and automatically and naturally responds to them: over time he learns to associate some stimuli with some responses (precisely in line with the principles of classical conditioning to which the theory in question refers). In short, as also later hypothesized by 'social learning theory' (Akers 1985) which will rework these concepts also integrating them with that of 'imitation', the more an individual is exposed to deviant models or values, the more likely he is to implement the behavior criminal; this behavior will be repeated mainly if it is reinforced.

Considering these concepts, it could therefore be said that in certain circumstances crime is 'passed on' in family units, determining the future of young people within them. Just as happens in the 'Ndrangheta environments of the province of Reggio Calabria where we find minors who have been socialized to crime by receiving an education promoted by families which is subject to approval and support (Regoliosi 2008). In this sense, deviant and criminal behaviors will be repeated mainly if reinforced and the phenomenon of the 'Ndrangheta can therefore be considered as an expression of a differential association, emphasizing the role of family socialization to crime. What we are saying helps us to

explain the case of the 'ndrine, that is, those Calabrian mafia clans that are purely family-run. In these cases, the involvement of minors by family members themselves in illegal family activities is normal as this guarantees the perpetuation of the family's criminal activity. Obviously, this implies that the minor is socialized, trained, and educated to a 'Ndranghtist conscience which is the basis of a social redefinition of ethical-moral constraints that totally 'overturns' the criteria of legitimacy and illegitimacy (Parini 2016). In this sense, the 'Ndrangheta can be considered a' habitus' in the strict sense of the term (Bourdieu 2001), a way of being and behaving, a set of cultural codes and commonly recognized values (Sergi e Lavorgna 2016) within which family ties and the father authoritarian role are remarkably important (Sergi 2018). The family transmits and passes on from one generation to another, from father to son, the culture of the Mafia/'Ndrangheta, educating from an early age to violence, to the violation of rules and norms of civil coexistence, to revenge, to the unscrupulous management of power and bragging about criminal membership and reinforcing similar values and behaviors (Di Bella 2019). The reinforcement then acts even more clearly on minors when they enter the adolescent phase: belonging to this cultural world satisfies the young person's characteristic needs of this age, namely that of belonging to a group / community with which to establish meaningful ties, that of identifying reference models to imitate, that of giving meaning to existence which is satisfied by rites and symbols that accompany the criminal path from initiation onwards, that of autonomy that is encouraged by stimulating rebellion against the State and joining the strong and safe criminal organization (Regoliosi 2008).

In this socio-cultural context, minors from an early age undertake criminal paths that are accompanied by irregular and deviant lifestyles, behaviors and school discontinuity, as well as having to grow and live in a context with a high risk of involvement in vendettas between families. Their future would seem to be marked and leave no room for the possibility of perceiving and choosing alternative paths as it is a future 'inherited' by the family. Within these families, many minors are responsible for crimes for mafia association, murder, and attempted murder. In most cases these minors, once they become adults, end up in the 41-bis penitentiary regime, become bosses of their clan, or become involved in local feuds. Faced with such a strong social determinism, is it possible to propose an alternative, to restore the freedom of choice, so that these minors do not perceive their future as pre-determined by geographical or family belonging? That is, freeing individual autonomy from social determinism and making it exercisable (in the sense of 'giving back' to the child their future and their freedom of choice to allow them to free themselves from the path 'marked' by the socio-cultural context in which they are absorbed)? We believe that two ways of protecting young people are to be interpreted as oriented in a similar direction, i.e., guaranteeing the young person the possibility of exercising their own autonomy and freedom and escaping from a future made up of ever greater criminal and prison involvement.

One does not specifically concern minors of the Mafia, but in any case, minors whose deviant and criminal behaviors are often strongly marked by the social context in which they have been socialized: it is the case of, in the trial, the 'messa alla prova' (literary 'probation') of minors.

On the contrary, the other one precisely concerns the minors of the Mafia and consists in ablative or limiting measures of parental responsibility. Let's briefly see these two cases below.

3. The role of justice.

In the juvenile trial, according to the article 28 of DPR[2] 22 September 1988 n. 448 "Approvazione delle disposizioni sul processo penale a carico di imputati minorenni" ("Approval of the provisions on the criminal trial against juvenile defendants"), when the conditions provided for therein are met, the judge can suspend the trial and probation (literary 'mettere alla prova'), in the prescribed manner and forms, both those who are minors and those who on the date of measure has reached the age of majority, and can then declare the crime extinguished, when it deems that the probation has been successful. With the probation, the trial is suspended, and the minor is entrusted to the Juvenile Justice Services which, also in collaboration with the local authority services, carry out observation, support, and control activities for him.

As the literature underlines (Basco e De Gennaro 1997; Colamussi 2010), this probation can be ordered by the judge only when the evaluation of the fact and the personality of its author lead to consider the prospect of a re-education of the accused to be concrete. To this end, the judge must direct his investigation to the search for elements that allow him to assess whether the use of this institution is adequate with a view to re-education and the positive reintegration of the minor into society; elements to be identified: in the type of crime committed, in the modalities of its implementation, in the grounds for committing a crime, in the criminal record of the offender, in his personality, in his character and in whatever else is useful for reaching this judgment. And to acquire the knowledge necessary for the decision, the judge can also make use of the wide and elastic range of investigative tools offered by the article 9 of DPR 448/1988, possibly also asking the juvenile services to develop a re-education project (article 27 of legislative act 28 July 1989 n. 272). The social services elaborate the probation project based on the child's personal, family, and environmental resources and it is essential that the child accepts and shares the content of the project. In the event of a positive outcome of the probation, the judge with a sentence "declares the crime extinct"; the negative outcome instead entails the continuation of the procedure (art.29 DPR 448/88). Most of the prescriptions given by the judge in the probation measure concern interviews with social services, with the psychologist and educational support activities, all in view of the recovery and reintegration of the minor. Voluntary and socially useful activities are also central, aimed at the community in general and not specifically at the victim of the crime; work and study activities; sporting activity (understood as a fundamental educational tool in transmitting the importance of rules) (Dipartimento per la Giustizia minorile e di comunità 2018).

The applicability of the measure is not compromised either by the possible existence of a criminal record or by the type of crime or by previous applications on the other hand, the personality characteristics of the boy are very important, leading to the belief that his recovery is possible; in a growing personality, such as that of the minor, the single transgressive act cannot, in fact, be considered indicative of a deviant life choice. It is in reference to this point that it is worth precisely remembering the importance of the measure in view, in fact, of a re-educational legislative intervention aimed at raising awareness of the fact that the minor can often carry out deviant or criminal behavior which is the result of a wrong socialization or of the socio-cultural pressure exerted by a specific context. Therefore, it becomes essential to recognize the minor the right to act

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[2] DPR = Decreto del Presidente della Repubblica (Act of the Italian President).

autonomously where the conditions exist, giving him the possibility to exercise his autonomy of choice and to build a future different from that assigned to him by the social context in which he grew up.

The second case, on the other hand, constitutes a jurisprudential area that has long since been undertaken first by the Juvenile Court of Reggio Calabria and, subsequently, by other juvenile courts, to address the problem of minors growing up within families of 'ndrangheta. These are legal interventions that consist of provisions *de potestate* to protect minors of the 'Ndrangheta and provide for the forfeiture or limitation of parental responsibility of fathers and mothers involved in mafia-type criminal organizations and the removal of children who are entrusted to other families or social structures located in different areas of the national territory far from the Calabrian one. They are prepared in cases where serious damage to the right of the minor to be educated is ascertained in line with constitutional principles and with the values of civil coexistence, i.e., where indoctrination, education and 'Ndrangheta socialization prevent normal development of the minor cause irreversible damage to his moral and psycho-physical growth as well as to his future. These measures are inserted in the context of the State's crime reduction policies in the form of legal interventions aimed at restoring freedom of choice to 'Ndrangheta minors and starting from the (methodological) assumption that in those contexts young people lack freedom of choice with respect to their future. Therefore, 'Ndrangheta is not chosen, it is inherited (Di Bella 2019): in most cases, mafia minors follow the path of their parents and their future therefore seems to be determined by family membership however, these children are not 'irrecoverable criminals', but they can be helped by letting them know other realities and possibilities of life in addition to their family existence, that is by making them 'free to choose'. In other words, it is a question of guaranteeing children from family backgrounds of organized crime adequate protection for regular psycho-physical growth, ensuring the satisfaction of their needs and the typical needs of childhood and adolescence, through the promotion of the values of legality and the enhancement of the specific potentials, inclinations, and resources of the minor and young adult (Accordo Quadro 2017).

The legal references are different including the Italian Constitution and the Convention on the Rights of the Child (UN Convention of 1989 ratified in Italy with Law 176 of 1991) which, since the preamble, states that "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding", and in article 3 paragraph 1 states that: « In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration». This matches article 330 of the Italian Civil Code regarding the 'Forfeiture of parental responsibility on children' which states: The judge can pronounce the forfeiture of parental responsibility when the parent violates or neglects the duties inherent to it or abuses the relative powers with serious prejudice to the child. In this case, for serious reasons, the judge can order the removal of the child from the family residence or the removal of the parent or cohabitant who mistreats or abuses the minor. In essence, the mafia or 'Ndrangheta family is assimilated to a family within which minors are mistreated or neglected as the educational, support and care needs commonly recognized as necessary for healthy and correct growth by civil society are ignored. We can therefore logically insert criminal indoctrination within those abusive conducts that harm the minor and identify it as a failure to fulfill duties within parental responsibility. This criminal

indoctrination falls perfectly within the range of situations described by art. 572 of Italian Penal Code (Anyone who […]mistreats a family member or in any case cohabiting, or a person under his authority or entrusted to him for reasons of education, instruction, care, supervision or custody, or for the exercise of a profession or an art, is punished with imprisonment from two to six years), since the family member acts with the intention of placing the minor in a context of unlawfulness, inducing young people to violent or deviant behavior (Stati generali della lotta alla criminalità organizzata 2017).

The objective of these legal provisions *de potestate* is twofold: on the one hand, guaranteeing minors a path of individual and social growth up to the age of majority so that they can actively gain autonomy in life and work, on the other hand, eradicating and dismantling a criminal culture by preventing its transmission through primary socialization.

4. Conclusion.

Therefore, despite social determinism imposed by family socialization (a cultural humus made of immersion in antisocial values and family miseducation), the freedom of choice for a different future of 'Ndrangheta minors can be safeguarded with legal instruments aimed at providing further educations or different socializations that can still play an important role in the formation of the subject. All this can thus be fully implemented with the help of an entire organizational system protecting the minor also from a psychological point of view. This is particular important from a methodological point of view in social sciences explanation because it comes back to adopt a perspective à la Boudon that puts at the center of the analysis the individual who is active, thinks, and acts intentionally in order to pursue his own objectives, thus being able to exercise his own decision-making autonomy capable of freeing him from social determinisms (Boudon 1980). In conclusion, the same kind of theoretical arguments could be generalized to all those deterministic circumstances involving a 'radicalization' of thoughts and lifestyles 'leading' minors to deviant and delinquent behaviors: the importance of ensuring the possibility of an individual choice free from social determinism is something that must therefore also be guaranteed through legal cases such as those seen above.

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Book review

Constantin Schifirneț, Tendential modernity, LAMBERT Academic Publishing, Saarbrücken, 2021, 374 pp., ISBN: 978-3-659-26837-3

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The book of professor Constantin Schifirnet, entitled *Tendential Modernity – Reflections on the modern evolution of society* (Bucharest: Tritonic) was published in 2016. In 2021, a second volume was published as *Tendential Modernity*, logically and methodologically linked to the theme of the first volume.

Reflections on the modern evolution of societies reveal the fact that theories of modernization have imposed a kind of *ideal type* in the Weberian sense, useful for measuring the progress made on the difficult road of social change. The countries of Western Europe are the closest to this ideal type for the fact that the *modernity* itself was born from the cultural and historical-geographical specificity of their area. We can say that it was the *primary* modernity, but still *tendential* towards the theoretical model.

In the rest of Europe and the rest of the world for that matter, we have *modernities*, not *modernity* because they are rather peculiar types of modernity.

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Their development naturally reflects their specificity so as, man can say that the non-western modernities are in their turn *tendential* to the concrete reality of the primary model. Starting from this theoretical premise, the book *Tendential modernity* focuses exclusively on the modern development of Romania and includes a series of researches published between 1997 and 2014. To facilitate the presentation, I have grouped the 23 chapters of the book according to the dominant theme , so:

Modernity and tendential modernity (chapters 1, 2, 3): The entire historical period from the reign of A. I. Cuza until today, is analyzed from a cultural, economical and political point of view and evaluated by comparison with the ideal-type of Western modernity. The results of the activity of the main social actors such as politicians, intellectuals, cultural and economic elites, as well as institutional actors, do not escape the critical eye of the sociologist who believes that Romanian society is in fact in a double simultaneous transition our days: from an industrial to a post -industrial model and from a premodern to a modern model. This paradox, along with other specific features of the Romanian society, makes our form of modernity not a clearly structured one, but rather a mosaic, with many particularities and few alignments with contemporary western modernity. It is therefore tendential to the prototype.

Tradition, religion and identity (chapters 4, 7, 8): the concept of *identity* is presented both from a static and a dynamic point of view. This means that the author presens extensively the perspective known as *essentialism*, accounting for the stable, structural component of identity, and the perspective known as *constructivism*, accounting for the processual elements through which identities are formed and convert. This major theme of religion, tradition and identity, as well as the manner in which it was approached by the author, seems to be the center of gravity of the entire work, offering at the same time one of the most appropriate reading grids of the book.

Europeanization (the rest of the chapters, of which, special chapters dedicated to education and intellectuals, media and public space, corporate responsibility): the idea of modernization and that of Europeanization overlap only partially. They must not be confused because Europeanization also implies internal adhesion not only external compliance. How could concrete individuals, belonging to their national spaces and cultures, invest whith significance an impressive supranational construction like the European Union?

The answer is not at all easy and the author reviews the current debates on this topic and the many aspects of the problem: external territorial borders and cultural frontiers, the development of capable and coherent political institutions to coordinate the entire European space, the decentralization of national governance systems, the delegation of increased authority to regions etc. Professor Schifirneț warns us that in fact Europeanization does not mean absolute Westernization because even the countries of Western Europe have significant cultural and political differences. They can only be packed under the same label in a very general and simplified approach. The temptation to fully and uncreatively take over a simplified and "ready-made" model is very great, but this strategy would not produce "European countries" but only European peripheries. Will Romania - the author asks - be a periphery of Europe or a national community with an European development? His answer relies on Romanian creativity and originality, on the accumulated stock of knowledge, to make the transition from imitation to innovation, developing a viable endogenous model.

Professor C. Schfirnet's book is not an easy read in which you can easily navigate, but it is interesting and challenging. I tried to group the abundant information into the three

big topics I have already discussed, taking as a guide the author's emphasis on one aspect or another: modernity, identity, Europenization. The paradoxes that living history can bring to the social foreground and which the author points out throughout the entire work, deserve a special mention: Romanian culture is *modern* through its *pre-modern* aspects; there is a simultaneous transition from *industrial* to *post-industrial* and from *pre-modern* to *modern*; we have *modernity* without *modern man*, *capitalism* without *capitalists* and without *capital*. These paradoxes can be read and understood in two different, but complementary perspectives: a sociological one, predominantly critical, which measures the distances between reality and the *genuine model*, being it the theoretical or empirical one. The second perspective is an anthropological one and values these paradoxes as signs of a creative acculturation, when they results in a successful reciprocal adjustment.